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March 8, 2018

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

Congratulations!

Dear Dr. Cox:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of students with disabilities for each local preschool and special education program 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]¹. The MSDE, DSE/EIS uses a results-based rubric for given indicators to evaluate the performance of each local school system in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2016 Part B determinations, the Allegany County Public Schools has achieved the determination status of **"Meets Requirements."**

Attached please find supporting documentation:

1. *FFY 2016 Determination Overview* (identifies the Part B Indicators used to assign a FFY 2017 local determination status on page two – please note the addition of fiscal accountability, State complaints/due process hearings, and preschool least restrictive environment data);
2. *FFY 2016 Local Determination Scoring Criteria* (provides a six-year graduated results driven accountability plan used to make a local determination by year); and
3. *FFY 2016 Annual Report Card on State Performance Plan (SPP)/Annual Performance Reports (APR) Part B Indicators* (provides a three-year local data analysis and required actions for students with disabilities ages three through 21).

The MSDE, DSE/EIS is committed to maintaining a balanced focus on results and compliance to narrow the school readiness and achievement gaps. Please note in FFY 2019 the determination status for each local school system will reflect the July 1, 2018 proposed revision to Code of Maryland Regulations (COMAR) regarding the identification of significant disproportionality. Maryland's proposed revised definition of significant disproportionality, as required by the Individuals with Disabilities Education Act (IDEA), includes the three to five years of age population. Beginning in 2016, the DSE/EIS has provided guidance, technical assistance, and professional learning opportunities to support local school systems in the implementation of revised data collection processes and review of local policies, procedures, and practices. Please note that FFY 2016-17 and FFY 2017-18 data capturing suspension/expulsion (in and out of school), identification by race/ethnicity, and identification by race/ethnicity and disability will be used for the FFY 2019 local determination status.

¹ USDE, OSEP uses state National Assessment of Educational Progress (NAEP) participation and performance data for students with disabilities to assign Maryland's special education determination status (see attached "NAEP"). DSE/EIS will be analyzing local testing protocols and decisions for the NAEP assessment.

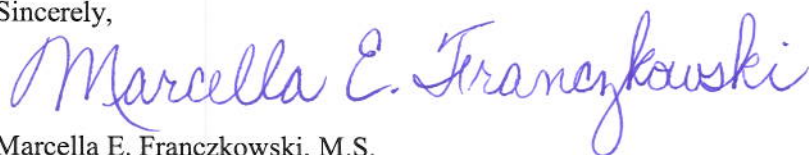
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To support Maryland's commitment to narrow the opportunity and achievement gaps for students with disabilities and their families, the implementation of the DSE/EIS five-year strategic plan provides a statewide differentiated framework for general supervision and performance support. Based upon a comprehensive data analysis (including the SPP/APR local determination status), the Allegany County Public Schools has been assigned the "**Universal**" tier for the delivery of the DSE/EIS technical assistance model for results.

Local school systems are strongly encouraged to work closely with their local Special Education Citizens Advisory Committee (SECAC) to analyze local data and infrastructure for the implementation of specially designed instruction. 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 with fidelity to improve the results for children and youth with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities with coaching.

Thank you for your hard work and commitment to equity and efficiency for excellence. The MSDE is committed to supporting the efforts of the Allegany County Public Schools to improve results for children and youth with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



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

MEF/AM/cc

Attachments

c: Karen B. Salmon
Carol A. Williamson
Debra Metheny

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

FFY 2016 Determination Overview

Part C & Part B

July 1, 2016 – June 30, 2017

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. 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 2018.

To receive a State determination, the IDEA requires states to evaluate each 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 established Indicators. As a result of that evaluation, the 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 states to 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 (DSE/EIS), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <http://mdideareport.org> no later than June 1, 2018. For the FFY 2016 determinations, the MSDE, DSE/EIS has included additional indicators highlighted below in blue.

The following **Part C** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
2. Primary Service Setting 3A. Birth – 4 Outcomes – Emotional Skills 3B. Birth – 4 Outcomes – Knowledge and Skills 3C. Birth – 4 Outcomes – Use of appropriate behaviors 4A. Family Survey-Know their rights 4B. Family Survey-Effectively communicate their children's needs 4C. Family Survey-Help their children develop and learn 5. Child Find 0-1 6. Child Find 0-3	1. Timely Services 7. 45 Day Timeline 8A. Transition - Transition Outcomes 8B. Transition - Notification to LSS 8C. Transition - Timely Planning Meeting
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate

<i>Fiscal</i>	<i>Complaints and Due Process Hearing</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The following **Part B** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
1. Students with IEPs graduating with a regular diploma	4B. Suspension/Expulsion - Significant Discrepancy Disaggregated by Race/Ethnicity
2. Students with IEPs dropping out	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5A. LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
5B. LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	11. Initial Evaluation Timeline
5C. LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	12. Part C to B Transition
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	13. Secondary Transition
8A. Preschool Parent Survey; or	
8B. School Age Parent Survey.	
14. Post-School Outcomes	
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate
<i>Fiscal</i>	<i>Complaints and Due Process Hearings</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS 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. In certain circumstances, enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.P.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.P.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.P.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 LSSILLA 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 LSSILLA, 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).

Allegany County
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2016 – June 30, 2017 REVISED – APRIL 5, 2018

FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators  Results Indicator  Compliance Indicator		FFY 2016			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
1	Students with IEPs graduating with a regular diploma - 4 year cohort (ESSA lag data based on 2015-2016) COMAR 13A.03.02.09 COMAR 13A.05.01.01	≥ 65.91%	75.64%	Met	Target met, no further action required.	78.67%	67.69%
2	Students with IEPs dropping out (ESSA Option 2 leaver rate based on lag data for 2015-2016) COMAR 13A.08.01.07	≤ 3.51%	3.53%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	6.65%	5.92%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading	NA	NA	Waived by U.S. Department of Education. Change in methodology.	NA	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	AMO for Math	NA	NA		NA	NA
3B	State Assessment: Participation rates of IEP students in all grades in the LEA	Math	≥ 95.00%	98.09%	Target met, no further action required.	99.67%	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	Reading	≥ 95.00%	99.04%	Target met, no further action required.		





