MARYLAND STATE DEPARTMENT OF EDUCATION
PREPARING WORLD CLASS STUDENTS

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

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March 23, 2015

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) 2013 (2013-2014 school year). Attached please find the *FFY 2013 Determination Overview* that identifies the Part B Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria,* and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 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 2013 data, as well as information obtained through monitoring and complaint investigations, the ACPS has achieved the determination status of **"Meets Requirements."**

In correspondence sent to your attention on March 19, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. Critical to the balanced focus on results and compliance is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. To prepare for using student outcomes on Statewide assessments, graduation, dropout, and post-school outcomes to assign future local determination status, the DSE/EIS examined the process indicators that will directly impact student progress, growth, and achievement. The process indicators used to measure performance included:

- Indicator 5, Provision of services in the Least Restrictive Environment (LRE);
- Indicator 4, Rate of suspensions and expulsions greater than 10 days in a school year; and
- Indicator 8, Parent involvement.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. 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.

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.

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

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

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

FFY 2013 Determination Overview
Part C & Part B
July 1, 2013 – June 30, 2014

The Individuals with Disabilities Education Act (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 June 2015.

The 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 Results and Compliance Indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources;
- Any audit findings; 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 1, 2015.

The following Part C indicators are included in assigning determinations:

Results	Compliance
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
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	
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

Process	**Compliance**
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; and 5C LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements. 4A Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days. 8A Preschool Parent Survey; or 8B School Age Parent Survey.	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity 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
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

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.

Framework for Assistance and Intervention

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LSS or LLA. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs. The MSDE will identify:

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

In collaboration with the MSDE, LSSs/LLAs will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. The MSDE is available to consult with LSSs/LLAs by telephone, fax, email, mail, or in-person. To

enable a LSS to improve performance and meet compliance available assistance may include, but is not limited to the MSDE assisting a LSS/LLA to:

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

Needs Intervention

The determination category of "Needs Intervention" indicates a need for assistance in either performance and/or compliance areas within the LSS/LLA General Supervision process. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "*Developing and Implementing an Effective System of General Supervision: Part B*," MSDE will direct the LSS/LLA to examine, clarify, and develop an effective system of general supervision to address results and compliance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with the LSS/LLA, the MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of "Needs Assistance." Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;

- Integrated Monitoring Activities;
- Fiscal Management;
- Data Processes and Results;
- Improvement, Correction, Incentives, and Sanctions;
- Effective Dispute Resolution; and
- Directed Targeted Assistance and Professional Development.

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

Needs Substantial Intervention

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

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

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

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Meets Requirements

Results Process Indicators LSS met or exceeded State targets established for Indicator 4A (Single or Multiple), Indicator 5 (5A, 5B and 5C) and Indicator 8A or 8B.	**AND**	Compliance Indicators LSS demonstrated full or substantial compliance for at least five (5) of the six (6) compliance indicators (4B, 9, 10, 11, 12, 13)
Correction of Noncompliance LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification.	**AND**	Timely and Accurate Data LSS demonstrated full or substantial compliance for submission of accurate and timely data.

Needs Assistance

Results Process Indicators The LSS met or exceeded State targets established for four (4) of the following seven (7) results indicators (4A Single or 4A Multiple, 5A, 5B, and 5C, 8A, or 8B)	**AND**	Compliance Indicators The LSS demonstrated full or substantial compliance for at least four (4) of six (6) compliance indicators (4B, 9, 10, 11, 12, 13).
Correction of Noncompliance The LSS corrected all but one instance of noncompliance within one year of identification.	**AND**	Timely and Accurate Data The LSS data are timely but not accurate, or accurate but not timely.

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Needs Intervention

Results Process Indicators		Compliance Indicators
LSS met or exceeded State targets in at ≤ none of the following seven (7) results indicator (4A (Single or Multiple), 5A, 5B, and 5C, 8A, or 8B).	**AND**	LSS demonstrated full compliance or substantial compliance for at least three (3) of six (6) compliance indicators (4, 9, 10, 11, 12, 13).
Correction of Noncompliance		**Timely and Accurate Data**
The LSS did not correct all previously identified findings of noncompliance within two years of identification.	**AND**	The LSS Data are not timely or accurate.

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.

Division of Special Education/Early Intervention Services
Part B Graduated Results-Driven Accountability Plan

FFY <SFY> (Determination Year)	School Age LRE (5)	Significant Discrepancy in Suspension/Expulsion > 10 days (4A)	Parent Involvement (8)	Graduation (1)	Dropout (2)	Post School Outcomes (14)	Preschool LRE (6)	Preschool Outcomes (7)	Assessment (3)
2013 <2013-2014> (2015)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age						
2014 <2014-2015> (2016)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout				
2015 <2015-2016> (2017)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C			
2016 <2016-2017> (2018)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B		
2017 <2017-2018> (2019)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math
2018 <2018-2019> (2020)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math

DSE/EIS Strategic Plan *Moving Maryland Forward* Action Imperatives

- Early Childhood
- Professional Learning
- Access, Equity, and Progress
- Secondary Transition

Allegany County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2013 – June 30, 2014

FY 2013 (SFY 2014) Part B Indicators										
SPP/APR Indicators Results Indicator Compliance Indicator				FFY 2013 State Target	FFY 2013 Local Results	FFY 2013 Target Met	Action Required	Previous Results FFY 2012	Previous Results FFY 2011
1	**Students with IEPs graduating with a regular diploma-4 year cohort (ESEA lag data based on SY 12-13)**			**≥59.19%**	6.67%	Not Met	Data does not meet the State target. Continue to implement Master Plan Improvement Strategies.	20.69% 24.00%	69.62% 70.51%
2	**Students with IEPs dropping out (Option 2 leaver rate data based on SY 12-13)**			**≤4.95%**	5.34%	Not Met	Data does not meet the State target. Continue to implement Master Plan Improvement Strategies.	24.00%	≤3.00
3A	**State Assessment: AMO for disability subgroup in the LEA**	**AMO for Reading**			Not Met	Not Met	Data does not meet the State target Continue to implement *Master Plan* Improvement Strategies.	Not Met	Met
		AMO for math			Not Met	Not Met		Not Met	Met
3B	**State Assessment: Participation rates of IEP students in all grades in the LEA**			**≥ 95%**	Yes	Met	Data meets the State target. No required action.	Met	≥95%
3C	**State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards**	3	Mathematics	**67.40%**	70.34%	Met	Data does not meet the State target. Continue to implement Master Plan Improvement Strategies.	63.50%	81.67%
			Reading	**72.80%**	73.12%	Met		73.91%	72.50%
		4	Mathematics	**67.40%**	69.63%	Met		82.40%	83.48%
			Reading	**72.80%**	71.74%	Not Met		83.20%	82.61%
		5	Mathematics	**67.40%**	52.76%	Not Met		56.07%	83.16%
			Reading	**72.80%**	80.31%	Met		81.31%	74.74%
		6	Mathematics	**67.40%**	42.11%	Not Met		53.66%	59.76%
			Reading	**72.80%**	66.67%	Not Met		62.65%	65.43%
		7	Mathematics	**67.40%**	38.75%	Not Met		51.39%	58.33%
			Reading	**72.80%**	45.57%	Not Met		68.92%	69.51%
		8	Mathematics	**67.40%**	32.35%	Not Met		33.77%	56.18%
			Reading	**72.80%**	35.29%	Not Met		44.87%	40.45%
		HS	Mathematics	**67.40%**	17.00%	Not Met		22.37%	25.00%
			Reading	**72.80%**	23.08%	Not Met		21.05%	19.57%

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013 State Target	FFY 2013 Local Results	FFY 2013 Target Met	Action Required	Previous Results FFY 2012	Previous Results FFY 2011
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	1.05	Met	Data meets the State target. No required action.	2.75*	2.47*
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.00	Met	Data meets the State target. No required action.	0.00	0.00
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥68.40%	83.65%	Met	Data meets the State target. No required action.	82.55%	81.65%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤13.26%	7.76%	Met	Data meets the State target. No required action.	7.94%	7.99%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤6.69%	6.03%	Met	Data meets the State target. No required action.	5.32%	5.78%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		≥64.10%	85.21%	Met	Data meets the State target. No required action.	77.08%	81.29%
6B	Aged 3-5 LRE: Separate School or Class		≤18.90%	1.41%	Met	Data meets the State target. No required action.	1.39%	2.16%
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.30%	32.26%	Not Met	Data does not meet the State target. Improvement plan required.	57.60%	70.00%
		2. Exits within age expectations	66.40%	61.82%	Not Met		70.40%	74.60%
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	66.00%	55.26%	Not Met	Data does not meet the State target category 7B1. Improvement plan required. Data meets the State target in category 7B2. No required action.	61.40%	73.91%
		2. Exits within age expectations	55.70%	56.36%	Met		57.40%	68.25%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	61.50%	35.48%	Not Met	Data does not meet the State target. Improvement required.	50.00%	62.79%
		2. Exits within age expectations	64.10%	54.55%	Not Met		55.60%	66.67%
8A	Parent Survey	Age 3-5	47.00%	51.00%	Met	Data meets the State target. No required action.	33.00%	48.00%
		Age 6-21	39.00%	51.00%	Met		41.00%	40.00%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:	A. Higher ed w/in 1 year of leaving HS	35.00%	21.62%	Not Met	Data does not meet the State target. Improvement Plan required.		
		B. Higher ed or employed w/in 1 year of leaving HS	68.00%	55.41%	Not Met	Data does not meet the State target. Improvement Plan required.		
		C. Higher ed or training program or employed w/in 1 year of leaving HS	82.00%			Disaggregated LSS data not available at this time.		

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2012	FFY 2011
4B	**Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity** **Discrepancy exists in the category** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	0.00	Met	No significant discrepancy. No required action.	0.00	0.00
		Asian	**< 2.0**	0.00	Met		0.00	0.00
		Black or African American	**< 2.0**	0.00	Met		8.62*	4.29*
		Native Haw/Pacific Islander	**< 2.0**	0.00	Met		0.00	0.00
		White	**< 2.0**	1.17	Met		2.45*	2.12*
		2 or more races	**< 2.0**	0.00	Met		4.79*	11.4*
		Hispanic	**< 2.0**	0.00	Met		0.00	0.00
		Policies/procedures/ Practices contribute to the discrepancy	**No**	No			No	No
9	**Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification** **Disproportionate representation exits in the category.** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	1.37	Met	No significant disproportionate representation. No required action.	1.11	0.92
		Asian	**< 2.0**	0.48	Met		0.62	0.66
		Black, African American	**< 2.0**	1.21	Met		1.20	1.14
		Native Haw/Pacific Islander	**< 2.0**	0.00	Met		0.00	0.00
		White	**< 2.0**	1.01	Met		0.96	0.40
		2 or more races	**< 2.0**	1.11	Met		1.00	1.01
		Hispanic	**< 2.0**	0.77	Met		0.86	0.84
		Disproportionate representation is due to inappropriate identification	**No (0%)**	No (0%)			**No (0%)**	No (0%)

FFY 2013 (SFY 2014) Part B Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2013			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2012	FFY 2011
11	**Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days**	**100%**	97.18%	Not Met	Substantially compliant. Data verified. No required action.	99.70%	94.64%
12	**Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday**	**100%**	100.00%	Met	Compliant. Data verified. No required action.	100.00%	100.00%
13	**Percentage of youth age 16 and above whose IEP meets secondary transition requirements**	**100%**	100.00%	Met	Compliant. Data verified. No required action.	100.00%	100.00%
	Timely correction of noncompliance (Previously Indicator 15)	**100%**	100.00%	Met	Compliant. Continue to correct noncompliance within one year.	100.00%	100.00%
	State reported data are timely and accurate (Previously Indicator 20)	**100%**	100.00%	Met	Compliant. Continue to report data in a timely and accurate manner.	100.00%	100.00%

FFY 2013 (SFY 2014) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	**FFY 2013 results:** **Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification** **Disproportionate representation exists** **N size is < 30***	**American Indian/Alaska Native**	0.00	2.39*	0.00	0.00	0.00	2.70*	Disproportionate representation does not exist. No required action.
		Asian	0.00	0.67	0.00	0.00	5.28*	0.00	
		Black/African American	1.94	1.04	4.65*	0.64	0.41	1.45	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.53	1.11	0.48	1.55	1.65	0.90	
		2 or more races	0.47	0.90	0.66	1.42	0.42	1.70	
		Hispanic	1.57	0.83	0.00	1.26	0.00	0.69	
		Disproportionate representation is due to inappropriate identification							

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	**FFY 2012 results:** **Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification** **N size is < 30*** **Disproportionate representation exists.**	**American Indian/Alaska Native**	0.00	1.94	0.00	0.00	0.00	2.31*	
		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 is due to inappropriate identification							

MARYLAND STATE DEPARTMENT OF EDUCATION
PREPARING WORLD CLASS STUDENTS

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

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

March 23, 2015

Dr. George Arlotto
Superintendent
Anne Arundel County Public Schools
2644 Riva Road
Annapolis, MD 21401

Dear Dr. Arlotto:

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) 2013 (2013-2014 school year). Attached please find the *FFY 2013 Determination Overview* that identifies the Part B Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria,* and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 Annual Data Table on SPP/APR Part B Indicators* provides a three-year data analysis and required actions for the Anne Arundel County Public Schools (AACPS). Based on the FFY 2013 data, as well as information obtained through monitoring and complaint investigations, the AACPS has achieved the determination status of **"Meets Requirements."**

In correspondence sent to your attention on March 19, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. Critical to the balanced focus on results and compliance is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. To prepare for using student outcomes on Statewide assessments, graduation, dropout, and post-school outcomes to assign future local determination status, the DSE/EIS examined the process indicators that will directly impact student progress, growth, and achievement. The process indicators used to measure performance included:

- Indicator 5, Provision of services in the Least Restrictive Environment (LRE);
- Indicator 4, Rate of suspensions and expulsions greater than 10 days in a school year; and
- Indicator 8, Parent involvement.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. 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.

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.

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

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.
Bobbi Pedrick
Branch Chiefs

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

FFY 2013 Determination Overview
Part C & Part B
July 1, 2013 – June 30, 2014

The Individuals with Disabilities Education Act (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 June 2015.

The 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 Results and Compliance Indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources;
- Any audit findings; 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 1, 2015.

The following Part C indicators are included in assigning determinations:

Results	Compliance
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
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	
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

Process	**Compliance**
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; and 5C LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements. 4A Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days. 8A Preschool Parent Survey; or 8B School Age Parent Survey.	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity 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
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

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.

Framework for Assistance and Intervention

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LSS or LLA. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs. The MSDE will identify:

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

In collaboration with the MSDE, LSSs/LLAs will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. The MSDE is available to consult with LSSs/LLAs by telephone, fax, email, mail, or in-person. To

enable a LSS to improve performance and meet compliance available assistance may include, but is not limited to the MSDE assisting a LSS/LLA to:

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

Needs Intervention

The determination category of "Needs Intervention" indicates a need for assistance in either performance and/or compliance areas within the LSS/LLA General Supervision process. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "*Developing and Implementing an Effective System of General Supervision: Part B*," MSDE will direct the LSS/LLA to examine, clarify, and develop an effective system of general supervision to address results and compliance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with the LSS/LLA, the MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of "Needs Assistance." Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;

- Integrated Monitoring Activities;
- Fiscal Management;
- Data Processes and Results;
- Improvement, Correction, Incentives, and Sanctions;
- Effective Dispute Resolution; and
- Directed Targeted Assistance and Professional Development.

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

Needs Substantial Intervention

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

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

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

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Meets Requirements

Results Process Indicators LSS met or exceeded State targets established for Indicator 4A (Single or Multiple), Indicator 5 (5A, 5B and 5C) and Indicator 8A or 8B.	**AND**	Compliance Indicators LSS demonstrated full or substantial compliance for at least five (5) of the six (6) compliance indicators (4B, 9, 10, 11, 12, 13)
Correction of Noncompliance LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification.	**AND**	Timely and Accurate Data LSS demonstrated full or substantial compliance for submission of accurate and timely data.

Needs Assistance

Results Process Indicators The LSS met or exceeded State targets established for four (4) of the following seven (7) results indicators (4A Single or 4A Multiple, 5A, 5B, and 5C, 8A, or 8B)	**AND**	Compliance Indicators The LSS demonstrated full or substantial compliance for at least four (4) of six (6) compliance indicators (4B, 9, 10, 11, 12, 13).
Correction of Noncompliance The LSS corrected all but one instance of noncompliance within one year of identification.	**AND**	Timely and Accurate Data The LSS data are timely but not accurate, or accurate but not timely.

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Needs Intervention

Results Process Indicators		Compliance Indicators
LSS met or exceeded State targets in at ≤ none of the following seven (7) results indicator (4A (Single or Multiple), 5A, 5B, and 5C, 8A, or 8B).	**AND**	LSS demonstrated full compliance or substantial compliance for at least three (3) of six (6) compliance indicators (4, 9, 10, 11, 12, 13).
Correction of Noncompliance		**Timely and Accurate Data**
The LSS did not correct all previously identified findings of noncompliance within two years of identification.	**AND**	The LSS Data are not timely or accurate.

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.

Division of Special Education/Early Intervention Services
Part B Graduated Results-Driven Accountability Plan

FFY <SFY> (Determination Year)	School Age LRE (5)	Significant Discrepancy in Suspension/Expulsion > 10 days (4A)	Parent Involvement (8)	Graduation (1)	Dropout (2)	Post School Outcomes (14)	Preschool LRE (6)	Preschool Outcomes (7)	Assessment (3)
2013 <2013-2014> (2015)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age						
2014 <2014-2015> (2016)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout				
2015 <2015-2016> (2017)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C			
2016 <2016-2017> (2018)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B		
2017 <2017-2018> (2019)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math
2018 <2018-2019> (2020)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math

DSE/EIS Strategic Plan *Moving Maryland Forward* Action Imperatives

- **Early Childhood**
- **Professional Learning**
- **Access, Equity, and Progress**
- **Secondary Transition**

Anne Arundel County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2013 – June 30, 2014

FFY 2013 (SFY 2014) Part B Indicators										
SPP/APR Indicators Results Indicator Compliance Indicator				FFY 2013			Action Required	Previous Results	
				State Target	Local Results	Target Met		FFY 2012	FFY 2011
1	**Students with IEPs graduating with a regular diploma - 4 year cohort (ESEA lag data based on SY 12-13)**			**≥59.19%**	53.75%	Not Met	Data does not meet the State's target. Continue to implement *Master Plan* Improvement Strategies.	53.79%	49.27%
								60.09%	56.11%
2	**Students with IEPs dropping out (Option 2 leaver rate based on SY 12-13)**			**≤4.95%**	5.70%	Not Met	Data does not meet the State's target. Continue to implement Master Plan Improvement Strategies.	5.70%	7.49%
3A	**State Assessment: AMO for disability subgroup in the LEA**	**AMO for Reading**			Not Met	Not Met	Data does not meet the State's target Continue to implement *Master Plan* Improvement Strategies.	Not Met	Not Met
		AMO for math			Not Met	Not Met		Not Met	Met
3B	**State Assessment: Participation rates of IEP students in all grades in the LEA**			**≥ 95%**	Yes	Met	Data meets the State's target. No required action.	Met	≥95%
3C	**State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards**	3	Mathematics	**67.40%**	57.71%	Not Met	Data does not meet the State's target. Continue to implement *Master Plan* Improvement Strategies.	63.03%	70.52%
			Reading	**72.80%**	65.92%	Not Met		72.41%	74.65%
		4	Mathematics	**67.40%**	60.19%	Not Met		69.34%	77.98%
			Reading	**72.80%**	69.49%	Not Met		75.81%	76.53%
		5	Mathematics	**67.40%**	51.41%	Not Met		61.99%	69.27%
			Reading	**72.80%**	74.38%	Met		75.00%	76.91%
		6	Mathematics	**67.40%**	35.15%	Not Met		39.26%	58.48%
			Reading	**72.80%**	54.57%	Not Met		55.84%	61.62%
		7	Mathematics	**67.40%**	23.30%	Not Met		48.19%	58.14%
			Reading	**72.80%**	46.07%	Not Met		61.12%	54.45%
		8	Mathematics	**67.40%**	23.90%	Not Met		26.00%	43.38%
			Reading	**72.80%**	38.59%	Not Met		49.42%	55.94%
		HS	Mathematics	**67.40%**	55.12%	Not Met		57.81%	53.89%
			Reading	**72.80%**	50.37%	Not Met		60.30%	59.02%

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2012	FFY 2011
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		<2.0	0.33	Met	Data meets the State target. No required action.	0.31	0.50
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		<2.0	1.34	Met	Data meets the State target. No required action.	1.28	0.82
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥68.40%	73.11%	Met	Data meets the State target. No required action.	71.71%	70.44%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤13.26%	10.45%	Met	Data meets the State target. No required action.	10.71%	11.38%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤6.69%	6.27%	Met	Data meets the State target. No required action.	6.77%	6.50%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		≥64.10%	47.00%	Not Met	Data does not meet the State target. Improvement plan required.	41.68%	56.66%
6B	Aged 3-5 LRE: Separate School or Class		≤18.90%	19.72%	Not Met	Data meets the State target. Improvement plan required.	25.99%	26.56%
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.30%	78.89%	Met	Data meets the State target. No required action.	83.10%	81.54%
		2. Exits within age expectations	66.40%	67.42%	Met		74.10%	75.63%
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	66.00%	78.59%	Met	Data meets the State target. No required action.	85.50%	87.57%
		2. Exits within age expectations	55.70%	64.93%	Met		69.70%	72.86%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	61.50%	74.13%	Met	Data meets the State target. No required action.	80.80%	84.51%
		2. Exits within age expectations	64.10%	70.36%	Met		78.20%	77.39%
8	Parent Survey	Age 3-5	47.00%	53.00%	Met	Data meets the State target. No required action.	45.00%	51.00%
		Age 6-21	39.00%	40.00%	Met		41.00%	43.00%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:	A. Higher ed w/in 1 year of leaving HS	35.00%	20.63%	Not Met	Data does not meet the State target. Improvement Plan required.		
		B. Higher ed or employed w/in 1 year of leaving HS	68.00%	52.78%	Not Met	Data does not meet the State target. Improvement Plan required.		
		C. Higher ed or training program or employed w/in 1 year of leaving HS	82.00%			Disaggregated LSS data not available at this time.		

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2012	FFY 2011
4B	**Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity** **Discrepancy exists in the category** **N size is < 30***	*Amer Indian/Alaska Native*	**<2.0**	0.00	Met	No significant disproportionate representation. No required action.	0.00	0.00
		Asian	**<2.0**	0.00	Met		0.00	0.00
		Black or African American	**<2.0**	1.75	Met		1.20	1.46
		Native Haw/Pacific Islander	**<2.0**	0.00	Met		0.00	0.00
		White	**<2.0**	0.39	Met		0.28	0.28
		2 or more races	**<2.0**	1.28	Met		1.33	0.00
		Hispanic	**<2.0**	0.00	Met		0.38	0.31
		Policies/procedures/ Practices contribute to the discrepancy	**No**	No	Yes		No	No
9	**Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification** **Disproportionate representation exits in the category.** **N size is < 30***	*Amer Indian/Alaska Native*	**<2.0**	0.85	Met	No significant disproportionate representation. No required action.	0.73	0.90
		Asian	**<2.0**	0.44	Met		0.44	0.43
		Black, African American	**<2.0**	1.61	Met		1.57	1.55
		Native Haw/Pacific Islander	**<2.0**	0.86	Met		0.95	1.10
		White	**<2.0**	0.79	Met		0.81	0.81
		2 or more races	**<2.0**	0.83	Met		0.90	0.89
		Hispanic	**<2.0**	0.79	Met		0.78	0.76
		Disproportionate representation is due to inappropriate identification	**No (0%)**	No (0%)	Yes		**No (0%)**	No (0%)

FFY 2013 (SFY 2014) Part B Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2013			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2012	FFY 2011
11	**Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days**	**100%**	98.41%	Not Met	Substantially compliant. Data verified. No required action.	99.34%	99.81%
12	**Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday**	**100%**	100.00%	Met	Compliant. Data verified. No required action.	100.00%	100.00%
13	**Percentage of youth age 16 and above whose IEP meets secondary transition requirements**	**100%**	100.00%	Met	Compliant. Data verified. No required action	100.00%	100.00%
	Timely correction of noncompliance (Previously Indicator 15)	**100%**	100.00%	Met	Compliant. Continue to correct noncompliance within one year.	100.00%	100.00%
	State reported data are timely and accurate (Previously Indicator 20)	**100%**	100.00%	Met	Compliant. Continue to report data in a timely and accurate manner.	100.00%	100.00%

FFY 2013 (SFY 2014) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	**FFY 2013 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**	0.88	1.06	0.67	0.64	1.27	0.59	Significant disproportionality exists. MSDE review of identification procedures are appropriate. No required action
		Asian	0.73	0.27	0.32	0.70	0.92	0.12	
		Black/African American	2.05	2.02	2.22	1.01	1.12	1.85	
		Native Hawaiian/ Pacific Islander	0.89	0.92	2.03	0.33	0.85	0.90	
		White	0.64	0.56	0.69	1.04	1.08	0.84	
		2 or more races	0.28	0.76	1.35	0.82	0.76	0.98	
		Hispanic	0.72	1.06	0.32	1.08	0.67	0.52	
		Disproportionate representation is due to inappropriate identification							

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	**FFY 2012 results:** **Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification** **N size is < 30*** **Disproportionate representation exists.**	**American Indian/Alaska Native**	0.00	0.76	0.61	1.30	1.34	0.32	
		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 is due to inappropriate identification							

MARYLAND STATE DEPARTMENT OF EDUCATION
PREPARING WORLD CLASS STUDENTS

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

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

March 23, 2015

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) 2013 (2013-2014 school year). Attached please find the *FFY 2013 Determination Overview* that identifies the Part B Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria*, and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 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 2013 data, as well as information obtained through monitoring and complaint investigations, the BCPS has achieved the determination status of **"Needs Assistance, Year Nine."**

For the last nine (9) consecutive 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. The BCPS Office of Special Education staff will be required to meet with the DSE/EIS personnel to identify the specific actions, assistance, and jointly develop a plan to assist the BCPS to "Meet Requirements." Mr. Paul Dunford, Branch Chief, Programmatic Support and Technical Assistance, will be contacting Rebecca Rider, Director, BCPS Office of Special Education to identify a data and time for this meeting.

In correspondence sent to your attention on March 20, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. Critical to the balanced focus on results and compliance is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. To prepare for using student outcomes on Statewide assessments, graduation, dropout, and post-school outcomes to assign future local determination status, the DSE/EIS examined the process indicators that will directly impact student progress, growth, and achievement. The process indicators used to measure performance included:

- Indicator 5, Provision of services in the Least Restrictive Environment (LRE);
- Indicator 4, Rate of suspensions and expulsions greater than 10 days in a school year; and
- Indicator 8, Parent involvement.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. 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.

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.

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

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.
Rebecca Rider
Branch Chiefs

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

FFY 2013 Determination Overview
Part C & Part B
July 1, 2013 – June 30, 2014

The Individuals with Disabilities Education Act (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 June 2015.

The 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 Results and Compliance Indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources;
- Any audit findings; 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 1, 2015.

The following Part C indicators are included in assigning determinations:

Results	Compliance
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
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	
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

Process	**Compliance**
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; and 5C LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements. 4A Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days. 8A Preschool Parent Survey; or 8B School Age Parent Survey.	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity 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
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

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.

Framework for Assistance and Intervention

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LSS or LLA. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs. The MSDE will identify:

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

In collaboration with the MSDE, LSSs/LLAs will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. The MSDE is available to consult with LSSs/LLAs by telephone, fax, email, mail, or in-person. To

enable a LSS to improve performance and meet compliance available assistance may include, but is not limited to the MSDE assisting a LSS/LLA to:

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

Needs Intervention

The determination category of "Needs Intervention" indicates a need for assistance in either performance and/or compliance areas within the LSS/LLA General Supervision process. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "*Developing and Implementing an Effective System of General Supervision: Part B*," MSDE will direct the LSS/LLA to examine, clarify, and develop an effective system of general supervision to address results and compliance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with the LSS/LLA, the MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of "Needs Assistance." Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;

- Integrated Monitoring Activities;
- Fiscal Management;
- Data Processes and Results;
- Improvement, Correction, Incentives, and Sanctions;
- Effective Dispute Resolution; and
- Directed Targeted Assistance and Professional Development.

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

Needs Substantial Intervention

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

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

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

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Meets Requirements

Results Process Indicators
LSS met or exceeded State targets established for Indicator 4A (Single or Multiple), Indicator 5 (5A, 5B and 5C) and Indicator 8A or 8B.

AND

Compliance Indicators
LSS demonstrated full or substantial compliance for at least five (5) of the six (6) compliance indicators (4B, 9, 10, 11, 12, 13)

Correction of Noncompliance
LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification.

AND

Timely and Accurate Data
LSS demonstrated full or substantial compliance for submission of accurate and timely data.

Needs Assistance

Results Process Indicators
The LSS met or exceeded State targets established for four (4) of the following seven (7) results indicators (4A Single or 4A Multiple, 5A, 5B, and 5C, 8A, or 8B)

AND

Compliance Indicators
The LSS demonstrated full or substantial compliance for at least four (4) of six (6) compliance indicators (4B, 9, 10, 11, 12, 13).

Correction of Noncompliance
The LSS corrected all but one instance of noncompliance within one year of identification.

AND

Timely and Accurate Data
The LSS data are timely but not accurate, or accurate but not timely.

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Needs Intervention

Results Process Indicators

LSS met or exceeded State targets in at ≤ none of the following seven (7) results indicator (4A (Single or Multiple), 5A, 5B, and 5C, 8A, or 8B).

AND

Compliance Indicators

LSS demonstrated full compliance or substantial compliance for at least three (3) of six (6) compliance indicators (4, 9, 10, 11, 12, 13).

Correction of Noncompliance

The LSS did not correct all previously identified findings of noncompliance within two years of identification.

AND

Timely and Accurate Data

The LSS Data are not timely or accurate.

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.

Division of Special Education/Early Intervention Services
Part B Graduated Results-Driven Accountability Plan

FFY <SFY> (Determination Year)	School Age LRE (5)	Significant Discrepancy in Suspension/Expulsion > 10 days (4A)	Parent Involvement (8)	Graduation (1)	Dropout (2)	Post School Outcomes (14)	Preschool LRE (6)	Preschool Outcomes (7)	Assessment (3)
2013 <2013-2014> (2015)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age						
2014 <2014-2015> (2016)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout				
2015 <2015-2016> (2017)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C			
2016 <2016-2017> (2018)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B		
2017 <2017-2018> (2019)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math
2018 <2018-2019> (2020)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math

DSE/EIS Strategic Plan *Moving Maryland Forward* Action Imperatives

- **Early Childhood**
- **Professional Learning**
- **Access, Equity, and Progress**
- **Secondary Transition**

Baltimore County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2013 – June 30, 2014

FFY 2013 (SFY 2014) Part B Indicators									
SPP/APR Indicators Results Indicator Compliance Indicator				FFY 2013 State Target	FFY 2013 Local Results	FFY 2013 Target Met	Action Required	Previous Results FFY 2012	Previous Results FFY 2011
1	Students with IEPs graduating with a regular diploma – 4 year cohort (ESEA lag data based on SY 12-13)			≥59.19	62.05%	Met	Data meets the State target. Continue to implement Master Plan Improvement Strategies.	58.53%	52.49%
								64.39%	59.32%
2	Students with IEPs dropping out (Option 2 lever rate data based on SY 12-13)			≤4.95%	5.32%	Not Met	Data does not meet the State target. Continue to implement Master Plan Improvement Strategies.	5.32%	6.93%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading			Not Met	Not Met	Data does not meet the State target. Continue to implement Master Plan Improvement Strategies.	Not Met	Not Met
		AMO for Math			Not Met	Not Met		Not Met	Not Met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	Met	Met	Data meets the State target. No required action.	Met	Met
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	67.40%	51.12%	Not Met	Data does not meet the State target. Continue to implement Master Plan Improvement Strategies.	62.61%	75.47%
			Reading	72.80%	60.57%	Not Met		68.00%	72.33%
		4	Mathematics	67.40%	59.98%	Not Met		71.36%	77.29
			Reading	72.80%	66.39%	Not Met		73.77%	73.80%
		5	Mathematics	67.40%	42.61%	Not Met		51.83%	74.42%
			Reading	72.80%	69.60%	Not Met		68.96%	67.07%
		6	Mathematics	67.40%	26.25%	Not Met		39.69%	55.25%
			Reading	72.80%	50.05%	Not Met		46.39%	51.60%
		7	Mathematics	67.40%	25.81%	Not Met		39.45%	51.67%
			Reading	72.80%	38.03%	Not Met		53.46%	51.26%
		8	Mathematics	67.40%	21.96%	Not Met		27.48%	54.16%
			Reading	72.80%	38.56%	Not Met		39.85%	38.87%
		HS	Mathematics	67.40%	48.70%	Not Met		53.58%	58.70%
			Reading	72.80%	47.75	Not Met		53.19%	55.70%

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2012	FFY 2011
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	3.24	Not Met	Data does not meet the State target. Improvement plan required.	2.50	2.34
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.79	Met	Data meets the State target. No required action.	0.95	1.33
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥68.40%	64.37%	Not Met	Data does not meet the State target. Improvement plan required.	64.36%	63.71%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤13.26%	11.49%	Met	Data meets the State target. No required action.	12.07%	12.94%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤6.69%	7.24%	Not Met	Data does not meet the State target. Improvement plan required.	7.32%	7.36%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		≥64.10%	70.61%	Met	Data meets the State target. No required action.	73.38%	59.61%
6B	Aged 3-5 LRE: Separate School or Class		≤18.90	13.65%	Met	Data meets the State target. No required action.	12.44%	18.61%
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.30%	66.37%	Met	Data meets the State target for 7A1 and 7A2. No required action.	65.3%	62.33%
		2. Exits within age expectations	66.40%	69.81%	Met		67.60%	67.37%
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	66.00%	67.86%	Met	Data meets the State target for 7B1 and 7B2. No required action.	63.60%	61.26%
		2. Exits within age expectations	55.70%	59.50%	Met		58.20%	57.11%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	61.50%	62.86%	Met	Data meets the State target for 7C1 and 7C2. No required action.	57.10%	57.11%
		2. Exits within age expectations	67.30%	64.21%	Met		62.60%	64.10%
8	Parent Survey	Age 3-5	48%	48.00%	Met	Data meet s the State target for 3-5 and 6-21. No action required.	44.00%	54.00%
		Age 6-21	39%	39.00%	Met		40.00%	44.00%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:	A. Higher ed w/in 1 year of leaving HS	35.0%	24.18%	Not Met	Data does not meet the State target.		
		B. Higher ed or employed w/in 1 year of leaving HS	68.0%	64.95%	Not Met	Data does not meet the State target.		
		C. Higher ed or training program or employed w/in 1 year of leaving HS	82.0%			Disaggregated LSS data not available at this time.		

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2012	FFY 2011
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 Indi/Alaska Native*	**<2.0**	0.00	Met	Significant discrepancy exists. A previous MSDE review of policies, procedures and practices do not contribute to the significant discrepancy. No required action.	0.00	4.25*
		Asian	**< 2.0**	0.00	Met		0.00	0.00
		Black or African American	**< 2.0**	4.61	Not Met		3.66	3.46
		Native Haw/Pacific Islander	**< 2.0**	0.00	Met		0.00	0.00
		White	**< 2.0**	1.53	Met		1.14	1.04
		2 or more races	**< 2.0**	1.02	Met		0.83	0.93
		Hispanic	**< 2.0**	1.22	Met		0.99	2.12**
		Policies/procedures/ Practices contribute to the discrepancy	**No**	No				No
9	**Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification** **Disproportionate representation exits in the category.** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	1.06	Met	No significant disproportionate representation. No required action.	1.04	1.01
		Asian	**< 2.0**	0.38	Met		0.39	0.38
		Black, African American	**< 2.0**	1.27	Met		1.27	1.25
		Native Haw/Pacific Islander	**< 2.0**	0.44	Met		0.80	0.80
		White	**< 2.0**	0.98	Met		0.96	1.00
		2 or more races	< 2.0	0.91	Met		0.94	0.90
		Hispanic	< 2.0	0.86	Met		0.87	0.83
		Disproportionate representation is due to inappropriate identification	**No (0%)**	No			**No (0%)**	No (0%)

FFY 2013 (SFY 2014) Part B Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2013			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2012	FFY 2011
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days	100%	99.41%	Not Met	Substantially compliant. Data verified. No required action.	98.41%	98.20%
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday	100%	99.45%	Not Met	Substantially compliant. Data verified. No required action.	100%	100%
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	100%	Met	Compliant. Data verified. No required action.	100%	100%
	Timely correction of noncompliance (Previously Indicator 15)	100%	100%	Met	Compliant. Continue to correct noncompliance within one year.	100%	100%
	State reported data are timely and accurate (Previously Indicator 20)	100%	100%	Met	Compliant. Continue to correct noncompliance within one year.	100%	100%

FFY 2013 (SFY 2014) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2013 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	0.98	1.64	1.16	0.63	1.72	No significant disproportionate representation exists. No required action.
		Asian	0.68	0.25	0.07	0.58	0.72	0.20	
		Black/African American	1.58	1.59	1.75	0.66	0.97	1.52	
		Native Hawaiian/ Pacific Islander	0.00	0.46	0.00	0.55	0.00	1.09	
		White	0.81	0.73	1.02	1.55	1.31	0.98	
		2 or more races	0.95	0.76	1.10	1.07	0.90	1.05	
		Hispanic	0.66	1.12	0.27	0.97	0.64	0.54	
		Disproportionate representation is due to inappropriate identification							

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2012 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification N size is < 30* Disproportionate representation exists.	American Indian/Alaska Native	0.00	0.98	1.64	1.10	0.46	1.66	No significant disproportionate representation exists. No required action.
		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 is due to inappropriate identification							

MARYLAND STATE DEPARTMENT OF EDUCATION
PREPARING WORLD CLASS STUDENTS

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

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

March 23, 2015

Dr. Daniel D. Curry
Superintendent
Calvert County Public Schools
1305 Dares Beach Road
Prince Frederick, MD 20678

Dear Dr. Curry:

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) 2013 (2013-2014 school year). Attached please find the *FFY 2013 Determination Overview* that identifies the Part B Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria,* and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 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 2013 data, as well as information obtained through monitoring and complaint investigations, the CCPS has achieved the determination status of **"Meets Requirements."**

In correspondence sent to your attention on March 20, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. Critical to the balanced focus on results and compliance is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. To prepare for using student outcomes on Statewide assessments, graduation, dropout, and post-school outcomes to assign future local determination status, the DSE/EIS examined the process indicators that will directly impact student progress, growth, and achievement. The process indicators used to measure performance included:

- Indicator 5, Provision of services in the Least Restrictive Environment (LRE);
- Indicator 4, Rate of suspensions and expulsions greater than 10 days in a school year; and
- Indicator 8, Parent involvement.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. 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.