¹ Local results are based on current data unless otherwise indicated.
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FFY 2016 (SFY 2017) Part B Indicators									
SPP/APR Indicators			FFY 2016			Action Required	Previous Results		
Results Indicator	Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014	
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards COMAR 13A.05.11.05 COMAR 13A.03.06.05	3	Mathematics	16.50%	31.40%	Met	Target met in reading and math for the 3 rd grade. Target not met in reading and math for the 4 th grade through the 8 th grade and for high school. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	22.06%	NA
			Reading	18.60%	25.62%	Met		17.65%	NA
		4	Mathematics	16.15%	14.06%	Not Met		16.79%	NA
			Reading	21.10%	17.97%	Not Met		17.56%	NA
		5	Mathematics	18.85%	12.10%	Not Met		20.93%	NA
			Reading	23.60%	11.29%	Not Met		17.83%	NA
		6	Mathematics	20.55%	16.50%	Not Met		9.35%	NA
			Reading	26.10%	8.74%	Not Met		5.61%	NA
		7	Mathematics	22.25%	10.99%	Not Met		12.61%	NA
			Reading	28.60%	8.79%	Not Met		10.92%	NA
		8	Mathematics	23.95%	8.26%	Not Met		13.64%	NA
			Reading	31.10%	8.26%	Not Met		7.95%	NA
		HS	Mathematics	56.08%	21.79%	Not Met		31.67%	NA
			Reading	50.52%	10.13%	Not Met		31.15%	NA

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4A	<p>Multiple suspensions (> 10 days): Disabled vs. nondisabled</p> <p> Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.03.03</p>	≤ 8.00	1.44%	Met	<p>Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.</p>	2.43	0.53
	<p>Single suspensions (> 10 days): Disabled vs. nondisabled</p> <p> Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.03.03</p>	≤ 8.00	--*--	Met	<p>Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.</p>	--*--	--*--



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FFY 2016 (SFY 2017) Part B Indicators							
<div> <div></div> <div>SPP/APR Indicators</div> <div> <div></div> Results Indicator <div></div> Compliance Indicator </div> </div>		FFY 2016			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
5A	Students aged 6-21 whose LRE is \geq 80% of the day (MD SSIS LRE A) COMAR 13A.05.01.10	\geq 69.90%	86.04%	Met	Target met, no further action required.	86.80%	85.09%
5B	Students aged 6-21 whose LRE is \leq 40% of the day (MD SSIS LRE C) COMAR 13A.05.01.10	\leq 11.76%	5.41%	Met	Target met, no further action required.	6.20%	6.81%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities COMAR 13A.05.01.10 COMAR 13A.05.01.16	\leq 5.94%	5.97%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	5.71%	6.47%
6A	Students aged 3-5 LRE: Services in regular early childhood setting the majority of the day COMAR 13A.05.01.10	\geq 64.70%	84.46%	Met	Target met, no further action required.	83.06%	85.61%
6B	Students aged 3-5 LRE: Separate School or Class COMAR 13A.05.01.10	\leq 18.30%	8.79%	Met	Target met, no further action required.	2.42%	2.16%
7A	Students aged 3-5 demonstrate improved positive social-emotional skills COMAR 13A.13.01.09	1. Exits with substantial growth \geq 68.90%	42.11%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	70.59%	68.97%
		2. Exits within age expectations \geq 68.00%	39.13%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	42.11%	63.64%




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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators  Results Indicator  Compliance Indicator			FFY 2016			Action Required	Previous Results	
			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
7B	Students aged 3-5 demonstrate acquisition and use of knowledge and skills	1. Exits with substantial growth	≥67.60%	57.89%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	76.47%	66.67%
	COMAR 13A.13.01.09	2. Exits within age expectations	≥57.20%	34.78%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	57.89%	45.45%
7C	Students aged 3-5 demonstrate use of appropriate behavior to meet their needs.	1. Exits with substantial growth	≥63.10%	45.00%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	50.00%	72.97%
	COMAR 13A.13.01.09	2. Exits within age expectations	≥65.70%	34.78%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	53.85%	59.09%
8	Parent Survey	Age 3-5	≥83.00%	90.00%	NA	These data reflect baseline data and the revised target.	68.00%	NA
		Age 6-21	≥70.00%	65.00%	NA	These data reflect baseline data and the revised target.	43.00%	71.00%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: COMAR 13A.08.01.07 COMAR 13A.05.01.09A(3)(a)(ii)	A. Higher ED w/in 1 year of leaving HS	≥25.00%	26.39%	Met	Target met, no further action required.	18.07%	6.58%
		B. Higher ED or employed w/in 1 year of leaving HS	≥51.00%	73.61%	Met	Target met, no further action required.	59.04%	42.11%
		C. Higher ED or training program or employed w/in 1 year of leaving HS	≥57.00%	94.44%	Met	Target met, no further action required.	60.24%	44.74%

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4B (Ages 6-21)	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students ages 6-21 with IEPs by race/ethnicity	<i>American Indian/Alaska Native</i>	< 2.00	0.00	Met	<p>Disproportionality in the suspension and expulsion of SWD by race/ethnicity was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that contribute to suspension and expulsion of SWD by race/ethnicity.</p> <p>PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the suspension and exclusion of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.</p>	0.00	0.00
		<i>Asian</i>	< 2.00	0.00	Met		0.00	0.00
	 Discrepancy exists in the category N size is ≥ 30	<i>Black/African American</i>	< 2.00	6.34*	NA		0.00	3.80*
	* N size is < 30	<i>Native Hawaiian/Pacific Islander</i>	< 2.00	0.00	Met		0.00	--*--
	--*-- No suspension of disabled or nondisabled students	<i>White</i>	< 2.00	1.40	Met		2.40*	0.44
		<i>2 or more races</i>	< 2.00	0.00	Met		5.41*	0.00
		<i>Hispanic/Latino</i>	< 2.00	0.00	Met		0.00	0.00
COMAR 13A.08.01.21								

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
<div style="display: flex; align-items: center;"> <div style="width: 15px; height: 15px; background-color: yellow; margin-right: 5px;"></div> Results Indicator <div style="width: 15px; height: 15px; background-color: lightblue; margin-left: 10px; margin-right: 5px;"></div> Compliance Indicator </div>			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
9 (Ages 6-21)	Disproportionate representation (≥ 2.0) in students ages 6-21 special education of racial groups as a result of inappropriate identification <div style="display: flex; align-items: center;"> <div style="width: 15px; height: 15px; background-color: lightgray; margin-right: 5px;"></div> Discrepancy exists in the category N size is ≥ 30 </div> <div style="display: flex; align-items: center;"> <div style="width: 15px; height: 15px; background-color: lightgray; margin-right: 5px;"></div> N size is < 30 </div> COMAR 13A.08.01.21	<i>American Indian/Alaska Native</i>	< 2.00	0.42	Met	<p>Disproportionality in the identification of SWD by race or ethnicity was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity.</p> <p>PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.</p>	0.85	1.11
		<i>Asian</i>	< 2.00	0.59	Met		0.74	0.42
		<i>Black/African American</i>	< 2.00	0.98	Met		0.94	1.05
		<i>Native Hawaiian/Pacific Islander</i>	< 2.00	2.26*	Met		1.69	0.00
		<i>White</i>	< 2.00	1.19	Met		1.16	1.10
		<i>2 or more races</i>	< 2.00	1.13	Met		1.11	1.34
		<i>Hispanic/Latino</i>	< 2.00	0.83	Met		0.91	0.84