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.

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

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.
Christina Harris
Branch Chiefs

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

FFY 2013 Determination Overview
Part C & Part B
July 1, 2013 – June 30, 2014

The Individuals with Disabilities Education Act (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 June 2015.

The 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 Results and Compliance Indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources;
- Any audit findings; 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 1, 2015.

The following Part C indicators are included in assigning determinations:

Results	Compliance
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
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	
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

Process	**Compliance**
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; and 5C LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements. 4A Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days. 8A Preschool Parent Survey; or 8B School Age Parent Survey.	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity 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
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

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.

Framework for Assistance and Intervention

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LSS or LLA. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs. The MSDE will identify:

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

In collaboration with the MSDE, LSSs/LLAs will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. The MSDE is available to consult with LSSs/LLAs by telephone, fax, email, mail, or in-person. To

enable a LSS to improve performance and meet compliance available assistance may include, but is not limited to the MSDE assisting a LSS/LLA to:

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

Needs Intervention

The determination category of "Needs Intervention" indicates a need for assistance in either performance and/or compliance areas within the LSS/LLA General Supervision process. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "*Developing and Implementing an Effective System of General Supervision: Part B*," MSDE will direct the LSS/LLA to examine, clarify, and develop an effective system of general supervision to address results and compliance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with the LSS/LLA, the MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of "Needs Assistance." Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;

- Integrated Monitoring Activities;
- Fiscal Management;
- Data Processes and Results;
- Improvement, Correction, Incentives, and Sanctions;
- Effective Dispute Resolution; and
- Directed Targeted Assistance and Professional Development.

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

Needs Substantial Intervention

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

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

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

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Meets Requirements

Results Process Indicators LSS met or exceeded State targets established for Indicator 4A (Single or Multiple), Indicator 5 (5A, 5B and 5C) and Indicator 8A or 8B.	**AND**	Compliance Indicators LSS demonstrated full or substantial compliance for at least five (5) of the six (6) compliance indicators (4B, 9, 10, 11, 12, 13)
Correction of Noncompliance LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification.	**AND**	Timely and Accurate Data LSS demonstrated full or substantial compliance for submission of accurate and timely data.

Needs Assistance

Results Process Indicators The LSS met or exceeded State targets established for four (4) of the following seven (7) results indicators (4A Single or 4A Multiple, 5A, 5B, and 5C, 8A, or 8B)	**AND**	Compliance Indicators The LSS demonstrated full or substantial compliance for at least four (4) of six (6) compliance indicators (4B, 9, 10, 11, 12, 13).
Correction of Noncompliance The LSS corrected all but one instance of noncompliance within one year of identification.	**AND**	Timely and Accurate Data The LSS data are timely but not accurate, or accurate but not timely.

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Needs Intervention

Results Process Indicators		Compliance Indicators
LSS met or exceeded State targets in at ≤ none of the following seven (7) results indicator (4A (Single or Multiple), 5A, 5B, and 5C, 8A, or 8B).	**AND**	LSS demonstrated full compliance or substantial compliance for at least three (3) of six (6) compliance indicators (4, 9, 10, 11, 12, 13).
Correction of Noncompliance		**Timely and Accurate Data**
The LSS did not correct all previously identified findings of noncompliance within two years of identification.	**AND**	The LSS Data are not timely or accurate.

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.

Division of Special Education/Early Intervention Services
Part B Graduated Results-Driven Accountability Plan

FFY <SFY> (Determination Year)	School Age LRE (5)	Significant Discrepancy in Suspension/Expulsion > 10 days (4A)	Parent Involvement (8)	Graduation (1)	Dropout (2)	Post School Outcomes (14)	Preschool LRE (6)	Preschool Outcomes (7)	Assessment (3)
2013 <2013-2014> (2015)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age						
2014 <2014-2015> (2016)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout				
2015 <2015-2016> (2017)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C			
2016 <2016-2017> (2018)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B		
2017 <2017-2018> (2019)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math
2018 <2018-2019> (2020)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math

DSE/EIS Strategic Plan *Moving Maryland Forward* Action Imperatives

- **Early Childhood**
- **Professional Learning**
- **Access, Equity, and Progress**
- **Secondary Transition**

Calvert County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2013 – June 30, 2014

FFY 2013 (SFY 2014) Part B Indicators									
SPP/APR Indicators Results Indicator Compliance Indicator				FFY 2013			Action Required	Previous Results	
				State Target	Local Results	Target Met		FFY 2012	FFY 2011
1	**Students with IEPs graduating with a regular diploma - 4 year cohort (ESEA lag data based on SY 12-13)**			**≥59.19%**	71.95%	Met	Data meets the State target. Continue to implement *Master Plan* Improvement Strategies.	68.67%	72.41%
2	**Students with IEPs dropping out (Option 2 lever rate data based on SY 12-13)**			**≤4.95%**	≤ 3.00%	Met	Data meets the State target. Continue to implement *Master Plan* Improvement Strategies.	73.81%	83.91%
3A	**State Assessment: AMO for disability subgroup in the LEA**	**AMO for Reading**			Not Met	Not Met	Data does not meet the State target Continue to implement *Master Plan* Improvement Strategies.	≤ 3.00%	≤ 3.00%
		AMO for Math			Not Met	Not Met		Not Met	Not Met
3B	**State Assessment: Participation rates of IEP students in all grades in the LEA**			**≥ 95%**	Met	Met	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	**67.40%**	53.26	Not Met	Data does not meet State targets for reading and mathematics. Continue to implement *Master Plan* Improvement Strategies.	62.93%	70.40%
			Reading	**72.80%**	63.16	Not Met		61.21%	70.63%
		4	Mathematics	**67.40%**	47.15	Not Met		66.14%	66.04%
			Reading	**72.80%**	60.38	Not Met		70.87%	77.36%
		5	Mathematics	**67.40%**	42.02	Not Met		49.02%	58.77%
			Reading	**72.80%**	67.80	Not Met		62.75%	78.07%
		6	Mathematics	**67.40%**	41.18	Not Met		63.73%	58.54%
			Reading	**72.80%**	59.63	Not Met		62.00%	53.66%
		7	Mathematics	**67.40%**	44.21	Not Met		57.14%	57.30%
			Reading	**72.80%**	51.16	Not Met		58.44%	51.69%
		8	Mathematics	**67.40%**	36.76	Not Met		39.76%	46.88%
			Reading	**72.80%**	35.29	Not Met		54.22%	60.42%
		HS	Mathematics	**67.40%**	60.26	Not Met		67.47%	60.98%
			Reading	**72.80%**	55.00	Not Met		66.67%	67.95%

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2012	FFY 2011
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.31	Met	Data meets the State target. No required action	1.42	1.15
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.00	Met	Data meets the State target. No required action	0.00	0.00
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥68.40%	60.23%	Not Met	Data does not meet the State target. Improvement plan required.	56.65%	55.74%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤13.26%	9.86%	Met	Data meets the State target. No required action	9.54%	7.31%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤6.69%	5.51%	Met	Data meets the State target. No required action	6.09%	6.54%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		≥64.1%%	76.05%	Met	Data meets the State target. No required action	70.04%	65.94%
6B	Aged 3-5 LRE: Separate School or Class		<18.90%	10.65%	Met	Data meets the State target. No required action	12.84%	20.96%
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.30%	69.39%	Met	Data meets the State target for 7A1 and 7A2. No required action	78.3%	63.64%
		2. Exits within age expectations	66.40%	67.24%	Met		76.9%	71.88%
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	66.00%	61.40%	Not Met	Data does not meet the State target in category 7B1 or 7B2. Improvement plan required.	71.7%	70.18%
		2. Exits within age expectations	55.70%	51.72%	Not Met		54.0%	51.56%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	61.50%	62.50%	Met	Data meets the State target for 7C1. No required action. Data does not meet the State target in category 7C2. Improvement Plan required.	48.6%	58.82%
		2. Exits within age expectations	64.10%	63.79%	Not Met		58.0%	67.19%
8A	Parent Survey	Age 3-5	47.00%	59.00%	Met	Data meets the State target. No required action.	68%	42%
		Age 6-21	39.00%	49.00%	Met		37%	55%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:	A. Higher ed w/in 1 year of leaving HS	35%	30.23%	Not Met	Data does not meet the State target. Improvement plan required.		
		B. Higher ed or employed w/in 1 year of leaving HS	68%	69.77%	Met	Data meets the State target. No required action.		
		C. Higher ed or training program or employed w/in 1 year of leaving HS	82%			Disaggregated LSS data not available at this time.		

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2012	FFY 2011
4B	**Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity** **Discrepancy exists in the category** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	0.00	Met	No significant discrepancy. No required action.	0.00	0.00
		Asian	**< 2.0**	0.00	Met		0.00	0.00
		Black or African American	**< 2.0**	0.00	Met		0.74	0.96
		Native Haw/Pacific Islander	**< 2.0**	0.00	Met		0.00	0.00
		White	**< 2.0**	0.40	Met		0.93	1.04
		2 or more races	**< 2.0**	0.00	Met		3.76*	0.00
		Hispanic	**< 2.0**	0.00	Met		5.68*	0.00
		Policies/procedures/ Practices contribute to the discrepancy	**No (0%)**	No				
9	**Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification** **Disproportionate representation exits in the category.** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	1.26	Met	No significant disproportionate representation. No required action.	1.02	0.80
		Asian	**< 2.0**	0.49	Met		0.27	0.34
		Black, African American	**< 2.0**	1.78	Met		1.86	1.87
		Native Haw/Pacific Islander	**< 2.0**	0.77	Met		0.00	0.00
		White	**< 2.0**	0.67	Met		0.69	0.68
		2 or more races	**< 2.0**	0.76	Met		0.60	0.65
		Hispanic	**< 2.0**	0.89	Met		0.88	0.86
		Disproportionate representation is due to inappropriate identification	**No (0%)**	No				

FFY 2013 (SFY 2014) Part B Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2013			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2012	FFY 2011
11	**Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days**	**100%**	99.50%	Not Met	Substantially compliant. Data verified. No required action.	97.8%	< 100%
12	**Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday**	**100%**	100%	Met	Compliant. Data verified. No required action.	100%	100%
13	**Percentage of youth age 16 and above whose IEP meets secondary transition requirements**	**100%**	100%	Met	Verification activities indicate need for follow-up with student specific data	100%	100%
	Timely correction of noncompliance (Previously Indicator 15)	**100%**	100.00%	Met	Compliant. Continue to correct noncompliance within one year.	100.00%	100.00%
	State reported data are timely and accurate (Previously Indicator 20)	**100%**	100.00%	Met	Compliant. Continue to report data in a timely and accurate manner.	100.00%	100.00%

FFY 2013 (SFY 2014) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	**FFY 2013 results:** **Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification** **Disproportionate representation exists** **N size is < 30***	**American Indian/Alaska Native**	0.00	0.96	0.00	2.93*	0.00	1.68	Significant disproportionality exists. MSDE review of identification procedures are generally appropriate. Improvement Plan required.
		Asian	0.00	0.27	0.00	0.20	1.87	0.24	
		Black/African American	1.08	3.04	1.61	1.29	1.01	1.87	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	4.10*	
		White	1.13	0.50	0.66	0.79	0.86	0.73	
		2 or more races	0.62	0.41	1.22	0.98	0.66	1.00	
		Hispanic	1.24	0.55	1.29	1.31	0.98	0.65	
		Disproportionate representation is due to inappropriate identification							

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	**FFY 2012 results:** **Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification** **N size is < 30*** **Disproportionate representation exists.**	**American Indian/Alaska Native**	0.00	0.92	7.27*	0.00	0.00	3.33*	**NA**
		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	
		Hispanic	1.38	0.95	1.20	1.41	0.90	0.89	
		Disproportionate representation is due to inappropriate identification							

MARYLAND STATE DEPARTMENT OF EDUCATION
PREPARING WORLD CLASS STUDENTS

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

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

March 23, 2015

Mr. Milton Nagel, CPA
Interim Superintendent
Caroline County Public Schools
204 Franklin Street
Denton, MD 21629

Dear Mr. Nagel:

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) 2013 (2013-2014 school year). Attached please find the *FFY 2013 Determination Overview* that identifies the Part B Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria,* and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 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 2013 data, as well as information obtained through monitoring and complaint investigations, the CCPS has achieved the determination status of **"Meets Requirements."**

In correspondence sent to your attention on March 19, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. Critical to the balanced focus on results and compliance is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. To prepare for using student outcomes on Statewide assessments, graduation, dropout, and post-school outcomes to assign future local determination status, the DSE/EIS examined the process indicators that will directly impact student progress, growth, and achievement. The process indicators used to measure performance included:

- Indicator 5, Provision of services in the Least Restrictive Environment (LRE);
- Indicator 4, Rate of suspensions and expulsions greater than 10 days in a school year; and
- Indicator 8, Parent involvement.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. 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.

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.

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

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.
Elizabeth Anthony
Branch Chiefs

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

FFY 2013 Determination Overview
Part C & Part B
July 1, 2013 – June 30, 2014

The Individuals with Disabilities Education Act (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 June 2015.

The 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 Results and Compliance Indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources;
- Any audit findings; 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 1, 2015.

The following Part C indicators are included in assigning determinations:

Results	Compliance
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
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	
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

Process	**Compliance**
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; and 5C LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements. 4A Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days. 8A Preschool Parent Survey; or 8B School Age Parent Survey.	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity 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
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

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.

Framework for Assistance and Intervention

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LSS or LLA. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs. The MSDE will identify:

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

In collaboration with the MSDE, LSSs/LLAs will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. The MSDE is available to consult with LSSs/LLAs by telephone, fax, email, mail, or in-person. To

enable a LSS to improve performance and meet compliance available assistance may include, but is not limited to the MSDE assisting a LSS/LLA to:

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

Needs Intervention

The determination category of "Needs Intervention" indicates a need for assistance in either performance and/or compliance areas within the LSS/LLA General Supervision process. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "*Developing and Implementing an Effective System of General Supervision: Part B*," MSDE will direct the LSS/LLA to examine, clarify, and develop an effective system of general supervision to address results and compliance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with the LSS/LLA, the MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of "Needs Assistance." Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;

- Integrated Monitoring Activities;
- Fiscal Management;
- Data Processes and Results;
- Improvement, Correction, Incentives, and Sanctions;
- Effective Dispute Resolution; and
- Directed Targeted Assistance and Professional Development.

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

Needs Substantial Intervention

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

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

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

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Meets Requirements

Results Process Indicators		Compliance Indicators
LSS met or exceeded State targets established for Indicator 4A (Single or Multiple), Indicator 5 (5A, 5B and 5C) and Indicator 8A or 8B.	**AND**	LSS demonstrated full or substantial compliance for at least five (5) of the six (6) compliance indicators (4B, 9, 10, 11, 12, 13)
Correction of Noncompliance		**Timely and Accurate Data**
LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification.	**AND**	LSS demonstrated full or substantial compliance for submission of accurate and timely data.

Needs Assistance

Results Process Indicators		Compliance Indicators
The LSS met or exceeded State targets established for four (4) of the following seven (7) results indicators (4A Single or 4A Multiple, 5A, 5B, and 5C, 8A, or 8B)	**AND**	The LSS demonstrated full or substantial compliance for at least four (4) of six (6) compliance indicators (4B, 9, 10, 11, 12, 13).
Correction of Noncompliance		**Timely and Accurate Data**
The LSS corrected all but one instance of noncompliance within one year of identification.	**AND**	The LSS data are timely but not accurate, or accurate but not timely.

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Needs Intervention

Results Process Indicators		Compliance Indicators
LSS met or exceeded State targets in at ≤ none of the following seven (7) results indicator (4A (Single or Multiple), 5A, 5B, and 5C, 8A, or 8B).	**AND**	LSS demonstrated full compliance or substantial compliance for at least three (3) of six (6) compliance indicators (4, 9, 10, 11, 12, 13).
Correction of Noncompliance		**Timely and Accurate Data**
The LSS did not correct all previously identified findings of noncompliance within two years of identification.	**AND**	The LSS Data are not timely or accurate.

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.

Caroline County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2013 – June 30, 2014

FY 2013 (SFY 2014) Part B Indicators										
SPP/APR Indicators Results Indicator Compliance Indicator				FFY 2013 State Target	FFY 2013 Local Results	FFY 2013 Target Met	Action Required	Previous Results FFY 2012	Previous Results FFY 2011
1	Students with IEPs graduating with a regular diploma-4 year cohort (ESEA lag data based on SY 12-13)			≥59.19%	58.14%	Not Met	Data does not meet the State target. Continue to implement Master Plan Improvement Strategies.	61.11%	50.00%
								64.71%	53.06%
2	Students with IEPs dropping out (Option 2 leaver rate data based on SY 12-13)			≤4.95%	≤3.0%	Met	Data meets the State target. Continue to implement Master Plan Improvement Strategies.	≤3.00%	4.12%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading			Not Met	Not Met	Data does not meet the State target Continue to implement *Master Plan* Improvement Strategies.	Met	Met
		AMO for math			Not Met	Not Met		Met	Met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	Yes	Met	Data meets the State target. No required action.	Met	≥95%
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	67.40%	39.39%	Not Met	Data does not meet the State target. Continue to implement *Master Plan* Improvement Strategies.	57.14%	64.71%
			Reading	72.80%	44.44%	Not Met		59.18%	66.67%
		4	Mathematics	67.40%	53.06%	Not Met		72.55%	64.71%
			Reading	72.80%	57.45%	Not Met		74.51%	66.67%
		5	Mathematics	67.40%	26.09%	Not Met		38.46%	64.71%
			Reading	72.80%	60.00%	Not Met		55.77%	60.98%
		6	Mathematics	67.40%	19.15%	Not Met		48.78%	64.86%
			Reading	72.80%	42.31%	Not Met		41.46%	56.76%
		7	Mathematics	67.40%	23.53%	Not Met		56.10%	89.29%
			Reading	72.80%	39.39%	Not Met		60.98%	57.14%
		8	Mathematics	67.40%	6.25%	Not Met		65.38%	52.94%
			Reading	72.80%	28.13%	Not Met		61.54%	47.06%
		HS	Mathematics	67.40%	48.57%	Not Met		45.95%	52.78%
			Reading	72.80%	45.71%	Not Met		47.22%	52.94%

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013 State Target	FFY 2013 Local Results	FFY 2013 Target Met	Action Required	Previous Results FFY 2012	Previous Results FFY 2011
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	1.15	Met	Data meets the State target. No required action.	1.83	1.22
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.00	NA	Data meets the State target. No required action.	0.00	0.00
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥ 68.40%	82.19%	Met	Data meets the State target. No required action.	84.51%	83.69%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤ 13.26%	10.73%	Met	Data meets the State target. No required action.	10.00%	9.71%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤ 6.69%	2.02%	Met	Data meets the State target. No required action.	1.76%	2.33%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		≥ 64.10%	90.32%	Met	Data meets the State target. No required action.	81.94%	87.69%
6B	Aged 3-5 LRE: Separate School or Class		≤ 18.90%	2.15%	Met	Data meets the State target. No required action.	4.17%	1.54%
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.30%	84.00%	Met	Data meets the State target. No required action.	77.80%	80.00%
		2. Exits within age expectations	66.40%	83.33%	Met		87.50%	88.00%
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	66.00%	94.44%	Met	Data meets the State target. No required action.	81.80%	70.59%
		2. Exits within age expectations	55.70%	83.33%	Met		75.00%	80.00%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	61.50%	82.61%	Met	Data meets the State target. No required action.	66.70%	66.67%
		2. Exits within age expectations	64.10%	81.25%	Met		75.00%	84.00%
8	Parent Survey	Age 3-5	47.00%	72.00%	Met	Data meets the State target. No required action.	NA	60.00%
		Age 6-21	39.00%	54.00%	Met		49.00%	61.00%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:	A. Higher ed w/in 1 year of leaving HS	35.00%	24.24%	Not Met	Data does not meet the State target. Improvement Plan required.		
		B. Higher ed or employed w/in 1 year of leaving HS	68.00%	66.67%	Not Met	Data does not meet the State target. Improvement Plan required.		
		C. Higher ed or training program or employed w/in 1 year of leaving HS	82.00%			Disaggregated LSS data not available at this time.		

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2012	FFY 2011
4B	**Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity** **Discrepancy exists in the category** **N size is < 30***	*Amer Indian/Alaska Native*	< 2.0	0.00	Met	No significant discrepancy. No required action.	0.00	0.00
		Asian	**< 2.0**	0.00	Met		0.00	0.00
		Black or African American	**< 2.0**	0.00	Met		2.67*	6.07*
		Native Haw/Pacific Islander	**< 2.0**	0.00	Met		0.00	0.00
		White	**< 2.0**	1.62	Met		1.28	0.00
		2 or more races	**< 2.0**	0.00	Met		0.00	0.00
		Hispanic	**< 2.0**	0.00	Met		8.51*	0.00
		Policies/procedures/ Practices contribute to the discrepancy	**No**	No			NA	NA
9	**Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification** **Disproportionate representation exits in the category.** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	2.65*	Met	No significant disproportionate representation. No required action.	2.49*	1.49
		Asian	**< 2.0**	0.85	Met		0.90	0.62
		Black, African American	**< 2.0**	1.19	Met		1.16	1.41
		Native Haw/Pacific Islander	**< 2.0**	0.00	Met		0.00	0.00
		White	**< 2.0**	1.06	Met		1.00	0.88
		2 or more races	**< 2.0**	0.90	Met		0.98	1.06
		Hispanic	**< 2.0**	0.58	Met		0.66	0.65
		Disproportionate representation is due to inappropriate identification	**No (0%)**	No (0%)			**No (0%)**	No (0%)

FFY 2013 (SFY 2014) Part B Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2013			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2012	FFY 2011
11	Percentage of students with **written parental consent to evaluate who were evaluated within 60 calendar days**	**100%**	99.50%	Not Met	Substantially compliant. Data verified. No required action.	98.66%	93.13%
12	**Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday**	**100%**	NA	NA	Compliant. Data verified. No required action.	100.00%	100.00%
13	**Percentage of youth age 16 and above whose IEP meets secondary transition requirements**	**100%**	100.00%	Met	Compliant. Data verified. No required action.	99.00%	96.40%
	Timely correction of noncompliance (Previously Indicator 15)	**100%**	100.00%	Met	Compliant. Continue to correct noncompliance within one year.	100.00%	100.00%
	State reported data are timely and accurate (Previously Indicator 20)	**100%**	100.00%	Met	Compliant. Continue to report data in a timely and accurate manner.	100.00%	100.00%

FFY 2013 (SFY 2014) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2013 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	8.11*	0.00	0.00	0.00	0.00	Disproportionate representation does not exist. No required action.
		Asian	0.00	0.85	0.00	2.20*	0.00	0.00	
		Black/African American	2.94*	1.27	1.36	0.76	1.08	1.23	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.44	0.90	1.33	1.48	1.27	0.93	
		2 or more races	0.37	0.70	1.05	0.59	0.91	2.90*	
		Hispanic	1.00	0.70	0.31	0.29	0.89	0.68	
		Disproportionate representation is due to inappropriate identification							

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2012 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification N size is < 30* Disproportionate representation exists.	American Indian/Alaska Native	0.00	8.22*	0.00	0.00	0.00	0.00	
		Asian	0.00	0.00	4.51*	2.19*	0.00	0.00	
		Black/African American	2.45*	1.22	0.69	1.03	1.22	0.99	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.53	1.04	0.89	1.12	1.03	1.05	
		2 or more races	0.43	0.85	0.00	0.89	1.14	2.88*	
		Hispanic	1.06	0.85	0.81	0.20	1.01	0.87	
		Disproportionate representation is due to inappropriate identification							

MARYLAND STATE DEPARTMENT OF EDUCATION
PREPARING WORLD CLASS STUDENTS

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

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

March 23, 2015

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) 2013 (2013-2014 school year). Attached please find the *FFY 2013 Determination Overview* that identifies the Part B Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria,* and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 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 2013 data, as well as information obtained through monitoring and complaint investigations, the CCPS has achieved the determination status of **"Meets Requirements."**

In correspondence sent to your attention on March 19, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. Critical to the balanced focus on results and compliance is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. To prepare for using student outcomes on Statewide assessments, graduation, dropout, and post-school outcomes to assign future local determination status, the DSE/EIS examined the process indicators that will directly impact student progress, growth, and achievement. The process indicators used to measure performance included:

- Indicator 5, Provision of services in the Least Restrictive Environment (LRE);
- Indicator 4, Rate of suspensions and expulsions greater than 10 days in a school year; and
- Indicator 8, Parent involvement.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. 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.

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.

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

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.
Russell Gray
Branch Chiefs

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

FFY 2013 Determination Overview
Part C & Part B
July 1, 2013 – June 30, 2014

The Individuals with Disabilities Education Act (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 June 2015.

The 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 Results and Compliance Indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources;
- Any audit findings; 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 1, 2015.

The following Part C indicators are included in assigning determinations:

Results	Compliance
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
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	
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

Process	**Compliance**
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; and 5C LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements. 4A Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days. 8A Preschool Parent Survey; or 8B School Age Parent Survey.	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity 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
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

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.

Framework for Assistance and Intervention

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LSS or LLA. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs. The MSDE will identify:

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

In collaboration with the MSDE, LSSs/LLAs will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. The MSDE is available to consult with LSSs/LLAs by telephone, fax, email, mail, or in-person. To

enable a LSS to improve performance and meet compliance available assistance may include, but is not limited to the MSDE assisting a LSS/LLA to:

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

Needs Intervention

The determination category of "Needs Intervention" indicates a need for assistance in either performance and/or compliance areas within the LSS/LLA General Supervision process. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "*Developing and Implementing an Effective System of General Supervision: Part B*," MSDE will direct the LSS/LLA to examine, clarify, and develop an effective system of general supervision to address results and compliance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with the LSS/LLA, the MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of "Needs Assistance." Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;

- Integrated Monitoring Activities;
- Fiscal Management;
- Data Processes and Results;
- Improvement, Correction, Incentives, and Sanctions;
- Effective Dispute Resolution; and
- Directed Targeted Assistance and Professional Development.

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

Needs Substantial Intervention

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

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

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

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Meets Requirements

Results Process Indicators LSS met or exceeded State targets established for Indicator 4A (Single or Multiple), Indicator 5 (5A, 5B and 5C) and Indicator 8A or 8B.	**AND**	Compliance Indicators LSS demonstrated full or substantial compliance for at least five (5) of the six (6) compliance indicators (4B, 9, 10, 11, 12, 13)
Correction of Noncompliance LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification.	**AND**	Timely and Accurate Data LSS demonstrated full or substantial compliance for submission of accurate and timely data.

Needs Assistance

Results Process Indicators The LSS met or exceeded State targets established for four (4) of the following seven (7) results indicators (4A Single or 4A Multiple, 5A, 5B, and 5C, 8A, or 8B)	**AND**	Compliance Indicators The LSS demonstrated full or substantial compliance for at least four (4) of six (6) compliance indicators (4B, 9, 10, 11, 12, 13).
Correction of Noncompliance The LSS corrected all but one instance of noncompliance within one year of identification.	**AND**	Timely and Accurate Data The LSS data are timely but not accurate, or accurate but not timely.

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Needs Intervention

Results Process Indicators		Compliance Indicators
LSS met or exceeded State targets in at ≤ none of the following seven (7) results indicator (4A (Single or Multiple), 5A, 5B, and 5C, 8A, or 8B).	**AND**	LSS demonstrated full compliance or substantial compliance for at least three (3) of six (6) compliance indicators (4, 9, 10, 11, 12, 13).
Correction of Noncompliance		**Timely and Accurate Data**
The LSS did not correct all previously identified findings of noncompliance within two years of identification.	**AND**	The LSS Data are not timely or accurate.

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.

Division of Special Education/Early Intervention Services
Part B Graduated Results-Driven Accountability Plan

FFY <SFY> (Determination Year)	School Age LRE (5)	Significant Discrepancy in Suspension/Expulsion > 10 days (4A)	Parent Involvement (8)	Graduation (1)	Dropout (2)	Post School Outcomes (14)	Preschool LRE (6)	Preschool Outcomes (7)	Assessment (3)
2013 <2013-2014> (2015)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age						
2014 <2014-2015> (2016)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout				
2015 <2015-2016> (2017)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C			
2016 <2016-2017> (2018)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B		
2017 <2017-2018> (2019)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math
2018 <2018-2019> (2020)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math

DSE/EIS Strategic Plan *Moving Maryland Forward* Action Imperatives

- **Early Childhood**
- **Professional Learning**
- **Access, Equity, and Progress**
- **Secondary Transition**

Carroll County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2013 – June 30, 2014

FFY 2013 (SFY 2014) Part B Indicators										
SPP/APR Indicators Results Indicator Compliance Indicator				FFY 2013			Action Required	Previous Results	
				State Target	Local Results	Target Met		FFY 2012	FFY 2011
1	Students with IEPs graduating with a regular diploma - 4 year cohort (ESEA lag data based on SY 12-13)			≥ 59.19%	73.12%	Met	Data meet s the State target. Continue to implement *Master Plan* Improvement Strategies.	77.25%	76.56%
2	Students with IEPs dropping out (Option 2 lever rate data based on SY 12-13)			≤4.95%	≤3.00%	Met	Data meet s the State target. Continue to implement *Master Plan* Improvement Strategies.	≤3.00%	≤3.00%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading			Not Met	Not Met	Data does not meet s the State target for reading or mathematics. Continue to implement *Master Plan* Improvement Strategies.	Not Met	Met
		AMO for Math			Not Met	Not Met		Not Met	Met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	Met	Met	Data meets the State target. No action required.	Met	≥ 95%
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	67.40	47.86%	Not Met	Data meets the State target for fifth grade Reading. Data does not meet the State targets for all other grades levels in Reading or Math. Continue to implement *Master Plan* Improvement Strategies.	61.97%	71.61%
			Reading	72.80	55.98%	Not Met		67.95%	73.84%
		4	Mathematics	67.40	63.27%	Not Met		75.51%	70.71%
			Reading	72.80	70.65%	Not Met		72.43%	74.06%
		5	Mathematics	67.40	47.18%	Not Met		60.00%	64.96%
			Reading	72.80	75.10%	Met		71.06%	83.94%
		6	Mathematics	67.40	38.50%	Not Met		59.22%	66.26%
			Reading	72.80	59.29%	Not Met		62.85%	65.71%
		7	Mathematics	67.40	27.04%	Not Met		46.72%	57.02%
			Reading	72.80	57.94%	Not Met		61.84%	68.56%
		8	Mathematics	67.40	26.29%	Not Met		39.30%	40.25%
			Reading	72.80	44.19%	Not Met		60.50%	62.87%
		HS	Mathematics	67.40	65.38%	Not Met		70.35%	59.59%
			Reading	72.80	56.79%	Not Met		63.53%	60.31%

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013 State Target	FFY 2013 Local Results	FFY 2013 Target Met	Action Required	Previous Results FFY 2012	Previous Results FFY 2011
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	5.29*	Met	Data meet s the State target. No action required.	4.39*	1.77
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	3.62*	Met	Data meet s the State target. No action required.	3.30*	1.24
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥68.40%	81.23%	Met	Data meet s the State target. No action required.	78.71%	76.14%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤13.26%	6.39%	Met	Data meet s the State target. No action required.	5.90%	7.07%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤6.69%	3.54%	Met	Data meet s the State target. No action required.	3.51%	3.53%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		≥64.1%	51.93%	Not Met	Data meet s the State target. No action required.	54.50%	43.29%
6B	Aged 3-5 LRE: Separate School or Class		≤18.90%	23.20%	Not Met	Data does not meet the State target. Improvement plan required.	21.80%	21.64%
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.30%	75.00%	Met	Data meet s the State target for 7A1 and 7A2. No action required.	61.2%	No data submitted
		2. Exits within age expectations	66.40%	90.00%	Met		75.3%	No data submitted
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	66.00%	50.00	Not Met	Data does not meet the State target for 7B1. Improvement plan required. Data meet s the State target for 7B2. No action required.	71.2%	No data submitted
		2. Exits within age expectations	55.70%	70.00%	Met		66.3%	No data submitted
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	61.50%	100.00%	Met	Data meet s the State target for 3-5 and 6-21.No action required.	57.7%	No data submitted
		2. Exits within age expectations	64.10%	100.00%	Met		73.0%	No data submitted
8A	Parent Survey	Age 3-5	47%	48.00%	Met	Data meet s the State target for 3-5 and 6-21.. No action required	57.0%	47%
		Age 6-21	39%	46.00%	Met		45.0%	41%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:	A. Higher ed w/in 1 year of leaving HS	35%	27.98%	Not Met	Data does not meet the State target. Improvement plan required.		
		B. Higher ed or employed w/in 1 year of leaving HS	68%	35.75%	Not Met	Data does not meet the State target. Improvement plan required.		
		C. Higher ed or training program or employed w/in 1 year of leaving HS	82%			Disaggregated LSS data not available at this time.		

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2012	FFY 2011
4B	**Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity** **Discrepancy exists in the category** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	0.00	Met	No significant discrepancy. No required action.	0.00	0.0.0
		Asian	**< 2.0**	0.00	Met		0.00	0.00
		Black or African American	**< 2.0**	17.01*	Met		6.21*	2.08**
		Native Haw/Pacific Islander	**< 2.0**	0.00	Met		0.00	0.00
		White	**< 2.0**	3.28*	Met		3.77*	1.50
		2 or more races	**< 2.0**	5.88*	Met		0.00	0.00
		Hispanic	**< 2.0**	3.64*	Met		0.00	0.00
		Policies/procedures/ Practices contribute to the discrepancy	**No (0%)**	No			No	NA
9	**Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification** **Disproportionate representation exits in the category.** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	1.83	Met	Significant disproportionality does not exist. No required action.	1.82	1.40
		Asian	**< 2.0**	0.58	Met		0.48	0.52
		Black, African American	**< 2.0**	1.66	Met		1.67	1.78
		Native Haw/Pacific Islander	**< 2.0**	0.39	Met		0.32	0.00
		White	**< 2.0**	0.70	Met		0.70	0.88
		2 or more races	**< 2.0**	0.97	Met		1.08	1.00
		Hispanic	**< 2.0**	0.82	Met		0.84	0.83
		Disproportionate representation is due to inappropriate identification	**No (0%)**	No			**No (0%)**	No (0%)

FFY 2013 (SFY 2014) Part B Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2013			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2012	FFY 2011
11	**Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days**	**100%**	99.08%	Not Met	Substantially compliant. Data verified. No required action.	100%	98.90%
12	**Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday**	**100%**	100%	Met	Compliant. No action required.	100%	100%
13	**Percentage of youth age 16 and above whose IEP meets secondary transition requirements**	**100%**	99.7%	Not Met	Substantially compliant. Data verified. No required action.	100%	100%
	Timely correction of noncompliance (Previously Indicator 15)	**100%**	100%	Met	Compliant. No action required.	100%	100%
	State reported data are timely and accurate (Previously Indicator 20)	**100%**	100%	Met	Compliant. No action required.	100%	100%

FFY 2013 (SFY 2014) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2013 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	2.05*	0.00	1.10	4.13*	1.73*	Disproportionate representation does not exist. No action required.
		Asian	0.87	0.38	0.00	0.63	0.79	0.49	
		Black/African American	2.31*	1.89	2.34*	1.69	0.95	1.50	
		Native Hawaiian/ Pacific Islander	4.20*	0.00	0.00	0.00	2.88*	0.00	
		White	0.52	0.66	0.59	0.67	1.17	0.73	
		2 or more races	0.85	0.69	1.20	1.11	1.40	1.08	
		Hispanic	0.58	0.84	0.72	0.83	0.60	0.98	
		Disproportionate representation is due to inappropriate identification							

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2012 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification N size is < 30* Disproportionate representation exists.	American Indian/Alaska Native	0.00	1.83	1.98	0.53	1.97	2.39*	
		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 is due to inappropriate identification							

MARYLAND STATE DEPARTMENT OF EDUCATION
PREPARING WORLD CLASS STUDENTS

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

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

March 23, 2015

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) 2013 (2013-2014 school year). Attached please find the *FFY 2013 Determination Overview* that identifies the Part B Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria,* and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 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 2013 data, as well as information obtained through monitoring and complaint investigations, the CCPS has achieved the determination status of **"Meets Requirements."**

In correspondence sent to your attention on March 19, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. Critical to the balanced focus on results and compliance is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. To prepare for using student outcomes on Statewide assessments, graduation, dropout, and post-school outcomes to assign future local determination status, the DSE/EIS examined the process indicators that will directly impact student progress, growth, and achievement. The process indicators used to measure performance included:

- Indicator 5, Provision of services in the Least Restrictive Environment (LRE);
- Indicator 4, Rate of suspensions and expulsions greater than 10 days in a school year; and
- Indicator 8, Parent involvement.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. 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.

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.

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

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.
Sarah J. Farr
Branch Chiefs

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

FFY 2013 Determination Overview
Part C & Part B
July 1, 2013 – June 30, 2014

The Individuals with Disabilities Education Act (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 June 2015.

The 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 Results and Compliance Indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources;
- Any audit findings; 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 1, 2015.

The following Part C indicators are included in assigning determinations:

Results	Compliance
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
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	
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

Process	**Compliance**
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; and 5C LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements. 4A Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days. 8A Preschool Parent Survey; or 8B School Age Parent Survey.	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity 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
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

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.

Framework for Assistance and Intervention

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LSS or LLA. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs. The MSDE will identify:

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

In collaboration with the MSDE, LSSs/LLAs will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. The MSDE is available to consult with LSSs/LLAs by telephone, fax, email, mail, or in-person. To

enable a LSS to improve performance and meet compliance available assistance may include, but is not limited to the MSDE assisting a LSS/LLA to:

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

Needs Intervention

The determination category of "Needs Intervention" indicates a need for assistance in either performance and/or compliance areas within the LSS/LLA General Supervision process. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "*Developing and Implementing an Effective System of General Supervision: Part B*," MSDE will direct the LSS/LLA to examine, clarify, and develop an effective system of general supervision to address results and compliance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with the LSS/LLA, the MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of "Needs Assistance." Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;

- Integrated Monitoring Activities;
- Fiscal Management;
- Data Processes and Results;
- Improvement, Correction, Incentives, and Sanctions;
- Effective Dispute Resolution; and
- Directed Targeted Assistance and Professional Development.