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FFY 2016 ¹ (SFY 2017) Part B Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
<div><div></div> Compliance Indicator</div>									
10	FFY 2016 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	American Indian/Alaska Native	0.00	1.49	0.00	0.00	0.00	0.00	Disproportionality for White students with Speech/Language Impairment was identified. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results. The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity and disability. Targeted review to be scheduled by MSDE DSE/EIS.
		Asian	0.00	0.29	0.00	0.00	5.13*	0.92	
		Black/African American	1.23	0.85	4.37*	0.52	0.82	1.34	
		Native Hawaiian/Pacific Islander	0.00	0.00	0.00	12.66*	0.00	0.00	
		White	0.70	1.12	0.51	2.07	1.17	1.02	
		2 or more races	0.41	0.65	1.43	1.98	0.23	1.35	
	COMAR 13A.08.01.21	Hispanic/Latino	2.07*	1.50	0.00	0.69	0.00	0.42	PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities aged 3-5 goes into effect July 1, 2018. The LSS should review its policies, procedures, and practices to determine the factors that contribute to the identification of SWD aged 3-5 by race/ethnicity and disability. To be decided FFY 2019.
	Discrepancy exists in the category N size is ≥ 30 * N size is < 30								



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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days. COMAR 13A.05.01.06	100%	99.66%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results. Correction of the noncompliance must be demonstrated and verified by April 6, 2019. Updated data demonstrated compliance subsequent to the 1 year from written notification.	98.40%	99.27%
12	Percentage of eligible children exiting Part C at age 3 who have an IEP in effect by the child's 3rd birthday COMAR 13A.05.01.08A(2)(a)(iii) COMAR 13A.05.01.06B COMAR 13A.13.01.09	100%	100%	Met	Target met. No further action required.	100%	100%
13	Percentage of youth aged 16 and above whose IEP meets secondary transition requirements COMAR 13A.05.01.07D(5)(6) COMAR 13A.05.01.09A(3)(a)(ii)	100%	100%	Met	Target met. No further action required.	100%	100%

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Other Data Considerations							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results	Target Met		FFY 2015	FFY 2014
	Timely correction of noncompliance (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%	100%
	State reported data are timely and accurate. (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%	100%
	Number of State complaints filed	NA	0	NA	No further action required.	NA	NA
	Number of State complaints identified with violation(s)	NA	0	NA	Correction of the identified noncompliance must be demonstrated and verified by August 2018.	NA	NA
	Number of State findings from State complaints corrected in a timely manner	NA	NA	NA	TBD FFY 2017.	NA	NA
	Number of due process hearings filed	NA	0	NA	No further action required.	NA	NA
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	NA	NA
	Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	NA	NA
	National Assessment of Educational Progress.(NAEP)	NA	NA	NA	Not considered for 2016-2017 Local Determination Status. (See attachment for Statewide Data).	NA	NA

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March 8, 2018

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

Congratulations!

Dear Dr. Arlotto:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of students with disabilities for each local preschool and special education program 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]¹. The MSDE, DSE/EIS uses a results-based rubric for given indicators to evaluate the performance of each local school system in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2016 Part B determinations, the Anne Arundel County Public Schools has achieved the determination status of "**Meets Requirements.**"

Attached please find supporting documentation:

1. *FFY 2016 Determination Overview* (identifies the Part B Indicators used to assign a FFY 2017 local determination status on page two – please note the addition of fiscal accountability, State complaints/due process hearings, and preschool least restrictive environment data);
2. *FFY 2016 Local Determination Scoring Criteria* (provides a six-year graduated results driven accountability plan used to make a local determination by year); and
3. *FFY 2016 Annual Report Card on State Performance Plan (SPP)/Annual Performance Reports (APR) Part B Indicators* (provides a three-year local data analysis and required actions for students with disabilities ages three through 21).

The MSDE, DSE/EIS is committed to maintaining a balanced focus on results and compliance to narrow the school readiness and achievement gaps. Please note in FFY 2019 the determination status for each local school system will reflect the July 1, 2018 proposed revision to Code of Maryland Regulations (COMAR) regarding the identification of significant disproportionality. Maryland's proposed revised definition of significant disproportionality, as required by the Individuals with Disabilities Education Act (IDEA), includes the three to five years of age population. Beginning in 2016, the DSE/EIS has provided guidance, technical assistance, and professional learning opportunities to support local school systems in the implementation of revised data collection processes and review of local policies, procedures, and practices. Please note that FFY 2016-17 and FFY 2017-18 data capturing suspension/expulsion (in and out of school), identification by race/ethnicity, and identification by race/ethnicity and disability will be used for the FFY 2019 local determination status.

¹ USDE, OSEP uses state National Assessment of Educational Progress (NAEP) participation and performance data for students with disabilities to assign Maryland's special education determination status (see attached "NAEP"). DSE/EIS will be analyzing local testing protocols and decisions for the NAEP assessment.

Dr. George Arlotto
March 8, 2018
Page Two

To support Maryland's commitment to narrow the opportunity and achievement gaps for students with disabilities and their families, the implementation of the DSE/EIS five-year strategic plan provides a statewide differentiated framework for general supervision and performance support. Based upon a comprehensive data analysis (including the SPP/APR local determination status), the Anne Arundel County Public Schools has been assigned the "**Universal**" tier for the delivery of the DSE/EIS technical assistance model for results.

Local school systems are strongly encouraged to work closely with their local Special Education Citizens Advisory Committee (SECAC) to analyze local data and infrastructure for the implementation of specially designed instruction. 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 with fidelity to improve the results for children and youth with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities with coaching.