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

Needs Substantial Intervention

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

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

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

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Meets Requirements

Results Process Indicators LSS met or exceeded State targets established for Indicator 4A (Single or Multiple), Indicator 5 (5A, 5B and 5C) and Indicator 8A or 8B.	**AND**	Compliance Indicators LSS demonstrated full or substantial compliance for at least five (5) of the six (6) compliance indicators (4B, 9, 10, 11, 12, 13)
Correction of Noncompliance LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification.	**AND**	Timely and Accurate Data LSS demonstrated full or substantial compliance for submission of accurate and timely data.

Needs Assistance

Results Process Indicators The LSS met or exceeded State targets established for four (4) of the following seven (7) results indicators (4A Single or 4A Multiple, 5A, 5B, and 5C, 8A, or 8B)	**AND**	Compliance Indicators The LSS demonstrated full or substantial compliance for at least four (4) of six (6) compliance indicators (4B, 9, 10, 11, 12, 13).
Correction of Noncompliance The LSS corrected all but one instance of noncompliance within one year of identification.	**AND**	Timely and Accurate Data The LSS data are timely but not accurate, or accurate but not timely.

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Needs Intervention

Results Process Indicators		Compliance Indicators
LSS met or exceeded State targets in at ≤ none of the following seven (7) results indicator (4A (Single or Multiple), 5A, 5B, and 5C, 8A, or 8B).	**AND**	LSS demonstrated full compliance or substantial compliance for at least three (3) of six (6) compliance indicators (4, 9, 10, 11, 12, 13).
Correction of Noncompliance		**Timely and Accurate Data**
The LSS did not correct all previously identified findings of noncompliance within two years of identification.	**AND**	The LSS Data are not timely or accurate.

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.

Division of Special Education/Early Intervention Services
Part B Graduated Results-Driven Accountability Plan

FFY <SFY> (Determination Year)	School Age LRE (5)	Significant Discrepancy in Suspension/Expulsion > 10 days (4A)	Parent Involvement (8)	Graduation (1)	Dropout (2)	Post School Outcomes (14)	Preschool LRE (6)	Preschool Outcomes (7)	Assessment (3)
2013 <2013-2014> (2015)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age						
2014 <2014-2015> (2016)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout				
2015 <2015-2016> (2017)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C			
2016 <2016-2017> (2018)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B		
2017 <2017-2018> (2019)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math
2018 <2018-2019> (2020)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math

DSE/EIS Strategic Plan *Moving Maryland Forward* Action Imperatives

- **Early Childhood**
- **Professional Learning**
- **Access, Equity, and Progress**
- **Secondary Transition**

Cecil County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2013 – June 30, 2014

FFY 2013 (SFY 2014) Part B Indicators									
SPP/APR Indicators Results Indicator Compliance Indicator				FFY 2013			Action Required	Previous Results	
				State Target	Local Results	Target Met		FFY 2012	FFY 2011
1	**Students with IEPs graduating with a regular diploma - 4 year cohort (ESEA lag data based on SY 12-13)**			≥59.19%	51.26%	Not Met	Data does not meet the State's target. Continue to implement Master Plan Improvement Strategies.	54.46%	45.11%
								58.04%	50.75%
2	**Students with IEPs dropping out (Option 2 leaver rate based on SY 12-13)**			≤4.95%	7.0%	Not met	Data does not meet the State's target. Continue to implement Master Plan Improvement Strategies.	7.00%	6.89%
3A	**State Assessment: AMO for disability subgroup in the LEA**	**AMO for Reading**			Not Met	Not Met	Data does not meet the State's target. Continue to implement Master Plan Improvement Strategies.	Not Met	Not Met
		AMO for Math			Not Met	Not Met		Not Met	Met
3B	**State Assessment: Participation rates of IEP students in all grades in the LEA**			≥ 95%	Met	Met	Data meets the State's target. No required action.	Met	> 95%
3C	**State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards**	3	Mathematics	67.40%	33.33%	Not Met	Data does not meet the State's target. Continue to implement Master Plan Improvement Strategies.	39.33%	61.90%
			Reading	72.80	35.71%	Not Met		53.37%	79.59%
		4	Mathematics	67.40%	41.48%	Not Met		50.87%	63.95%
			Reading	72.80%	54.35%	Not Met		66.86%	75.58%
		5	Mathematics	67.40%	26.86%	Not Met		34.41%	55.36%
			Reading	72.80%	54.29%	Not Met		51.08%	74.40%
		6	Mathematics	67.40%	18.45%	Not Met		21.12%	47.10%
			Reading	72.80%	37.71%	Not Met		51.88%	51.92%
		7	Mathematics	67.40%	19.57%	Not Met		23.38%	45.03%
			Reading	72.80%	33.88%	Not Met		40.13%	39.86%
		8	Mathematics	67.40%	15.92%	Not Met		18.42%	32.00%
			Reading	72.80%	24.84%	Not Met		35.10%	38.67%
		HS	Mathematics	67.40%	45.45%	Not Met		58.25%	56.86%
			Reading	72.80%	39.22%	Not Met		42.71%	47.00%

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator ■ Compliance Indicator			FFY 2013			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2012	FFY 2011
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.40	Met	Data meets the State's target. No required action.	0.95	0.28
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.00	Met	Data meets the State's target. No required action.	1.14	1.49
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥68.40%	89.02%	Met	Data meets the State's target. No required action.	87.84%	88.72%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤13.26%	3.33%	Met	Data meets the State's target. No required action.	3.56%	3.20%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤6.69%	3.43%	Met	Data meets the State's target. No required action.	3.89%	4.42%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		≥64.10%	80.06%	Met	Data meets the State's target. No required action.	88.07%	89.45%
6B	Aged 3-5 LRE: Separate School or Class		≤18.90	0.32%	Met	Data meets the State target. No required action.	1.75%	0.39%
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.30%	48.84%	Not Met	Data does not meet the State target in categories 7A1 and 7A2. Improvement plan required.	62.30%	74.60%
		2. Exits within age expectations	66.40%	56.39%	Not Met		62.30%	69.52%
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	66.00%	38.10%	Not Met	Data does not meet the State target in category 7B1 and 7B2. Improvement plan required.	49.40%	65.79%
		2. Exits within age expectations	55.70%	36.09%	Not Met		44.30%	55.24%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	61.50%	40.00%	Not Met	Data does not meet the State target in category 7C1 and 7C2. Improvement plan required.	42.90%	55.74%
		2. Exits within age expectations	67.30%	49.62%	Not Met		54.70%	60.00%
8	Parent Survey	Age 3-5	47%	50.00%	Met	Data meets the State target in 3-5 and 6-21. No required action	50.00%	67.00%
		Age 6-21	39%	41.00%	Met		42.00%	42.00%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:	A. Higher ed w/in 1 year of leaving HS	35.0%	17.42%	Not Met	Data does not meet the State target. Improvement plan required.		
		B. Higher ed or employed w/in 1 year of leaving HS	68.0%	58.33%	Not Met	Data does not meet the State target. Improvement plan required.		
		C. Higher ed or training program or employed w/in 1 year of leaving HS	82.0%			Disaggregated LSS data not available at this time.		

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2012	FFY 2011
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 Indi/Alaska Native*	**<2.0**	0.00	Met	No significant disproportionate representation. No required action.	0.00	4.25*
		Asian	**< 2.0**	0.00	Met		0.00	0.00
		Black or African American	**< 2.0**	0.00	Met		3.66	3.46
		Native Haw/Pacific Islander	**< 2.0**	0.00	Met		0.00	0.00
		White	**< 2.0**	0.20	Met		1.14	1.04
		2 or more races	**< 2.0**	0.00	Met		0.83	0.93
		Hispanic	**< 2.0**	4.13*	Met		0.99	2.12**
		Policies/procedures/ Practices contribute to the discrepancy	**No**	No				No
9	**Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification** **Disproportionate representation exits in the category.** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	1.51	Met	No significant disproportionate representation. No required action.	1.04	1.01
		Asian	**< 2.0**	0.34	Met		0.39	0.38
		Black, African American	**< 2.0**	1.10	Met		1.27	1.25
		Native Haw/Pacific Islander	**< 2.0**	0.42	Met		0.80	0.80
		White	**< 2.0**	1.04	Met		0.96	1.00
		2 or more races	**< 2.0**	1.00	Met		0.94	0.90
		Hispanic	**< 2.0**	1.02	Met		0.87	0.83
		Disproportionate representation is due to inappropriate identification	**No (0%)**	No			**No (0%)**	No (0%)

FFY 2013 (SFY 2014) Part B Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2013			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2012	FFY 2011
11	**Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days**	**100%**	99.41%	Not Met	Substantially compliant. Data verified. No required action.	98.41%	98.20%
12	**Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday**	**100%**	99.45%	Not Met	Substantially compliant. Data verified. No required action.	100%	100%
13	**Percentage of youth age 16 and above whose IEP meets secondary transition requirements**	**100%**	100%	Met	Compliant. Data verified. No required action.	100%	100%
	Timely correction of noncompliance (Previously Indicator 15)	**100%**	100%	Met	Compliant. Continue to correct noncompliance within one year.	100%	100%
	State reported data are timely and accurate (Previously Indicator 20)	**100%**	100%	Met	Compliant. Continue to correct noncompliance within one year.	100%	100%

FFY 2013 (SFY 2014) Part B Indicators										
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2013 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	0.46	10.91*	1.16	0.00	3.78*	No significant disproportionate representation exists. No required action.
		Asian	0.00	0.14	0.00	1.11	0.96	0.38	
		Black/African American	1.98	1.15	2.57*	0.69	1.02	0.83	
		Native Hawaiian/ Pacific Islander	0.00	0.03	0.00	0.00	0.00	1.00	
		White	0.74	1.02	0.53	1.15	1.15	1.33	
		2 or more races	0.00	0.84	1.70	0.74	0.70	1.65	
		Hispanic	1.05	0.84	0.34	1.40	0.77	0.76	
		Disproportionate representation is due to inappropriate identification							

FFY 2012 (SFY 2013) Part B Indicators										
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2012 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification N size is < 30* Disproportionate representation exists.	American Indian/Alaska Native	0.00	0.98	1.64	1.10	0.46	1.66	No significant disproportionate representation exists. No required action.
		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 is due to inappropriate identification							

MARYLAND STATE DEPARTMENT OF EDUCATION
PREPARING WORLD CLASS STUDENTS

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

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

March 23, 2015

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) 2013 (2013-2014 school year). Attached please find the *FFY 2013 Determination Overview* that identifies the Part B Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria,* and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 Annual Data Table on SPP/APR Part B Indicators* provides a three-year data analysis and required actions for the Charles County Public School (CCPS). Based on the FFY 2013 data, as well as information obtained through monitoring and complaint investigations, the CCPS has achieved the determination status of **"Meets Requirements."**

In correspondence sent to your attention on March 19, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. Critical to the balanced focus on results and compliance is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. To prepare for using student outcomes on Statewide assessments, graduation, dropout, and post-school outcomes to assign future local determination status, the DSE/EIS examined the process indicators that will directly impact student progress, growth, and achievement. The process indicators used to measure performance included:

- Indicator 5, Provision of services in the Least Restrictive Environment (LRE);
- Indicator 4, Rate of suspensions and expulsions greater than 10 days in a school year; and
- Indicator 8, Parent involvement.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. 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.

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.

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

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.
Arden Sotomayor
Branch Chiefs

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

FFY 2013 Determination Overview
Part C & Part B
July 1, 2013 – June 30, 2014

The Individuals with Disabilities Education Act (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 June 2015.

The 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 Results and Compliance Indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources;
- Any audit findings; 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 1, 2015.

The following Part C indicators are included in assigning determinations:

Results	Compliance
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
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	
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

Process	**Compliance**
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; and 5C LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements. 4A Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days. 8A Preschool Parent Survey; or 8B School Age Parent Survey.	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity 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
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

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.

Framework for Assistance and Intervention

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LSS or LLA. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs. The MSDE will identify:

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

In collaboration with the MSDE, LSSs/LLAs will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. The MSDE is available to consult with LSSs/LLAs by telephone, fax, email, mail, or in-person. To

enable a LSS to improve performance and meet compliance available assistance may include, but is not limited to the MSDE assisting a LSS/LLA to:

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

Needs Intervention

The determination category of "Needs Intervention" indicates a need for assistance in either performance and/or compliance areas within the LSS/LLA General Supervision process. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "*Developing and Implementing an Effective System of General Supervision: Part B*," MSDE will direct the LSS/LLA to examine, clarify, and develop an effective system of general supervision to address results and compliance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with the LSS/LLA, the MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of "Needs Assistance." Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;

- Integrated Monitoring Activities;
- Fiscal Management;
- Data Processes and Results;
- Improvement, Correction, Incentives, and Sanctions;
- Effective Dispute Resolution; and
- Directed Targeted Assistance and Professional Development.

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

Needs Substantial Intervention

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

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

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

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Meets Requirements

Results Process Indicators LSS met or exceeded State targets established for Indicator 4A (Single or Multiple), Indicator 5 (5A, 5B and 5C) and Indicator 8A or 8B.	**AND**	Compliance Indicators LSS demonstrated full or substantial compliance for at least five (5) of the six (6) compliance indicators (4B, 9, 10, 11, 12, 13)
Correction of Noncompliance LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification.	**AND**	Timely and Accurate Data LSS demonstrated full or substantial compliance for submission of accurate and timely data.

Needs Assistance

Results Process Indicators The LSS met or exceeded State targets established for four (4) of the following seven (7) results indicators (4A Single or 4A Multiple, 5A, 5B, and 5C, 8A, or 8B)	**AND**	Compliance Indicators The LSS demonstrated full or substantial compliance for at least four (4) of six (6) compliance indicators (4B, 9, 10, 11, 12, 13).
Correction of Noncompliance The LSS corrected all but one instance of noncompliance within one year of identification.	**AND**	Timely and Accurate Data The LSS data are timely but not accurate, or accurate but not timely.

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Needs Intervention

Results Process Indicators LSS met or exceeded State targets in at ≤ none of the following seven (7) results indicator (4A (Single or Multiple), 5A, 5B, and 5C, 8A, or 8B).	**AND**	Compliance Indicators LSS demonstrated full compliance or substantial compliance for at least three (3) of six (6) compliance indicators (4, 9, 10, 11, 12, 13).
Correction of Noncompliance The LSS did not correct all previously identified findings of noncompliance within two years of identification.	**AND**	Timely and Accurate Data The LSS Data are not timely or accurate.

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.

Division of Special Education/Early Intervention Services
Part B Graduated Results-Driven Accountability Plan

FFY <SFY> (Determination Year)	School Age LRE (5)	Significant Discrepancy in Suspension/Expulsion > 10 days (4A)	Parent Involvement (8)	Graduation (1)	Dropout (2)	Post School Outcomes (14)	Preschool LRE (6)	Preschool Outcomes (7)	Assessment (3)
2013 <2013-2014> (2015)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age						
2014 <2014-2015> (2016)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout				
2015 <2015-2016> (2017)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C			
2016 <2016-2017> (2018)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B		
2017 <2017-2018> (2019)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math
2018 <2018-2019> (2020)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math

DSE/EIS Strategic Plan *Moving Maryland Forward* Action Imperatives

- **Early Childhood**
- **Professional Learning**
- **Access, Equity, and Progress**
- **Secondary Transition**

Charles County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2013 – June 30, 2014

FY 2013 (SFY 2014) Part B Indicators										
SPP/APR Indicators Results Indicator Compliance Indicator				FFY 2013 State Target	FFY 2013 Local Results	FFY 2013 Target Met	Action Required	Previous Results FFY 2012	Previous Results FFY 2011
1	Students with IEPs graduating with a regular diploma-4 year cohort (ESEA lag data based on SY 12-13)			≥59.19%	64.00%	Met	Data meets the State target. No required action.	66.20%	64.19%
								76.19%	71.79%
2	Students with IEPs dropping out (Option 2 leaver rate data based on SY 12-13)			≤4.95%	≤3.0%	Met	Data meets the State target. Continue to implement Master Plan Improvement Strategies.	≤3.00%	3.41%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading			Not Met	Not Met	Data does not meet the State target Continue to implement *Master Plan* Improvement Strategies.	Not Met	Met
		AMO for math			Not Met	Not Met		Not Met	Met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	Yes	Met	Data meets the State target. No required action.	Met	≥95%
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	67.40%	39.38%	Not Met	Data does not meet the State target. Continue to implement *Master Plan* Improvement Strategies.	41.72%	53.61%
			Reading	72.80%	40.34%	Not Met		47.33%	65.27%
		4	Mathematics	67.40%	39.13%	Not Met		54.82%	60.20%
			Reading	72.80%	54.96%	Not Met		61.68%	61.50%
		5	Mathematics	67.40%	28.42%	Not Met		41.83%	59.55%
			Reading	72.80%	54.74%	Not Met		54.11%	70.39%
		6	Mathematics	67.40%	32.02%	Not Met		41.62%	56.40%
			Reading	72.80%	40.09%	Not Met		37.57%	61.63%
		7	Mathematics	67.40%	23.70%	Not Met		39.23%	52.30%
			Reading	72.80%	27.12%	Not Met		40.88%	59.20%
		8	Mathematics	67.40%	20.57%	Not Met		29.31%	40.96%
			Reading	72.80%	39.43%	Not Met		36.00%	51.34%
		HS	Mathematics	67.40%	51.03%	Not Met		53.90%	57.79%
			Reading	72.80%	54.79%	Not Met		54.49%	71.81%

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2012	FFY 2011
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.39	Met	Data meets the State target. No required action.	0.57	0.30
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.00	Met	Data meets the State target. No required action.	0.00	0.41
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥68.40%	69.21%	Met	Data meets the State target. No required action.	68.12%	68.53%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤13.26%	14.66%	Not Met	Data does not meet the State target. Improvement plan required.	13.90%	14.67%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤6.69%	2.40%	Met	Data meets the State target. No required action.	2.59%	2.50%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		≥64.10%	78.30%	Met	Data meets the State target. No required action.	81.33%	83.01%
6B	Aged 3-5 LRE: Separate School or Class		≤18.90%	8.50%	Met	Data meets the State target. No required action.	10.76%	8.17%
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.30%	51.43%	Not Met	Data does not meet the State target. Improvement plan required.	80.00%	59.26%
		2. Exits within age expectations	66.40%	50.00%	Not Met		91.76%	48.65%
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	66.00%	46.34%	Not Met	Data does not meet the State target. Improvement plan required.	70.00%	65.60%
		2. Exits within age expectations	55.70%	38.00%	Not Met		75.00%	53.60%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	61.50%	38.00%	Not Met	Data does not meet the State target. Improvement plan required.	100.00%	75.00%
		2. Exits within age expectations	64.10%	48.00%	Not Met		100.00%	56.10%
8A	Parent Survey	Age 3-5	47.00%	53.00%	Met	Data meets the State target in 3-5. No required action. Data does not meet the State target in 6-21. Improvement plan required.	37.00%	36.00%
		Age 6-21	39.00%	38.00%	Not Met		42.00%	42.00%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:	A. Higher ed w/in 1 year of leaving HS	35.00%	18.23%	Not Met	Data does not meet the State target. Improvement Plan required.		
		B. Higher ed or employed w/in 1 year of leaving HS	68.00%	49.17%	Not Met	Data does not meet the State target. Improvement Plan required.		
		C. Higher ed or training program or employed w/in 1 year of leaving HS	82.00%			Disaggregated LSS data not available at this time.		

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2012	FFY 2011
4B	**Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity** **Discrepancy exists in the category** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	0.00	Met	No significant discrepancy. No required action.	0.00	0.00
		Asian	**< 2.0**	0.00	Met		0.00	1.98
		Black or African American	**< 2.0**	0.28	Met		0.82	0.33
		Native Haw/Pacific Islander	**< 2.0**	0.00	Met		0.00	0.00
		White	**< 2.0**	0.00	Met		0.00	0.22
		2 or more races	**< 2.0**	0.00	Met		0.00	0.00
		Hispanic	**< 2.0**	3.50*	Met		0.00	0.85
		Policies/procedures/ Practices contribute to the discrepancy	**No**	No			No	No
9	**Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification** **Disproportionate representation exits in the category.** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	1.00	Met	No significant disproportionate representation. No required action.	1.10	0.66
		Asian	**< 2.0**	0.46	Met		0.51	0.59
		Black, African American	**< 2.0**	1.29	Met		1.28	1.25
		Native Haw/Pacific Islander	**< 2.0**	0.38	Met		0.50	0.00
		White	**< 2.0**	1.03	Met		0.98	1.02
		2 or more races	**< 2.0**	0.82	Met		0.92	0.83
		Hispanic	**< 2.0**	0.72	Met		0.76	0.68
		Disproportionate representation is due to inappropriate identification	**No (0%)**	No (0%)			**No (0%)**	No (0%)

FFY 2013 (SFY 2014) Part B Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2013			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2012	FFY 2011
11	**Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days**	**100%**	99.77%	Not Met	Substantially compliant. Data verified. No required action.	100.00%	100.00%
12	**Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday**	**100%**	100.00%	Met	Compliant. Data verified. No required action.	100.00%	100.00%
13	**Percentage of youth age 16 and above whose IEP meets secondary transition requirements**	**100%**	100.00%	Met	Verification activities indicate need for follow-up with student specific data	100.00%	100.00%
	Timely correction of noncompliance (Previously Indicator 15)	**100%**	100.00%	Met	Compliant. Continue to correct noncompliance within one year.	100.00%	100.00%
	State reported data are timely and accurate (Previously Indicator 20)	**100%**	100.00%	Met	Compliant. Continue to report data in a timely and accurate manner.	100.00%	100.00%

FFY 2013 (SFY 2014) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2013 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	1.81	1.09	0.00	0.00	1.24	Disproportionate representation does not exist. No required action.
		Asian	0.96	0.17	0.00	0.77	1.06	0.27	
		Black/African American	1.56	1.90	1.16	1.04	0.84	1.38	
		Native Hawaiian/ Pacific Islander	0.0	0.00	0.00	1.64	0.00	0.00	
		White	1.07	0.70	1.58	1.12	1.15	1.08	
		2 or more races	0.37	0.76	0.66	0.85	0.54	1.25	
		Hispanic	0.23	0.84	0.36	0.82	1.16	0.46	
		Disproportionate representation is due to inappropriate identification							

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2012 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification N size is < 30* Disproportionate representation exists.	American Indian/Alaska Native	0.00	1.64	0.00	0.34	1.91	1.66	
		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 is due to inappropriate identification							

MARYLAND STATE DEPARTMENT OF EDUCATION
PREPARING WORLD CLASS STUDENTS

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

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

March 23, 2015

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) 2013 (2013-2014 school year). Attached please find the *FFY 2013 Determination Overview* that identifies the Part B Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria,* and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 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 2013 data, as well as information obtained through monitoring and complaint investigations, the DCBOE has achieved the determination status of **"Meets Requirements."**

In correspondence sent to your attention on March 19, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. Critical to the balanced focus on results and compliance is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. To prepare for using student outcomes on Statewide assessments, graduation, dropout, and post-school outcomes to assign future local determination status, the DSE/EIS examined the process indicators that will directly impact student progress, growth, and achievement. The process indicators used to measure performance included:

- Indicator 5, Provision of services in the Least Restrictive Environment (LRE);
- Indicator 4, Rate of suspensions and expulsions greater than 10 days in a school year; and
- Indicator 8, Parent involvement.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. 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.

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.

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

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.
Angela McPeake Gebert
Branch Chiefs

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

FFY 2013 Determination Overview
Part C & Part B
July 1, 2013 – June 30, 2014

The Individuals with Disabilities Education Act (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 June 2015.

The 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 Results and Compliance Indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources;
- Any audit findings; 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 1, 2015.

The following Part C indicators are included in assigning determinations:

Results	Compliance
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
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	
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

Process	**Compliance**
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; and 5C LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements. 4A Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days. 8A Preschool Parent Survey; or 8B School Age Parent Survey.	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity 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
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

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.

Framework for Assistance and Intervention

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LSS or LLA. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs. The MSDE will identify:

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

In collaboration with the MSDE, LSSs/LLAs will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. The MSDE is available to consult with LSSs/LLAs by telephone, fax, email, mail, or in-person. To

enable a LSS to improve performance and meet compliance available assistance may include, but is not limited to the MSDE assisting a LSS/LLA to:

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

Needs Intervention

The determination category of "Needs Intervention" indicates a need for assistance in either performance and/or compliance areas within the LSS/LLA General Supervision process. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "*Developing and Implementing an Effective System of General Supervision: Part B*," MSDE will direct the LSS/LLA to examine, clarify, and develop an effective system of general supervision to address results and compliance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with the LSS/LLA, the MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of "Needs Assistance." Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;

- Integrated Monitoring Activities;
- Fiscal Management;
- Data Processes and Results;
- Improvement, Correction, Incentives, and Sanctions;
- Effective Dispute Resolution; and
- Directed Targeted Assistance and Professional Development.

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

Needs Substantial Intervention

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

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

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

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Meets Requirements

Results Process Indicators

LSS met or exceeded State targets established for Indicator 4A (Single or Multiple), Indicator 5 (5A, 5B and 5C) and Indicator 8A or 8B.

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least five (5) of the six (6) compliance indicators (4B, 9, 10, 11, 12, 13)

Correction of Noncompliance

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

AND

Timely and Accurate Data

LSS demonstrated full or substantial compliance for submission of accurate and timely data.

Needs Assistance

Results Process Indicators

The LSS met or exceeded State targets established for four (4) of the following seven (7) results indicators (4A Single or 4A Multiple, 5A, 5B, and 5C, 8A, or 8B)

AND

Compliance Indicators

The LSS demonstrated full or substantial compliance for at least four (4) of six (6) compliance indicators (4B, 9, 10, 11, 12, 13).

Correction of Noncompliance

The LSS corrected all but one instance of noncompliance within one year of identification.

AND

Timely and Accurate Data

The LSS data are timely but not accurate, or accurate but not timely.

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Needs Intervention

Results Process Indicators		Compliance Indicators
LSS met or exceeded State targets in at ≤ none of the following seven (7) results indicator (4A (Single or Multiple), 5A, 5B, and 5C, 8A, or 8B).	**AND**	LSS demonstrated full compliance or substantial compliance for at least three (3) of six (6) compliance indicators (4, 9, 10, 11, 12, 13).
Correction of Noncompliance		**Timely and Accurate Data**
The LSS did not correct all previously identified findings of noncompliance within two years of identification.	**AND**	The LSS Data are not timely or accurate.

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.

Division of Special Education/Early Intervention Services
Part B Graduated Results-Driven Accountability Plan

FFY <SFY> (Determination Year)	School Age LRE (5)	Significant Discrepancy in Suspension/Expulsion > 10 days (4A)	Parent Involvement (8)	Graduation (1)	Dropout (2)	Post School Outcomes (14)	Preschool LRE (6)	Preschool Outcomes (7)	Assessment (3)
2013 <2013-2014> (2015)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age						
2014 <2014-2015> (2016)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout				
2015 <2015-2016> (2017)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C			
2016 <2016-2017> (2018)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B		
2017 <2017-2018> (2019)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math
2018 <2018-2019> (2020)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math

DSE/EIS Strategic Plan *Moving Maryland Forward* Action Imperatives

- **Early Childhood**
- **Professional Learning**
- **Access, Equity, and Progress**
- **Secondary Transition**

Dorchester County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2013 – June 30, 2014

FY 2013 (SFY 2014) Part B Indicators										
SPP/APR Indicators Results Indicator Compliance Indicator				FFY 2013 State Target	FFY 2013 Local Results	FFY 2013 Target Met	Action Required	Previous Results FFY 2012	Previous Results FFY 2011
1	Students with IEPs graduating with a regular diploma-4 year cohort (ESEA lag data based on SY 12-13)			≥59.19%	55.56%	Not Met	Data does not meet the State target. Continue to implement *Master Plan* Improvement Strategies.	36.36%	46.15%
								41.18%	57.50%
2	Students with IEPs dropping out (Option 2 leaver rate data based on SY 12-13)			≤4.95%	3.03%	Met	Data meets the State target. Continue to implement Master Plan Improvement Strategies.	3.03%	≤3.00%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading			Not Met	Not Met	Data does not meet the State target Continue to implement *Master Plan* Improvement Strategies.	Not Met	Met
		AMO for math			Not Met	Not Met		Not Met	Not Met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	Yes	Met	Data meets the State target. No required action.	Met	≤95%
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	67.40%	46.15%	Not Met	Data does not meet the State target. Continue to implement *Master Plan* Improvement Strategies.	40.91%	39.39%
			Reading	72.80%	60.87%	Not Met		45.45%	42.42%
		4	Mathematics	67.40%	34.09%	Not Met		35.14%	48.57%
			Reading	72.80%	47.62%	Not Met		48.65%	62.86%
		5	Mathematics	67.40%	19.05%	Not Met		54.84%	54.29%
			Reading	72.80%	54.76%	Not Met		74.19%	68.57%
		6	Mathematics	67.40%	27.03%	Not Met		48.65%	48.15%
			Reading	72.80%	58.33%	Not Met		54.84%	69.23%
		7	Mathematics	67.40%	28.57%	Not Met		74.19%	44.00%
			Reading	72.80%	42.42%	Not Met		37.50%	52.00%
		8	Mathematics	67.40%	18.52%	Not Met		33.33%	41.67%
			Reading	72.80%	37.04%	Not Met		47.83%	41.67%
		HS	Mathematics	67.40%	33.33%	Not Met		25.00%	31.82%
			Reading	72.80%	48.00%	Not Met		23.08%	23.81%

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013 State Target	FFY 2013 Local Results	FFY 2013 Target Met	Action Required	Previous Results FFY 2012	Previous Results FFY 2011
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.29	Met	Data meet the State target. No required action.	0.00	0.00
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	3.29*	Met	Data meet the State target. No required action.	2.48*	0.00
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥68.40%	75.70%	Met	Data meets the State target. No required action.	77.72%	75.73%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤13.26%	5.88%	Met	Data meets the State target. No required action.	2.65%	2.93%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤6.69%	2.05%	Met	Data meets the State target. No required action.	1.33%	1.33%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		≥64.10%	81.36%	Met	Data meets the State target. No required action.	68.75%	92.86%
6B	Aged 3-5 LRE: Separate School or Class		≤18.90%	0.00%	Met	Data meets the State target. No required action.	0.00%	2.38%
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.30%	60.00%	Not Met	Data does not meet the State target in category 7A1. Improvement plan required. Data meets the State target in category 7A2. No required action.	100.00%	60.00%
		2. Exits within age expectations	66.40%	67.00%	Met		100.00%	62.50%
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	66.00%	40.00%	Not Met	Data does not meet the State target. Improvement plan required.	100.00%	37.50%
		2. Exits within age expectations	55.70%	50.00%	Not Met		100.00	37.50%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	61.50%	33.00%	Not Met	Data does not meet the State target in category 7C1. Improvement plan required. Data meets the State target in category 7C2. No required action.	100.00%	40.00%
		2. Exits within age expectations	64.10%	67.00%	Met		100.00%	50.00%
8	Parent Survey	Age 3-5	47.00%	NA	NA	Data meets the State target in 6-21. No required action.	NA	50.00%
		Age 6-21	39.00%	51.00%	Met		45.00%	48.00%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:	A. Higher ed w/in 1 year of leaving HS	35.00%	21.21%	Not Met	Data does not meet the State target. Improvement Plan required.		
		B. Higher ed or employed w/in 1 year of leaving HS	68.00%	57.58%	Not Met	Data does not meet the State target. Improvement Plan required.		
		C. Higher ed or training program or employed w/in 1 year of leaving HS	82.00%			Disaggregated LSS data not available at this time.		

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2012	FFY 2011
4B	**Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity** **Discrepancy exists in the category** **N size is < 30***	*Amer Indian/Alaska Native*	< 2.0	0.00	Met	No significant discrepancy. No required action.	0.00	0.00
		Asian	**< 2.0**	0.00	Met		0.00	0.00
		Black or African American	**< 2.0**	0.68	Met		1.53	0.00
		Native Haw/Pacific Islander	**< 2.0**	0.00	Met		0.00	0.00
		White	**< 2.0**	0.29	Met		0.27	0.00
		2 or more races	< 2.0	0.00	Met		0.00	0.00
		Hispanic	< 2.0	0.00	Met		0.00	0.00
		Policies/procedures/ Practices contribute to the discrepancy	**No**	No			No	No
9	**Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification** **Disproportionate representation exits in the category.** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	0.00	Met	No significant disproportionate representation. No required action.	1.58	0.69
		Asian	**< 2.0**	0.49	Met		0.27	0.24
		Black, African American	**< 2.0**	1.24	Met		1.53	1.44
		Native Haw/Pacific Islander	< 2.0	0.00	Met		5.55*	0.00
		White	**< 2.0**	0.94	Met		0.84	0.84
		2 or more races	**< 2.0**	1.08	Met		0.81	0.98
		Hispanic	< 2.0	0.92	Met		0.80	0.87
		Disproportionate representation is due to inappropriate identification	**No (0%)**	No (0%)			**No (0%)**	No (0%)

FFY 2013 (SFY 2014) Part B Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2013			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2012	FFY 2011
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days	100%	100.00%	Met	Compliant. Data verified. No required action.	100.00%	98.63%
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday	100%	100.00%	Met	Compliant. Data verified. No required action.	100.00%	100.00%
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	100.00%	Met	Compliant. Data verified. No required action	100.00%	98.63%
	Timely correction of noncompliance (Previously Indicator 15)	100%	100.00%	Met	Compliant. Continue to correct noncompliance within one year.	100.00%	100.00%
	State reported data are timely and accurate (Previously Indicator 20)	100%	100.00%	Met	Compliant. Continue to report data in a timely and accurate manner.	100.00%	100.00%

FFY 2013 (SFY 2014) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2013 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	0.00	0.00	0.00	0.00	0.00	Disproportionate representation does not exist. No required action.
		Asian	0.00	0.00	0.00	1.36	2.06*	0.00	
		Black/African American	1.40	1.14	1.09	1.50	0.98	1.59	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.99	1.04	1.29	0.84	0.70	0.85	
		2 or more races	0.94	0.50	1.48	1.59	1.55	0.96	
		Hispanic	0.88	1.35	0.66	0.22	1.09	0.90	
		Disproportionate representation is due to inappropriate identification							

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2012 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification N size is < 30* Disproportionate representation exists.	American Indian/Alaska Native	0.00	0.00	21.32*	0.00	0.00	0.00	
		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 is due to inappropriate identification							

MARYLAND STATE DEPARTMENT OF EDUCATION
PREPARING WORLD CLASS STUDENTS

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

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

March 23, 2015

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) 2013 (2013-2014 school year). Attached please find the *FFY 2013 Determination Overview* that identifies the Part B Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria,* and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 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 2013 data, as well as information obtained through monitoring and complaint investigations, the FCPS has achieved the determination status of **"Meets Requirements."**

In correspondence sent to your attention on March 19, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. Critical to the balanced focus on results and compliance is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. To prepare for using student outcomes on Statewide assessments, graduation, dropout, and post-school outcomes to assign future local determination status, the DSE/EIS examined the process indicators that will directly impact student progress, growth, and achievement. The process indicators used to measure performance included:

- Indicator 5, Provision of services in the Least Restrictive Environment (LRE);
- Indicator 4, Rate of suspensions and expulsions greater than 10 days in a school year; and
- Indicator 8, Parent involvement.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. 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.

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.

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

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.
Daniel Martz
Branch Chiefs

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

FFY 2013 Determination Overview
Part C & Part B
July 1, 2013 – June 30, 2014

The Individuals with Disabilities Education Act (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 June 2015.

The 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 Results and Compliance Indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources;
- Any audit findings; 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 1, 2015.

The following Part C indicators are included in assigning determinations:

Results	Compliance
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
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	
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

Process	**Compliance**
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; and 5C LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements. 4A Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days. 8A Preschool Parent Survey; or 8B School Age Parent Survey.	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity 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
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

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.

Framework for Assistance and Intervention

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LSS or LLA. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs. The MSDE will identify:

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

In collaboration with the MSDE, LSSs/LLAs will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. The MSDE is available to consult with LSSs/LLAs by telephone, fax, email, mail, or in-person. To

enable a LSS to improve performance and meet compliance available assistance may include, but is not limited to the MSDE assisting a LSS/LLA to:

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

Needs Intervention

The determination category of "Needs Intervention" indicates a need for assistance in either performance and/or compliance areas within the LSS/LLA General Supervision process. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "*Developing and Implementing an Effective System of General Supervision: Part B*," MSDE will direct the LSS/LLA to examine, clarify, and develop an effective system of general supervision to address results and compliance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with the LSS/LLA, the MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of "Needs Assistance." Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;

- Integrated Monitoring Activities;
- Fiscal Management;
- Data Processes and Results;
- Improvement, Correction, Incentives, and Sanctions;
- Effective Dispute Resolution; and
- Directed Targeted Assistance and Professional Development.

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

Needs Substantial Intervention

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

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

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

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Meets Requirements

Results Process Indicators LSS met or exceeded State targets established for Indicator 4A (Single or Multiple), Indicator 5 (5A, 5B and 5C) and Indicator 8A or 8B.	**AND**	Compliance Indicators LSS demonstrated full or substantial compliance for at least five (5) of the six (6) compliance indicators (4B, 9, 10, 11, 12, 13)
Correction of Noncompliance LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification.	**AND**	Timely and Accurate Data LSS demonstrated full or substantial compliance for submission of accurate and timely data.

Needs Assistance

Results Process Indicators The LSS met or exceeded State targets established for four (4) of the following seven (7) results indicators (4A Single or 4A Multiple, 5A, 5B, and 5C, 8A, or 8B)	**AND**	Compliance Indicators The LSS demonstrated full or substantial compliance for at least four (4) of six (6) compliance indicators (4B, 9, 10, 11, 12, 13).
Correction of Noncompliance The LSS corrected all but one instance of noncompliance within one year of identification.	**AND**	Timely and Accurate Data The LSS data are timely but not accurate, or accurate but not timely.

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Needs Intervention

Results Process Indicators

LSS met or exceeded State targets in at ≤ none of the following seven (7) results indicator (4A (Single or Multiple), 5A, 5B, and 5C, 8A, or 8B).

AND

Compliance Indicators

LSS demonstrated full compliance or substantial compliance for at least three (3) of six (6) compliance indicators (4, 9, 10, 11, 12, 13).

Correction of Noncompliance

The LSS did not correct all previously identified findings of noncompliance within two years of identification.

AND

Timely and Accurate Data

The LSS Data are not timely or accurate.

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.