Thank you for your hard work and commitment to equity and efficiency for excellence. The MSDE is committed to supporting the efforts of the Anne Arundel County Public Schools to improve results for children and youth with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



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

MEF/AM/cc

Attachments

c: Karen B. Salmon
Carol A. Williamson
Bobbi Pedrick

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

FFY 2016 Determination Overview

Part C & Part B

July 1, 2016 – June 30, 2017

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. 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 2018.

To receive a State determination, the IDEA requires states to evaluate each 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 established Indicators. As a result of that evaluation, the 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 states to 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 (DSE/EIS), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <http://mdideareport.org> no later than June 1, 2018. For the FFY 2016 determinations, the MSDE, DSE/EIS has included additional indicators highlighted below in blue.

The following **Part C** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
2. Primary Service Setting 3A. Birth – 4 Outcomes – Emotional Skills 3B. Birth – 4 Outcomes – Knowledge and Skills 3C. Birth – 4 Outcomes – Use of appropriate behaviors 4A. Family Survey-Know their rights 4B. Family Survey-Effectively communicate their children's needs 4C. Family Survey-Help their children develop and learn 5. Child Find 0-1 6. Child Find 0-3	1. Timely Services 7. 45 Day Timeline 8A. Transition - Transition Outcomes 8B. Transition - Notification to LSS 8C. Transition - Timely Planning Meeting
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate

<i>Fiscal</i>	<i>Complaints and Due Process Hearing</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The following **Part B** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
1. Students with IEPs graduating with a regular diploma	4B. Suspension/Expulsion - Significant Discrepancy Disaggregated by Race/Ethnicity
2. Students with IEPs dropping out	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5A. LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
5B. LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	11. Initial Evaluation Timeline
5C. LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	12. Part C to B Transition
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	13. Secondary Transition
8A. Preschool Parent Survey; or	
8B. School Age Parent Survey.	
14. Post-School Outcomes	
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate
<i>Fiscal</i>	<i>Complaints and Due Process Hearings</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS 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. In certain circumstances, enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.P.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.P.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.P.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 LSSILLA 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 LSSILLA, 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).

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FFY 2016 (SFY 2017) Part B Indicators								
<div> <div></div> SPP/APR Indicators <div></div> Results Indicator <div></div> Compliance Indicator </div>			FFY 2016			Action Required	Previous Results	
			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
1	Students with IEPs graduating with a regular diploma - 4 year cohort (ESSA lag data based on 2015-2016) COMAR 13A.03.02.09 COMAR 13A.05.01.01		≥ 65.91%	65.93%	Met	Target met, no further action required.	60.50%	60.86%
2	Students with IEPs dropping out (ESSA Option 2 leaver rate based on lag data for 2015-2016) COMAR 13A.08.01.07		≤ 3.51%	4.19%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	4.17%	3.84
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading	NA	NA	NA	Waived by U.S. Department of Education. Change in methodology.	NA	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	AMO for Math	NA	NA	NA		NA	NA
3B	State Assessment: Participation rates of IEP students in all grades in the LEA	Math	≥ 95.00%	98.70%	Met	Target met, no further action required.	98.28%	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	Reading	≥ 95.00%	98.15%	Met	Target met, no further action required.		

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FFY 2016 (SFY 2017) Part B Indicators											
SPP/APR Indicators				FFY 2016			Action Required	Previous Results			
<div><div></div> Results Indicator</div> <div><div></div> Compliance Indicator</div>				State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014		
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	16.50%	18.89%	Met	Target met in math for the 3rd grade.	17.96%	NA		
			Reading	18.60%	17.91%	Not Met	Target not met in reading for the 3rd grade through the 8th grade and for high school. Target not met in math for the 4th grade through the 8th grade and high school. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	18.48%	NA		
		4	Mathematics	16.15%	12.38%	Not Met		12.69%	NA		
			Reading	21.10%	12.24%	Not Met		13.92%	NA		
		5	Mathematics	18.85%	10.32%	Not Met		13.49%	NA		
			Reading	23.60%	11.00%	Not Met		12.44%	NA		
		6	Mathematics	20.55%	9.60%	Not Met		7.94%	NA		
			Reading	26.10%	7.95%	Not Met		5.77%	NA		
		7	Mathematics	22.25%	8.57%	Not Met		7.32%	NA		
			Reading	28.60%	8.53%	Not Met		8.65%	NA		
		8	Mathematics	23.95%	8.58%	Not Met		7.45%	NA		
			Reading	31.10%	6.49%	Not Met		5.03%	NA		
		HS	Mathematics	56.08%	32.93%	Not Met		49.50%	NA		
			Reading	50.52%	12.32%	Not Met		38.62%	NA		
		COMAR 13A.05.11.05									
		COMAR 13A.03.06.05									

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4A	<p>Multiple suspensions (> 10 days): Disabled vs. nondisabled</p> <p>■ Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.03.03</p>	≤ 8.00	2.62	Met	<p>Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.</p>	1.19*	2.05*
	<p>Single suspensions (> 10 days): Disabled vs. nondisabled</p> <p>■ Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.03.03</p>	≤ 8.00	1.46	Met	<p>Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.</p>	1.22*	1.09



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FFY 2016 (SFY 2017) Part B Indicators							
<div> <div></div> SPP/APR Indicators <div></div> Results Indicator <div></div> Compliance Indicator </div>		FFY 2016			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
5A	Students aged 6-21 whose LRE is \geq 80% of the day (MD SSIS LRE A) COMAR 13A.05.01.10	\geq 69.90%	73.48%	Met	Target met, no further action required.	74.03%	73.45%
5B	Students aged 6-21 whose LRE is \leq 40% of the day (MD SSIS LRE C) COMAR 13A.05.01.10	\leq 11.76%	10.23%	Met	Target met, no further action required.	10.64%	10.59%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities COMAR 13A.05.01.10 COMAR 13A.05.01.16	\leq 5.94%	7.69%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	7.30%	6.13%
6A	Students aged 3-5 LRE: Services in regular early childhood setting the majority of the day COMAR 13A.05.01.10	\geq 64.70%	47.80%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	51.43%	52.26%
6B	Students aged 3-5 LRE: Separate School or Class COMAR 13A.05.01.10	\leq 18.30%	23.97%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	21.01%	15.75%
7A	Students aged 3-5 demonstrate improved positive social-emotional skills COMAR 13A.13.01.09	1. Exits with substantial growth \geq 68.90%	60.16%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	60.85%	65.02%
		2. Exits within age expectations \geq 68.00%	55.88%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	61.03%	62.57%




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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
7B	Students aged 3-5 demonstrate acquisition and use of knowledge and skills COMAR 13A.13.01.09	1. Exits with substantial growth	≥67.60%	50.78%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	62.69%	61.40%
		2. Exits within age expectations	≥57.20%	50.00%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	51.52%	60.66%
7C	Students aged 3-5 demonstrate use of appropriate behavior to meet their needs. COMAR 13A.13.01.09	1. Exits with substantial growth	≥63.10%	65.63%	Met	Target met, no further action required	64.17%	60.66%
		2. Exits within age expectations	≥65.70%	62.35%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	64.17%	61.43%
8	Parent Survey	Age 3-5	≥83.00%	78.00%	NA	These data reflect baseline data and the revised target.	49.00%	50.00%
		Age 6-21	≥70.00%	67.00%	NA	These data reflect baseline data and the revised target.	41.00%	39.00%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: COMAR 13A.08.01.07 COMAR 13A.05.01.09A(3)(a)(ii)	A. Higher ED w/in 1 year of leaving HS	≥25.00%	21.15%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	21.01%	17.81%
		B. Higher ED or employed w/in 1 year of leaving HS	≥51.00%	71.02%	Met	Target met, no further action required	57.98%	41.41%
		C. Higher ED or training program or employed w/in 1 year of leaving HS	≥57.00%	73.11%	Met	Target met, no further action required	68.69%	52.17%

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4B (Ages 6-21)	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students ages 6-21 with IEPs by race/ethnicity	<i>American Indian/Alaska Native</i>	< 2.00	0.00	Met	<p>Disproportionality in the suspension and expulsion of Black/African American SWD was identified.</p> <p>Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that contribute to suspension and expulsion of SWD by race/ethnicity.</p> <p>PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the suspension and exclusion of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.</p>	0.00	0.00
		<i>Asian</i>	< 2.00	0.00	Met		0.00	0.00
	 Discrepancy exists in the category N size is ≥ 30	<i>Black/African American</i>	< 2.00	5.50	Not Met		3.17	2.75
	* N size is < 30	<i>Native Hawaiian/Pacific Islander</i>	< 2.00	0.00	Met		0.00	0.00
	--*-- No suspension of disabled or nondisabled students	<i>White</i>	< 2.00	0.76	Met		0.32	0.47
		<i>2 or more races</i>	< 2.00	3.01*	NA		2.17*	0.99
	COMAR 13A.08.01.21	<i>Hispanic/Latino</i>	< 2.00	0.46	Met		0.33	1.09


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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators <div><div></div> Results Indicator</div> <div><div></div> Compliance Indicator</div>			FFY 2016			Action Required	Previous Results	
			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
9 (Ages 6-21)	Disproportionate representation (≥ 2.0) in students ages 6-21 special education of racial groups as a result of inappropriate identification	American Indian/Alaska Native	< 2.00	1.24	Met	Disproportionality in the identification of SWD by race or ethnicity was not identified. No further action required.	1.09	0.98
		Asian	< 2.00	0.48	Met		0.42	0.45
		Black/African American	< 2.00	1.56	Met		1.87	1.57
		Native Hawaiian/Pacific Islander	< 2.00	0.73	Met		1.03	0.96
		White	< 2.00	0.86	Met		0.83	0.78
		2 or more races	< 2.00	0.79	Met		0.78	0.90
		Hispanic/Latino	< 2.00	0.76	Met		0.78	0.85
		COMAR 13A.08.01.21						



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FFY 2016 ¹ (SFY 2017) Part B Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Action Required
 Compliance Indicator									
10	FFY 2016 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	American Indian/Alaska Native	0.00	1.19	3.89*	1.20	0.82	1.41	Disproportionality for Black/African American students with an emotional disability was identified. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.
		Asian	0.81	0.29	0.34	0.83	0.79	0.16	
		Black/African American	1.82	1.72	2.26	0.89	1.37	1.95	The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity <u>and</u> disability.
		Native Hawaiian/Pacific Islander	1.36	0.87	1.97	0.00	1.05	0.72	
		White	0.73	0.66	0.71	1.23	1.04	0.81	
		2 or more races	0.39	0.69	0.82	0.80	0.74	0.92	
	* N size is < 30	Hispanic/Latino	0.74	1.11	0.42	0.94	0.56	0.57	PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities aged 3-5 goes into effect July 1, 2018. The LSS should review its policies, procedures, and practices to determine the factors that contribute to the identification of SWD aged 3-5 by race/ethnicity <u>and</u> disability. To be decided FFY 2019.
COMAR 13A.08.01.21									



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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days COMAR 13A.05.01.06	100%	98.31%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results. Correction of the noncompliance must be demonstrated and verified by April 6, 2019. Subsequent data demonstrated that the noncompliance identified in FFY 2015 was not corrected within one year of the written finding.	98.40%	99.18%
12	Percentage of eligible children exiting Part C at age 3 who have an IEP in effect by the child's 3rd birthday COMAR 13A.05.01.08A(2)(a)(iii) COMAR 13A.05.01.06B COMAR 13A.13.01.09	100%	100%	Met	Target met. No further action required.	100%	99.14%
13	Percentage of youth aged 16 and above whose IEP meets secondary transition requirements COMAR 13A.05.01.07D(5)(6) COMAR 13A.05.01.09A(3)(a)(ii)	100%	99.10%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results. Correction of the noncompliance must be demonstrated and verified by April 6, 2019.	100%	100%

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Other Data Considerations							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
	Timely correction of noncompliance (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%	100%
	State reported data are timely and accurate. (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%	100%
	Number of State complaints filed	NA	9	NA	No further action required.	NA	NA
	Number of State complaints identified with violation(s)	NA	8	NA	Correction of the identified noncompliance must be demonstrated and verified by August 2018.	NA	NA
	Number of State findings from State complaints corrected in a timely manner	NA	NA	NA	TBD FFY 2017.	NA	NA
	Number of due process hearings filed	NA	1	NA	No further action required.	NA	NA
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	NA	NA
	Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	NA	NA
	National Assessment of Educational Progress (NAEP)	NA	NA	NA	Not considered for 2016-2017 Local Determination Status. (See attachment for Statewide Data).	NA	NA

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Karen B. Salmon, Ph.D.
State Superintendent of Schools

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

March 8, 2018

Ms. Verletta White
Interim Superintendent
Baltimore County Public Schools
6901 Charles Street
Towson, MD 21204

Dear Ms. White:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of students with disabilities for each local preschool and special education program 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]¹. The MSDE, DSE/EIS uses a results-based rubric for given indicators to evaluate the performance of each local school system in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2016 Part B determinations, the Baltimore County Public Schools has achieved the determination status of **"Needs Assistance – Year 12."**

Attached please find supporting documentation:

1. *FFY 2016 Determination Overview* (identifies the Part B Indicators used to assign a FFY 2017 local determination status on page two – please note the addition of fiscal accountability, State complaints/due process hearings, and preschool least restrictive environment data);
2. *FFY 2016 Local Determination Scoring Criteria* (provides a six-year graduated results driven accountability plan used to make a local determination by year); and
3. *FFY 2016 Annual Report Card on State Performance Plan (SPP)/Annual Performance Reports (APR) Part B Indicators* (provides a three-year local data analysis and required actions for students with disabilities ages three through 21).