Division of Special Education/Early Intervention Services
Part B Graduated Results-Driven Accountability Plan

FFY <SFY> (Determination Year)	School Age LRE (5)	Significant Discrepancy in Suspension/Expulsion > 10 days (4A)	Parent Involvement (8)	Graduation (1)	Dropout (2)	Post School Outcomes (14)	Preschool LRE (6)	Preschool Outcomes (7)	Assessment (3)
2013 <2013-2014> (2015)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age						
2014 <2014-2015> (2016)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout				
2015 <2015-2016> (2017)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C			
2016 <2016-2017> (2018)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B		
2017 <2017-2018> (2019)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math
2018 <2018-2019> (2020)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math

DSE/EIS Strategic Plan *Moving Maryland Forward* Action Imperatives

- **Early Childhood**
- **Professional Learning**
- **Access, Equity, and Progress**
- **Secondary Transition**

Frederick County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2013 – June 30, 2014

36.71FFY 2013 (SFY 2014) Part B Indicators										
SPP/APR Indicators Results Indicator Compliance Indicator				FFY 2013			Action Required	Previous Results	
				State Target	Local Results	Target Met		FFY 2012	FFY 2011
1	Students with IEPs graduating with a regular diploma - 4 year cohort (ESEA lag data based on SY 12-13)			≥59.19%	73.48%	Met	Data meets the State target. Continue to implement Master Plan Improvement Strategies.	65.0%	72.28%
2	Students with IEPs dropping out (Option 2 leaver rate data based on SY 12-13)			≤4.95%	≤3.0%	Met	Data meets the State target. Continue to implement Master Plan Improvement Strategies.	≤3.00%	≤3.00%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading			Not Met	Not Met	Data does not meet the State target. Continue to implement Master Plan Improvement Strategies.	Not Met	Not Met
		AMO for Math			Not Met	Not Met		Not Met	Met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	Met	Met	Data meets the State target. No required action.	Met	Met
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	67.40%	50.68%	Not Met	Fifth grade Reading meets the State target. All other data does not meet the State target. Continue to implement Master Plan Improvement Strategies.	53.43%	65.67%
			Reading	72.80%	70.31%	Not Met		68.48%	75.00%
		4	Mathematics	67.40%	51.56%	Not Met		62.61%	73.50%
			Reading	72.80%	72.16%	Not Met		73.59%	81.48%
		5	Mathematics	67.40%	43.82%	Not Met		51.25%	72.78%
			Reading	72.80%	75.56%	Met		79.78%	84.62%
		6	Mathematics	67.40%	32.29%	Not Met		48.94%	68.15%
			Reading	72.80%	59.89%	Not Met		63.22%	66.96%
		7	Mathematics	67.40%	28.25%	Not Met		43.52%	72.05%
			Reading	72.80%	49.01%	Not Met		63.89%	62.11%
		8	Mathematics	67.40%	22.83%	Not Met		31.52%	45.85%
			Reading	72.80%	46.95%	Not Met		52.71%	65.78%
		HS	Mathematics	67.40%	56.84%	Not Met		57.41%	57.35%
			Reading	72.80%	59.61%	Not Met		63.60%	62.60%

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013 State Target	FFY 2013 Local Results	FFY 2013 Target Met	Action Required	Previous Results FFY 2012	Previous Results FFY 2011
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	2.11*	Met	Data meets the State target. No required action	1.70	1.46
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.82	Met	Data meets the State target. No required action	0.80	1.17
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥68.40%	80.66%	Met	Data meets the State target. No required action	79.91%	78.92%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤13.26%	6.07%	Met	Data meets the State target. No required action	6.35%	6.30%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤6.69%	4.68%	Met	Data meets the State target. No required action	5.01%	4.75%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		≥64.10%	32.29%	Not Met	Data does not meet the State target. Improvement Plan required.	35.07%	56.21%
6B	Aged 3-5 LRE: Separate School or Class		≤18.90%	21.17%	Not Met	Data does not meet the State target. Improvement Plan required.	20.88%	78.92%
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.30%	78.52%	Met	Data meets the State target for 7A1 and 7A2. No required action.	75.5%	64.12%
		2. Exits within age expectations	66.40%	79.52%	Met		72.5%	68.72%
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	66.00%	81.98%	Met	Data meets the State target for 7B1 and 7B2. No required action.	74.6%	70.63%
		2. Exits within age expectations	55.70%	69.52%	Met		64.3%	57.95%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	61.50%	78.20%	Met	Data meets the State target for 7C1 and 7C2. No required action.	72.7%	64.84%
		2. Exits within age expectations	64.10%	78.57%	Met		75.8%	70.77%
8A	Parent Survey	Age 3-5	47%	42%	Not Met	Data does not meet the State targets in 3-5 and 6-21. Action plan required.	60.0%	47%
		Age 6-21	39%	38%	Not Met		44.0%	48%
14	Percent of youth who are no longer in secondary school	A. Higher ed w/in 1 year of leaving HS	35%	36.71%	Met	Data meets the State target. No required action		
		B. Higher ed or employed w/in 1 year of leaving HS	68%	77.62%	Met	Data meets the State target. No required action		
		C. Higher ed or training program or employed w/in 1 year of leaving HS	82%			Disaggregated LSS data not available at this time.		

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2012	FFY 2011
4B	**Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity** **Discrepancy exists in the category** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	0.00	Met	No significant discrepancy. No required action.	0.00	0.0
		Asian	**< 2.0**	0.00	Met		4.86*	0.0
		Black or African American	**< 2.0**	2.44*	Met		3.34*	2.61*
		Native Haw/Pacific Islander	**< 2.0**	0.00	Met		0.00	0.0
		White	**< 2.0**	1.11*	Met		0.68	1.13
		2 or more races	**< 2.0**	2.95*	Met		0.00	2.46*
		Hispanic	**< 2.0**	1.98	Met		2.09*	0.60
		Policies/procedures/ Practices contribute to the discrepancy	**No (0%)**	No			No (0%)	No (0%)
9	**Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification** **Disproportionate representation exits in the category.** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	1.12	Met	No significant disproportionate representation exists. No required action.	1.13	1.06
		Asian	**< 2.0**	0.37	Met		0.36	0.38
		Black, African American	**< 2.0**	1.60	Met		1.69	1.68
		Native Haw/Pacific Islander	**< 2.0**	0.73	Met		1.50	1.01
		White	**< 2.0**	0.78	Met		0.76	0.76
		2 or more races	**< 2.0**	0.92	Met		0.91	0.84
		Hispanic	**< 2.0**	0.84	Met		0.77	0.77
		Disproportionate representation is due to inappropriate identification	**No (0%)**	No			No (0%)	No (0%)

FFY 2013 (SFY 2014) Part B Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2013			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2012	FFY 2011
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days	100%	100%	Met	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%	Met	Compliant. Data verified. No required action.	100%	100%
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	100%	Met	Compliant. Data verified. No required action.	100%	100%
	Timely correction of noncompliance (Previously Indicator 15)	100%	100%	Met	Compliant. No action required.	100%	100%
	State reported data are timely and accurate (Previously Indicator 20)	100%	100%	Met	Compliant. No action required.	100%	100%

FFY 2013 (SFY 2014) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2013 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	2.03*	0.00	0.65	1.51	0.66	Significant disproportionality exists. MSDE review of identification procedures are appropriate. No required action.
		Asian	0.47	0.17	0.00	0.76	0.50	0.28	
		Black/African American	1.90	1.82	2.07	1.56	1.40	1.49	
		Native Hawaiian/ Pacific Islander	3.83*	0.45	2.41*	0.80	0.00	0.82	
		White	0.63	0.66	0.77	0.72	0.91	0.93	
		2 or more races	0.60	0.95	1.15	0.68	0.90	1.15	
		Hispanic	0.91	0.98	0.48	0.95	0.76	0.63	
		Disproportionate representation is due to inappropriate identification							

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2012 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification N size is < 30* Disproportionate representation exists.	American Indian/Alaska Native	1.39	1.46	0.85	0.94	1.51	0.66	NA
		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 is due to inappropriate identification							

MARYLAND STATE DEPARTMENT OF EDUCATION
PREPARING WORLD CLASS STUDENTS

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

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

March 23, 2015

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) 2013 (2013-2014 school year). Attached please find the *FFY 2013 Determination Overview* that identifies the Part B Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria,* and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 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 2013 data, as well as information obtained through monitoring and complaint investigations, the GCBOE has achieved the determination status of **"Meets Requirements."**

In correspondence sent to your attention on March 19, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. Critical to the balanced focus on results and compliance is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. To prepare for using student outcomes on Statewide assessments, graduation, dropout, and post-school outcomes to assign future local determination status, the DSE/EIS examined the process indicators that will directly impact student progress, growth, and achievement. The process indicators used to measure performance included:

- Indicator 5, Provision of services in the Least Restrictive Environment (LRE);
- Indicator 4, Rate of suspensions and expulsions greater than 10 days in a school year; and
- Indicator 8, Parent involvement.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. 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.

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.

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

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.
Jennifer Kotulak
Branch Chiefs

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

FFY 2013 Determination Overview
Part C & Part B
July 1, 2013 – June 30, 2014

The Individuals with Disabilities Education Act (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 June 2015.

The 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 Results and Compliance Indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources;
- Any audit findings; 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 1, 2015.

The following Part C indicators are included in assigning determinations:

Results	Compliance
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
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	
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

Process	**Compliance**
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; and 5C LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements. 4A Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days. 8A Preschool Parent Survey; or 8B School Age Parent Survey.	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity 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
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

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.

Framework for Assistance and Intervention

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LSS or LLA. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs. The MSDE will identify:

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

In collaboration with the MSDE, LSSs/LLAs will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. The MSDE is available to consult with LSSs/LLAs by telephone, fax, email, mail, or in-person. To

enable a LSS to improve performance and meet compliance available assistance may include, but is not limited to the MSDE assisting a LSS/LLA to:

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

Needs Intervention

The determination category of "Needs Intervention" indicates a need for assistance in either performance and/or compliance areas within the LSS/LLA General Supervision process. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "*Developing and Implementing an Effective System of General Supervision: Part B*," MSDE will direct the LSS/LLA to examine, clarify, and develop an effective system of general supervision to address results and compliance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with the LSS/LLA, the MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of "Needs Assistance." Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;

- Integrated Monitoring Activities;
- Fiscal Management;
- Data Processes and Results;
- Improvement, Correction, Incentives, and Sanctions;
- Effective Dispute Resolution; and
- Directed Targeted Assistance and Professional Development.

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

Needs Substantial Intervention

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

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

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

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Meets Requirements

Results Process Indicators

LSS met or exceeded State targets established for Indicator 4A (Single or Multiple), Indicator 5 (5A, 5B and 5C) and Indicator 8A or 8B.

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least five (5) of the six (6) compliance indicators (4B, 9, 10, 11, 12, 13)

Correction of Noncompliance

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

AND

Timely and Accurate Data

LSS demonstrated full or substantial compliance for submission of accurate and timely data.

Needs Assistance

Results Process Indicators

The LSS met or exceeded State targets established for four (4) of the following seven (7) results indicators (4A Single or 4A Multiple, 5A, 5B, and 5C, 8A, or 8B)

AND

Compliance Indicators

The LSS demonstrated full or substantial compliance for at least four (4) of six (6) compliance indicators (4B, 9, 10, 11, 12, 13).

Correction of Noncompliance

The LSS corrected all but one instance of noncompliance within one year of identification.

AND

Timely and Accurate Data

The LSS data are timely but not accurate, or accurate but not timely.

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Needs Intervention

Results Process Indicators		Compliance Indicators
LSS met or exceeded State targets in at ≤ none of the following seven (7) results indicator (4A (Single or Multiple), 5A, 5B, and 5C, 8A, or 8B).	**AND**	LSS demonstrated full compliance or substantial compliance for at least three (3) of six (6) compliance indicators (4, 9, 10, 11, 12, 13).
Correction of Noncompliance		**Timely and Accurate Data**
The LSS did not correct all previously identified findings of noncompliance within two years of identification.	**AND**	The LSS Data are not timely or accurate.

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.

Division of Special Education/Early Intervention Services
Part B Graduated Results-Driven Accountability Plan

FFY <SFY> (Determination Year)	School Age LRE (5)	Significant Discrepancy in Suspension/Expulsion > 10 days (4A)	Parent Involvement (8)	Graduation (1)	Dropout (2)	Post School Outcomes (14)	Preschool LRE (6)	Preschool Outcomes (7)	Assessment (3)
2013 <2013-2014> (2015)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age						
2014 <2014-2015> (2016)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout				
2015 <2015-2016> (2017)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C			
2016 <2016-2017> (2018)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B		
2017 <2017-2018> (2019)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math
2018 <2018-2019> (2020)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math

DSE/EIS Strategic Plan *Moving Maryland Forward* Action Imperatives

Early Childhood
Professional Learning
Access, Equity, and Progress
Secondary Transition

Garrett County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2013 – June 30, 2014

FY 2013 (SFY 2014) Part B Indicators										
SPP/APR Indicators Results Indicator Compliance Indicator				FFY 2013 State Target	FFY 2013 Local Results	FFY 2013 Target Met	Action Required	Previous Results FFY 2012	Previous Results FFY 2011
1	Students with IEPs graduating with a regular diploma-4 year cohort (ESEA lag data based on SY 12-13)			≥ 59.19%	56.25%	Not Met	Data does not meet the State target. Continue to implement *Master Plan* Improvement Strategies.	69.23%	52.78%
								72.00%	50.00%
2	Students with IEPs dropping out (Option 2 leaver rate data based on SY 12-13)			≤ 4.95%	≤3.0%	Met	Data meets the State target. Continue to implement Master Plan Improvement Strategies.	≤3.00%	≤3.00%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading			Not Met	Not Met	Data does not meet the State target Continue to implement *Master Plan* Improvement Strategies.	Not Met	Met
		AMO for math			Not Met	Not Met		Not Met	Met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	Yes	Met	Data meets the State target. No required action.	Met	≥95%
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	67.40%	37.04%	Not Met	Data does not meet the State target. Continue to implement *Master Plan* Improvement Strategies.	67.86%	78.38%
			Reading	72.80%	55.56%	Not Met		64.29%	70.27%
		4	Mathematics	67.40%	45.16%	Not Met		58.82%	91.43%
			Reading	72.80%	50.00%	Not Met		85.29%	71.43%
		5	Mathematics	67.40%	39.29%	Not Met		50.00%	77.42%
			Reading	72.80%	89.29%	Met		75.00%	54.48%
		6	Mathematics	67.40%	35.29%	Not Met		35.29%	63.89%
			Reading	72.80%	67.65%	Not Met		70.59%	44.44%
		7	Mathematics	67.40%	21.05%	Not Met		51.35%	62.16%
			Reading	72.80%	48.15%	Not Met		58.33%	63.89%
		8	Mathematics	67.40%	35.29%	Not Met		29.03%	72.97%
			Reading	72.80%	67.65%	Not Met		46.67%	40.54%
		HS	Mathematics	67.40%	22.22%	Not Met		40.74%	55.81%
			Reading	72.80%	66.67%	Not Met		36.36%	43.18%

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013 State Target	FFY 2013 Local Results	FFY 2013 Target Met	Action Required	Previous Results FFY 2012	Previous Results FFY 2011
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.00	Met	Data meet the State target. No required action.	1.68	0.00
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.00	Met	Data meet the State target. No required action.	0.00	0.00
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥ 68.40%	79.84%	Met	Data meets the State target. No required action.	79.33%	81.99%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤ 13.26%	6.18%	Met	Data meets the State target. No required action.	8.27%	6.87%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤6.69%	2.42%	Met	Data meets the State target. No required action.	4.13%	4.74%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		≥ 64.10%	73.33%	Met	Data meets the State target. No required action.	84.31%	77.97%
6B	Aged 3-5 LRE: Separate School or Class		≤ 18.90%	0.00%	Met	Data meets the State target. No required action.	1.96%	3.39%
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.30%	68.75%	Met	Data meets the State target in category 7A1. No required action. Data does not meet the State target in category 7A2. Improvement plan required.	66.70%	71.43%
		2. Exits within age expectations	66.40%	65.22%	Not Met		81.50%	60.87%
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	66.00%	58.82%	Not Met	Data does not meet the State target in category 7B1. Improvement plan required. Data meets the State target in category 7B2. No required action.	61.90%	70.59%
		2. Exits within age expectations	55.70%	56.52%	Met		59.30%	52.17%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	61.50%	75.00%	Met	Data meets the State target. No required action.	60.00%	76.47%
		2. Exits within age expectations	64.10%	73.91%	Met		77.80%	60.87%
8	Parent Survey	Age 3-5	47.00%	NA	NA	Data meets the State target. No required action.	NA	67.00%
		Age 6-21	39.00%	46.00%	Met		37.00%	45.00%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:	A. Higher ed w/in 1 year of leaving HS	35.00%	5.88%	Not Met	Data does not meet the State target. Improvement Plan required.		
		B. Higher ed or employed w/in 1 year of leaving HS	68.00%	70.59%	Met	Data does not meet the State target. Improvement Plan required.		
		C. Higher ed or training program or employed w/in 1 year of leaving HS	82.00%			Disaggregated LSS data not available at this time.		

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2012	FFY 2011
4B	**Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity** **Discrepancy exists in the category** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	0.00	Met	No significant discrepancy. No required action.	0.00	0.00
		Asian	**< 2.0**	0.00	Met		0.00	0.00
		Black or African American	**< 2.0**	0.00	Met		0.00	0.00
		Native Haw/Pacific Islander	**< 2.0**	0.00	Met		0.00	0.00
		White	**< 2.0**	0.00	Met		1.45	0.00
		2 or more races	**< 2.0**	0.00	Met		0.00	0.00
		Hispanic	**< 2.0**	0.00	Met		0.00	0.00
		Policies/procedures/ Practices contribute to the discrepancy	**No**	No			No	No
9	**Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification** **Disproportionate representation exits in the category.** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	0.00	Met	No significant disproportionate representation. No required action.	0.00	0.00
		Asian	**< 2.0**	0.25	Met		0.00	0.26
		Black, African American	**< 2.0**	5.42*	Met		7.34*	2.53*
		Native Haw/Pacific Islander	**< 2.0**	0.00	Met		0.00	0.00
		White	**< 2.0**	0.32	Met		0.25	0.42
		2 or more races	**< 2.0**	0.51	Met		0.31	0.60
		Hispanic	**< 2.0**	0.21	Met		0.24	1.20
		Disproportionate representation is due to inappropriate identification	**No (0%)**	No (0%)			**No (0%)**	No (0%)

FFY 2013 (SFY 2014) Part B Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2013			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2012	FFY 2011
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days	100%	100.00%	Met	Compliant. Data verified. No required action.	100.00%	100.00%
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday	100%	100.00%	Met	Compliant. Data verified. No required action.	100.00%	100.00%
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	100.00%	Met	Compliant. Data verified. No required action	100.00%	100.00%
	Timely correction of noncompliance (Previously Indicator 15)	100%	100.00%	Met	Compliant. Continue to correct noncompliance within one year.	100.00%	100.00%
	State reported data are timely and accurate (Previously Indicator 20)	100%	100.00%	Met	Compliant. Continue to report data in a timely and accurate manner.	100.00%	100.00%

FFY 2013 (SFY 2014) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2013 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	0.00	0.00	0.00	0.00	0.00	Significant disproportionality exists. MSDE review of identification procedures are appropriate. No required action
		Asian	0.00	0.00	0.00	0.00	0.00	0.94	
		Black/African American	0.00	0.00	19.65*	0.00	0.00	13.22*	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.98	3.89	0.10	0.00	0.00	0.08	
		2 or more races	3.72*	2.11*	0.41	0.00	0.00	0.20	
		Hispanic	5.48*	1.47	0.00	0.00	0.00	0.00	
		Disproportionate representation is due to inappropriate identification							

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2012 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification N size is < 30* Disproportionate representation exists.	American Indian/Alaska Native	0.00	0.00	0.00	0.00	0.00	0.00	
		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 is due to inappropriate identification							

MARYLAND STATE DEPARTMENT OF EDUCATION
PREPARING WORLD CLASS STUDENTS

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

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

March 23, 2015

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

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) 2013 (2013-2014 school year). Attached please find the *FFY 2013 Determination Overview* that identifies the Part B Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria,* and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 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 2013 data, as well as information obtained through monitoring and complaint investigations, the HCPS has achieved the determination status of **"Meets Requirements."**

In correspondence sent to your attention on March 19, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. Critical to the balanced focus on results and compliance is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. To prepare for using student outcomes on Statewide assessments, graduation, dropout, and post-school outcomes to assign future local determination status, the DSE/EIS examined the process indicators that will directly impact student progress, growth, and achievement. The process indicators used to measure performance included:

- Indicator 5, Provision of services in the Least Restrictive Environment (LRE);
- Indicator 4, Rate of suspensions and expulsions greater than 10 days in a school year; and
- Indicator 8, Parent involvement.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. 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.

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.

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

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.
Susan Austin
Branch Chiefs

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

FFY 2013 Determination Overview
Part C & Part B
July 1, 2013 – June 30, 2014

The Individuals with Disabilities Education Act (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 June 2015.

The 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 Results and Compliance Indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources;
- Any audit findings; 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 1, 2015.

The following Part C indicators are included in assigning determinations:

Results	Compliance
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
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	
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

Process	**Compliance**
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; and 5C LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements. 4A Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days. 8A Preschool Parent Survey; or 8B School Age Parent Survey.	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity 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
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

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.

Framework for Assistance and Intervention

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LSS or LLA. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs. The MSDE will identify:

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

In collaboration with the MSDE, LSSs/LLAs will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. The MSDE is available to consult with LSSs/LLAs by telephone, fax, email, mail, or in-person. To

enable a LSS to improve performance and meet compliance available assistance may include, but is not limited to the MSDE assisting a LSS/LLA to:

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

Needs Intervention

The determination category of "Needs Intervention" indicates a need for assistance in either performance and/or compliance areas within the LSS/LLA General Supervision process. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "*Developing and Implementing an Effective System of General Supervision: Part B*," MSDE will direct the LSS/LLA to examine, clarify, and develop an effective system of general supervision to address results and compliance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with the LSS/LLA, the MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of "Needs Assistance." Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;

- Integrated Monitoring Activities;
- Fiscal Management;
- Data Processes and Results;
- Improvement, Correction, Incentives, and Sanctions;
- Effective Dispute Resolution; and
- Directed Targeted Assistance and Professional Development.

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

Needs Substantial Intervention

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

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

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

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Meets Requirements

Results Process Indicators LSS met or exceeded State targets established for Indicator 4A (Single or Multiple), Indicator 5 (5A, 5B and 5C) and Indicator 8A or 8B.	**AND**	Compliance Indicators LSS demonstrated full or substantial compliance for at least five (5) of the six (6) compliance indicators (4B, 9, 10, 11, 12, 13)
Correction of Noncompliance LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification.	**AND**	Timely and Accurate Data LSS demonstrated full or substantial compliance for submission of accurate and timely data.

Needs Assistance

Results Process Indicators The LSS met or exceeded State targets established for four (4) of the following seven (7) results indicators (4A Single or 4A Multiple, 5A, 5B, and 5C, 8A, or 8B)	**AND**	Compliance Indicators The LSS demonstrated full or substantial compliance for at least four (4) of six (6) compliance indicators (4B, 9, 10, 11, 12, 13).
Correction of Noncompliance The LSS corrected all but one instance of noncompliance within one year of identification.	**AND**	Timely and Accurate Data The LSS data are timely but not accurate, or accurate but not timely.

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Needs Intervention

Results Process Indicators LSS met or exceeded State targets in at ≤ none of the following seven (7) results indicator (4A (Single or Multiple), 5A, 5B, and 5C, 8A, or 8B).	**AND**	Compliance Indicators LSS demonstrated full compliance or substantial compliance for at least three (3) of six (6) compliance indicators (4, 9, 10, 11, 12, 13).
Correction of Noncompliance The LSS did not correct all previously identified findings of noncompliance within two years of identification.	**AND**	Timely and Accurate Data The LSS Data are not timely or accurate.

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.

Division of Special Education/Early Intervention Services
Part B Graduated Results-Driven Accountability Plan

FFY <SFY> (Determination Year)	School Age LRE (5)	Significant Discrepancy in Suspension/Expulsion > 10 days (4A)	Parent Involvement (8)	Graduation (1)	Dropout (2)	Post School Outcomes (14)	Preschool LRE (6)	Preschool Outcomes (7)	Assessment (3)
2013 <2013-2014> (2015)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age						
2014 <2014-2015> (2016)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout				
2015 <2015-2016> (2017)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C			
2016 <2016-2017> (2018)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B		
2017 <2017-2018> (2019)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math
2018 <2018-2019> (2020)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math

DSE/EIS Strategic Plan *Moving Maryland Forward* Action Imperatives

- **Early Childhood**
- **Professional Learning**
- **Access, Equity, and Progress**
- **Secondary Transition**

Harford County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2013 – June 30, 2014

FFY 2013 (SFY 2014) Part B Indicators									
SPP/APR Indicators Results Indicator Compliance Indicator				FFY 2013 State Target	FFY 2013 Local Results	FFY 2013 Target Met	Action Required	Previous Results FFY 2012	Previous Results FFY 2011
1	**Students with IEPs graduating with a regular diploma - 4 year cohort (ESEA lag data based on SY 12-13)**			**≥59.19%**	67.02%	Met	Data meet s the State target. No required action.	63.79	63.26%
								68.11%	66.88%
2	**Students with IEPs dropping out (Option 2 leaver rate based on SY 12-13)**			**≤4.95%**	4.47%	Met	Data meets the State target. Continue to implement Master Plan Improvement Strategies.	7.00%	6.89%
3A	**State Assessment: AMO for disability subgroup in the LEA**	**AMO for Reading**			Not Met	Not Met	Data does not meet the State target. Continue to implement Master Plan Improvement Strategies.	Not Met	Met
		AMO for Math			Not Met	Not Met		Not Met	Met
3B	**State Assessment: Participation rates of IEP students in all grades in the LEA**			**≥95%**	Met	Met	Data meets the State target. No required action.	Met	Met
3C	**State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards**	3	Mathematics	67.40%	52.50%	Not Met	Data does not meet the State target. Continue to implement Master Plan Improvement Strategies.	57.02%	71.58%
			Reading	72.80%	56.13%	Not Met		65.66%	66.83%
		4	Mathematics	67.40%	61.29%	Not Met		66.92%	74.33%
			Reading	72.80%	69.77%	Not Met		71.75%	60.84%
		5	Mathematics	67.40%	50.82%	Not Met		54.37%	74.81%
			Reading	72.80%	67.76%	Not Met		68.69%	51.94%
		6	Mathematics	67.40%	41.60%	Not Met		48.45%	60.68%
			Reading	72.80%	56.14%	Not Met		55.78%	58.68%
		7	Mathematics	67.40%	37.32%	Not Met		39.86%	55.62%
			Reading	72.80%	56.83%	Not Met		68.28%	36.58%
		8	Mathematics	67.40%	24.49%	Not Met		33.14%	60.43%
			Reading	72.80%	45.34%	Not Met		47.65%	57.60%
		HS	Mathematics	67.40%	55.13%	Not Met		55.24%	49.15%
			Reading	72.80%	48.64%	Not Met		47.88%	64.75%

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator ■ Compliance Indicator			FFY 2013			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2012	FFY 2011
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	1.13	Met	Data meets the State's target. No required action.	1.14	1.02
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.93	Met	Data meets the State's target. No required action.	0.36	0.23
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥68.40%	83.83%	Met	Data meets the State's target. No required action.	84.10%	84.00%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤13.26%	3.27%	Met	Data meets the State's target. No required action.	3.17%	2.78%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤6.69%	7.58%	Not Met	Data does not meet the State target. Improvement Plan required.	7.40%	7.23%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		≥64.10%	52.93%	Not Met	Data does not meet the State target. Improvement plan required.	44.27%	44.63%
6B	Aged 3-5 LRE: Separate School or Class		≤18.90	18.28%	Met	Data meets the State target. No required action.	24.84%	22.78%
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.30%	60.81%	Not Met	Data does not meet the State target in category 7A1 and 7A2. Improvement Plan required.	51.80	No
		2. Exits within age expectations	66.40%	62.96%	Not Met		58.80%	No
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	66.00%	41.01%	Not Met	Data does not meet the State target in category 7B1 and 7B2. Improvement Plan required.	41.40%	40.00%
		2. Exits within age expectations	55.70%	46.09%	Not Met		47.10%	46.67%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	61.50%	47.10%	Not Met	Data does not meet the State target in category 7C1 and 7C2. Improvement Plan required.	40.60%	42.15%
		2. Exits within age expectations	67.30%	58.85%	Not Met		56.10%	55.90%
8	Parent Survey	Age 3-5	47%	51.00%	Met	Data meets the State target in 3-5. Data does not meet the target in 6-21.	43.00%	49.00%
		Age 6-21	39%	37.00%	Not Met		40.00%	36.00%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:	A. Higher ed w/in 1 year of leaving HS	35.0%	31.29	Not Met	Data does not meet State target. Improvement Plan required.		
		B. Higher ed or employed w/in 1 year of leaving HS	68.0%	76.45	Met	Data meets the State's target. Improvement Plan required.		
		C. Higher ed or training program or employed w/in 1 year of leaving HS	82.0%			Disaggregated LSS data not available at this time.		

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2012	FFY 2011
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 Indi/Alaska Native*	**<2.0**	0.00	Met	No significant disproportionate representation. No required action.	0.00	4.25*
		Asian	**< 2.0**	0.00	Met		0.00	0.00
		Black or African American	**< 2.0**	1.53	Met		3.66	3.46
		Native Haw/Pacific Islander	**< 2.0**	0.00	Met		0.00	0.00
		White	**< 2.0**	0.85	Met		1.14	1.04
		2 or more races	**< 2.0**	4.39*	Met		0.83	0.93
		Hispanic	**< 2.0**	0.00	Met		0.99	2.12**
		Policies/procedures/ Practices contribute to the discrepancy	**No**	No				No
9	**Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification** **Disproportionate representation exits in the category.** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	2.84*	Met	No significant disproportionate representation. No required action.	1.04	1.01
		Asian	**< 2.0**	0.57	Met		0.39	0.38
		Black, African American	**< 2.0**	1.60	Met		1.27	1.25
		Native Haw/Pacific Islander	**< 2.0**	1.69	Met		0.80	0.80
		White	**< 2.0**	0.78	Met		0.96	1.00
		2 or more races	**< 2.0**	0.33	Met		0.94	0.90
		Hispanic	**< 2.0**	0.87	Met		0.87	0.83
		Disproportionate representation is due to inappropriate identification	**No (0%)**	No			**No (0%)**	No (0%)

FFY 2013 (SFY 2014) Part B Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2013			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2012	FFY 2011
11	**Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days**	**100%**	99.41%	Not Met	Substantially compliant. Data verified. No required action.	98.41%	98.20%
12	**Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday**	**100%**	99.45%	Not Met	Substantially compliant. Data verified. No required action.	100%	100%
13	**Percentage of youth age 16 and above whose IEP meets secondary transition requirements**	**100%**	100%	Met	Compliant. Data verified. No required action.	100%	100%
	Timely correction of noncompliance (Previously Indicator 15)	**100%**	100%	Met	Compliant. Continue to correct noncompliance within one year.	100%	100%
	State reported data are timely and accurate (Previously Indicator 20)	**100%**	100%	Met	Compliant. Continue to correct noncompliance within one year.	100%	100%

FFY 2013 (SFY 2014) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2013 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	2.94*	1.99	6.89*	2.39	3.17*	2.79*	Significant disproportionality exists. MSDE review of identification procedures are appropriate. No required action
		Asian	0.68	0.25	0.17	1.06	1.64	0.22	
		Black/African American	2.48	1.61	1.88	1.46	1.07	1.81	
		Native Hawaiian/ Pacific Islander	0.00	1.49	0.00	2.24*	1.48	2.91*	
		White	0.48	0.76	0.66	0.77	1.01	0.79	
		2 or more races	0.17	0.36	0.33	0.32	0.36	0.28	
		Hispanic	0.86	1.17	1.00	0.87	0.65	0.75	
		Disproportionate representation is due to inappropriate identification							

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2012 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification N size is < 30* Disproportionate representation exists.	American Indian/Alaska Native	0.00	0.98	1.64	1.10	0.46	1.66	No significant disproportionate representation exists. No required action.
		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 is due to inappropriate identification							

MARYLAND STATE DEPARTMENT OF EDUCATION
PREPARING WORLD CLASS STUDENTS

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

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

March 23, 2015

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) 2013 (2013-2014 school year). Attached please find the *FFY 2013 Determination Overview* that identifies the Part B Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria,* and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 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 2013 data, as well as information obtained through monitoring and complaint investigations, the HCPS has achieved the determination status of **"Meets Requirements."**

In correspondence sent to your attention on March 19, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. Critical to the balanced focus on results and compliance is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. To prepare for using student outcomes on Statewide assessments, graduation, dropout, and post-school outcomes to assign future local determination status, the DSE/EIS examined the process indicators that will directly impact student progress, growth, and achievement. The process indicators used to measure performance included:

- Indicator 5, Provision of services in the Least Restrictive Environment (LRE);
- Indicator 4, Rate of suspensions and expulsions greater than 10 days in a school year; and
- Indicator 8, Parent involvement.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. 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.

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.

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

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.
Patty Daley
Branch Chiefs

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

FFY 2013 Determination Overview
Part C & Part B
July 1, 2013 – June 30, 2014

The Individuals with Disabilities Education Act (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 June 2015.

The 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 Results and Compliance Indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources;
- Any audit findings; 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 1, 2015.

The following Part C indicators are included in assigning determinations:

Results	Compliance
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
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	
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

Process	**Compliance**
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; and 5C LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements. 4A Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days. 8A Preschool Parent Survey; or 8B School Age Parent Survey.	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity 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
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

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.

Framework for Assistance and Intervention

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LSS or LLA. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs. The MSDE will identify:

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

In collaboration with the MSDE, LSSs/LLAs will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. The MSDE is available to consult with LSSs/LLAs by telephone, fax, email, mail, or in-person. To

enable a LSS to improve performance and meet compliance available assistance may include, but is not limited to the MSDE assisting a LSS/LLA to:

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

Needs Intervention

The determination category of "Needs Intervention" indicates a need for assistance in either performance and/or compliance areas within the LSS/LLA General Supervision process. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "*Developing and Implementing an Effective System of General Supervision: Part B*," MSDE will direct the LSS/LLA to examine, clarify, and develop an effective system of general supervision to address results and compliance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with the LSS/LLA, the MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of "Needs Assistance." Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;

- Integrated Monitoring Activities;
- Fiscal Management;
- Data Processes and Results;
- Improvement, Correction, Incentives, and Sanctions;
- Effective Dispute Resolution; and
- Directed Targeted Assistance and Professional Development.

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

Needs Substantial Intervention

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

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

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

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Meets Requirements

Results Process Indicators
LSS met or exceeded State targets established for Indicator 4A (Single or Multiple), Indicator 5 (5A, 5B and 5C) and Indicator 8A or 8B.

AND

Compliance Indicators
LSS demonstrated full or substantial compliance for at least five (5) of the six (6) compliance indicators (4B, 9, 10, 11, 12, 13)

Correction of Noncompliance
LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification.

AND

Timely and Accurate Data
LSS demonstrated full or substantial compliance for submission of accurate and timely data.

Needs Assistance

Results Process Indicators
The LSS met or exceeded State targets established for four (4) of the following seven (7) results indicators (4A Single or 4A Multiple, 5A, 5B, and 5C, 8A, or 8B)

AND

Compliance Indicators
The LSS demonstrated full or substantial compliance for at least four (4) of six (6) compliance indicators (4B, 9, 10, 11, 12, 13).

Correction of Noncompliance
The LSS corrected all but one instance of noncompliance within one year of identification.

AND

Timely and Accurate Data
The LSS data are timely but not accurate, or accurate but not timely.

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Needs Intervention

Results Process Indicators

LSS met or exceeded State targets in at ≤ none of the following seven (7) results indicator (4A (Single or Multiple), 5A, 5B, and 5C, 8A, or 8B).

AND

Compliance Indicators

LSS demonstrated full compliance or substantial compliance for at least three (3) of six (6) compliance indicators (4, 9, 10, 11, 12, 13).

Correction of Noncompliance

The LSS did not correct all previously identified findings of noncompliance within two years of identification.

AND

Timely and Accurate Data

The LSS Data are not timely or accurate.

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.