The MSDE, DSE/EIS is committed to maintaining a balanced focus on results and compliance to narrow the school readiness and achievement gaps. Please note in FFY 2019 the determination status for each local school system will reflect the July 1, 2018 proposed revision to Code of Maryland Regulations (COMAR) regarding the identification of significant disproportionality. Maryland's proposed revised definition of significant disproportionality, as required by the Individuals with Disabilities Education Act (IDEA), includes the three to five years of age population. Beginning in 2016, the DSE/EIS has provided guidance, technical assistance, and professional learning opportunities to support local school systems in the implementation of revised data collection processes and review of local policies, procedures, and practices. Please note that FFY 2016-17 and FFY 2017-18 data capturing suspension/expulsion (in and out of school), identification by race/ethnicity, and identification by race/ethnicity and disability will be used for the FFY 2019 local determination status.

¹ USDE, OSEP uses state National Assessment of Educational Progress (NAEP) participation and performance data for students with disabilities to assign Maryland's special education determination status (see attached "NAEP"). DSE/EIS will be analyzing local testing protocols and decisions for the NAEP assessment.

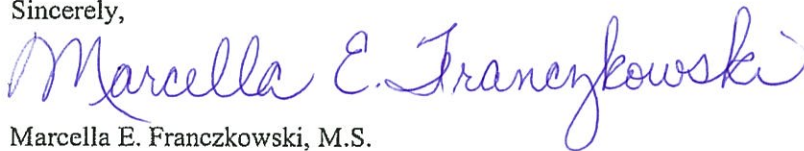
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To support Maryland's commitment to narrow the opportunity and achievement gaps for students with disabilities and their families, the implementation of the DSE/EIS five-year strategic plan provides a statewide differentiated framework for general supervision and performance support. Based upon a comprehensive data analysis (including the SPP/APR local determination status), the Baltimore County Public Schools has been assigned the "**Targeted**" tier for the delivery of the DSE/EIS technical assistance model for results.

Local school systems are strongly encouraged to work closely with their local Special Education Citizens Advisory Committee (SECAC) to analyze local data and infrastructure for the implementation of specially designed instruction. 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 with fidelity to improve the results for children and youth with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities with coaching.

Thank you for your hard work and commitment to equity and efficiency for excellence. The MSDE is committed to supporting the efforts of the Baltimore County Public Schools to improve results for children and youth with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



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

MEF/AM/cc

Attachments

c: Karen B. Salmon
Carol A. Williamson
Rebecca Rider

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

FFY 2016 Determination Overview

Part C & Part B

July 1, 2016 – June 30, 2017

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. 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 2018.

To receive a State determination, the IDEA requires states to evaluate each 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 established Indicators. As a result of that evaluation, the 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 states to 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 (DSE/EIS), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <http://mdideareport.org> no later than June 1, 2018. For the FFY 2016 determinations, the MSDE, DSE/EIS has included additional indicators highlighted below in blue.

The following **Part C** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
2. Primary Service Setting 3A. Birth – 4 Outcomes – Emotional Skills 3B. Birth – 4 Outcomes – Knowledge and Skills 3C. Birth – 4 Outcomes – Use of appropriate behaviors 4A. Family Survey-Know their rights 4B. Family Survey-Effectively communicate their children's needs 4C. Family Survey-Help their children develop and learn 5. Child Find 0-1 6. Child Find 0-3	1. Timely Services 7. 45 Day Timeline 8A. Transition - Transition Outcomes 8B. Transition - Notification to LSS 8C. Transition - Timely Planning Meeting
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate

<i>Fiscal</i>	<i>Complaints and Due Process Hearing</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The following **Part B** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
1. Students with IEPs graduating with a regular diploma	4B. Suspension/Expulsion - Significant Discrepancy Disaggregated by Race/Ethnicity
2. Students with IEPs dropping out	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5A. LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
5B. LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	11. Initial Evaluation Timeline
5C. LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	12. Part C to B Transition
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	13. Secondary Transition
8A. Preschool Parent Survey; or	
8B. School Age Parent Survey.	
14. Post-School Outcomes	
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate
<i>Fiscal</i>	<i>Complaints and Due Process Hearings</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS 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. In certain circumstances, enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.P.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.P.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.P.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 LSSILLA 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 LSSILLA, 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).

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators <div><div></div> Results Indicator</div> <div><div></div> Compliance Indicator</div>			FFY 2016 ¹			Action Required	Previous Results	
			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
1	Students with IEPs graduating with a regular diploma - 4 year cohort (ESSA lag data based on 2015-2016) COMAR 13A.03.02.09 COMAR 13A.05.01.01		≥ 65.91%	70.02%	Met	Target met, no further action required.	68.50%	64.33%
2	Students with IEPs dropping out (ESSA Option 2 leaver rate based on lag data for 2015-2016) COMAR 13A.08.01.07		≤ 3.51%	4.30%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	4.64%	4.39%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading	NA	NA	NA	Waived by U.S. Department of Education. Change in methodology.	NA	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	AMO for Math	NA	NA	NA		NA	NA
3B	State Assessment: Participation rates of IEP students in all grades in the LEA	Math	≥ 95.00%	98.40%	Met	Target met, no further action required.	96.88%	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	Reading	≥ 95.00%	97.70%	Met	Target met, no further action required.		