Division of Special Education/Early Intervention Services
Part B Graduated Results-Driven Accountability Plan

FFY <SFY> (Determination Year)	School Age LRE (5)	Significant Discrepancy in Suspension/Expulsion > 10 days (4A)	Parent Involvement (8)	Graduation (1)	Dropout (2)	Post School Outcomes (14)	Preschool LRE (6)	Preschool Outcomes (7)	Assessment (3)
2013 <2013-2014> (2015)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age						
2014 <2014-2015> (2016)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout				
2015 <2015-2016> (2017)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C			
2016 <2016-2017> (2018)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B		
2017 <2017-2018> (2019)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math
2018 <2018-2019> (2020)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math

DSE/EIS Strategic Plan *Moving Maryland Forward* Action Imperatives

- **Early Childhood**
- **Professional Learning**
- **Access, Equity, and Progress**
- **Secondary Transition**

Howard County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2013 – June 30, 2014

FFY 2013 (SFY 2014) Part B Indicators										
SPP/APR Indicators Results Indicator Compliance Indicator				FFY 2013 State Target	FFY 2013 Local Results	FFY 2013 Target Met	Action Required	Previous Results FFY 2012	Previous Results FFY 2011
1	Students with IEPs graduating with a regular diploma- 4 year cohort (ESEA lag data based on SY 12-13)			≥ 59.19%	68.36%	Met	Data meet s the State target. No Action required.	50.22%	58.08%
2	**Students with IEPs dropping out (Option 2 lever rate data based on SY 12-13)**			≤4.95%	3.21%	Met	Data meets the State target. Continue to implement *Master Plan* Improvement Strategies.	4.40%	4.40%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading			Not Met	Not Met	Data does not meet the State target Continue to implement *Master Plan* Improvement Strategies.	Not Met	Not met
		AMO for Mathematics			Not Met	Not Met		Not Met	Met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	Met	Met	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	67.40%	50.54%	Not Met	Data meets the State target for fifth grade Reading. Data does not meet the State targets for all other grades levels in Reading or Math. Continue to implement *Master Plan* Improvement Strategies.	61.66%	71.11%
			Reading	72.80%	51.86%	Not Met		66.88%	78.07%
		4	Mathematics	67.40%	55.94%	Not Met		67.41%	81.52%
			Reading	72.80%	69.35%	Not Met		72.50%	86.96%
		5	Mathematics	67.40%	42.32%	Not Met		57.50%	76.79%
			Reading	72.80%	73.73%	Met		74.61%	84.39%
		6	Mathematics	67.40%	32.33%	Not Met		47.32%	69.20%
			Reading	72.80%	56.80%	Not Met		56.38%	74.26%
		7	Mathematics	67.40%	29.64%	Not Met		48.62%	66.90%
			Reading	72.80%	49.83%	Not Met		65.40%	62.68%
		8	Mathematics	67.40%	29.63%	Not Met		37.07%	57.06%
			Reading	72.80%	46.44%	Not Met		51.36%	70.28%
		HS	Mathematics	67.40%	61.64%	Not Met		65.20%	63.60%
			Reading	72.80%	60.56%	Not Met		64.24%	63.04%

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013 State Target	FFY 2013 Local Results	FFY 2013 Target Met	Action Required	Previous Results FFY 2012	Previous Results FFY 2011
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	2.09*	Met	Data meets the State's target. No required action.	1.61	1.01
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	3.41*	Met	Data meets the State's target. No required action.	2.85*	3.83*
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥68.40%	81.79%	Met	Data meets the State's target. No required action.	81.35%	80.67%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤13.26%	1.45%	Met	Data meets the State's target. No required action.	1.83%	1.98%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤6.69%	6.41%	Met	Data meets the State's target. No required action.	5.53%	5.52%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		≥64.1%%	81.49%	Met	Data meets the State's target. No required action.	80.54%	83.51%
6B	Aged 3-5 LRE: Separate School or Class		<18.90%	1.26%	Met	Data meets the State's target. No required action.	1.14%	0.47%
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.30%	59.46%	Not Met	Data does not meet the State target in category 7A1. Improvement Plan required. Data meets the State target for 7A2. No required action.	74.4%	73.86%
		2. Exits within age expectations	66.40%	68.42%	Met		69.4%	66.06%
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	66.00%	46.15%	Not Met	Data does not meet the State target in category 7B1. Improvement Plan required. Data meets the State target for 7B2. No required action.	72.1%	73.96%
		2. Exits within age expectations	55.70%	56.14%	Met		57.7%	57.80%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	61.50%	61.11%	Not Met	Data does not meet the State target in category 7C1. Improvement Plan required. Data meets the State target for 7B2. No required action.	67.5%	65.12%
		2. Exits within age expectations	64.10%	70.18%	Met		68.2%	64.22%
8A	Parent Survey	Age 3-5	47%	48%	Met	Data meets the State's target. No required action.	56.0%	53%
		Age 6-21	39%	42%	Met		43.0%	38%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:	A. Higher ed w/in 1 year of leaving HS	35%	47.91%	Met	Data meets the State's target. No required action.		
		B. Higher ed or employed w/in 1 year of leaving HS	68%	80.61%	Met	Data meets the State's target. No required action.		
		C. Higher ed or training program or employed w/in 1 year of leaving HS	82%			Disaggregated LSS data not available at this time.		

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2012	FFY 2011
4B	**Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity** **Discrepancy exists in the category** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	0.00	Met	No significant discrepancy. No required action.	0.00	0.00
		Asian	**< 2.0**	0.99	Met		0.00	0.00
		Black or African American	**< 2.0**	7.89*	Met		5.42*	5.22*
		Native Haw/Pacific Islander	**< 2.0**	0.00	Met		0.00	0.00
		White	**< 2.0**	0.64	Met		0.84	1.51
		2 or more races	**< 2.0**	0.00	Met		0.00	3.18*
		Hispanic	**< 2.0**	1.76	Met		3.04*	1.87
		Policies/procedures/ Practices contribute to the discrepancy	**No (0%)**	No			No	NA
9	**Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification** **Disproportionate representation exits in the category.** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	0.84	Met	No significant disproportionate representation. No required action.	0.70	0.82
		Asian	**< 2.0**	0.42	Met		0.40	0.39
		Black, African American	**< 2.0**	1.41	Met		1.42	1.38
		Native Haw/Pacific Islander	**< 2.0**	0.98	Met		0.54	0.73
		White	**< 2.0**	0.80	Met		0.81	0.84
		2 or more races	**< 2.0**	0.78	Met		0.81	0.78
		Hispanic	**< 2.0**	1.09	Met		1.05	1.03
		Disproportionate representation is due to inappropriate identification	**No (0%)**	No			No (0%)	No

FFY 2013 (SFY 2014) Part B Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2013			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2012	FFY 2011
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days	100%	96.25%	Not Met	Substantially compliant. Data verified. No required action.	98.26%	98.10%
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday	100%	100%	Met	Compliant. Data verified. No required action.	100%	100%
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	100%	Met	Verification activities indicate need for follow-up with student specific data	100%	< 100%
	Timely correction of noncompliance (Previously Indicator 15)	100%	100%	Met	Compliant. Continue to correct noncompliance within one year.	100%	100%
	State reported data are timely and accurate (Previously Indicator 20)	100%	100%	Met	Compliant. Continue to report data in a timely and accurate manner.	100%	100%

FFY 2013 (SFY 2014) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2013 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	2.41*	0.42	2.17*	0.62	0.00	1.54	Disproportionate representation does not exist. No action required.
		Asian	0.39	0.19	0.29	0.60	0.80	0.17	
		Black/African American	1.51	1.68	1.68	1.24	1.10	1.76	
		Native Hawaiian/ Pacific Islander	0.00	1.14	2.95*	1.70	1.05	0.00	
		White	0.78	0.71	0.69	0.79	1.05	0.78	
		2 or more races	0.62	0.55	1.08	0.85	0.85	0.90	
		Hispanic	1.03	1.17	0.92	1.27	0.85	0.75	
		Disproportionate representation is due to inappropriate identification							

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2012 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification N size is < 30* Disproportionate representation exists.	American Indian/Alaska Native	2.23*	0.40	2.36*	0.58	0.00	0.73	NA
		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 is due to inappropriate identification							

MARYLAND STATE DEPARTMENT OF EDUCATION
PREPARING WORLD CLASS STUDENTS

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

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

March 23, 2015

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

Dear Dr. Couch: Karen

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) 2013 (2013-2014 school year). Attached please find the *FFY 2013 Determination Overview* that identifies the Part B Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria,* and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 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 2013 data, as well as information obtained through monitoring and complaint investigations, the KCPS has achieved the determination status of **"Meets Requirements."**

In correspondence sent to your attention on March 19, 2015, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. Critical to the balanced focus on results and compliance is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. To prepare for using student outcomes on Statewide assessments, graduation, dropout, and post-school outcomes to assign future local determination status, the DSE/EIS examined the process indicators that will directly impact student progress, growth, and achievement. The process indicators used to measure performance included:

- Indicator 5, Provision of services in the Least Restrictive Environment (LRE);
- Indicator 4, Rate of suspensions and expulsions greater than 10 days in a school year; and
- Indicator 8, Parent involvement.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. 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.

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.

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

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.
Wendy Keen
Branch Chiefs

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

FFY 2013 Determination Overview
Part C & Part B
July 1, 2013 – June 30, 2014

The Individuals with Disabilities Education Act (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 June 2015.

The 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 Results and Compliance Indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources;
- Any audit findings; 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 1, 2015.

The following Part C indicators are included in assigning determinations:

Results	Compliance
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
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	
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

Process	**Compliance**
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; and 5C LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements. 4A Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days. 8A Preschool Parent Survey; or 8B School Age Parent Survey.	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity 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
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

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.

Framework for Assistance and Intervention

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LSS or LLA. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs. The MSDE will identify:

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

In collaboration with the MSDE, LSSs/LLAs will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. The MSDE is available to consult with LSSs/LLAs by telephone, fax, email, mail, or in-person. To

enable a LSS to improve performance and meet compliance available assistance may include, but is not limited to the MSDE assisting a LSS/LLA to:

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

Needs Intervention

The determination category of "Needs Intervention" indicates a need for assistance in either performance and/or compliance areas within the LSS/LLA General Supervision process. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "*Developing and Implementing an Effective System of General Supervision: Part B*," MSDE will direct the LSS/LLA to examine, clarify, and develop an effective system of general supervision to address results and compliance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with the LSS/LLA, the MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of "Needs Assistance." Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;

- Integrated Monitoring Activities;
- Fiscal Management;
- Data Processes and Results;
- Improvement, Correction, Incentives, and Sanctions;
- Effective Dispute Resolution; and
- Directed Targeted Assistance and Professional Development.

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

Needs Substantial Intervention

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

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

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

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Meets Requirements

Results Process Indicators

LSS met or exceeded State targets established for Indicator 4A (Single or Multiple), Indicator 5 (5A, 5B and 5C) and Indicator 8A or 8B.

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least five (5) of the six (6) compliance indicators (4B, 9, 10, 11, 12, 13)

Correction of Noncompliance

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

AND

Timely and Accurate Data

LSS demonstrated full or substantial compliance for submission of accurate and timely data.

Needs Assistance

Results Process Indicators

The LSS met or exceeded State targets established for four (4) of the following seven (7) results indicators (4A Single or 4A Multiple, 5A, 5B, and 5C, 8A, or 8B)

AND

Compliance Indicators

The LSS demonstrated full or substantial compliance for at least four (4) of six (6) compliance indicators (4B, 9, 10, 11, 12, 13).

Correction of Noncompliance

The LSS corrected all but one instance of noncompliance within one year of identification.

AND

Timely and Accurate Data

The LSS data are timely but not accurate, or accurate but not timely.

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Needs Intervention

Results Process Indicators LSS met or exceeded State targets in at ≤ none of the following seven (7) results indicator (4A (Single or Multiple), 5A, 5B, and 5C, 8A, or 8B).	**AND**	Compliance Indicators LSS demonstrated full compliance or substantial compliance for at least three (3) of six (6) compliance indicators (4, 9, 10, 11, 12, 13).
Correction of Noncompliance The LSS did not correct all previously identified findings of noncompliance within two years of identification.	**AND**	Timely and Accurate Data The LSS Data are not timely or accurate.

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.

Division of Special Education/Early Intervention Services
Part B Graduated Results-Driven Accountability Plan

FFY <SFY> (Determination Year)	School Age LRE (5)	Significant Discrepancy in Suspension/Expulsion > 10 days (4A)	Parent Involvement (8)	Graduation (1)	Dropout (2)	Post School Outcomes (14)	Preschool LRE (6)	Preschool Outcomes (7)	Assessment (3)
2013 <2013-2014> (2015)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age						
2014 <2014-2015> (2016)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout				
2015 <2015-2016> (2017)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C			
2016 <2016-2017> (2018)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B		
2017 <2017-2018> (2019)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math
2018 <2018-2019> (2020)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math

DSE/EIS Strategic Plan *Moving Maryland Forward* Action Imperatives

- **Early Childhood**
- **Professional Learning**
- **Access, Equity, and Progress**
- **Secondary Transition**

Kent County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2013 – June 30, 2014

FFY 2013 (SFY 2014) Part B Indicators										
SPP/APR Indicators Results Indicator Compliance Indicator				FFY 2013			Action Required	Previous Results	
				State Target	Local Results	Target Met		FFY 2012	FFY 2011
1	Students with IEPs graduating with a regular diploma- 4 year cohort (ESEA lag data based on SY 12-13)			≥ 59.19%	77.78	Met	Data meet s the State's target. No Action required.	87.5%	76.00%
2	Students with IEPs dropping out (Option 2 lever rate data based on SY 12-13)			≤4.95%	7.14%	Not Met	Data does not meet the State's target. Continue to implement *Master Plan* Improvement Strategies.	4.20%	≤ 3.00%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading			Not Met	Not Met	Data does not meet the State's target. Continue to implement *Master Plan* Improvement Strategies.	Met	Met
		AMO for Math			Not Met	Not Met		Not Met	Met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	Met	Met	Data meet s the State's target. No Action required.	Met	> 95%
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	67.40	35.71%	Not Met	Data meets State's target for 5th grade reading. Data does not meet the State's targets in other grade levels for reading and for math. Continue to implement *Master Plan* Improvement Strategies.	57.14%	38.89%
			Reading	72.80	40.00%	Not Met		60.71%	72.22%
		4	Mathematics	67.40	53.85%	Not Met		60.87%	70.59%
			Reading	72.80	68.18%	Not Met		78.26%	82.35%
		5	Mathematics	67.40	39.13%	Not Met		47.37%	68.18%
			Reading	72.80	73.91%	Met		73.68%	81.82%
		6	Mathematics	67.40	20.00%	Not Met		45.00%	73.33%
			Reading	72.80	20.00%	Not Met		55.00%	80.00%
		7	Mathematics	67.40	35.71%	Not Met		29.41%	15.00%
			Reading	72.80	33.33%	Not Met		70.59%	50.00%
		8	Mathematics	67.40	16.67%	Not Met		23.08%	33.33%
			Reading	72.80	16.67%	Not Met		60.00%	55.56%
		HS	Mathematics	67.40	47.37%	Not Met		31.03%	61.54%
			Reading	72.80	44.44%	Not Met		37.93%	46.15%

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013 State Target	FFY 2013 Local Results	FFY 2013 Target Met	Action Required	Previous Results FFY 2012	Previous Results FFY 2011
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.00	Met	Data meets the State target. No required action.	2.20*	1.02
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.00	Met	Data meets the State target. No required action.	0.00	2.38*
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥68.40%	75.32%	Met	Data meets the State target. No required action.	78.38%	78.63%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤13.26%	11.26%	Met	Data meets the State target. No required action.	10.81%	11.69%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤6.69%	3.90%	Met	Data meets the State target. No required action.	1.80%	2.42%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		≥64.1%%	89.66%	Met	Data meets the State target. No required action.	92.31%	100%
6B	Aged 3-5 LRE: Separate School or Class		<18.90%	3.45%	Met	Data meets the State target. No required action.	0.00%	0.00
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.30%	33.33%	Not Met	Data does not meet the State target in category 7A1. Improvement Plan required.	80.0%	100%
		2. Exits within age expectations	66.40%	66.67%	Met	Data meets the State target for 7A1. No required action.	75.0%	100%
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	66.00%	83.33%	Met	Data meets the State target for 7B2 and 7B2. No required action.	37.5%	100%
		2. Exits within age expectations	55.70%	83.33%	Met		25.0%	80%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	61.50%	66.67%	Met	Data meets the State target for 7C1 and 7C2. No required action.	40.0%	100%
		2. Exits within age expectations	64.10%	83.33%	Met		50.0%	100%
8A	Parent Survey	Age 3-5	47%	NA	NA	Data does not meet the State's target in 3-21.	N/A	80%
		Age 6-21	39%	19%	Not Met		37.0%	24%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:	A. Higher ed w/in 1 year of leaving HS	35%	26.47%	Not Met	Data does not meet the State's target. Improvement plan required.		
		B. Higher ed or employed w/in 1 year of leaving HS	68%	73.53%	Met	Data meets the State target. No required action.		
		C. Higher ed or training program or employed w/in 1 year of leaving HS	82%			Disaggregated LSS data not available at this time.		

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2012	FFY 2011
4B	**Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity** **Discrepancy exists in the category** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	0.00	Met	No significant discrepancy. No required action	0.00	0.00
		Asian	**< 2.0**	0.00	Met		0.00	0.00
		Black or African American	**< 2.0**	0.00	Met		3.51*	3.83*
		Native Haw/Pacific Islander	**< 2.0**	0.00	Met		0.00	0.00
		White	**< 2.0**	0.00	Met		0.68	0.74
		2 or more races	**< 2.0**	0.00	Met		0.00	0.00
		Hispanic	**< 2.0**	0.00	Met		0.00	0.00
		Policies/procedures/ Practices contribute to the discrepancy	**No (0%)**				No	No
9	**Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification** **Disproportionate representation exits in the category.** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	0.00	Met	Significant disproportionality exists. MSDE review of identification procedures is appropriate. No required action.	1.63	4.04*
		Asian	**< 2.0**	0.00	Met		0.00	1.53
		Black, African American	**< 2.0**	2.11	Not Met		2.14	1.88
		Native Haw/Pacific Islander	**< 2.0**	0.00	Met		0.00	0.00
		White	**< 2.0**	0.70	Met		0.80	0.68
		2 or more races	**< 2.0**	0.23	Met		0.24	0.00
		Hispanic	**< 2.0**	0.94	Met		0.56	0.39
		Disproportionate representation is due to inappropriate identification	**No (0%)**					NA

FFY 2013 (SFY 2014) Part B Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2013			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2012	FFY 2011
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days	100%	100%	Met	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%	NA	NA	NA	100%	100%
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	100%	Met	Compliant. Data verified. No required action.	< 100%	100%
	Timely correction of noncompliance (Previously Indicator 15)	100%	100%	Met	Compliant. Continue to correct noncompliance within one year.	100%	100%
	State reported data are timely and accurate (Previously Indicator 20)	100%	100%	Met	Compliant. Continue to report data in a timely and accurate manner.	<100%	100%

FFY 2013 (SFY 2014) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2013 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	0.00	0.00	0.00	0.00	0.00	Significant disproportionality exists. MSDE review of identification procedures is appropriate. No required action.
		Asian	0.00	0.00	0.00	0.00	0.00	0.00	
		Black/African American	3.30*	2.43	1.75	1.68	0.79	1.25	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.33	0.59	1.48	1.10	2.05*	0.88	
		2 or more races	0.00	0.30	0.00	0.00	0.00	0.67	
		Hispanic	1.35	0.92	0.00	0.60	0.78	1.47	
		Disproportionate representation is due to inappropriate identification							

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2012 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification N size is < 30* Disproportionate representation exists.	American Indian/Alaska Native	0.00	2.97*	0.00	0.00	0.00	0.00	NA
		Asian	0.00	0.00	0.00	0.00	0.00	0.00	
		Black/African American	5.58*	2.47	3.37*	1.17	0.96	1.14	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.14	0.67	0.73	1.81	2.56*	1.35	
		2 or more races	0.00	0.15	0.00	0.93	0.00	0.91	
		Hispanic	1.32	0.61	0.00	0.00	0.00	0.61	
		Disproportionate representation is due to inappropriate identification							

MARYLAND STATE DEPARTMENT OF EDUCATION
PREPARING WORLD CLASS STUDENTS

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

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

March 23, 2015

Mr. Larry A. Bowers
Interim Superintendent
Montgomery County Public Schools
850 Hungerford Drive
Rockville, MD 20850

Dear Mr. Bowers:

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) 2013 (2013-2014 school year). Attached please find the *FFY 2013 Determination Overview* that identifies the Part B Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria*, and the *Graduation Results-Driven Accountability Plan.* The attached *FFY 2013 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 2013 data, as well as information obtained through monitoring and complaint investigations, the MCPS has achieved the determination status of **"Needs Intervention."**

In correspondence sent to your attention on March 19, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. Critical to the balanced focus on results and compliance is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. To prepare for using student outcomes on Statewide assessments, graduation, dropout, and post-school outcomes to assign future local determination status, the DSE/EIS examined the process indicators that will directly impact student progress, growth, and achievement. The process indicators used to measure performance included:

- Indicator 5, Provision of services in the Least Restrictive Environment (LRE);
- Indicator 4, Rate of suspensions and expulsions greater than 10 days in a school year; and
- Indicator 8, Parent involvement.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. 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.

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.

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

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.
Gwendolyn Mason, Ed.D.
Branch Chiefs

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

FFY 2013 Determination Overview
Part C & Part B
July 1, 2013 – June 30, 2014

The Individuals with Disabilities Education Act (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 June 2015.

The 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 Results and Compliance Indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources;
- Any audit findings; 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 1, 2015.

The following Part C indicators are included in assigning determinations:

Results	Compliance
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
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	
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

Process	**Compliance**
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; and 5C LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements. 4A Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days. 8A Preschool Parent Survey; or 8B School Age Parent Survey.	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity 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
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

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.

Framework for Assistance and Intervention

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LSS or LLA. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs. The MSDE will identify:

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

In collaboration with the MSDE, LSSs/LLAs will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. The MSDE is available to consult with LSSs/LLAs by telephone, fax, email, mail, or in-person. To

enable a LSS to improve performance and meet compliance available assistance may include, but is not limited to the MSDE assisting a LSS/LLA to:

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

Needs Intervention

The determination category of "Needs Intervention" indicates a need for assistance in either performance and/or compliance areas within the LSS/LLA General Supervision process. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "*Developing and Implementing an Effective System of General Supervision: Part B*," MSDE will direct the LSS/LLA to examine, clarify, and develop an effective system of general supervision to address results and compliance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with the LSS/LLA, the MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of "Needs Assistance." Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;

- Integrated Monitoring Activities;
- Fiscal Management;
- Data Processes and Results;
- Improvement, Correction, Incentives, and Sanctions;
- Effective Dispute Resolution; and
- Directed Targeted Assistance and Professional Development.

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

Needs Substantial Intervention

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

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

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

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Meets Requirements

Results Process Indicators LSS met or exceeded State targets established for Indicator 4A (Single or Multiple), Indicator 5 (5A, 5B and 5C) and Indicator 8A or 8B.	**AND**	Compliance Indicators LSS demonstrated full or substantial compliance for at least five (5) of the six (6) compliance indicators (4B, 9, 10, 11, 12, 13)
Correction of Noncompliance LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification.	**AND**	Timely and Accurate Data LSS demonstrated full or substantial compliance for submission of accurate and timely data.

Needs Assistance

Results Process Indicators The LSS met or exceeded State targets established for four (4) of the following seven (7) results indicators (4A Single or 4A Multiple, 5A, 5B, and 5C, 8A, or 8B)	**AND**	Compliance Indicators The LSS demonstrated full or substantial compliance for at least four (4) of six (6) compliance indicators (4B, 9, 10, 11, 12, 13).
Correction of Noncompliance The LSS corrected all but one instance of noncompliance within one year of identification.	**AND**	Timely and Accurate Data The LSS data are timely but not accurate, or accurate but not timely.

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Needs Intervention

Results Process Indicators LSS met or exceeded State targets in at ≤ none of the following seven (7) results indicator (4A (Single or Multiple), 5A, 5B, and 5C, 8A, or 8B).	**AND**	Compliance Indicators LSS demonstrated full compliance or substantial compliance for at least three (3) of six (6) compliance indicators (4, 9, 10, 11, 12, 13).
Correction of Noncompliance The LSS did not correct all previously identified findings of noncompliance within two years of identification.	**AND**	Timely and Accurate Data The LSS Data are not timely or accurate.

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.

Division of Special Education/Early Intervention Services
Part B Graduated Results-Driven Accountability Plan

FFY <SFY> (Determination Year)	School Age LRE (5)	Significant Discrepancy in Suspension/Expulsion > 10 days (4A)	Parent Involvement (8)	Graduation (1)	Dropout (2)	Post School Outcomes (14)	Preschool LRE (6)	Preschool Outcomes (7)	Assessment (3)
2013 <2013-2014> (2015)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age						
2014 <2014-2015> (2016)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout				
2015 <2015-2016> (2017)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C			
2016 <2016-2017> (2018)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B		
2017 <2017-2018> (2019)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math
2018 <2018-2019> (2020)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math

DSE/EIS Strategic Plan *Moving Maryland Forward* Action Imperatives

- **Early Childhood**
- **Professional Learning**
- **Access, Equity, and Progress**
- **Secondary Transition**

Montgomery County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2013 – June 30, 2014

FFY 2013 (SFY 2014) Part B Indicators										
SPP/APR Indicators Results Indicator Compliance Indicator				FFY 2013			Action Required	Previous Results	
				State Target	Local Results	Target Met		FFY 2012	FFY 2011
1	**Students with IEPs graduating with a regular diploma- 4 year cohort (ESEA lag data based on SY 12-13)**			**≥ 59.19%**	67.51%	Met	Data meets the State target for the 4 year cohort. Continue to implement *Master Plan* Improvement Strategies.	62.78%	62.53%
2	**Students with IEPs dropping out (Option 2 lever rate data based on SY 12-13)**			**≤4.95%**	3.63%	Met	Data meets the State target. Continue to implement *Master Plan* Improvement Strategies.	3.43%	3.57%
3A	**State Assessment: AMO for disability subgroup in the LEA**	**AMO for Reading**			Not Met	Not Met	Data does not meet the State target. Continue to implement *Master Plan* Improvement Strategies.	Not Met	
		AMO for Math			Not Met	Not Met		Not Met	Not Met
3B	**State Assessment: Participation rates of IEP students in all grades in the LEA**			**≥ 95%**	Met	Met	Data meets the State's target. No required action.	Met	≥ 95%
3C	**State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards**	3	Mathematics	**67.40**	43.85%	Not Met	Data meets State target for 5th grade reading. Data does not meet the State's targets in other grade levels for reading and for math. Continue to implement *Master Plan* Improvement Strategies.	66.64%	67.13%
			Reading	**72.80**	61.05%	Not Met		72.11%	74.30%
		4	Mathematics	**67.40**	49.13%	Not Met		69.45%	69.02%
			Reading	**72.80**	66.36%	Not Met		77.81%	76.52%
		5	Mathematics	**67.40**	38.16%	Not Met		67.24%	67.55%
			Reading	**72.80**	72.82%	Met		78.96%	79.26%
		6	Mathematics	**67.40**	43.57%	Not Met		61.36%	60.66%
			Reading	**72.80**	58.51%	Not Met		72.23%	69.60%
		7	Mathematics	**67.40**	44.22%	Not Met		60.25%	58.40%
			Reading	**72.80**	57.24%	Not Met		70.28%	69.47%
		8	Mathematics	**67.40**	36.92%	Not Met		44.49%	49.03%
			Reading	**72.80**	53.24%	Not Met		71.89%	67.78%
		HS	Mathematics	**67.40**	59.61%	Not Met		60.97%	62.32%
			Reading	**72.80**	60.74%	Not Met		60.90%	62.70%

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013 State Target	FFY 2013 Local Results	FFY 2013 Target Met	Action Required	Previous Results FFY 2012	Previous Results FFY 2011
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	3.20	Not Met	Data does not meet the State target. Improvement plan required.	4.23	3.47
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	2.98	Not Met	Data does not meet the State target. Improvement plan required.	2.23	3.56
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥68.40%	67.35%	Not Met	Data does not meet the State target. Improvement plan required.	67.49%	67.58%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤13.26%	13.06%	Met	Data meets the State's target. No required action.	13.13%	12.15%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤6.69%	6.27%	Met	Data meets the State's target. No required action.	5.68%	6.07
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		≥64.1%%	40.71%	Not Met	Data does not meet the State target. Improvement plan required.	42.55%	47.90%
6B	Aged 3-5 LRE: Separate School or Class		<18.90%	36.14%	Not Met	Data does not meet the State target. Improvement plan required.	34.96%	32.8%
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.30%	65.63%	Not Met	Data does not meet the State target for 7A1 and 7A2. Improvement Plan required.	60.8%	80.04%
		2. Exits within age expectations	66.40%	60.03%	Not Met		58.4%	77.16%
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	66.00%	73.11%	Met	Data meets the State targets for 7B1 and 7B2. No action required.	69.9%	85.74%
		2. Exits within age expectations	55.70%	56.25%	Met		53.9%	72.70%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	61.50%	63.02%	Met	Data meets the State target for 7C1 but does not meet for 7C2. Improvement plan required.	60.3%	76.32%
		2. Exits within age expectations	64.10%	61.72%	Not Met		57.7%	72.97%
8A	Parent Survey	Age 3-5	47%	42%	Not Met	Data does not meet the State target for 3-5 or 6-21.	47.0%	47.0%
		Age 6-21	39%	38%	Not Met		42.0%	43.0%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:	A. Higher ed w/in 1 year of leaving HS	35%	42.68%	Met	Data meets the State target. No required action.		
		B. Higher ed or employed w/in 1 year of leaving HS	68%	76.38%	Met	Data meets the State target. No required action.		
		C. Higher ed or training program or employed w/in 1 year of leaving HS	82%			Disaggregated LSS data not available at this time.		

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2012	FFY 2011
4B	**Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity** **Discrepancy exists in the category** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	0.00	Met	Significant discrepancy exists. A review by MSDE indicates appropriate policies and procedures. No required action.	0.00	15.27*
		Asian	**< 2.0**	0.00	Met		1.08	1.58
		Black or African American	**< 2.0**	7.40	Not Met		7.27	7.27
		Native Haw/Pacific Islander	**< 2.0**	0.00	Met		0.00	0.00
		White	**< 2.0**	1.22	Met		0.99	1.36
		2 or more races	**< 2.0**	2.83*	Met		2.08*	1.57
		Hispanic	**< 2.0**	2.08*	Met		2.32*	3.27
		Policies/procedures/ Practices contribute to the discrepancy	**No (0%)**	No			**No (0%)**	
9	**Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification** **Disproportionate representation exits in the category.** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	1.24	Met	Significant disproportionality does not exist. No required action.	0.90	0.95
		Asian	**< 2.0**	0.43	Met		0.45	0.44
		Black, African American	**< 2.0**	1.26	Met		1.27	1.28
		Native Haw/Pacific Islander	**< 2.0**	1.12	Met		0.50	0.44
		White	**< 2.0**	0.87	Met		0.86	0.87
		2 or more races	**< 2.0**	0.82	Met		0.78	0.75
		Hispanic	**< 2.0**	1.14	Met		1.15	1.13
		Disproportionate representation is due to inappropriate identification	**No (0%)**	No			**No (0%)**	NA

FFY 2013 (SFY 2014) Part B Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2013			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2012	FFY 2011
11	**Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days**	**100%**	98.28%	Not Met	Substantially compliant. Data verified. No required action.	96.44%	99.49%
12	**Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday**	**100%**	99.05%	Not Met	Substantially compliant. Data verified. No required action.	99.81%	100%
13	**Percentage of youth age 16 and above whose IEP meets secondary transition requirements**	**100%**	100%	Met	Compliant. Data verified. No required action.	100%	100%
	Timely correction of noncompliance (Previously Indicator 15)	**100%**	<100%	Not Met	Noncompliance must be corrected within one year. (Evaluation within 60 calendar days, Indicator 11)	100%	100%
	State reported data are timely and accurate (Previously Indicator 20)	**100%**	100%	Met	Compliant. No required action.	100%	100%

FFY 2013 (SFY 2014) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2013 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	1.80	0.86	1.41	1.04	1.12	2.11*	Significant disproportionality exists. A review of policies and procedures indicate appropriate identification. No required action.
		Asian	0.64	0.24	0.17	0.75	0.77	0.27	
		Black/African American	2.03	1.39	2.26	0.99	0.90	1.21	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.89	1.91	0.24	
		White	0.48	0.67	0.72	0.85	1.41	1.13	
		2 or more races	0.53	0.74	0.84	0.89	0.95	0.87	
		Hispanic	1.21	1.64	0.43	1.50	0.55	0.72	
		Disproportionate representation is due to inappropriate identification							

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2012 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification N size is < 30* Disproportionate representation exists.	American Indian/Alaska Native	0.00	0.83	1.43	0.70	1.18	1.07	NA
		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 is due to inappropriate identification							

MARYLAND STATE DEPARTMENT OF EDUCATION
PREPARING WORLD CLASS STUDENTS

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

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

March 23, 2015

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) 2013 (2013-2014 school year). Attached please find the *FFY 2013 Determination Overview* that identifies the Part B Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria*, and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 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 2013 data, as well as information obtained through monitoring and complaint investigations, the PGCPS has achieved the determination status of **"Needs Intervention."**

This is an improvement from last year's local determination status, "Needs Substantial Intervention." The new determination status is based on the positive data trends listed below:

- An increase in the number of students with disabilities receiving special education services in the general education classroom with nondisabled peers > 80% of the school day; and
- An increase in the number of Parent Survey responses from both parents of school-age children and youth with disabilities.

The longstanding determination status of "Needs Substantial Intervention" of the PGCPS triggered its participation in joint State and local focused meetings to review progress with the DSE/EIS Assistant State Superintendent. With the improvement demonstrated over the past year, the PGCPS will continue to participate with the DSE/EIS leadership to jointly identify continued technical assistance and support. This focused attention is essential to ensure systemic improvement strategies are implemented with fidelity and expected outcomes.

In correspondence sent to your attention on March 20, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. Critical to the balanced focus on results and compliance is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. To prepare for using student outcomes on Statewide assessments, graduation, dropout, and post-school outcomes to assign future local determination status, the DSE/EIS examined the process indicators that will directly impact student progress, growth, and achievement. The process indicators used to measure performance included:

- Indicator 5, Provision of services in the Least Restrictive Environment (LRE);
- Indicator 4, Rate of suspensions and expulsions greater than 10 days in a school year; and
- Indicator 8, Parent involvement.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. 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.

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.

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

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.
Joan Rothgeb, Ed.S.
Branch Chiefs

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

FFY 2013 Determination Overview
Part C & Part B
July 1, 2013 – June 30, 2014

The Individuals with Disabilities Education Act (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 June 2015.

The 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 Results and Compliance Indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources;
- Any audit findings; 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 1, 2015.

The following Part C indicators are included in assigning determinations:

Results	Compliance
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
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	
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

Process	**Compliance**
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; and 5C LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements. 4A Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days. 8A Preschool Parent Survey; or 8B School Age Parent Survey.	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity 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
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

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.

Framework for Assistance and Intervention

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LSS or LLA. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs. The MSDE will identify:

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

In collaboration with the MSDE, LSSs/LLAs will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. The MSDE is available to consult with LSSs/LLAs by telephone, fax, email, mail, or in-person. To

enable a LSS to improve performance and meet compliance available assistance may include, but is not limited to the MSDE assisting a LSS/LLA to:

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

Needs Intervention

The determination category of "Needs Intervention" indicates a need for assistance in either performance and/or compliance areas within the LSS/LLA General Supervision process. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "*Developing and Implementing an Effective System of General Supervision: Part B*," MSDE will direct the LSS/LLA to examine, clarify, and develop an effective system of general supervision to address results and compliance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with the LSS/LLA, the MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of "Needs Assistance." Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;

- Integrated Monitoring Activities;
- Fiscal Management;
- Data Processes and Results;
- Improvement, Correction, Incentives, and Sanctions;
- Effective Dispute Resolution; and
- Directed Targeted Assistance and Professional Development.

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

Needs Substantial Intervention

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

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

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

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Meets Requirements

Results Process Indicators LSS met or exceeded State targets established for Indicator 4A (Single or Multiple), Indicator 5 (5A, 5B and 5C) and Indicator 8A or 8B.	**AND**	Compliance Indicators LSS demonstrated full or substantial compliance for at least five (5) of the six (6) compliance indicators (4B, 9, 10, 11, 12, 13)
Correction of Noncompliance LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification.	**AND**	Timely and Accurate Data LSS demonstrated full or substantial compliance for submission of accurate and timely data.

Needs Assistance

Results Process Indicators The LSS met or exceeded State targets established for four (4) of the following seven (7) results indicators (4A Single or 4A Multiple, 5A, 5B, and 5C, 8A, or 8B)	**AND**	Compliance Indicators The LSS demonstrated full or substantial compliance for at least four (4) of six (6) compliance indicators (4B, 9, 10, 11, 12, 13).
Correction of Noncompliance The LSS corrected all but one instance of noncompliance within one year of identification.	**AND**	Timely and Accurate Data The LSS data are timely but not accurate, or accurate but not timely.

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Needs Intervention

Results Process Indicators		Compliance Indicators
LSS met or exceeded State targets in at ≤ none of the following seven (7) results indicator (4A (Single or Multiple), 5A, 5B, and 5C, 8A, or 8B).	**AND**	LSS demonstrated full compliance or substantial compliance for at least three (3) of six (6) compliance indicators (4, 9, 10, 11, 12, 13).
Correction of Noncompliance		**Timely and Accurate Data**
The LSS did not correct all previously identified findings of noncompliance within two years of identification.	**AND**	The LSS Data are not timely or accurate.

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.

Division of Special Education/Early Intervention Services
Part B Graduated Results-Driven Accountability Plan

FFY <SFY> (Determination Year)	School Age LRE (5)	Significant Discrepancy in Suspension/Expulsion > 10 days (4A)	Parent Involvement (8)	Graduation (1)	Dropout (2)	Post School Outcomes (14)	Preschool LRE (6)	Preschool Outcomes (7)	Assessment (3)
2013 <2013-2014> (2015)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age						
2014 <2014-2015> (2016)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout				
2015 <2015-2016> (2017)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C			
2016 <2016-2017> (2018)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B		
2017 <2017-2018> (2019)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math
2018 <2018-2019> (2020)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math

DSE/EIS Strategic Plan *Moving Maryland Forward* Action Imperatives

- **Early Childhood**
- **Professional Learning**
- **Access, Equity, and Progress**
- **Secondary Transition**

Prince George's County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2013 – June 30, 2014

FFY 2013 (SFY 2014) Part B Indicators										
SPP/APR Indicators Results Indicator Compliance Indicator				FFY 2013			Action Required	Previous Results	
				State Target	Local Results	Target Met		FFY 2012	FFY 2011
1	Students with IEPs graduating with a regular diploma - 4 year cohort (ESEA lag data based on SY 12-13)			≥59.19%	54.30%	Not Met	Data does not meet the State target. Continue to implement Master Plan Improvement Strategies.	56.00%	56.69%
								61.90%	62.83%
2	Students with IEPs dropping out (Option 2 leaver rate based on SY 12-13)			≤4.95%	7.19%	Not met	Data does not meet the State target. Continue to implement Master Plan Improvement Strategies.	7.19%	6.48%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading			Not Met	Not Met	Data does not meet the State target. Continue to implement Master Plan Improvement Strategies.	Not Met	Not Met
		AMO for Math			Not Met	Not Met		Not Met	Not Met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥95%	Met	Met	Data meets the State target. No required action.	Met	Met
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	67.40%	35.72%	Not Met	Data does not meet the State target. Continue to implement Master Plan Improvement Strategies.	48.15%	56.59%
			Reading	72.80%	48.97%	Not Met		58.07%	64.00%
		4	Mathematics	67.40%	39.69%	Not Met		49.57%	55.57%
			Reading	72.80%	51.87%	Not Met		57.28%	65.13%
		5	Mathematics	67.40%	26.67%	Not Met		38.19%	55.95%
			Reading	72.80%	55.14%	Not Met		57.71%	67.84%
		6	Mathematics	67.40%	27.58%	Not Met		47.38%	54.46%
			Reading	72.80%	42.24%	Not Met		49.52%	57.39%
		7	Mathematics	67.40%	20.36%	Not Met		27.76%	39.81%
			Reading	72.80%	33.78%	Not Met		42.21%	41.78%
		8	Mathematics	67.40%	14.73%	Not Met		23.58%	27.98%
			Reading	72.80%	28.62%	Not Met		32.33%	40.99%
		HS	Mathematics	67.40%	28.10%	Not Met		27.12%	29.68%
			Reading	72.80%	34.88%	Not Met		36.33%	39.30%

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator / Compliance Indicator			FFY 2013			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2012	FFY 2011
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	4.61	Not Met	Data does not meet the State target. Improvement Plan required.	3.68%	3.95%
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	2.05	Not Met	Data does not meet the State target. Improvement Plan required.	2.55%	1.78%
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥68.40%	53.56%	Not Met	Data does not meet the State target. Improvement Plan required.	52.30%	52.57%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤13.26%	27.94%	Not Met	Data does not meet the State target. Improvement Plan required.	27.92%	28.46%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤6.69%	9.32%	Not Met	Data does not meet the State target. Improvement Plan required.	9.12%	8.75%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		≥64.10%	43.69%	Not Met	Data does not meet the State target. Improvement Plan required.	40.46%	52.57%
6B	Aged 3-5 LRE: Separate School or Class		≤18.90	27.87%	Not Met	Data does not meet the State target. Improvement Plan required.	29.17%	28.46%
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.30%	60.72%	Not Met	Data does not meet the State target in category 7A1 and 7A2. Improvement plan required.	66.70%	58.16%
		2. Exits within age expectations	66.40%	59.71%	Not Met		61.50%	57.78%
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	66.00%	48.56%	Not Met	Data does not meet the State target in category 7B1 and 7B2. Improvement plan required.	55.80%	56.25%
		2. Exits within age expectations	55.70%	39.47%	Not Met		41.60%	42.74%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	61.50%	54.29%	Not Met	Data does not meet the State target in category 7C1 and 7C2. Improvement plan required.	58.70%	50.65%
		2. Exits within age expectations	67.30%	56.03%	Not Met		57.80%	52.51%
8	Parent Survey	Age 3-5	47.00%	44.00%	Not Met	Data does not meet the State target in 3-5 and 6-21.	52.00%	49.00%
		Age 6-21	39%	35.00%	Not Met		33.00%	35.00%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:	A. Higher ed w/in 1 year of leaving HS	35.0%	19.83%	Not Met	Data does not meet the target. Improvement plan required.		
		B. Higher ed or employed w/in 1 year of leaving HS	68.0%	40.68%	Not Met	Data does not meet the target. Improvement plan required.		
		C. Higher ed or training program or employed w/in 11 year of leaving HS	82.0%			Disaggregated LSS data not available at this time.		

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2012	FFY 2011
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 Indi/Alaska Native*	**<2.0**	2.49*	Not Met	Significant discrepancy exists. A previous MSDE review of policies, procedures and practices do not contribute to the significant discrepancy. No required action.	2.22*	1.80
		Asian	**< 2.0**	0.73	Met		0.00	0.59
		Black or African American	**< 2.0**	4.77	Not Met		4.33	4.39
		Native Haw/Pacific Islander	**< 2.0**	0.00	Met		0.00	0.00
		White	**< 2.0**	1.53	Met		1.40	0.70
		2 or more races	**< 2.0**	1.46	Met		2.52*	2.21*
		Hispanic	**< 2.0**	1.58	Met		0.73	0.84
		Policies/procedures/ Practices contribute to the discrepancy	**No**	No				No
9	**Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification** **Disproportionate representation exits in the category.** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	1.11	Met	No significant disproportionate representation. No required action.	0.95	1.04
		Asian	**< 2.0**	0.41	Met		0.40	0.39
		Black, African American	**< 2.0**	0.97	Met		0.91	0.91
		Native Haw/Pacific Islander	**< 2.0**	0.07	Met		0.10	0.22
		White	**< 2.0**	1.38	Met		1.47	1.45
		2 or more races	**< 2.0**	0.77	Met		0.74	0.75
		Hispanic	**< 2.0**	0.71	Met		0.71	0.70
		Disproportionate representation is due to inappropriate identification	**No (0%)**	No			**No (0%)**	No (0%)

FFY 2013 (SFY 2014) Part B Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2013			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2012	FFY 2011
11	**Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days**	**100%**	97.47%	Not Met	Substantially compliant. Data verified. No required action.	97.15%	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%	Not Met	Substantially compliant. Data verified. No required action.	99.69%	100%
13	**Percentage of youth age 16 and above whose IEP meets secondary transition requirements**	**100%**	100%	Met	Compliant. Data verified. No required action.	95.5%	99.0%
	Timely correction of noncompliance (Previously Indicator 15)	**100%**	100%	Met	Compliant. Continue to correct noncompliance within one year.	100%	< 100%
	State reported data are timely and accurate (Previously Indicator 20)	**100%**	100%	Met	Compliant. Continue to correct noncompliance within one year.	100%	100%

FFY 2013 (SFY 2014) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2013 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	0.38	1.31	1.16	1.18	0.87	0.57	Significant disproportionality exists. MSDE review of identification procedures are appropriate. No required action.
		Asian	0.38	0.31	0.26	0.59	0.71	0.13	
		Black/African American	1.50	1.13	1.33	0.58	0.68	0.93	
		Native Hawaiian/ Pacific Islander	0.63	0.00	0.00	0.00	0.00	0.24	
		White	1.02	1.03	1.38	2.08	2.18	1.75	
		2 or more races	0.42	0.86	0.88	1.03	0.76	0.67	
		Hispanic	0.62	1.06	0.20	0.59	0.32	0.51	
		Disproportionate representation is due to inappropriate identification							

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2012 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification N size is < 30* Disproportionate representation exists.	American Indian/Alaska Native	0.97	1.08	1.19	0.44	0.56	0.54	Significant disproportionality exists. MSDE review of identification procedures are appropriate. No required action.
		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							

MARYLAND STATE DEPARTMENT OF EDUCATION
PREPARING WORLD CLASS STUDENTS

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

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

March 23, 2015

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) 2013 (2013-2014 school year). Attached please find the *FFY 2013 Determination Overview* that identifies the Part B Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria,* and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 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 2013 data, as well as information obtained through monitoring and complaint investigations, the QACBOE has achieved the determination status of **"Meets Requirements."**

In correspondence sent to your attention on March 19, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. Critical to the balanced focus on results and compliance is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. To prepare for using student outcomes on Statewide assessments, graduation, dropout, and post-school outcomes to assign future local determination status, the DSE/EIS examined the process indicators that will directly impact student progress, growth, and achievement. The process indicators used to measure performance included:

- Indicator 5, Provision of services in the Least Restrictive Environment (LRE);
- Indicator 4, Rate of suspensions and expulsions greater than 10 days in a school year; and
- Indicator 8, Parent involvement.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. 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.

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.

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

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.
Diane McGowan
Branch Chiefs

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

FFY 2013 Determination Overview
Part C & Part B
July 1, 2013 – June 30, 2014

The Individuals with Disabilities Education Act (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 June 2015.

The 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 Results and Compliance Indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources;
- Any audit findings; 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 1, 2015.

The following Part C indicators are included in assigning determinations:

Results	Compliance
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
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	
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

Process	Compliance
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; and 5C LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements. 4A Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days. 8A Preschool Parent Survey; or 8B School Age Parent Survey.	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity 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
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

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.

Framework for Assistance and Intervention

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LSS or LLA. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs. The MSDE will identify:

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

In collaboration with the MSDE, LSSs/LLAs will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. The MSDE is available to consult with LSSs/LLAs by telephone, fax, email, mail, or in-person. To

enable a LSS to improve performance and meet compliance available assistance may include, but is not limited to the MSDE assisting a LSS/LLA to:

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

Needs Intervention

The determination category of "Needs Intervention" indicates a need for assistance in either performance and/or compliance areas within the LSS/LLA General Supervision process. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "*Developing and Implementing an Effective System of General Supervision: Part B*," MSDE will direct the LSS/LLA to examine, clarify, and develop an effective system of general supervision to address results and compliance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with the LSS/LLA, the MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of "Needs Assistance." Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;

- Integrated Monitoring Activities;
- Fiscal Management;
- Data Processes and Results;
- Improvement, Correction, Incentives, and Sanctions;
- Effective Dispute Resolution; and
- Directed Targeted Assistance and Professional Development.

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

Needs Substantial Intervention

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

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

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

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Meets Requirements

Results Process Indicators LSS met or exceeded State targets established for Indicator 4A (Single or Multiple), Indicator 5 (5A, 5B and 5C) and Indicator 8A or 8B.	**AND**	Compliance Indicators LSS demonstrated full or substantial compliance for at least five (5) of the six (6) compliance indicators (4B, 9, 10, 11, 12, 13)
Correction of Noncompliance LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification.	**AND**	Timely and Accurate Data LSS demonstrated full or substantial compliance for submission of accurate and timely data.

Needs Assistance

Results Process Indicators The LSS met or exceeded State targets established for four (4) of the following seven (7) results indicators (4A Single or 4A Multiple, 5A, 5B, and 5C, 8A, or 8B)	**AND**	Compliance Indicators The LSS demonstrated full or substantial compliance for at least four (4) of six (6) compliance indicators (4B, 9, 10, 11, 12, 13).
Correction of Noncompliance The LSS corrected all but one instance of noncompliance within one year of identification.	**AND**	Timely and Accurate Data The LSS data are timely but not accurate, or accurate but not timely.

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Needs Intervention

Results Process Indicators

LSS met or exceeded State targets in at ≤ none of the following seven (7) results indicator (4A (Single or Multiple), 5A, 5B, and 5C, 8A, or 8B).

AND

Compliance Indicators

LSS demonstrated full compliance or substantial compliance for at least three (3) of six (6) compliance indicators (4, 9, 10, 11, 12, 13).

Correction of Noncompliance

The LSS did not correct all previously identified findings of noncompliance within two years of identification.

AND

Timely and Accurate Data

The LSS Data are not timely or accurate.

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.

Division of Special Education/Early Intervention Services
Part B Graduated Results-Driven Accountability Plan

FFY <SFY> (Determination Year)	School Age LRE (5)	Significant Discrepancy in Suspension/Expulsion > 10 days (4A)	Parent Involvement (8)	Graduation (1)	Dropout (2)	Post School Outcomes (14)	Preschool LRE (6)	Preschool Outcomes (7)	Assessment (3)
2013 <2013-2014> (2015)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age						
2014 <2014-2015> (2016)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout				
2015 <2015-2016> (2017)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C			
2016 <2016-2017> (2018)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B		
2017 <2017-2018> (2019)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math
2018 <2018-2019> (2020)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math

DSE/EIS Strategic Plan *Moving Maryland Forward* Action Imperatives

- **Early Childhood**
- **Professional Learning**
- **Access, Equity, and Progress**
- **Secondary Transition**

Queen Anne's County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2013 – June 30, 2014

FFY 2013 (SFY 2014) Part B Indicators										
SPP/APR Indicators Results Indicator Compliance Indicator				FFY 2013 State Target	FFY 2013 Local Results	FFY 2013 Target Met	Action Required	Previous Results FFY 2012	Previous Results FFY 2011
1	Students with IEPs graduating with a regular diploma – 4 year cohort (ESEA lag data based on SY 12-13)			≥59.19	73.47%	Not Met	Data does not meet the State target. Continue to implement Master Plan Improvement Strategies.	70.0%	74.55%
								72.88%	79.63%
2	Students with IEPs dropping ou((Option 2 leaver rate based on SY 12-13)			≤4.95	3.76%	Met	Data meets the State target. Continue to implement Master Plan Improvement Strategies.	3.76%	3.95%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading			Not Met	Not Met	Data does not meet the State target. Continue to implement Master Plan Improvement Strategies.	Not Met	Met
		AMO for Math			Not Met	Not Met		Not Met	Met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	Met	Met	Data meets the State target. No required action.	Met	Met
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	67.40%	50.67%	Not Met	Data does not meet the State target. Continue to implement Master Plan Improvement Strategies.	59.46%	84.62%
			Reading	72.80%	78.08%	Met		77.03%	79.49%
		4	Mathematics	67.40%	62.12%	Not Met		73.56%	80.95%
			Reading	72.80%	74.32%	Met		83.91%	84.52%
		5	Mathematics	67.40%	44.71%	Not Met		34.07%	68.67%
			Reading	72.80%	68.24%	Not Met		73.63%	76.19%
		6	Mathematics	67.40%	27.06%	Not Met		31.17%	71.95%
			Reading	72.80%	63.53%	Not Met		61.04%	73.49%
		7	Mathematics	67.40%	28.00%	Not Met		30.86%	65.38%
			Reading	72.80%	47.22%	Not Met		65.43%	71.79%
		8	Mathematics	67.40%	25.64%	Not Met		30.86%	48.65%
			Reading	72.80%	50.00%	Not Met		64.20%	75.68%
		HS	Mathematics	67.40%	77.05%	Met		70.73%	62.0%
			Reading	72.80%	62.50%	Not Met		71.43%	64.0%

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013 State Target	FFY 2013 Local Results	FFY 2013 Target Met	Action Required	Previous Results FFY 2012	Previous Results FFY 2011
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	6.81*	Met	Data meets State target. No required action.	0.00	1.17
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.00	Met	Data meets State target. No required action.	0.00	0.00
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥68.40%	92.70%	Met	Data meets State target. No required action.	92.38%	91.84%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤13.26%	4.49%	Met	Data meets State target. No required action.	3.98%	3.63%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤6.69%	1.01%	Met	Data meets State target. No required action.	1.22%	1.36%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		≤64.10%5	53.85%	Not Met	Data does not meet the State target. Improvement Plan required.	1.22%	52.38%
6B	Aged 3-5 LRE: Separate School or Class		≤18.90%	24.04%	Not Met	Data does not meet the State target. Improvement Plan required.	54.55%	27.38%
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.30%	75.00%	Met	Data meets the State target in category 7A1 and 7A2. No required action.	80.0%	76.0%
		2. Exits within age expectations	66.40%	78.57%	Met		93.8%	84.78%
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	66.00%	71.00%	Met	Data meets the State target in category 7B1 and 7B2. No required action.	100%	72.41%
		2. Exits within age expectations	55.70%	73.81%	Met		93.8%	76.09%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	61.50%	79.00%	Met	Data meets the State target in category 7C1 and 7C2. No required action.	100%	78.26%
		2. Exits within age expectations	64.10%	80.95%	Met		93.8%	89.13%
8A	Parent Survey	Age 3-5	47.00%	NA		Data meets the State target for 6-21. No required action.	44.0%	63.0%
		Age 6-21	39.00%	47.00%	Met		49.0%	45.0%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:	A. Higher ed w/in 1 year of leaving HS	35.00%	19.23%	Not Met	Data does not meet State target. Improvement Plan required.		
		B. Higher ed or employed w/in 1 year of leaving HS	68.00%	76.92%	Met	Data meets State target.		
		C. Higher ed or training program or employed w/in 1 year of leaving HS	82.00%			Disaggregated LSS data not available at this time.		

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2012	FFY 2011
4B	**Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity** **Discrepancy exists in the category** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	0.00	Met	No Significant discrepancy. No required action.	0.00	0.00
		Asian	**< 2.0**	0.00	Met		0.00	0.00
		Black or African American	**< 2.0**	0.00	Met		0.00	0.00
		Native Haw/Pacific Islander	**< 2.0**	0.00	Met		0.00	0.00
		White	**< 2.0**	4.27*	Met		0.00	1.45
		2 or more races	**< 2.0**	0.00	Met		0.00	0.00
		Hispanic	**< 2.0**	0.00	Met		0.00	0.00
		Policies/procedures/ Practices contribute to the discrepancy	**No**	No			No	No
9	**Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification** **Disproportionate representation exits in the category.** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	0.71	Met	Significant disproportionality exists. MSDE review of identification procedures are appropriate. No required action.	0.84	1.36
		Asian	**< 2.0**	0.37	Met		0.59	0.56
		Black, African American	**< 2.0**	2.22	Not Met		1.95	1.85
		Native Haw/Pacific Islander	**< 2.0**	0.00	Met		2.16*	2.18*
		White	**< 2.0**	0.68	Met		0.71	0.67
		2 or more races	**< 2.0**	0.68	Met		0.64	0.72
		Hispanic	**< 2.0**	0.53	Met		0.55	0.73
		Disproportionate representation is due to inappropriate identification	**No (0%)**	No			No (0%)	No (0%)

FFY 2013 (SFY 2014) Part B Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2013			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2012	FFY 2011
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days	100%	97.06%	Not Met	Substantially compliant. Data verified. No required action.	95.93%	98.94%
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday	100%	100%	Met	Compliant. Data verified. No required action.	100%	100%
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	100%	Met	Compliant. Data verified. No required action.	100%	86%
	Timely correction of noncompliance (Previously Indicator 15)	100%	100%	Met	Compliant. Data verified. No required action.	< 100%	100%
	State reported data are timely and accurate (Previously Indicator 20)	100%	100%	Met	Compliant. Data verified. No required action.	100%	100%

FFY 2013 (SFY 2014) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2013 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	1.35	0.00	0.00	0.00	0.00	Significant disproportionality exists. MSDE review of identification procedures are appropriate. No required action
		Asian	0.00	1.35	0.00	0.00	0.00	0.00	
		Black/African American	2.38*	2.16	3.35*	3.94*	0.85	1.93	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.71	0.64	0.33	0.54	1.16	0.86	
		2 or more races	0.00	0.73	2.00	0.00	0.93	1.08	
		Hispanic	0.74	0.62	0.62	0.11	0.95	0.46	
		Disproportionate representation is due to inappropriate identification							

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2012 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification N size is < 30* Disproportionate representation exists.	American Indian/Alaska Native	0.00	1.07	0.00	0.00	4.37*	0.00	No significant disproportionate representation exists. No action required.
		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 is due to inappropriate identification							

MARYLAND STATE DEPARTMENT OF EDUCATION
PREPARING WORLD CLASS STUDENTS

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

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

March 23, 2015

Mr. James Scott Smith
Interim Superintendent
St. Mary's County Public Schools
23160 Moakley Street, Suite 109
Leonardtown, MD 20650

Dear Mr. Smith:

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) 2013 (2013-2014 school year). Attached please find the *FFY 2013 Determination Overview* that identifies the Part B Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria,* and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 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 2013 data, as well as information obtained through monitoring and complaint investigations, the SMCPS has achieved the determination status of **"Meets Requirements."**

In correspondence sent to your attention on March 19, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. Critical to the balanced focus on results and compliance is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. To prepare for using student outcomes on Statewide assessments, graduation, dropout, and post-school outcomes to assign future local determination status, the DSE/EIS examined the process indicators that will directly impact student progress, growth, and achievement. The process indicators used to measure performance included:

- Indicator 5, Provision of services in the Least Restrictive Environment (LRE);
- Indicator 4, Rate of suspensions and expulsions greater than 10 days in a school year; and
- Indicator 8, Parent involvement.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. 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.

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.

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

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.
Melissa Charbonnet
Branch Chiefs

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

FFY 2013 Determination Overview
Part C & Part B
July 1, 2013 – June 30, 2014

The Individuals with Disabilities Education Act (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 June 2015.

The 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 Results and Compliance Indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources;
- Any audit findings; 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 1, 2015.

The following Part C indicators are included in assigning determinations:

Results	Compliance
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
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	
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

Process	**Compliance**
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; and 5C LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements. 4A Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days. 8A Preschool Parent Survey; or 8B School Age Parent Survey.	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity 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
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

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.

Framework for Assistance and Intervention

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LSS or LLA. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs. The MSDE will identify:

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

In collaboration with the MSDE, LSSs/LLAs will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. The MSDE is available to consult with LSSs/LLAs by telephone, fax, email, mail, or in-person. To

enable a LSS to improve performance and meet compliance available assistance may include, but is not limited to the MSDE assisting a LSS/LLA to:

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

Needs Intervention

The determination category of "Needs Intervention" indicates a need for assistance in either performance and/or compliance areas within the LSS/LLA General Supervision process. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "*Developing and Implementing an Effective System of General Supervision: Part B*," MSDE will direct the LSS/LLA to examine, clarify, and develop an effective system of general supervision to address results and compliance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with the LSS/LLA, the MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of "Needs Assistance." Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;

- Integrated Monitoring Activities;
- Fiscal Management;
- Data Processes and Results;
- Improvement, Correction, Incentives, and Sanctions;
- Effective Dispute Resolution; and
- Directed Targeted Assistance and Professional Development.

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

Needs Substantial Intervention

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

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

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

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Meets Requirements

Results Process Indicators LSS met or exceeded State targets established for Indicator 4A (Single or Multiple), Indicator 5 (5A, 5B and 5C) and Indicator 8A or 8B.	**AND**	Compliance Indicators LSS demonstrated full or substantial compliance for at least five (5) of the six (6) compliance indicators (4B, 9, 10, 11, 12, 13)
Correction of Noncompliance LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification.	**AND**	Timely and Accurate Data LSS demonstrated full or substantial compliance for submission of accurate and timely data.

Needs Assistance

Results Process Indicators The LSS met or exceeded State targets established for four (4) of the following seven (7) results indicators (4A Single or 4A Multiple, 5A, 5B, and 5C, 8A, or 8B)	**AND**	Compliance Indicators The LSS demonstrated full or substantial compliance for at least four (4) of six (6) compliance indicators (4B, 9, 10, 11, 12, 13).
Correction of Noncompliance The LSS corrected all but one instance of noncompliance within one year of identification.	**AND**	Timely and Accurate Data The LSS data are timely but not accurate, or accurate but not timely.

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Needs Intervention

Results Process Indicators

LSS met or exceeded State targets in at ≤ none of the following seven (7) results indicator (4A (Single or Multiple), 5A, 5B, and 5C, 8A, or 8B).

AND

Compliance Indicators

LSS demonstrated full compliance or substantial compliance for at least three (3) of six (6) compliance indicators (4, 9, 10, 11, 12, 13).

Correction of Noncompliance

The LSS did not correct all previously identified findings of noncompliance within two years of identification.

AND

Timely and Accurate Data

The LSS Data are not timely or accurate.

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.

Division of Special Education/Early Intervention Services
Part B Graduated Results-Driven Accountability Plan

FFY <SFY> (Determination Year)	School Age LRE (5)	Significant Discrepancy in Suspension/Expulsion > 10 days (4A)	Parent Involvement (8)	Graduation (1)	Dropout (2)	Post School Outcomes (14)	Preschool LRE (6)	Preschool Outcomes (7)	Assessment (3)
2013 <2013-2014> (2015)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age						
2014 <2014-2015> (2016)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout				
2015 <2015-2016> (2017)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C			
2016 <2016-2017> (2018)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B		
2017 <2017-2018> (2019)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math
2018 <2018-2019> (2020)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math

DSE/EIS Strategic Plan *Moving Maryland Forward* Action Imperatives

- **Early Childhood**
- **Professional Learning**
- **Access, Equity, and Progress**
- **Secondary Transition**

St. Mary's County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2013 – June 30, 2014

FFY 2013 (SFY 2014) Part B Indicators										
SPP/APR Indicators Results Indicator Compliance Indicator				FFY 2013 State Target	FFY 2013 Local Results	FFY 2013 Target Met	Action Required	Previous Results FFY 2012	Previous Results FFY 2011
1	Students with IEPs graduating with a regular diploma - 4 year cohort (ESEA lag data based on SY 12-13)			≥ 59.19%	57.89%	Not Met	Data does not meet the State target. Continue to implement *Master Plan* Improvement Strategies.	57.98%	46.94%
2	Students with IEPs dropping out (Option 2 lever rate data based on SY 12-13)			≤4.95%	3.33%	Met	Data meet s the State target. No action required.	<3.00%	7.24%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading			Not Met	Not Met	Data does not meet the State target. Continue to implement *Master Plan* Improvement Strategies.	Not Met	Met
		AMO for Math			Not Met	Not Met		Not Met	Not Met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	Met	Met	Data meet s the State target. No action required.	Met	> 95%
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	67.40	46.21	Not Met	Data does not meet the State targets for reading or mathematics. Continue to implement *Master Plan* Improvement Strategies.	48.76%	76.76%
			Reading	72.80	42.74	Not Met		56.20%	79.02%
		4	Mathematics	67.40	46.62	Not Met		73.05%	61.19%
			Reading	72.80	52.27	Not Met		66.67%	73.88%
		5	Mathematics	67.40	44.19	Not Met		47.33%	66.92%
			Reading	72.80	64.34	Not Met		65.65%	76.92%
		6	Mathematics	67.40	29.17	Not Met		51.82%	50.89%
			Reading	72.80	43.33	Not Met		52.29%	53.57%
		7	Mathematics	67.40	24.11	Not Met		35.54%	45.26%
			Reading	72.80	36.04	Not Met		46.28%	43.80%
		8	Mathematics	67.40	28.32	Not Met		36.36%	55.04%
			Reading	72.80	38.05	Not Met		38.84%	56.59%
		HS	Mathematics	67.40	42.86	Not Met		58.67%	59.09%
			Reading	72.80	35.06	Not Met		37.97%	50.00%

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2012	FFY 2011
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.10	Met	Data meet s the State target. No action required.	0.18	0.08
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.00	Met	Data meet s the State target. No action required.	0.00	0.00
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥68.40%	78.01%	Met	Data meet s the State target. No action required.	78.64%	77.95%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤13.26%	10.23%	Met	Data meet s the State target. No action required.	9.85%	9.92%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤6.69%	1.93%	Met	Data meet s the State target. No action required.	1.65%	1.96%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		≥64.1%	64.32%	Met	Data meet s the State target. No action required.	64.35%	69.19%
6B	Aged 3-5 LRE: Separate School or Class		<18.90%	0.00	Met	Data meet s the State target. No action required.	0.43%	9.95%
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.30%	76.47	Met	Data meet s the State target. No action required.	69.8%	76.62%
		2. Exits within age expectations	66.40%	80.58	Met		78.1%	80.62%
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	66.00%	72.37	Met	Data meet s the State target. No action required.	68.3%	83.51%
		2. Exits within age expectations	55.70%	66.69	Met		61.9%	79.07%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	61.50%	72.41	Met	Data meet s the State target. No action required.	69.4%	81.33%
		2. Exits within age expectations	64.10%	76.70	Met		81.0%	83.72%
8A	Parent Survey	Age 3-5	47%	37%	Not Met	Data does not meet the State target for 3-5. Data meet s the State target for 6-21. No action required.	40.0%	36%
		Age 6-21	39%	42%	Met		39.0%	37%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:	A. Higher ed w/in 1 year of leaving HS	35%	18.37%	Not Met	Data does not meet the State target. Improvement plan required.		
		B. Higher ed or employed w/in 1 year of leaving HS	68%	55.10%	Not Met	Data does not meet the State target. Improvement plan required.		
		C. Higher ed or training program or employed w/in 1 year of leaving HS	82%			Disaggregated LSS data not available at this time.		

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2012	FFY 2011
4B	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity Discrepancy exists in the category N size is < 30*	*Amer Indian/Alaska Native*	< 2.0	0.00	Met	No significant discrepancy	0.00	0.00
		Asian	< 2.0	0.00	Met		0.00	0.00
		Black or African American	< 2.0	0.00	Met		0.31	0.00
		Native Haw/Pacific Islander	< 2.0	0.00	Met		0.00	0.00
		White	< 2.0	0.15	Met		0.14	0.13
		2 or more races	< 2.0	0.00	Met		0.00	0.00
		Hispanic	< 2.0	0.00	Met		0.00	0.00
		Policies/procedures/ Practices contribute to the discrepancy	No (0%)	No (0%)	Met		No	No
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification Disproportionate representation exits in the category. N size is < 30*	*Amer Indian/Alaska Native*	< 2.0	1.81	Met	Significant disproportionality does not exist. No required action.	1.76	1.54
		Asian	< 2.0	0.38	Met		0.36	0.32
		Black, African American	< 2.0	1.83	Met		1.81	1.80
		Native Haw/Pacific Islander	< 2.0	0.41	Met		0.32	1.03
		White	< 2.0	0.70	Met		0.70	0.73
		2 or more races	< 2.0	0.76	Met		0.73	0.89
		Hispanic	< 2.0	0.80	Met		0.83	0.74
		Disproportionate representation is due to inappropriate identification	No (0%)	No (0%)	Met		No (0%)	No (0%)

FFY 2013 (SFY 2014) Part B Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2013			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2012	FFY 2011
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days	100%	98.74%	Not Met	Substantially compliant. Data verified. No required action.	98.39%	97.76%
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday	100%	100%	Met	Compliant. Data verified. No required action.	100%	100%
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	100%	Met	Compliant. Data verification indicates need for more specific student data.	100%	100%
	Timely correction of noncompliance (Previously Indicator 15)	100%	100%	Met	Compliant. No action required.	100%	100%
	State reported data are timely and accurate (Previously Indicator 20)	100%	100%	Met	Compliant. No action required.	100%	<100%

FFY 2013 (SFY 2014) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2013 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	2.49*	2.36*	0.00	0.00	3.44*	NA
		Asian	0.37	0.23	0.27	0.84	0.69	0.20	
		Black/African American	2.89	2.33	2.50	1.26	1.16	1.66	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	2.64*	0.00	0.00	
		White	0.47	0.59	0.66	0.82	0.91	0.78	
		2 or more races	0.44	0.70	0.16	1.17	0.68	0.91	
		Hispanic	0.71	0.69	0.51	0.94	1.15	0.82	
		Disproportionate representation is due to inappropriate identification							

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2012 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification N size is < 30* Disproportionate representation exists.	American Indian/Alaska Native	0.00	2.42*	2.01*	1.82	0.00	2.10*	NA
		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 is due to inappropriate identification							

MARYLAND STATE DEPARTMENT OF EDUCATION
PREPARING WORLD CLASS STUDENTS

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

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

March 23, 2015

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

Dear Dr. Gaddis: John

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) 2013 (2013-2014 school year). Attached please find the *FFY 2013 Determination Overview* that identifies the Part B Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria,* and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 Annual Data Table on SPP/APR Part B Indicators* provides a three-year data analysis and required actions for the Somerset County Public Schools (SCPS). Based on the FFY 2013 data, as well as information obtained through monitoring and complaint investigations, the SCPS has achieved the determination status of **"Meets Requirements."**

In correspondence sent to your attention on March 19, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. Critical to the balanced focus on results and compliance is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. To prepare for using student outcomes on Statewide assessments, graduation, dropout, and post-school outcomes to assign future local determination status, the DSE/EIS examined the process indicators that will directly impact student progress, growth, and achievement. The process indicators used to measure performance included:

- Indicator 5, Provision of services in the Least Restrictive Environment (LRE);
- Indicator 4, Rate of suspensions and expulsions greater than 10 days in a school year; and
- Indicator 8, Parent involvement.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. 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.

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.

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

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.
Lynette Johnson
Branch Chiefs

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

FFY 2013 Determination Overview
Part C & Part B
July 1, 2013 – June 30, 2014

The Individuals with Disabilities Education Act (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 June 2015.

The 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 Results and Compliance Indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources;
- Any audit findings; 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 1, 2015.

The following Part C indicators are included in assigning determinations:

Results	Compliance
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
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	
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

Process	**Compliance**
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; and 5C LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements. 4A Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days. 8A Preschool Parent Survey; or 8B School Age Parent Survey.	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity 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
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

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.

Framework for Assistance and Intervention

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LSS or LLA. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs. The MSDE will identify:

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

In collaboration with the MSDE, LSSs/LLAs will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. The MSDE is available to consult with LSSs/LLAs by telephone, fax, email, mail, or in-person. To

enable a LSS to improve performance and meet compliance available assistance may include, but is not limited to the MSDE assisting a LSS/LLA to:

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

Needs Intervention

The determination category of "Needs Intervention" indicates a need for assistance in either performance and/or compliance areas within the LSS/LLA General Supervision process. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "*Developing and Implementing an Effective System of General Supervision: Part B*," MSDE will direct the LSS/LLA to examine, clarify, and develop an effective system of general supervision to address results and compliance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with the LSS/LLA, the MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of "Needs Assistance." Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;

- Integrated Monitoring Activities;
- Fiscal Management;
- Data Processes and Results;
- Improvement, Correction, Incentives, and Sanctions;
- Effective Dispute Resolution; and
- Directed Targeted Assistance and Professional Development.

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

Needs Substantial Intervention

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

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

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

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Meets Requirements

Results Process Indicators

LSS met or exceeded State targets established for Indicator 4A (Single or Multiple), Indicator 5 (5A, 5B and 5C) and Indicator 8A or 8B.

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least five (5) of the six (6) compliance indicators (4B, 9, 10, 11, 12, 13)

Correction of Noncompliance

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

AND

Timely and Accurate Data

LSS demonstrated full or substantial compliance for submission of accurate and timely data.

Needs Assistance

Results Process Indicators

The LSS met or exceeded State targets established for four (4) of the following seven (7) results indicators (4A Single or 4A Multiple, 5A, 5B, and 5C, 8A, or 8B)

AND

Compliance Indicators

The LSS demonstrated full or substantial compliance for at least four (4) of six (6) compliance indicators (4B, 9, 10, 11, 12, 13).

Correction of Noncompliance

The LSS corrected all but one instance of noncompliance within one year of identification.

AND

Timely and Accurate Data

The LSS data are timely but not accurate, or accurate but not timely.

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Needs Intervention

Results Process Indicators

LSS met or exceeded State targets in at ≤ none of the following seven (7) results indicator (4A (Single or Multiple), 5A, 5B, and 5C, 8A, or 8B).

AND

Compliance Indicators

LSS demonstrated full compliance or substantial compliance for at least three (3) of six (6) compliance indicators (4, 9, 10, 11, 12, 13).

Correction of Noncompliance

The LSS did not correct all previously identified findings of noncompliance within two years of identification.

AND

Timely and Accurate Data

The LSS Data are not timely or accurate.

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.

Division of Special Education/Early Intervention Services
Part B Graduated Results-Driven Accountability Plan

FFY <SFY> (Determination Year)	School Age LRE (5)	Significant Discrepancy in Suspension/Expulsion > 10 days (4A)	Parent Involvement (8)	Graduation (1)	Dropout (2)	Post School Outcomes (14)	Preschool LRE (6)	Preschool Outcomes (7)	Assessment (3)
2013 <2013-2014> (2015)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age						
2014 <2014-2015> (2016)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout				
2015 <2015-2016> (2017)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C			
2016 <2016-2017> (2018)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B		
2017 <2017-2018> (2019)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math
2018 <2018-2019> (2020)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math

DSE/EIS Strategic Plan *Moving Maryland Forward* Action Imperatives

- **Early Childhood**
- **Professional Learning**
- **Access, Equity, and Progress**
- **Secondary Transition**

Somerset County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2013 – June 30, 2014

FFY 2013 (SFY 2014) Part B Indicators										
SPP/APR Indicators Results Indicator / Compliance Indicator				FFY 2013 State Target	FFY 2013 Local Results	FFY 2013 Target Met	Action Required	Previous Results FFY 2012	Previous Results FFY 2011
1	Students with IEPs graduating with a regular diploma - 4 year cohort (ESEA lag data based on SY 12-13)			≥ 59.19%	52.17%	Not Met	Data does not meet the State target. Continue to implement *Master Plan* Improvement Strategies.	64.29%	65.52%
2	Students with IEPs dropping out (Option 2 lever rate data based on SY 12-13)			≤4.95%	5.22%	Not Met	Data does not meet the State target. Continue to implement *Master Plan* Improvement Strategies.	≤3.00%	4.86%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading			Not Met	Not Met	Data does not meet the State target. Continue to implement *Master Plan* Improvement Strategies.	Not Met	Met
		AMO for Math			Not Met	Not Met		Not Met	Met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	Met	Met	Data meets the State target. No required action.	Met	95%≤
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	67.40	57.14	Not Met	Data meets State target for 4th grade reading. Data does not meet the State targets in other grade levels for reading and for math. Continue to implement *Master Plan* Improvement Strategies	71.43%	70.00%
			Reading	72.80	69.57	Not Met		78.05%	80.65%
		4	Mathematics	67.40	63.16	Not Met		74.19%	75.00%
			Reading	72.80	77.27	Met		70.97%	81.25%
		5	Mathematics	67.40	54.29	Not Met		71.43%	82.98%
			Reading	72.80	71.43	Not Met		85.71%	80.85%
		6	Mathematics	67.40	28.13	Not Met		75.00%	72.41%
			Reading	72.80	53.13	Not Met		75.00%	70.00%
		7	Mathematics	67.40	29.73	Not Met		75.86%	71.05%
			Reading	72.80	44.19	Not Met		72.41%	81.58%
		8	Mathematics	67.40	17.86	Not Met		30.77%	39.29%
			Reading	72.80	53.57	Not Met		56.41%	65.52%
		HS	Mathematics	67.40	30.30	Not Met		30.43%	29.17%
			Reading	72.80	21.88	Not Met		30.43%	37.50%

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013 State Target	FFY 2013 Local Results	FFY 2013 Target Met	Action Required	Previous Results FFY 2012	Previous Results FFY 2011
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	3.20*	Met	Data meets the State target. No required action	2.01*	3.35*
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.00	Met	Data meets the State target. No required action	0.00	0.00
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥68.40%	78.29%	Met	Data meets the State target. No required action	0.00	83.85%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤13.26%	14.63%	Not Met	Data does not meet the State target. Improvement Plan required.	0.00	11.28%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤6.69%	4.88%	Met	Data meets the State target. No required action	3.09*	2.05%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		≥64.1%%	62.50%	Not Met	Data does not meet the State target. Improvement Plan required.	0.00	51.16%
6B	Aged 3-5 LRE: Separate School or Class		<18.90%	2.50%	Met	Data meets the State target. No required action.	1.24	6.98%
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.30%	83.33%	Met	Data meets the State target for 7A1 and 7A2. No required action.	0.00	83.33%
		2. Exits within age expectations	66.40%	73.33%	Met		0.00	75%
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	66.00%	86.67%	Met	Data meets the State target for 7B1 and 7B2. No required action.	40.0%	100%
		2. Exits within age expectations	55.70%	60.00%	Met		33.3%	75%.
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	61.50%	75.00%	Met	Data meets the State target for 7C1 and 7C2. No required action.	50.0%	50%
		2. Exits within age expectations	64.10%	73.33%	Met		33.3%	75.00
8A	Parent Survey	Age 3-5	47%	NA	NA	Data meets the State target. No required action.	62.0%	60%
		Age 6-21	39%	48.00%	Met		67.0%	61%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:	A. Higher ed w/in 1 year of leaving HS	35%	7.69%	Not Met	Data does not meet the State target. Improvement Plan required.		
		B. Higher ed or employed w/in 1 year of leaving HS	68%	46.15%	Not Met	Data does not meet the State target. Improvement Plan required.		
		C. Higher ed or training program or employed w/in 1 year of leaving HS	82%			Disaggregated LSS data not available at this time.		