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SPP/APR Indicators <div><div></div> Results Indicator</div> <div><div></div> Compliance Indicator</div>				FFY 2016 ¹			Action Required	Previous Results	
				State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	16.50%	16.21%	Not Met	Target not met in reading and math for 3rd grade through the 8th grade and high school. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	16.46%	NA
			Reading	18.60%	12.02%	Not Met		11.95%	NA
		4	Mathematics	16.15%	8.84%	Not Met		9.13%	NA
			Reading	21.10%	9.15%	Not Met		9.22%	NA
		5	Mathematics	18.85%	7.73%	Not Met		7.42%	NA
			Reading	23.60%	6.65%	Not Met		6.41%	NA
		6	Mathematics	20.55%	4.15%	Not Met		4.39%	NA
			Reading	26.10%	3.66%	Not Met		3.94%	NA
		7	Mathematics	22.25%	4.91%	Not Met		6.06%	NA
			Reading	28.60%	6.84%	Not Met		6.50%	NA
		8	Mathematics	23.95%	7.01%	Not Met		5.41%	NA
			Reading	31.10%	4.63%	Not Met		5.10%	NA
		HS	Mathematics	56.08%	23.87%	Not Met		38.99%	NA
			Reading	50.52%	8.31%	Not Met		31.27%	NA
COMAR 13A.05.11.05									
COMAR 13A.03.06.05									



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SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4A	<p>Multiple suspensions (> 10 days): Disabled vs. nondisabled</p> <p> Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.03.03</p>	≤ 8.00	2.65	Met	<p>Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.</p>	2.01	2.05*
	<p>Single suspensions (> 10 days): Disabled vs. nondisabled</p> <p> Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.03.03</p>	≤ 8.00	1.34	Met	<p>Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.</p>	2.20*	3.46*
5A	Students aged 6-21 whose LRE is $\geq 80\%$ of the	$\geq 69.90\%$	67.08%	Not Met	Target not met. Submit an Improvement Plan by	67.62%	66.85%

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators  Results Indicator  Compliance Indicator		FFY 2016			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
	day (MD SSIS LRE A) COMAR 13A.05.01.10				May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.		
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C) COMAR 13A.05.01.10	≤ 11.76%	9.68%	Met	Target met, no further action required.	9.27%	10.12%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities COMAR 13A.05.01.10 COMAR 13A.05.01.16	≤ 5.94%	7.30%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	7.10%	6.92%
6A	Students aged 3-5 LRE: Services in regular early childhood setting the majority of the day COMAR 13A.05.01.10	≥ 64.70%	74.20%	Met	Target met, no further action required.	75.08%	73.03%
6B	Students aged 3-5 LRE: Separate School or Class COMAR 13A.05.01.10	≤ 18.30%	12.91%	Met	Target met, no further action required.	12.13%	11.06%
7A	Students aged 3-5 demonstrate improved positive social-emotional skills COMAR 13A.13.01.09	1. Exits with substantial growth ≥68.90%	61.21%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	55.79%	60.34%
		2. Exits within age expectations ≥68.00%	48.87%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	53.51%	62.83%




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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators <div><div></div> Results Indicator</div> <div><div></div> Compliance Indicator</div>			FFY 2016 ¹			Action Required	Previous Results	
			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
7B	Students aged 3-5 demonstrate acquisition and use of knowledge and skills	1. Exits with substantial growth	≥67.60%	54.07%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	54.48%	60.34%
	COMAR 13A.13.01.09	2. Exits within age expectations	≥57.20%	37.44%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	42.36%	50.55%
7C	Students aged 3-5 demonstrate use of appropriate behavior to meet their needs.	1. Exits with substantial growth	≥63.10%	54.33%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	51.44%	56.96%
	COMAR 13A.13.01.09	2. Exits within age expectations	≥65.70%	51.13%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	51.24%	56.68%
8	Parent Survey	Age 3-5	≥83.00%	74%	NA	These data reflect baseline data and the revised target.	52.00%	46.00%
		Age 6-21	≥70.00%	64%	NA	These data reflect baseline data and the revised target.	39.00%	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: COMAR 13A.08.01.07 COMAR 13A.05.01.09A(3)(a)(ii)	A. Higher ED w/in 1 year of leaving HS	≥25.00%	23.82%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	23.00%	24.18%
		B. Higher ED or employed w/in 1 year of leaving HS	≥51.00%	68.28%	Met	Target met, no further action required.	52.78%	49.41%
		C. Higher ED or training program or employed w/in 1 year of leaving HS	≥57.00%	77.45%	Met	Target met, no further action required.	62.89%	59.74%



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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016 ¹			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4B (Ages 6-21)	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students ages 6-21 with IEPs by race/ethnicity	<i>American Indian/Alaska Native</i>	< 2.00	0.00	Met	<p>Disproportionality in the suspension and expulsion of Black/African American SWD was identified.</p> <p>Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that contribute to suspension and expulsion of SWD by race/ethnicity.</p> <p>Targeted review to be scheduled by MSDE, DSE/EIS.</p> <p>PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the suspension and exclusion of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.</p>	0.00	0.00
		<i>Asian</i>	< 2.00	0.00	Met		0.81	0.00
	 Discrepancy exists in the category N size is ≥ 30	<i>Black/African American</i>	< 2.00	3.93	Not Met		3.46	3.77*
	* N size is < 30	<i>Native Hawaiian/Pacific Islander</i>	< 2.00	0.00	Met		0.00	0.00
	--*-- No suspension of disabled or nondisabled students	<i>White</i>	< 2.00	0.92	Met		0.92	1.16
		<i>2 or more races</i>	< 2.00	2.67*	NA		2.61*	1.95
		<i>Hispanic/Latino</i>	< 2.00	2.03*	NA		0.00	0.00
	COMAR 13A.08.01.21							



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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016 ¹			Action Required	Previous Results	
 Results Indicator  Compliance Indicator			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
9 (Ages 6-21)	Disproportionate representation (≥ 2.0) in students ages 6-21 special education of racial groups as a result of inappropriate identification	<i>American Indian/Alaska Native</i>	< 2.00	1.03	Met	Disproportionality in the identification of SWD by race or ethnicity was not identified. No further action required. The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity. PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.	1.11	1.02
		<i>Asian</i>	< 2.00	0.43	Met		0.42	0.40
		<i>Black/African American</i>	< 2.00	1.28	Met		1.31	1.28
		<i>Native Hawaiian/Pacific Islander</i>	< 2.00	0.70	Met		0.69	0.70
		<i>White</i>	< 2.00	1.02	Met		0.99	0.94
		<i>2 or more races</i>	< 2.00	0.98	Met		1.00	1.01
		<i>Hispanic/Latino</i>	< 2.00	0.78	Met		0.79	0.88
	COMAR 13A.08.01.21							