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2012	FFY 2011
4B	**Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity** **Discrepancy exists in the category** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	0.00	Met	No significant discrepancy. No required action.	0.00	0.00
		Asian	**< 2.0**	0.00	Met		0.00	0.00
		Black or African American	**< 2.0**	3.83*	Met		3.09*	4.61*
		Native Haw/Pacific Islander	**< 2.0**	0.00	Met		0.00	0.00
		White	**< 2.0**	1.30	Met		1.24	1.92
		2 or more races	**< 2.0**	0.00	Met		0.00	0.00
		Hispanic	**< 2.0**	9.47*	Met		0.00	11.78*
		Policies/procedures/ Practices contribute to the discrepancy	**No (0%)**					
9	**Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification** **Disproportionate representation exits in the category.** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	6.51*	Met	No significant disproportionate representation. No required action.	0.00	0.00
		Asian	**< 2.0**	0.54	Met		0.27	0.34
		Black, African American	**< 2.0**	1.25	Met		1.40	1.36
		Native Haw/Pacific Islander	**< 2.0**	0.00	Met		0.00	0.00
		White	**< 2.0**	1.19	Met		1.16	1.13
		2 or more races	**< 2.0**	0.65	Met		0.77	0.84
		Hispanic	**< 2.0**	0.40	Met		0.42	0.45
		Disproportionate representation is due to inappropriate identification	**No (0%)**					

FFY 2013 (SFY 2014) Part B Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2013			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2012	FFY 2011
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days	100%	98.51%	Not Met	Substantially compliant. Data verified. No required action.	95.7%	No annual data reported
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday	100%	100%	Met	Substantially compliant. Data verified. No required action.	100%	<100%
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	100%	Met	Verification activities indicate need for follow-up with student specific data	< 100%	<100%
	Timely correction of noncompliance (Previously Indicator 15)	100%	100%	Met	Compliant. Continue to correct noncompliance within one year.	100%	<100%
	State reported data are timely and accurate (Previously Indicator 20)	100%	100%	Met	Compliant. Continue to report data in a timely and accurate manner.	<100%	<100%

FFY 2013 (SFY 2014) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2013 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	0.00	0.00	2.22*	0.00	0.00	Disproportionate representation does not exist. No required action.
		Asian	0.00	0.00	0.00	4.30*	0.00	0.00	
		Black/African American	2.31*	1.81	1.17	0.36	1.04	1.46	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.99	1.07	1.71	0.89	2.49*	1.16	
		2 or more races	0.72	0.82	0.00	0.60	0.00	0.63	
		Hispanic	0.00	0.26	0.44	0.61	0.00	0.57	
		Disproportionate representation is due to inappropriate identification							

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2012 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification N size is < 30* Disproportionate representation exists.	American Indian/Alaska Native	0.00	0.00	0.00	0.00	0.00	0.00	NA
		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 is due to inappropriate identification							

MARYLAND STATE DEPARTMENT OF EDUCATION
PREPARING WORLD CLASS STUDENTS

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

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

March 23, 2015

Mrs. Kelly L. Griffith
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) 2013 (2013-2014 school year). Attached please find the *FFY 2013 Determination Overview* that identifies the Part B Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria,* and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 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 2013 data, as well as information obtained through monitoring and complaint investigations, the TCPS has achieved the determination status of **"Meets Requirements."**

In correspondence sent to your attention on March 19, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. Critical to the balanced focus on results and compliance is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. To prepare for using student outcomes on Statewide assessments, graduation, dropout, and post-school outcomes to assign future local determination status, the DSE/EIS examined the process indicators that will directly impact student progress, growth, and achievement. The process indicators used to measure performance included:

- Indicator 5, Provision of services in the Least Restrictive Environment (LRE);
- Indicator 4, Rate of suspensions and expulsions greater than 10 days in a school year; and
- Indicator 8, Parent involvement.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. 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.

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.

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

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.
Kristin Mentges
Branch Chiefs

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

FFY 2013 Determination Overview
Part C & Part B
July 1, 2013 – June 30, 2014

The Individuals with Disabilities Education Act (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 June 2015.

The 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 Results and Compliance Indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources;
- Any audit findings; 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 1, 2015.

The following Part C indicators are included in assigning determinations:

Results	Compliance
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
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	
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

Process	**Compliance**
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; and 5C LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements. 4A Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days. 8A Preschool Parent Survey; or 8B School Age Parent Survey.	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity 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
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

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.

Framework for Assistance and Intervention

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LSS or LLA. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs. The MSDE will identify:

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

In collaboration with the MSDE, LSSs/LLAs will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. The MSDE is available to consult with LSSs/LLAs by telephone, fax, email, mail, or in-person. To

enable a LSS to improve performance and meet compliance available assistance may include, but is not limited to the MSDE assisting a LSS/LLA to:

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

Needs Intervention

The determination category of "Needs Intervention" indicates a need for assistance in either performance and/or compliance areas within the LSS/LLA General Supervision process. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "*Developing and Implementing an Effective System of General Supervision: Part B*," MSDE will direct the LSS/LLA to examine, clarify, and develop an effective system of general supervision to address results and compliance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with the LSS/LLA, the MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of "Needs Assistance." Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;

- Integrated Monitoring Activities;
- Fiscal Management;
- Data Processes and Results;
- Improvement, Correction, Incentives, and Sanctions;
- Effective Dispute Resolution; and
- Directed Targeted Assistance and Professional Development.

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

Needs Substantial Intervention

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

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

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

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Meets Requirements

Results Process Indicators LSS met or exceeded State targets established for Indicator 4A (Single or Multiple), Indicator 5 (5A, 5B and 5C) and Indicator 8A or 8B.	**AND**	Compliance Indicators LSS demonstrated full or substantial compliance for at least five (5) of the six (6) compliance indicators (4B, 9, 10, 11, 12, 13)
Correction of Noncompliance LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification.	**AND**	Timely and Accurate Data LSS demonstrated full or substantial compliance for submission of accurate and timely data.

Needs Assistance

Results Process Indicators The LSS met or exceeded State targets established for four (4) of the following seven (7) results indicators (4A Single or 4A Multiple, 5A, 5B, and 5C, 8A, or 8B)	**AND**	Compliance Indicators The LSS demonstrated full or substantial compliance for at least four (4) of six (6) compliance indicators (4B, 9, 10, 11, 12, 13).
Correction of Noncompliance The LSS corrected all but one instance of noncompliance within one year of identification.	**AND**	Timely and Accurate Data The LSS data are timely but not accurate, or accurate but not timely.

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Needs Intervention

Results Process Indicators

LSS met or exceeded State targets in at ≤ none of the following seven (7) results indicator (4A (Single or Multiple), 5A, 5B, and 5C, 8A, or 8B).

AND

Compliance Indicators

LSS demonstrated full compliance or substantial compliance for at least three (3) of six (6) compliance indicators (4, 9, 10, 11, 12, 13).

Correction of Noncompliance

The LSS did not correct all previously identified findings of noncompliance within two years of identification.

AND

Timely and Accurate Data

The LSS Data are not timely or accurate.

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.

Division of Special Education/Early Intervention Services
Part B Graduated Results-Driven Accountability Plan

FFY <SFY> (Determination Year)	School Age LRE (5)	Significant Discrepancy in Suspension/Expulsion > 10 days (4A)	Parent Involvement (8)	Graduation (1)	Dropout (2)	Post School Outcomes (14)	Preschool LRE (6)	Preschool Outcomes (7)	Assessment (3)
2013 <2013-2014> (2015)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age						
2014 <2014-2015> (2016)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout				
2015 <2015-2016> (2017)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C			
2016 <2016-2017> (2018)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B		
2017 <2017-2018> (2019)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math
2018 <2018-2019> (2020)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math

DSE/EIS Strategic Plan *Moving Maryland Forward* Action Imperatives

- **Early Childhood**
- **Professional Learning**
- **Access, Equity, and Progress**
- **Secondary Transition**

Talbot County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2013 – June 30, 2014

52.17%FFY 2013 (SFY 2014) Part B Indicators										
SPP/APR Indicators Results Indicator Compliance Indicator				FFY 2013			Action Required	Previous Results	
				State Target	Local Results	Target Met		FFY 2012	FFY 2011
1	Students with IEPs graduating with a regular diploma - 4 year cohort (ESEA lag data based on SY 12-13)			≥ 59.19%	55.56%	Not Met	Data does not meet the State's target for the 4 year cohort. Continue to implement *Master Plan* Improvement Strategies.	56.25%	59.26%
2	Students with IEPs dropping out (Option 2 lever rate data based on SY 12-13)			≤4.95%	≤3.0%	Met	Data meets the State target. No required action.	≤3.00%	7.75%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading			Not Met	Not Met	Data does not meet the State's target. Continue to implement *Master Plan* Improvement Strategies.	Not Met	Met
		AMO for Math			Not Met	Not Met		Not Met	Met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	Met	Met	Data meets the State's target. No required action.	Met	≥ 95%
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	67.40	55.00%	Not Met	Data does not meet the State target. Continue to implement *Master Plan* Improvement Strategies.	44.44%	57.17%
			Reading	72.80	59.38%	Not Met		52.78%	82.61%
		4	Mathematics	67.40	50.00%	Not Met		25.00%	67.86%
			Reading	72.80	67.50%	Not Met		50.00%	78.57%
		5	Mathematics	67.40	41.67%	Not Met		30.43%	33.33%
			Reading	72.80	52.17%	Not Met		60.87%	66.67%
		6	Mathematics	67.40	25.00%	Not Met		30.00%	58.33%
			Reading	72.80	41.67%	Not Met		15.00%	62.50%
		7	Mathematics	67.40	36.84%	Not Met		31.82%	50.00%
			Reading	72.80	31.58%	Not Met		54.55%	40.00%
		8	Mathematics	67.40	13.64%	Not Met		23.81%	36.36%
			Reading	72.80	31.82%	Not Met		47.62%	51.52%
		HS	Mathematics	67.40	39.13%	Not Met		40.91%	50.00%
			Reading	72.80	26.09%	Not Met		40.91%	50.00%

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013 State Target	FFY 2013 Local Results	FFY 2013 Target Met	Action Required	Previous Results FFY 2012	Previous Results FFY 2011
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	3.39*	Met	Data meets the State's target. No required action.	1.18	1.76
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.00	Met	Data meets the State's target. No required action.	0.00	5.50*
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥68.40%	74.34%	Met	Data meets the State's target. No required action.	74.39%	73.77%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤13.26%	9.62%	Met	Data meets the State's target. No required action.	7.01%	5.56%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤6.69%	0.58%	Met	Data meets the State's target. No required action.	0.91%	0.62%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		≥64.1%%	100.00%	Met	Data meets the State's target. No required action.	96.23%	87.50%
6B	Aged 3-5 LRE: Separate School or Class		<18.90%	0.00%	Met	Data meets the State's target. No required action.	0.00%	0.0%
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.30%	90.00%	Met	Data meets the State's target in category 7A1 and 7A2.	72.2%	63.16%
		2. Exits within age expectations	66.40%	90.48%	Met		60.9%	60.0%
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	66.00%	88.24%	Met	Data meets the State's target in category 7B1 and 7B2.	59.1%	72.73%
		2. Exits within age expectations	55.70%	85.71%	Met		47.8%	60.0%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	61.50%	90.91%	Met	Data meets the State's target in category 7C1 and 7C2.	71.4%	76.19%
		2. Exits within age expectations	64.10%	90.48%	Met		47.8%	68.0%
8A	Parent Survey	Age 3-5	47.00%	NA	NA	Data meets the State's target for age 6-21. No required action.	NA	44%
		Age 6-21	39.00%	54%	Met		58.0%	65%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:	A. Higher ed w/in 1 year of leaving HS	35.00%	29.17%	Not Met	Data does not meet the State target.		
		B. Higher ed or employed w/in 1 year of leaving HS	68.00%	87.50%	Met	Data meets the State's target.		
		C. Higher ed or training program or employed w/in 1 year of leaving HS	82.00%			Disaggregated LSS data not available at this time.		

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2012	FFY 2011
4B	**Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity** **Discrepancy exists in the category** **N size is < 30***	*Amer Indian/Alaska Native*	< 2.0	0.0	Met	No significant discrepancy. No required action.	0.00	0.00
		Asian	**< 2.0**	0.0	Met		0.00	0.00
		Black or African American	**< 2.0**	7.44*	Met		3.52*	5.09*
		Native Haw/Pacific Islander	**< 2.0**	0.0	Met		0.00	0.00
		White	< 2.0	1.31	Met		0.00	0.62
		2 or more races	**< 2.0**	29.10*	Met		11.52*	15.45*
		Hispanic	**< 2.0**	0.0	Met		0.00	0.00
		Policies/procedures/ Practices contribute to the discrepancy	**No (0%)**	No			**No**	**No**
9	**Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification** **Disproportionate representation exits in the category.** **N size is < 30***	*Amer Indian/Alaska Native*	< 2.0	0.00	Met	No significant disproportionate representation exists. No action required.	0.00	0.00
		Asian	**< 2.0**	0.42	Met		0.44	0.48
		Black, African American	< 2.0	1.61	Met		1.51	1.51
		Native Haw/Pacific Islander	**< 2.0**	0.00	Met		5.70*	1.94
		White	**< 2.0**	0.87	Met		0.83	0.88
		2 or more races	**< 2.0**	0.78	Met		0.93	0.84
		Hispanic	**< 2.0**	0.67	Met		0.75	0.66
		Disproportionate representation is due to inappropriate identification	**No (0%)**	No			**No (0%)**	**No (0%)**

FFY 2013 (SFY 2014) Part B Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2013			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2012	FFY 2011
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days	100%	98.66%	Not Met	Data are substantially compliant. Data Verified. No required action.	99.15%	100%
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday	100%	88.89%	Not Met	Noncompliant. Corrective action required.	60%	100%
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	100%	Met	Attention to data required.	100%	100%
	Timely correction of noncompliance (Previously Indicator 15)	100%	100%	Met	Compliant. No action required.		
	State reported data are timely and accurate (Previously Indicator 20)	100%	100%	Met	Compliant. No action required.		

FFY 2013 (SFY 2014) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2013 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	0.00	0.00	0.00	0.00	0.00	No significant disproportionate representation exists. No action required.
		Asian	0.00	0.42	0.00	0.50	0.00	1.12	
		Black/African American	1.96	1.85	1.36	1.26	1.30	1.29	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.54	0.89	1.89	0.91	1.29	0.92	
		2 or more races	0.77	0.64	0.00	0.76	1.26	0.54	
		Hispanic	1.41	0.41	0.00	1.07	0.40	0.74	
		Disproportionate representation is due to inappropriate identification							

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2012 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification N size is < 30* Disproportionate representation exists.	American Indian/Alaska Native	0.00	0.00	0.00	0.00	0.00	0.00	NA
		Asian	1.46	0.38	0.00	0.63	0.00	0.00	
		Black/African American	1.49	1.78	1.74	1.02	0.89	1.39	
		Native Hawaiian/ Pacific Islander	0.00	14.73*	0.00	0.00	0.00	0.00	
		White	0.49	0.79	1.41	0.84	2.20*	1.00	
		2 or more races	0.71	0.79	0.00	1.33	1.42	0.79	
		Hispanic	1.46	0.50	0.00	1.46	0.00	0.90	
		Disproportionate representation is due to inappropriate identification							

MARYLAND STATE DEPARTMENT OF EDUCATION
PREPARING WORLD CLASS STUDENTS

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

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

March 23, 2015

Dr. Clayton M. Wilcox
Superintendent
Washington County Board of Education
10435 Downsville Pike
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) 2013 (2013-2014 school year). Attached please find the *FFY 2013 Determination Overview* that identifies the Part B Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria,* and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 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 2013 data, as well as information obtained through monitoring and complaint investigations, the WCBOE has achieved the determination status of **"Meets Requirements."**

In correspondence sent to your attention on March 19, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. Critical to the balanced focus on results and compliance is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. To prepare for using student outcomes on Statewide assessments, graduation, dropout, and post-school outcomes to assign future local determination status, the DSE/EIS examined the process indicators that will directly impact student progress, growth, and achievement. The process indicators used to measure performance included:

- Indicator 5, Provision of services in the Least Restrictive Environment (LRE);
- Indicator 4, Rate of suspensions and expulsions greater than 10 days in a school year; and
- Indicator 8, Parent involvement.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. 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.

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.

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

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.
Jeff Gladhill
Branch Chiefs

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

FFY 2013 Determination Overview
Part C & Part B
July 1, 2013 – June 30, 2014

The Individuals with Disabilities Education Act (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 June 2015.

The 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 Results and Compliance Indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources;
- Any audit findings; 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 1, 2015.

The following Part C indicators are included in assigning determinations:

Results	Compliance
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
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	
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

Process	**Compliance**
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; and 5C LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements. 4A Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days. 8A Preschool Parent Survey; or 8B School Age Parent Survey.	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity 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
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

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.

Framework for Assistance and Intervention

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LSS or LLA. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs. The MSDE will identify:

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

In collaboration with the MSDE, LSSs/LLAs will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. The MSDE is available to consult with LSSs/LLAs by telephone, fax, email, mail, or in-person. To

enable a LSS to improve performance and meet compliance available assistance may include, but is not limited to the MSDE assisting a LSS/LLA to:

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

Needs Intervention

The determination category of "Needs Intervention" indicates a need for assistance in either performance and/or compliance areas within the LSS/LLA General Supervision process. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "*Developing and Implementing an Effective System of General Supervision: Part B*," MSDE will direct the LSS/LLA to examine, clarify, and develop an effective system of general supervision to address results and compliance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with the LSS/LLA, the MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of "Needs Assistance." Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;

- Integrated Monitoring Activities;
- Fiscal Management;
- Data Processes and Results;
- Improvement, Correction, Incentives, and Sanctions;
- Effective Dispute Resolution; and
- Directed Targeted Assistance and Professional Development.

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

Needs Substantial Intervention

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

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

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

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Meets Requirements

Results Process Indicators LSS met or exceeded State targets established for Indicator 4A (Single or Multiple), Indicator 5 (5A, 5B and 5C) and Indicator 8A or 8B.	**AND**	Compliance Indicators LSS demonstrated full or substantial compliance for at least five (5) of the six (6) compliance indicators (4B, 9, 10, 11, 12, 13)
Correction of Noncompliance LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification.	**AND**	Timely and Accurate Data LSS demonstrated full or substantial compliance for submission of accurate and timely data.

Needs Assistance

Results Process Indicators The LSS met or exceeded State targets established for four (4) of the following seven (7) results indicators (4A Single or 4A Multiple, 5A, 5B, and 5C, 8A, or 8B)	**AND**	Compliance Indicators The LSS demonstrated full or substantial compliance for at least four (4) of six (6) compliance indicators (4B, 9, 10, 11, 12, 13).
Correction of Noncompliance The LSS corrected all but one instance of noncompliance within one year of identification.	**AND**	Timely and Accurate Data The LSS data are timely but not accurate, or accurate but not timely.

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Needs Intervention

Results Process Indicators		Compliance Indicators
LSS met or exceeded State targets in at ≤ none of the following seven (7) results indicator (4A (Single or Multiple), 5A, 5B, and 5C, 8A, or 8B).	**AND**	LSS demonstrated full compliance or substantial compliance for at least three (3) of six (6) compliance indicators (4, 9, 10, 11, 12, 13).
Correction of Noncompliance		**Timely and Accurate Data**
The LSS did not correct all previously identified findings of noncompliance within two years of identification.	**AND**	The LSS Data are not timely or accurate.

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.

Division of Special Education/Early Intervention Services
Part B Graduated Results-Driven Accountability Plan

FFY <SFY> (Determination Year)	School Age LRE (5)	Significant Discrepancy in Suspension/Expulsion > 10 days (4A)	Parent Involvement (8)	Graduation (1)	Dropout (2)	Post School Outcomes (14)	Preschool LRE (6)	Preschool Outcomes (7)	Assessment (3)
2013 <2013-2014> (2015)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age						
2014 <2014-2015> (2016)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout				
2015 <2015-2016> (2017)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C			
2016 <2016-2017> (2018)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B		
2017 <2017-2018> (2019)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math
2018 <2018-2019> (2020)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math

DSE/EIS Strategic Plan *Moving Maryland Forward* Action Imperatives

- **Early Childhood**
- **Professional Learning**
- **Access, Equity, and Progress**
- **Secondary Transition**

Washington County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2013 – June 30, 2014

FY 2013 (SFY 2014) Part B Indicators										
SPP/APR Indicators Results Indicator / Compliance Indicator				FFY 2013 State Target	FFY 2013 Local Results	FFY 2013 Target Met	Action Required	Previous Results FFY 2012	Previous Results FFY 2011
1	Students with IEPs graduating with a regular diploma-4 year cohort (ESEA lag data based on SY 12-13)			≥59.19%	63.57%	Met	Data meets the State target. No required action.	61.88%	60.00%
								64.38%	63.03%
2	Students with IEPs dropping out (Option 2 leaver rate data based on SY 12-13)			≤4.95%	3.55%	Met	Data meets the State target. Continue to implement Master Plan Improvement Strategies.	3.55%	4.26%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading			Not Met	Not Met	Data does not meet the State target Continue to implement *Master Plan* Improvement Strategies.	Not Met	Met
		AMO for math			Not Met	Not Met		Not Met	Met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	Yes	Met	Data meets the State target. No required action.	Met	≥95%
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	67.40%	28.57%	Not Met	Data does not meet the State target. Continue to implement Master Plan Improvement Strategies.	43.92%	54.66%
			Reading	72.80%	41.59%	Not Met		44.59%	58.39%
		4	Mathematics	67.40%	41.33%	Not Met		52.87%	56.90%
			Reading	72.80%	51.95%	Not Met		55.17%	67.82%
		5	Mathematics	67.40%	25.30%	Not Met		46.67%	56.07%
			Reading	72.80%	50.60%	Not Met		60.00%	65.14%
		6	Mathematics	67.40%	39.10%	Not Met		55.56%	67.58%
			Reading	72.80%	54.76%	Not Met		47.80%	65.38%
		7	Mathematics	67.40%	32.96%	Not Met		51.69%	60.12%
			Reading	72.80%	39.61%	Not Met		60.45%	55.42%
		8	Mathematics	67.40%	32.35%	Not Met		45.78%	49.21%
			Reading	72.80%	38.15%	Not Met		54.76%	48.96%
		HS	Mathematics	67.40%	65.69%	Not Met		60.40%	68.75%
			Reading	72.80%	51.26%	Not Met		62.64%	60.69%

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013 State Target	FFY 2013 Local Results	FFY 2013 Target Met	Action Required	Previous Results FFY 2012	Previous Results FFY 2011
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	3.10*	Met	Data meets the State target. No required action.	0.00	2.09*
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.00	Met	Data meets the State target. No required action.	0.00	0.00
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥68.40%	79.83%	Met	Data meets the State target. No required action.	81.53%	81.93%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤13.26%	9.60%	Met	Data meets the State target. No required action.	8.91%	8.73%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤6.69%	4.22%	Met	Data meets the State target. No required action.	4.27%	4.52%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		≥64.10%	66.40%	Met	Data meets the State target. No required action.	71.37%	74.43%
6B	Aged 3-5 LRE: Separate School or Class		≤18.90%	2.00%	Met	Data meets the State target. No required action.	0.85%	0.91%
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.30%	87.10%	Met	Data meets the State target. No required action.	64.30%	No data submitted
		2. Exits within age expectations	66.40%	85.37%	Met		58.90%	No data submitted
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	66.00%	65.00%	Not Met	Data does not meet the State target. Improvement plan required.	50.70%	No data submitted
		2. Exits within age expectations	55.70%	53.66%	Not Met		35.60%	No data submitted
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	61.50%	58.82%	Not Met	Data does not meet the State target. Improvement plan required.	50.00%	No data submitted
		2. Exits within age expectations	64.10%	58.84%	Not Met		46.60%	No data submitted
8A	Parent Survey	Age 3-5	47.00%	40.00%	Not Met	Data does not meet the State target. Improvement plan required.	33.00%	20.00%
		Age 6-21	39.00%	32.00%	Not Met		36.00%	38.00%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:	A. Higher ed w/in 1 year of leaving HS	35.00%	19.28%	Not Met	Data does not meet the State target. Improvement plan required.		
		B. Higher ed or employed w/in 1 year of leaving HS	68.00%	61.45%	Not Met	Data does not meet the State target. Improvement plan required.		
		C. Higher ed or training program or employed w/in 1 year of leaving HS	82.00%			Disaggregated LSS data not available at this time.		

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2012	FFY 2011
4B	**Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity** **Discrepancy exists in the category** **N size is < 30***	*Amer Indian/Alaska Native*	< 2.0	0.00	Met	No significant discrepancy. No required action.	0.00	0.00
		Asian	**< 2.0**	0.00	Met		0.00	0.00
		Black or African American	**< 2.0**	18.11*	Met		0.00	4.88*
		Native Haw/Pacific Islander	< 2.0	0.00	Met		0.00	0.00
		White	< 2.0	0.00	Met		0.00	1.76
		2 or more races	**< 2.0**	0.00	Met		0.00	0.00
		Hispanic	**< 2.0**	0.00	Met		0.00	0.00
		Policies/procedures/ Practices contribute to the discrepancy	**No**	No			No	No
9	**Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification** **Disproportionate representation exits in the category.** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	0.96	Met	No significant disproportionate representation. No required action.	1.09	0.99
		Asian	**< 2.0**	0.43	Met		0.44	0.48
		Black, African American	**< 2.0**	1.42	Met		1.46	1.50
		Native Haw/Pacific Islander	**< 2.0**	0.99	Met		0.89	0.00
		White	**< 2.0**	0.91	Met		0.91	0.78
		2 or more races	**< 2.0**	0.80	Met		0.74	0.66
		Hispanic	**< 2.0**	0.80	Met		0.73	0.78
		Disproportionate representation is due to inappropriate identification	**No (0%)**	No (0%)			**No (0%)**	No (0%)

FFY 2013 (SFY 2014) Part B Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2013			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2012	FFY 2011
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days	100%	100.00%	Met	Compliant. Data verified. No required action.	100.00%	100.00%
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday	100%	100.00%	Met	Compliant. Data verified. No required action.	97.30%	100.00%
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	100.00%	Met	Compliant. Data verified. No required action.	100.00%	100.00%
	Timely correction of noncompliance (Previously Indicator 15)	100%	100.00%	Met	Compliant. Continue to correct noncompliance within one year.	100.00%	100.00%
	State reported data are timely and accurate (Previously Indicator 20)	100%	100.00%	Met	Compliant. Continue to report data in a timely and accurate manner.	100.00%	100.00%

FFY 2013 (SFY 2014) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2013 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	3.56*	0.00	0.00	0.00	0.00	1.38	Significant disproportionality exists. MSDE review of identification procedures are appropriate. No required action.
		Asian	0.00	0.22	0.00	0.00	2.51*	0.22	
		Black/African American	1.73	1.67	2.05	0.80	0.84	1.50	
		Native Hawaiian/ Pacific Islander	0.00	2.93*	0.00	0.00	0.00	0.00	
		White	0.93	0.84	0.90	1.21	0.94	0.92	
		2 or more races	0.66	0.77	0.91	0.92	0.56	0.84	
		Hispanic	0.57	0.74	0.31	1.34	0.93	0.75	
		Disproportionate representation is due to inappropriate identification							

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2012 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification N size is < 30* Disproportionate representation exists.	American Indian/Alaska Native	2.87*	0.78	0.00	0.00	0.00	1.29	
		Asian	0.28	0.31	0.00	0.69	1.67	0.13	
		Black/African American	1.72	1.66	2.03	0.88	1.06	1.47	
		Native Hawaiian/ Pacific Islander	0.00	2.57*	0.00	0.00	0.00	0.00	
		White	0.81	0.85	0.87	1.30	0.82	0.97	
		2 or more races	0.49	0.74	0.47	0.64	0.53	1.09	
		Hispanic	0.76	0.64	0.47	0.96	1.16	0.64	
		Disproportionate representation is due to inappropriate identification							

MARYLAND STATE DEPARTMENT OF EDUCATION
PREPARING WORLD CLASS STUDENTS

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

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

March 23, 2015

Dr. John Fredericksen
Superintendent
Wicomico County Board of Education
P. O. Box 1538
Salisbury, MD 21802

Dear Dr. Fredericksen: John

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) 2013 (2013-2014 school year). Attached please find the *FFY 2013 Determination Overview* that identifies the Part B Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria,* and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 Annual Data Table on SPP/APR Part B Indicators* provides a three-year data analysis and required actions for the Wicomico County Board of Education (WCBOE). Based on the FFY 2013 data, as well as information obtained through monitoring and complaint investigations, the WCBOE has achieved the determination status of **"Meets Requirements."**

In correspondence sent to your attention on March 19, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. Critical to the balanced focus on results and compliance is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. To prepare for using student outcomes on Statewide assessments, graduation, dropout, and post-school outcomes to assign future local determination status, the DSE/EIS examined the process indicators that will directly impact student progress, growth, and achievement. The process indicators used to measure performance included:

- Indicator 5, Provision of services in the Least Restrictive Environment (LRE);
- Indicator 4, Rate of suspensions and expulsions greater than 10 days in a school year; and
- Indicator 8, Parent involvement.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. 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.

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.

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

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.
Bonnie L. Walston
Branch Chiefs

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

FFY 2013 Determination Overview
Part C & Part B
July 1, 2013 – June 30, 2014

The Individuals with Disabilities Education Act (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 June 2015.

The 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 Results and Compliance Indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources;
- Any audit findings; 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 1, 2015.

The following Part C indicators are included in assigning determinations:

Results	Compliance
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
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	
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

Process	**Compliance**
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; and 5C LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements. 4A Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days. 8A Preschool Parent Survey; or 8B School Age Parent Survey.	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity 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
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

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.

Framework for Assistance and Intervention

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LSS or LLA. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs. The MSDE will identify:

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

In collaboration with the MSDE, LSSs/LLAs will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. The MSDE is available to consult with LSSs/LLAs by telephone, fax, email, mail, or in-person. To

enable a LSS to improve performance and meet compliance available assistance may include, but is not limited to the MSDE assisting a LSS/LLA to:

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

Needs Intervention

The determination category of "Needs Intervention" indicates a need for assistance in either performance and/or compliance areas within the LSS/LLA General Supervision process. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "*Developing and Implementing an Effective System of General Supervision: Part B*," MSDE will direct the LSS/LLA to examine, clarify, and develop an effective system of general supervision to address results and compliance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with the LSS/LLA, the MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of "Needs Assistance." Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;

- Integrated Monitoring Activities;
- Fiscal Management;
- Data Processes and Results;
- Improvement, Correction, Incentives, and Sanctions;
- Effective Dispute Resolution; and
- Directed Targeted Assistance and Professional Development.

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

Needs Substantial Intervention

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

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

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

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Meets Requirements

Results Process Indicators		Compliance Indicators
LSS met or exceeded State targets established for Indicator 4A (Single or Multiple), Indicator 5 (5A, 5B and 5C) and Indicator 8A or 8B.	**AND**	LSS demonstrated full or substantial compliance for at least five (5) of the six (6) compliance indicators (4B, 9, 10, 11, 12, 13)
Correction of Noncompliance		**Timely and Accurate Data**
LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification.	**AND**	LSS demonstrated full or substantial compliance for submission of accurate and timely data.

Needs Assistance

Results Process Indicators		Compliance Indicators
The LSS met or exceeded State targets established for four (4) of the following seven (7) results indicators (4A Single or 4A Multiple, 5A, 5B, and 5C, 8A, or 8B)	**AND**	The LSS demonstrated full or substantial compliance for at least four (4) of six (6) compliance indicators (4B, 9, 10, 11, 12, 13).
Correction of Noncompliance		**Timely and Accurate Data**
The LSS corrected all but one instance of noncompliance within one year of identification.	**AND**	The LSS data are timely but not accurate, or accurate but not timely.

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Needs Intervention

Results Process Indicators LSS met or exceeded State targets in at ≤ none of the following seven (7) results indicator (4A (Single or Multiple), 5A, 5B, and 5C, 8A, or 8B).	**AND**	Compliance Indicators LSS demonstrated full compliance or substantial compliance for at least three (3) of six (6) compliance indicators (4, 9, 10, 11, 12, 13).
Correction of Noncompliance The LSS did not correct all previously identified findings of noncompliance within two years of identification.	**AND**	Timely and Accurate Data The LSS Data are not timely or accurate.

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.

Division of Special Education/Early Intervention Services
Part B Graduated Results-Driven Accountability Plan

FFY <SFY> (Determination Year)	School Age LRE (5)	Significant Discrepancy in Suspension/Expulsion > 10 days (4A)	Parent Involvement (8)	Graduation (1)	Dropout (2)	Post School Outcomes (14)	Preschool LRE (6)	Preschool Outcomes (7)	Assessment (3)
2013 <2013-2014> (2015)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age						
2014 <2014-2015> (2016)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout				
2015 <2015-2016> (2017)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C			
2016 <2016-2017> (2018)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B		
2017 <2017-2018> (2019)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math
2018 <2018-2019> (2020)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math

DSE/EIS Strategic Plan *Moving Maryland Forward* Action Imperatives

- **Early Childhood**
- **Professional Learning**
- **Access, Equity, and Progress**
- **Secondary Transition**

Wicomico County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2013 – June 30, 2014

FFY 2013 (SFY 2014) Part B Indicators										
SPP/APR Indicators Results Indicator Compliance Indicator				FFY 2013			Action Required	Previous Results	
				State Target	Local Results	Target Met		FFY 2012	FFY 2011
1	**Students with IEPs graduating with a regular diploma - 4 year cohort (ESEA lag data based on SY 12-13)**			**≥59.19%**	60.92%	Met	Data meets the State target. Continue to implement Master Plan Improvement Strategies.	55.96%	62.20%
								61.47%	67.07%
2	**Students with IEPs dropping out (Option 2 leaver rate based on SY 12-13)**			**≤4.95**	5.47%	Not Met	Data does not meet the State target. Continue to implement Master Plan Improvement Strategies.	5.47%	4.31%
3A	**State Assessment: AMO for disability subgroup in the LEA**	**AMO for Reading**			Not Met	Not Met	Data does not meet the State target. Continue to implement Master Plan Improvement Strategies.	Not Met	Not Met
		AMO for Math			Not Met	Not Met		Not Met	Met
3B	**State Assessment: Participation rates of IEP students in all grades in the LEA**			**≥ 95%**	Met	Met	Data meets the State target. No required action.	Not Met	Met
3C	**State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards**	3	Mathematics	67.40%	43.14%	Not Met	Data does not meet State target. Continue to implement Master Plan Improvement Strategies.	Met	68.05%
			Reading	72.80%	52.35%	Not Met		63.64%	69.64%
		4	Mathematics	67.40%	59.18%	Not Met		67.13%	77.99%
			Reading	72.80%	65.07%	Not Met		69.05%	73.89%
		5	Mathematics	67.40%	28.79%	Not Met		71.26%	58.27%
			Reading	72.80%	58.33%	Not Met		45.11%	75.54%
		6	Mathematics	67.40%	28.46%	Not Met		64.66%	56.69%
			Reading	72.80%	38.21%	Not Met		44.03%	48.41%
		7	Mathematics	67.40%	16.54%	Not Met		53.68%	37.90%
			Reading	72.80%	30.77%	Not Met		43.59%	49.19%
		8	Mathematics	67.40%	21.62%	Not Met		54.62%	40.98%
			Reading	72.80%	33.33%	Not Met		40.91%	46.72%
		HS	Mathematics	67.40%	47.13%	Not Met		47.71%	43.48%
			Reading	72.80%	42.35%	Not Met		43.01%	40.66%

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013 State Target	FFY 2013 Local Results	FFY 2013 Target Met	Action Required	Previous Results FFY 2012	Previous Results FFY 2011
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.63	Met	Data meets State target. No required action.	0.48	0.35
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.00	Met	Data meets State target. No required action.	3.71*	4.96*
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥68.40%	77.45%	Met	Data meets State target. No required action.	74.75%	74.56%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤13.26%	14.04%	Not Met	Data does not meet State target. Improvement Plan required.	13.59%	13.80%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤6.69%	0.71%	Met	Data meets State target. No required action.	0.60%	0.26%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		≥64.10%	42.73%	Not Met	Data does not meet State target. Improvement Plan required.	40.64%	64.62%
6B	Aged 3-5 LRE: Separate School or Class		≤18.90%	5.00%	Met	Data meets State target. No required action.	9.96%	17.95%
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.30%	70.97%	Met	Data meets State target for 7A1 and 7A2. No required action.	68.30%	67.39%
		2. Exits within age expectations	66.40%	85.07%	Met		79.10%	77.11%
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	66.00%	59.46%	Not Met	Data does not meet State target for 7B1 but meets State target for 7B2. Improvement Plan required.	67.90%	59.26%
		2. Exits within age expectations	55.70%	67.16%	Met		68.10%	60.24%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	61.50%	61.29%	Not Met	Data does not meet State target for 7C1 but meets State target for 7C2. Improvement Plan required.	67.40%	59.26%
		2. Exits within age expectations	64.10%	79.10%	Met		76.90%	72.29%
8A	Parent Survey	Age 3-5	47.00%	50.00%	Met	Data meets the State target for 3-5 and 6-21.	44.00%	46.00%
		Age 6-21	39.00%	43.00%	Met		41.00%	53.00%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:	A. Higher ed w/in 1 year of leaving HS	35.00%	18.00%	Not Met	Data does not meet the State target. Improvement plan required.		
		B. Higher ed or employed w/in 1 year of leaving HS	68.00%	67.00%	Not Met	Data does not meet the State target. Improvement plan required.		
		C. Higher ed or training program or employed w/in 1 year of leaving HS	82.00%			Disaggregated LSS data not available at this time.		

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2012	FFY 2011
4B	**Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity** **Discrepancy exists in the category** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	0.00	Met	No significant disproportionate representation. No required action	0.00	46.00%
		Asian	**< 2.0**	0.00	Met		0.00	53.00%
		Black or African American	**< 2.0**	1.27	Met		0.95	46.00%
		Native Haw/Pacific Islander	**< 2.0**	0.00	Met		0.00	53.00%
		White	**< 2.0**	0.22	Met		0.17	46.00%
		2 or more races	**< 2.0**	0.00	Met		0.74	53.00%
		Hispanic	**< 2.0**	0.00	Met		0.00	46.00%
		Policies/procedures/ Practices contribute to the discrepancy	**No**	No			No	No
9	**Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification** **Disproportionate representation exits in the category.** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	0.48	Met	No significant disproportionate representation. No required action	0.34	0.61
		Asian	**< 2.0**	0.31	Met		0.37	0.46
		Black, African American	**< 2.0**	1.44	Met		1.43	1.50
		Native Haw/Pacific Islander	**< 2.0**	0.00	Met		0.00	0.00
		White	**< 2.0**	0.89	Met		0.87	0.85
		2 or more races	**< 2.0**	0.98	Met		0.84	0.82
		Hispanic	**< 2.0**	0.83	Met		0.89	0.78
		Disproportionate representation is due to inappropriate identification	**No (0%)**	No			No (0%)	No (0%)

FFY 2013 (SFY 2014) Part B Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2013			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2012	FFY 2011
11	**Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days**	**100%**	100%	Met	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%	Met	Compliant. Data verified. No required action.	100%	100%
13	**Percentage of youth age 16 and above whose IEP meets secondary transition requirements**	**100%**	100%	Met	Compliant. Data verified. No required action.	100%	100%
	Timely correction of noncompliance (Previously Indicator 15)	**100%**	100%	Met	Compliant. Data verified. No required action.	100%	100%
	State reported data are timely and accurate (Previously Indicator 20)	**100%**	100%	Met	Compliant. Data verified. No required action.	100%	100%

FFY 2013 (SFY 2014) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2013 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	0.00	0.00	0.00	1.75	2.08*	Significant disproportionality exists. MSDE review of identification procedures are appropriate. No required action.
		Asian	0.71	0.05	0.00	0.57	0.40	0.12	
		Black/African American	1.85	1.75	2.01	1.02	0.67	1.64	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.58	.0.80	0.78	1.04	1.74	0.82	
		2 or more races	0.44	0.70	1.17	1.42	0.89	1.40	
		Hispanic	1.13	0.89	0.54	0.95	0.83	0.66	
		Disproportionate representation is due to inappropriate identification							

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2012 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification N size is < 30* Disproportionate representation exists.	American Indian/Alaska Native	0.00	0.00	0.00	0.00	0.00	2.14*	Significant disproportionality exists. MSDE review of identification procedures are appropriate. No required action.
		Asian	0.98	0.09	0.00	0.63	0.39	0.00	
		Black/African American	1.80	1.67	2.00	0.97	0.71	1.84	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.55	0.81	0.73	1.18	1.69	0.77	
		2 or more races	0.16	0.76	1.46	0.80	0.82	0.94	
		Hispanic	1.25	0.90	0.55	0.94	0.88	0.74	
		Disproportionate representation is due to inappropriate identification							

MARYLAND STATE DEPARTMENT OF EDUCATION
PREPARING WORLD CLASS STUDENTS

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

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

March 23, 2015

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) 2013 (2013-2014 school year). Attached please find the *FFY 2013 Determination Overview* that identifies the Part B Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria,* and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 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 2013 data, as well as information obtained through monitoring and complaint investigations, the WCBOE has achieved the determination status of **"Meets Requirements."**

In correspondence sent to your attention on March 19, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. Critical to the balanced focus on results and compliance is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. To prepare for using student outcomes on Statewide assessments, graduation, dropout, and post-school outcomes to assign future local determination status, the DSE/EIS examined the process indicators that will directly impact student progress, growth, and achievement. The process indicators used to measure performance included:

- Indicator 5, Provision of services in the Least Restrictive Environment (LRE);
- Indicator 4, Rate of suspensions and expulsions greater than 10 days in a school year; and
- Indicator 8, Parent involvement.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. 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.

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.

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

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.
Rae Record
Branch Chiefs

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

FFY 2013 Determination Overview
Part C & Part B
July 1, 2013 – June 30, 2014

The Individuals with Disabilities Education Act (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 June 2015.

The 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 Results and Compliance Indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources;
- Any audit findings; 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 1, 2015.

The following Part C indicators are included in assigning determinations:

Results	Compliance
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
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	
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

Process	**Compliance**
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; and 5C LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements. 4A Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days. 8A Preschool Parent Survey; or 8B School Age Parent Survey.	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity 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
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

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.

Framework for Assistance and Intervention

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LSS or LLA. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs. The MSDE will identify:

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

In collaboration with the MSDE, LSSs/LLAs will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. The MSDE is available to consult with LSSs/LLAs by telephone, fax, email, mail, or in-person. To

enable a LSS to improve performance and meet compliance available assistance may include, but is not limited to the MSDE assisting a LSS/LLA to:

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

Needs Intervention

The determination category of "Needs Intervention" indicates a need for assistance in either performance and/or compliance areas within the LSS/LLA General Supervision process. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "*Developing and Implementing an Effective System of General Supervision: Part B*," MSDE will direct the LSS/LLA to examine, clarify, and develop an effective system of general supervision to address results and compliance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with the LSS/LLA, the MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of "Needs Assistance." Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;

- Integrated Monitoring Activities;
- Fiscal Management;
- Data Processes and Results;
- Improvement, Correction, Incentives, and Sanctions;
- Effective Dispute Resolution; and
- Directed Targeted Assistance and Professional Development.

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

Needs Substantial Intervention

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

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

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

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Meets Requirements

Results Process Indicators LSS met or exceeded State targets established for Indicator 4A (Single or Multiple), Indicator 5 (5A, 5B and 5C) and Indicator 8A or 8B.	**AND**	Compliance Indicators LSS demonstrated full or substantial compliance for at least five (5) of the six (6) compliance indicators (4B, 9, 10, 11, 12, 13)
Correction of Noncompliance LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification.	**AND**	Timely and Accurate Data LSS demonstrated full or substantial compliance for submission of accurate and timely data.

Needs Assistance

Results Process Indicators The LSS met or exceeded State targets established for four (4) of the following seven (7) results indicators (4A Single or 4A Multiple, 5A, 5B, and 5C, 8A, or 8B)	**AND**	Compliance Indicators The LSS demonstrated full or substantial compliance for at least four (4) of six (6) compliance indicators (4B, 9, 10, 11, 12, 13).
Correction of Noncompliance The LSS corrected all but one instance of noncompliance within one year of identification.	**AND**	Timely and Accurate Data The LSS data are timely but not accurate, or accurate but not timely.

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Needs Intervention

Results Process Indicators

LSS met or exceeded State targets in at ≤ none of the following seven (7) results indicator (4A (Single or Multiple), 5A, 5B, and 5C, 8A, or 8B).

AND

Compliance Indicators

LSS demonstrated full compliance or substantial compliance for at least three (3) of six (6) compliance indicators (4, 9, 10, 11, 12, 13).

Correction of Noncompliance

The LSS did not correct all previously identified findings of noncompliance within two years of identification.

AND

Timely and Accurate Data

The LSS Data are not timely or accurate.

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.

Division of Special Education/Early Intervention Services
Part B Graduated Results-Driven Accountability Plan

FFY <SFY> (Determination Year)	School Age LRE (5)	Significant Discrepancy in Suspension/Expulsion > 10 days (4A)	Parent Involvement (8)	Graduation (1)	Dropout (2)	Post School Outcomes (14)	Preschool LRE (6)	Preschool Outcomes (7)	Assessment (3)
2013 <2013-2014> (2015)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age						
2014 <2014-2015> (2016)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout				
2015 <2015-2016> (2017)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C			
2016 <2016-2017> (2018)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B		
2017 <2017-2018> (2019)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math
2018 <2018-2019> (2020)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math

DSE/EIS Strategic Plan *Moving Maryland Forward* Action Imperatives

- **Early Childhood**
- **Professional Learning**
- **Access, Equity, and Progress**
- **Secondary Transition**

Worcester County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2013 – June 30, 2014

FFY 2013 (SFY 2014) Part B Indicators									
SPP/APR Indicators Results Indicator Compliance Indicator				FFY 2013			Action Required	Previous Results	
				State Target	Local Results	Target Met		FFY 2012	FFY 2011
1	**Students with IEPs graduating with a regular diploma – 4 year cohort (ESEA lag data based on SY 12-13)**			**≥59.19%**	78.43%	Met	Data meets the State target. No Action required.	79.55%	84.09%
								79.55%	84.44%
2	**Students with IEPs dropping out**			**≤4.95%**	**≤3.0%**	Met	Data meets the State target. Continue to implement *Master Plan* Improvement Strategies	≤3.00%	≤3.00%
3A	**State Assessment: AMO for disability subgroup in the LEA**	**AMO for reading**			Not Met	Not Met	Data does not meet the State target. Continue to implement *Master Plan* Improvement Strategies	Met	Met
		AMO for Math			Not Met	Not Met		Not Met	Met
3B	**State Assessment: Participation rates of IEP students in all grades in the LEA**			**≥ 95%**	Met	Met	Data meets the State target. No required action.	Met	≥ 95%
3C	**State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards**	3	Mathematics	67.40%	72.41%	Met	Data does not meet the State target. Continue to implement *Master Plan* Improvement Strategies.	86.67%	86.49%
			Reading	72.80%	91.53%	Met		85.00%	87.84%
		4	Mathematics	67.40%	76.92%	Met		80.56%	84.00%
			Reading	72.80%	87.04%	Met		84.72%	93.88%
		5	Mathematics	67.40%	52.70%	Not Met		69.49%	75.41%
			Reading	72.80%	80.82%	Met		84.48%	82.26%
		6	Mathematics	67.40%	76.92%	Met		74.55%	85.92%
			Reading	72.80%	75.56%	Met		70.91%	78.87%
		7	Mathematics	67.40%	82.46%	Met		87.32%	82.89%
			Reading	72.80%	72.13%	Not Met		81.69%	65.79%
		8	Mathematics	67.40%	65.33%	Not Met		67.09%	71.43%
			Reading	72.80%	67.61%	Not Met		69.23%	73.68%
		HS	Mathematics	67.40%	78.57%	Met		70.45%	77.27%
			Reading	72.80%	68.97%	Not Met		47.62%	68.18%

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2012	FFY 2011
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	3.87*	Met	Data meets State target. No required action.	2.10*	1.04
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.00	Met	Data meets State target. No required action.	0.00	0.00
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥68.40%	89.31%	Met	Data meets the State target. No required action.	89.88%	89.58%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤13.26%	1.41%	Met	Data meets the State target. No required action.	2.05%	1.88%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤6.69%	5.63%	Met	Data meets the State target. No required action.	4.51%	4.49%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		≥64.10%	35.71%	Not Met	Data does not meet State target. Improvement Plan required.	35.92%	65.48%
6B	Aged 3-5 LRE: Separate School or Class		≤18.90%	26.79%	Not Met	Data meets the State target. No required action.	28.16%	27.38%
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.30%	50.00%	Not Met	Data does not meet State's target in 7A1 but meets the target in 7A2. Improvement Plan required.	83.3%	69.23%
		2. Exits within age expectations	66.40%	67.65%	Met		85.3%	80.00%
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	66.00%	67.86%	Met	Date meets State target in 7B1 and 7B2. No required action.	79.3%	76.47%
		2. Exits within age expectations	55.70%	61.76%	Met		67.7%	75.00%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	61.50%	58.33%	Not Met	Data meets State target in 7C1 but does not meet the target in 7C2. Improvement Plan required.	66.70%	80.00%
		2. Exits within age expectations	64.10%	67.65%	Met		66.7%	80.00%
8A	Parent Survey	Age 3-5	47.00%	47.00%	Met	Data meet State target for 3-5 and 6-21.	60.0%	30%
		Age 6-21	39.00%	64.00%	Met		47.0%	59%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:	A. Higher ed w/in 1 year of leaving HS	35.00%	25.00%	Not Met	Data does not meet the target. Improvement plan required.		
		B. Higher ed or employed w/in 1 year of leaving HS	68.00%	76.92%	Met	Data meets the target. Improvement plan required.		
		C. Higher ed or training program or employed w/in 1 year of leaving HS	82%			Disaggregated LSS data not available at this time.		

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2012	FFY 2011
4B	**Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity** **Discrepancy exists in the category** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	0.00	Met	No significant discrepancy. No required action.	0.00	0.00
		Asian	**< 2.0**	0.00	Met		0.00	0.00
		Black or African American	**< 2.0**	8.23*	Met		5.10*	5.10*
		Native Haw/Pacific Islander	**< 2.0**	0.00	Met		0.00	0.00
		White	**< 2.0**	2.65*	Met		1.13	1.13
		2 or more races	**< 2.0**	0.00	Met		0.00	0.00
		Hispanic	**< 2.0**	0.00	Met		0.00	0.00
		Policies/procedures/ Practices contribute to the discrepancy	**No**	No			No	No
9	**Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification** **Disproportionate representation exits in the category.** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	1.25	Met	No significant disproportionate representation. No required action.	0.88	1.14
		Asian	**< 2.0**	0.53	Met		0.58	0.82
		Black, African American	**< 2.0**	1.60	Met		1.50	1.47
		Native Haw/Pacific Islander	**< 2.0**	0.00	Met		0.00	0.00
		White	**< 2.0**	0.76	Met		0.80	0.81
		2 or more races	**< 2.0**	0.60	Met		0.78	0.81
		Hispanic	**< 2.0**	0.93	Met		0.87	0.73
		Disproportionate representation is due to inappropriate identification	**No (0%)**	No				

FFY 2013 (SFY 2014) Part B Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2013			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2012	FFY 2011
11	**Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days**	**100%**	99.40%	Met	Substantially compliant. Data verified. No required action.	99.41%	100%
12	**Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday**	**100%**	100%	Met	Compliant. Data verified. No required action.	100%	100%
13	**Percentage of youth age 16 and above whose IEP meets secondary transition requirements**	**100%**	100%	Met	Compliant. Data verified. No required action.	100%	100%
	Timely correction of noncompliance (Previously Indicator 15)	**100%**	100%	Met	Compliant. Continue to correct noncompliance within one tear.	100%	100%
	State reported data are timely and accurate (Previously Indicator 20)	**100%**	100%	Met	Compliant. Continue to correct noncompliance within one tear.	100%	100%

FFY 2013 (SFY 2014) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	**FFY 2013 results:** **Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification** **Disproportionate representation exists** **N size is < 30***	**American Indian/Alaska Native**	0.00	0.00	0.00	0.00	9.15*	3.29*	Significant disproportionality exists. MSDE review of Identification procedures are appropriate. No required action.
		Asian	2.49*	0.00	0.00	0.90	2.08*	0.70	
		Black/African American	3.25*	2.00	1.52	0.99	0.58	1.37	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.29	0.56	1.13	0.90	1.74	1.15	
		2 or more races	0.00	0.81	2.67*	0.52	0.37	0.13	
		Hispanic	0.36	1.28	0.00	1.48	0.30	0.46	
		Disproportionate representation is due to inappropriate identification							

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	**FFY 2012 results:** **Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification** **N size is < 30*** **Disproportionate representation exists.**	**American Indian/Alaska Native**	100%	100%	100%	100%	100%	100%	Disproportionate representation does not exist. No required action.
		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 is due to inappropriate identification							

MARYLAND STATE DEPARTMENT OF EDUCATION
PREPARING WORLD CLASS STUDENTS

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

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

March 23, 2015

Dr. Gregory Thornton
Chief Executive Officer
Baltimore City Public Schools
200 East North Avenue
Baltimore, MD 21202

Dear Dr. Thornton:

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) 2013 (2013-2014 school year). Attached please find the *FFY 2013 Determination Overview* that identifies the Part B Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria*, and the *Graduated Results-Driven Accountability Plan.* The attached *FFY 2013 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 2013 data, as well as information obtained through monitoring and complaint investigations, the BCPS has achieved the determination status of **"Needs Intervention."**

In correspondence sent to your attention on March 20, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. Critical to the balanced focus on results and compliance is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. To prepare for using student outcomes on Statewide assessments, graduation, dropout, and post-school outcomes, to assign future local determination status, the DSE/EIS examined the process indicators that will directly impact student progress, growth, and achievement. The process indicators used to measure performance included:

- Indicator 5, Provision of services in the Least Restrictive Environment (LRE);
- Indicator 4, Rate of suspensions and expulsions greater than 10 days in a school year; and
- Indicator 8, Parent involvement.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. 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.

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. The BCPS will continue to participate with the DSE/EIS leadership to jointly identify continued technical assistance and support.

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

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.
Kimberly Hoffmann
Branch Chiefs

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

FFY 2013 Determination Overview
Part C & Part B
July 1, 2013 – June 30, 2014

The Individuals with Disabilities Education Act (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 June 2015.

The 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 Results and Compliance Indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources;
- Any audit findings; 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 1, 2015.

The following Part C indicators are included in assigning determinations:

Results	Compliance
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
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	
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

Process	**Compliance**
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; and 5C LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements. 4A Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days. 8A Preschool Parent Survey; or 8B School Age Parent Survey.	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity 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
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

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.

Framework for Assistance and Intervention

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LSS or LLA. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs. The MSDE will identify:

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

In collaboration with the MSDE, LSSs/LLAs will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. The MSDE is available to consult with LSSs/LLAs by telephone, fax, email, mail, or in-person. To

enable a LSS to improve performance and meet compliance available assistance may include, but is not limited to the MSDE assisting a LSS/LLA to:

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

Needs Intervention

The determination category of "Needs Intervention" indicates a need for assistance in either performance and/or compliance areas within the LSS/LLA General Supervision process. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "*Developing and Implementing an Effective System of General Supervision: Part B*," MSDE will direct the LSS/LLA to examine, clarify, and develop an effective system of general supervision to address results and compliance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with the LSS/LLA, the MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of "Needs Assistance." Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;

- Integrated Monitoring Activities;
- Fiscal Management;
- Data Processes and Results;
- Improvement, Correction, Incentives, and Sanctions;
- Effective Dispute Resolution; and
- Directed Targeted Assistance and Professional Development.

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

Needs Substantial Intervention

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

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

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

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Meets Requirements

Results Process Indicators LSS met or exceeded State targets established for Indicator 4A (Single or Multiple), Indicator 5 (5A, 5B and 5C) and Indicator 8A or 8B.	**AND**	Compliance Indicators LSS demonstrated full or substantial compliance for at least five (5) of the six (6) compliance indicators (4B, 9, 10, 11, 12, 13)
Correction of Noncompliance LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification.	**AND**	Timely and Accurate Data LSS demonstrated full or substantial compliance for submission of accurate and timely data.

Needs Assistance

Results Process Indicators The LSS met or exceeded State targets established for four (4) of the following seven (7) results indicators (4A Single or 4A Multiple, 5A, 5B, and 5C, 8A, or 8B)	**AND**	Compliance Indicators The LSS demonstrated full or substantial compliance for at least four (4) of six (6) compliance indicators (4B, 9, 10, 11, 12, 13).
Correction of Noncompliance The LSS corrected all but one instance of noncompliance within one year of identification.	**AND**	Timely and Accurate Data The LSS data are timely but not accurate, or accurate but not timely.

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Needs Intervention

Results Process Indicators		Compliance Indicators
LSS met or exceeded State targets in at ≤ none of the following seven (7) results indicator (4A (Single or Multiple), 5A, 5B, and 5C, 8A, or 8B).	**AND**	LSS demonstrated full compliance or substantial compliance for at least three (3) of six (6) compliance indicators (4, 9, 10, 11, 12, 13).
Correction of Noncompliance		**Timely and Accurate Data**
The LSS did not correct all previously identified findings of noncompliance within two years of identification.	**AND**	The LSS Data are not timely or accurate.

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.

Division of Special Education/Early Intervention Services
Part B Graduated Results-Driven Accountability Plan

FFY <SFY> (Determination Year)	School Age LRE (5)	Significant Discrepancy in Suspension/Expulsion > 10 days (4A)	Parent Involvement (8)	Graduation (1)	Dropout (2)	Post School Outcomes (14)	Preschool LRE (6)	Preschool Outcomes (7)	Assessment (3)
2013 <2013-2014> (2015)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age						
2014 <2014-2015> (2016)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout				
2015 <2015-2016> (2017)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C			
2016 <2016-2017> (2018)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B		
2017 <2017-2018> (2019)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math
2018 <2018-2019> (2020)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math

DSE/EIS Strategic Plan *Moving Maryland Forward* Action Imperatives

- **Early Childhood**
- **Professional Learning**
- **Access, Equity, and Progress**
- **Secondary Transition**

Baltimore City Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2013 – June 30, 2014

FFY 2013 (SFY 2014) Part B Indicators										
SPP/APR Indicators Results Indicator Compliance Indicator				FFY 2013			Action Required	Previous Results	
				State Target	Local Results	Target Met		FFY 2012	FFY 2011
1	**Students with IEPs graduating with a regular diploma - 4 year cohort (ESEA lag data based on SY 12-13)**			**≥59.19%**	44.63%	Not Met	Data does not meet the State's target. Continue to implement *Master Plan* Improvement Strategies.	42.50%	39.22%
								50.21%	45.28%
2	**Students with IEPs dropping out (Option 2 leaver rate based on SY 12-13)**			**≤4.95%**	6.01%	Not Met	Data does not meet the State's target. Continue to implement Master Plan Improvement Strategies.	6.01%	6.80%
3A	**State Assessment: AMO for disability subgroup in the LEA**	**AMO for Reading**			Not Met	Not Met	Data does not meet the State's target Continue to implement *Master Plan* Improvement Strategies.	Not Met	Not Met
		AMO for math			Not Met	Not Met		Not Met	Not Met
3B	**State Assessment: Participation rates of IEP students in all grades in the LEA**			**≥ 95%**	Yes	Met	Data meets the State's target. No required action.	Met	≥95%
3C	**State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards**	3	Mathematics	**67.40%**	26.60%	Not Met	Data does not meet the State's target. Continue to implement *Master Plan* Improvement Strategies.	38.79%	48.38%
			Reading	**72.80%**	46.72%	Not Met		50.75%	55.17%
		4	Mathematics	**67.40%**	27.07%	Not Met		46.16%	55.29%
			Reading	**72.80%**	44.05%	Not Met		51.78%	57.93%
		5	Mathematics	**67.40%**	19.77%	Not Met		35.25%	45.74%
			Reading	**72.80%**	49.71%	Not Met		49.73%	58.36%
		6	Mathematics	**67.40%**	23.43%	Not Met		27.88%	36.97%
			Reading	**72.80%**	33.55%	Not Met		37.07%	40.98%
		7	Mathematics	**67.40%**	15.72%	Not Met		22.91%	28.85%
			Reading	**72.80%**	28.49%	Not Met		38.80%	35.31%
		8	Mathematics	**67.40%**	12.16%	Not Met		15.56%	20.68%
			Reading	**72.80%**	22.95%	Not Met		31.88%	33.11%
		HS	Mathematics	**67.40%**	24.91%	Not Met		29.84%	28.64%
			Reading	**72.80%**	24.24%	Not Met		29.92%	33958%

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013 State Target	FFY 2013 Local Results	FFY 2013 Target Met	Action Required	Previous Results FFY 2012	Previous Results FFY 2011
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	3.84	Not Met	Data does not meet the State's target. Improvement Plan required.	2.77	2.13
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	2.66	Not Met	Data does not meet the State's target. Improvement Plan required.	2.17	2.35
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥68.40%	61.54%	Not Met	Data does not meet the State's target. Improvement Plan required.	61.85%	58.11%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤13.26%	18.63%	Not Met	Data does not meet the State's target. Improvement Plan required.	18.44%	20.51%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤6.69%	8.24%	Not Met	Data does not meet the State target. Improvement Plan required.	8.78%	9.10%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		≥64.10%	72.63%	Met	Data meets the State's target. No required action.	72.48%	65.07%
6B	Aged 3-5 LRE: Separate School or Class		≤18.90%	11.61%	Met	Data meets the State's target. No required action.	10.71%	22.20%
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.30%	53.12%	Not Met	Data does not meet the State target. Improvement Plan required.	63.70%	56.41%
		2. Exits within age expectations	66.40%	57.05%	Not Met		66.70%	58.55%
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	66.00%	48.57%	Not Met	Data does not meet the State target. Improvement Plan required.	60.00%	52.99%
		2. Exits within age expectations	55.70%	41.61%	Not Met		51.90%	44.41%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	61.50%	51.53%	Not Met	Data does not meet the State target. Improvement Plan required.	53.10%	57.20%
		2. Exits within age expectations	64.10%	55.70%	Not Met		59.90%	57.57%
8	Parent Survey	Age 3-5	47.00%	39.00%	Not Met	Data does not meet the State target. Improvement Plan required.	29.00%	58.00%
		Age 6-21	39.00%	33.00%	Not Met		32.00%	35.00%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:	A. Higher ed w/in 1 year of leaving HS	35.00%	15.37%	Not Met	Data does not meet the State target. Improvement Plan required.		
		B. Higher ed or employed w/in 1 year of leaving HS	68.00%	49.33%	Not Met	Data does not meet the State target. Improvement Plan required.		
		C. Higher ed or training program or employed w/in 1 year of leaving HS	82.00%			Disaggregated LSS data not available at this time.		

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2012	FFY 2011
4B	**Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity** **Discrepancy exists in the category** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	0.00	Met	Significant discrepancy exists. A previous MSDE review of policies, procedures and practices do not contribute to the significant discrepancy. No required action.	3.56*	2.79*
		Asian	**< 2.0**	0.00	Met		1.94	0.00
		Black or African American	**< 2.0**	3.12	Not Met		2.39	2.56
		Native Haw/Pacific Islander	**< 2.0**	0.00	Met		0.00	0.00
		White	**< 2.0**	1.21	Met		1.49	0.65
		2 or more races	**< 2.0**	3.12*	Met		0.00	0.00
		Hispanic	**< 2.0**	0.54	Met		0.51	0.00
		Policies/procedures/ Practices contribute to the discrepancy	**No**	No	Yes			No
9	**Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification** **Disproportionate representation exits in the category.** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	0.72	Met	No significant disproportionate representation. No required action.	0.62	0.65
		Asian	**< 2.0**	0.39	Met		0.35	0.32
		Black, African American	**< 2.0**	1.21	Met		1.16	1.07
		Native Haw/Pacific Islander	**< 2.0**	0.31	Met		0.13	0.18
		White	**< 2.0**	1.22	Met		1.28	1.33
		2 or more races	**< 2.0**	0.81	Met		0.64	0.81
		Hispanic	**< 2.0**	0.55	Met		0.58	0.59
		Disproportionate representation is due to inappropriate identification	**No (0%)**	No	Yes		No (0%)	NA

FFY 2013 (SFY 2014) Part B Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2013			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2012	FFY 2011
11	**Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days**	**100%**	96.04%	Not Met	Compliant. Data verified. No required action.	94.85%	97.65%
12	**Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday**	**100%**	100.00%	Met	Compliant. Data verified. No required action.	100.00%	100.00%
13	**Percentage of youth age 16 and above whose IEP meets secondary transition requirements**	**100%**	100.00%	Met	Verification activities indicate need for follow-up with student specific data	96.7%	88.00%
	Timely correction of noncompliance (Previously Indicator 15)	100%	100.00%	Met	Compliant. Continue to correct noncompliance within one year.	100.00%	100.00%
	State reported data are timely and accurate (Previously Indicator 20)	100%	100.00%	Met	Compliant. Continue to report data in a timely and accurate manner.	100.00%	100.00%

FFY 2013 (SFY 2014) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	**FFY 2013 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**	0.60	0.71	0.23	0.79	1.02	1.08	Disproportionate representation does not exist. No required action.
		Asian	0.81	0.38	0.13	0.14	1.49	0.21	
		Black/African American	1.44	1.62	1.50	0.79	0.61	1.42	
		Native Hawaiian/ Pacific Islander	0.47	0.19	0.00	0.75	0.00	0.38	
		White	0.87	0.97	1.20	1.36	1.67	1.34	
		2 or more races	1.20	0.56	1.28	0.88	1.37	0.37	
		Hispanic	0.55	0.53	0.21	1.25	0.42	0.31	
		Disproportionate representation is due to inappropriate identification							

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	**FFY 2012 results:** **Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification** **N size is < 30*** **Disproportionate representation exists.**	**American Indian/Alaska Native**	0.00	0.70	0.18	0.84	1.09	0.88	
		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 is due to inappropriate identification							

MARYLAND STATE DEPARTMENT OF EDUCATION
PREPARING WORLD CLASS STUDENTS

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

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

March 23, 2015

Mr. Jon Tucker
SEED School of Maryland
Interim Head of School
200 Font Hill Avenue
Baltimore, MD 21223

Dear Mr. Tucker:

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) 2013 (2013-2014 school year). Attached please find the *FFY 2013 Determination Overview* that identifies the Part B Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria,* and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 Annual Data Table on SPP/APR Part B Indicators* provides a three-year data analysis and required actions for the SEED School. Based on the FFY 2013 data, as well as information obtained through monitoring and complaint investigations, the SEED School has achieved the determination status of **"Meets Requirements."**

In correspondence sent to your attention on March 19, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. Critical to the balanced focus on results and compliance is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. To prepare for using student outcomes on Statewide assessments, graduation, dropout, and post-school outcomes to assign future local determination status, the DSE/EIS examined the process indicators that will directly impact student progress, growth, and achievement. The process indicators used to measure performance included:

- Indicator 5, Provision of services in the Least Restrictive Environment (LRE);
- Indicator 4, Rate of suspensions and expulsions greater than 10 days in a school year; and
- Indicator 8, Parent involvement.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. 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.

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.

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

Sincerely,

Marcella E. Franczkowski

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

MF/DRR/cc

Attachments

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

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

FFY 2013 Determination Overview
Part C & Part B
July 1, 2013 – June 30, 2014

The Individuals with Disabilities Education Act (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 June 2015.

The 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 Results and Compliance Indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources;
- Any audit findings; 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 1, 2015.

The following Part C indicators are included in assigning determinations:

Results	Compliance
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
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	
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

Process	**Compliance**
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; and 5C LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements. 4A Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days. 8A Preschool Parent Survey; or 8B School Age Parent Survey.	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity 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
Correction of Noncompliance	**Data and Submission of Reports**
Correction of Noncompliance	Timely and Accurate

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.

Framework for Assistance and Intervention

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LSS or LLA. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs. The MSDE will identify:

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

In collaboration with the MSDE, LSSs/LLAs will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. The MSDE is available to consult with LSSs/LLAs by telephone, fax, email, mail, or in-person. To

enable a LSS to improve performance and meet compliance available assistance may include, but is not limited to the MSDE assisting a LSS/LLA to:

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

Needs Intervention

The determination category of "Needs Intervention" indicates a need for assistance in either performance and/or compliance areas within the LSS/LLA General Supervision process. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "*Developing and Implementing an Effective System of General Supervision: Part B*," MSDE will direct the LSS/LLA to examine, clarify, and develop an effective system of general supervision to address results and compliance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with the LSS/LLA, the MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of "Needs Assistance." Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;

- Integrated Monitoring Activities;
- Fiscal Management;
- Data Processes and Results;
- Improvement, Correction, Incentives, and Sanctions;
- Effective Dispute Resolution; and
- Directed Targeted Assistance and Professional Development.

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

Needs Substantial Intervention

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

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

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

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Meets Requirements

Results Process Indicators

LSS met or exceeded State targets established for Indicator 4A (Single or Multiple), Indicator 5 (5A, 5B and 5C) and Indicator 8A or 8B.

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least five (5) of the six (6) compliance indicators (4B, 9, 10, 11, 12, 13)

Correction of Noncompliance

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

AND

Timely and Accurate Data

LSS demonstrated full or substantial compliance for submission of accurate and timely data.

Needs Assistance

Results Process Indicators

The LSS met or exceeded State targets established for four (4) of the following seven (7) results indicators (4A Single or 4A Multiple, 5A, 5B, and 5C, 8A, or 8B)

AND

Compliance Indicators

The LSS demonstrated full or substantial compliance for at least four (4) of six (6) compliance indicators (4B, 9, 10, 11, 12, 13).

Correction of Noncompliance

The LSS corrected all but one instance of noncompliance within one year of identification.

AND

Timely and Accurate Data

The LSS data are timely but not accurate, or accurate but not timely.

Part B
Local Determination Scoring Criteria Based on FFY 2013 (July 1, 2013 – June 30, 2014) Data

Needs Intervention

Results Process Indicators		Compliance Indicators
LSS met or exceeded State targets in at ≤ none of the following seven (7) results indicator (4A (Single or Multiple), 5A, 5B, and 5C, 8A, or 8B).	**AND**	LSS demonstrated full compliance or substantial compliance for at least three (3) of six (6) compliance indicators (4, 9, 10, 11, 12, 13).
Correction of Noncompliance		**Timely and Accurate Data**
The LSS did not correct all previously identified findings of noncompliance within two years of identification.	**AND**	The LSS Data are not timely or accurate.

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.

Division of Special Education/Early Intervention Services
Part B Graduated Results-Driven Accountability Plan

FFY <SFY> (Determination Year)	School Age LRE (5)	Significant Discrepancy in Suspension/Expulsion > 10 days (4A)	Parent Involvement (8)	Graduation (1)	Dropout (2)	Post School Outcomes (14)	Preschool LRE (6)	Preschool Outcomes (7)	Assessment (3)
2013 <2013-2014> (2015)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age						
2014 <2014-2015> (2016)	5A, 5B, and 5C	Single or Multiple	Preschool or School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout				
2015 <2015-2016> (2017)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C			
2016 <2016-2017> (2018)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B		
2017 <2017-2018> (2019)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math
2018 <2018-2019> (2020)	5A, 5B, and 5C	Single or Multiple	Preschool and School-Age	4-year Adjusted Cohort	Annual 9-12 Dropout	14C	6A and 6B	3 of 6	AMO Reading or Math

DSE/EIS Strategic Plan *Moving Maryland Forward* Action Imperatives

- **Early Childhood**
- **Professional Learning**
- **Access, Equity, and Progress**
- **Secondary Transition**

The SEED School of Maryland
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2013 – June 30, 2014

FFY 2013 (SFY 2014) Part B Indicators										
SPP/APR Indicators Results Indicator Compliance Indicator				FFY 2013			Action Required	Previous Results	
				State Target	Local Results	Target Met		FFY 2012	FFY 2011
1	Students with IEPs graduating with a regular diploma - 4 year cohort (ESEA lag data based on SY 12-13)			≥59.19%	NA			NA	
								NA	
2	Students with IEPs dropping out (Option 2 leaver rate based on SY 12-13)			≤4.95	NA			0%	
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading			Met	Yes		Met	
		AMO for Math			Not Met	No		Met	
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ or = 95%	Yes	Yes		Met	
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics		NA			NA	
			Reading		NA			NA	
		4	Mathematics		NA			NA	
			Reading		NA			NA	
		5	Mathematics		NA			NA	
			Reading		NA			NA	
		6	Mathematics	67.40%	10.00%	Not Met		42.86%	
			Reading	72.80%	50.00%	Not Met		52.38%	
		7	Mathematics	67.40%	28.57%	Not Met		20.00%	
			Reading	72.80%	58.82%	Not Met		10.00%	
		8	Mathematics	67.40%	12.50%	Not Met		NA	
			Reading	72.80%	62.50%	Not Met		NA	
		HS	Mathematics		NA			NA	
			Reading		NA			NA	

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013 State Target	Local Results	Target Met	Action Required	Previous Results FFY 2012	 FFY 2011
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.00	Met	Data meets State target. No required action.	0.00	
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.00	Met		0.60	
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥68.40%	NA			NA	
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤13.26%	NA			NA	
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤6.69%	NA			NA	
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day			NA			NA	
6B	Aged 3-5 LRE: Separate School or Class			NA			NA	
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth		NA			NA	
		2. Exits within age expectations		NA			NA	
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth		NA			NA	
		2. Exits within age expectations		NA			NA	
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth		NA			NA	
		2. Exits within age expectations		NA			NA	
8A	Parent Survey	Age 3-5	47%	NA			NA	
		Age 6-21	39%	NA			NA	
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:	A. Higher ed w/in 1 year of leaving HS		NA				
		B. Higher ed or employed w/in 1 year of leaving HS		NA				
		C. Higher ed or training program or employed w/in 1 year of leaving HS		NA				

FFY 2013 (SFY 2014) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2013			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2012	FFY 2011
4B	**Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity** **Discrepancy exists in the category** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	0.00	Met	Data meets State target. No required action.	0.00	
		Asian	**< 2.0**	0.00	Met		0.00	
		Black or African American	**< 2.0**	0.00	Met		0.64	
		Native Haw/Pacific Islander	**< 2.0**	0.00	Met		0.00	
		White	**< 2.0**	0.00	Met		0.00	
		2 or more races	**< 2.0**	0.00	Met		0.00	
		Hispanic	**< 2.0**	0.00	Met		0.00	
		Policies/procedures/ Practices contribute to the discrepancy	**No (0%)**				0.00	
9	**Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification** **Disproportionate representation exits in the category.** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	.00	Met	Significant disproportionality exists. MSDE review of identification procedures are appropriate. No required action.	0.00	
		Asian	**< 2.0**	0.00	Met		0.00	
		Black, African American	**< 2.0**	8.49	Not Met		3.88	
		Native Haw/Pacific Islander	**< 2.0**	0.00	Met		0.00	
		White	**< 2.0**	0.00	Met		0.00	
		2 or more races	**< 2.0**	0.00	Met		4.87	
		Hispanic	**< 2.0**	1.45	Met		1.37	
		Disproportionate representation is due to inappropriate identification	**No (0%)**				0.00	

FFY 2013 (SFY 2014) Part B Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2013			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2012	FFY 2011
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days	100%	100%	Met	Data meets State target. No required action.	100%	
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday	100%	NA			NA	
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	NA			NA	
	Timely correction of noncompliance (Previously Indicator 15)	100%	100%	Met	Compliant. Continue to correct noncompliance within one year.	100%	
	State reported data are timely and accurate (Previously Indicator 20)	100%	100%	Met	Compliant. Continue to report data in a timely and accurate manner.	100	

FFY 2013 (SFY 2014) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2013 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	0.00	0.00	0.00	0.00	0.00	No significant disproportionality exists. No required action.
		Asian	0.00	0.00	0.00	0.00	0.00	0.00	
		Black/African American	0.00	5.36*	0.00	0.00	0.00	0.00	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.00	0.00	0.00	0.00	0.00	0.00	
		2 or more races	0.00	0.00	0.00	0.00	0.00	0.00	
		Hispanic	0.00	2.30*	0.00	0.00	0.00	0.00	
		Disproportionate representation is due to inappropriate identification							

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2012 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification N size is < 30* Disproportionate representation exists.	American Indian/Alaska Native	0.00	0.00	0.00	0.00	0.00	0.00	No significant disproportionality exists. No required action.
		Asian	0.00	0.00	0.00	0.00	0.00	0.00	
		Black/African American	0.00	3.99*	0.00	0.00	0.00	1.88	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.00	0.00	0.00	0.00	0.00	0.00	
		2 or more races	0.00	0.00	0.00	0.00	0.00	0.00	
		Hispanic	0.00	3.30	0.00	0.00	0.00	0.00	
		Disproportionate representation is due to inappropriate identification							