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FFY 2016 ¹ (SFY 2017) Part B Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
 Compliance Indicator									
10	FFY 2016 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	American Indian/Alaska Native	0.83	1.29	0.31	1.38	0.33	1.25	Disproportionality in the identification of SWD by race, ethnicity, and disability was not identified. No further action required. The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity and disability.
		Asian	0.73	0.27	0.02	0.58	0.85	0.25	
		Black/African American	1.76	1.51	1.77	0.61	1.05	1.59	
		Native Hawaiian/Pacific Islander	0.00	0.62	0.00	0.41	0.50	1.37	
		White	0.69	0.77	1.16	1.87	1.16	0.98	
		2 or more races	0.85	0.87	1.00	1.01	1.09	1.13	
	 Discrepancy exists in the category N size is ≥ 30 * N size is < 30	Hispanic/Latino	0.76	1.06	0.22	0.77	0.69	0.52	PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities aged 3-5 goes into effect July 1, 2018. The LSS should review its policies, procedures, and practices to determine the factors that contribute to the identification of SWD aged 3-5 by race/ethnicity and disability. To be decided FFY 2019.
COMAR 13A.08.01.21									

FFY 2016 (SFY 2017) Part B Indicators



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SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2015	FFY 2014
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days. COMAR 13A.05.01.06	100%	98.39%	Not Met	Target not met. Submit a Corrective Action Plan (CAP) by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results. Correction of the noncompliance must be demonstrated and verified by April 6, 2019. Subsequent data demonstrated that the noncompliance identified in FFY 2015 was not corrected within one year of the written finding.	98.23%	99.29%
12	Percentage of eligible children exiting Part C at age 3 who have an IEP in effect by the child's 3rd birthday COMAR 13A.05.01.08A(2)(a)(iii) COMAR 13A.05.01.06B COMAR 13A.13.01.09	100%	100%	Met	Target met. No further action required.	99.45%	100%
13	Percentage of youth aged 16 and above whose IEP meets secondary transition requirements COMAR 13A.05.01.07D(5)(6) COMAR 13A.05.01.09A(3)(a)(ii)	100%	100%	Met	Target met. No further action required.	100%	100%

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Other Data Considerations							
SPP/APR Indicators		FFY 2016 ¹			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results	Target Met		FFY 2015	FFY 2014
	Timely correction of noncompliance (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%	100%
	State reported data are timely and accurate. (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%	100%
	Number of State complaints filed	NA	14	NA	No further action required.	NA	NA
	Number of State complaints identified with violation(s)	NA	8	NA	Correction of the identified noncompliance must be demonstrated and verified by August 2018.	NA	NA
	Number of State findings from State complaints corrected in a timely manner	NA	NA	NA	TBD FFY 2017.	NA	NA
	Number of due process hearings filed	NA	2	NA	No further action required.	NA	NA
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	NA	NA
	Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	NA	NA
	National Assessment of Educational Progress.(NAEP)	NA	NA	NA	Not considered for 2016-2017 Local Determination Status. (See attachment for Statewide Data).	NA	NA

¹Local results are based on current data unless otherwise indicated.
Baltimore County Annual Data FFY 2016
Maryland State Department of Education
Division of Special Education/Early Intervention Services



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March 8, 2018

Dr. Sonja Santelises
Chief Executive Officer
Baltimore City Public Schools
200 East North Avenue
Baltimore, MD 21202

Dear Dr. Santelises:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of students with disabilities for each local preschool and special education program 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]¹. The MSDE, DSE/EIS uses a results-based rubric for given indicators to evaluate the performance of each local school system in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2016 Part B determinations, the Baltimore City Public Schools has achieved the determination status of "**Needs Intervention – Year 4.**"

Attached please find supporting documentation:

1. *FFY 2016 Determination Overview* (identifies the Part B Indicators used to assign a FFY 2017 local determination status on page two – please note the addition of fiscal accountability, State complaints/due process hearings, and preschool least restrictive environment data);
2. *FFY 2016 Local Determination Scoring Criteria* (provides a six-year graduated results driven accountability plan used to make a local determination by year); and
3. *FFY 2016 Annual Report Card on State Performance Plan (SPP)/Annual Performance Reports (APR) Part B Indicators* (provides a three-year local data analysis and required actions for students with disabilities ages three through 21).

The MSDE, DSE/EIS is committed to maintaining a balanced focus on results and compliance to narrow the school readiness and achievement gaps. Please note in FFY 2019 the determination status for each local school system will reflect the July 1, 2018 proposed revision to Code of Maryland Regulations (COMAR) regarding the identification of significant disproportionality. Maryland's proposed revised definition of significant disproportionality, as required by the Individuals with Disabilities Education Act (IDEA), includes the three to five years of age population. Beginning in 2016, the DSE/EIS has provided guidance, technical assistance, and professional learning opportunities to support local school systems in the implementation of revised data collection processes and review of local policies, procedures, and practices. Please note that FFY 2016-17 and FFY 2017-18 data capturing suspension/expulsion (in and out of school), identification by race/ethnicity, and identification by race/ethnicity and disability will be used for the FFY 2019 local determination status.

¹ USDE, OSEP uses state National Assessment of Educational Progress (NAEP) participation and performance data for students with disabilities to assign Maryland's special education determination status (see attached "NAEP"). DSE/EIS will be analyzing local testing protocols and decisions for the NAEP assessment.

Dr. Sonja Santelises
March 8, 2018
Page Two

To support Maryland's commitment to narrow the opportunity and achievement gaps for students with disabilities and their families, the implementation of the DSE/EIS five-year strategic plan provides a statewide differentiated framework for general supervision and performance support. Based upon a comprehensive data analysis (including the SPP/APR local determination status), the Baltimore City Public Schools has been assigned the "**Focused**" tier for the delivery of the DSE/EIS technical assistance model for results.

Local school systems are strongly encouraged to work closely with their local Special Education Citizens Advisory Committee (SECAC) to analyze local data and infrastructure for the implementation of specially designed instruction. 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 with fidelity to improve the results for children and youth with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities with coaching.

Thank you for your hard work and commitment to equity and efficiency for excellence. The MSDE is committed to supporting the efforts of the Baltimore City Public Schools to improve results for children and youth with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



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

MEF/AM/cc

Attachments

c: Karen B. Salmon
Carol A. Williamson
Sean Conley
Deborah Brooks

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

**FFY 2016 Determination Overview
Part C & Part B
July 1, 2016 – June 30, 2017**

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. 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 2018.

To receive a State determination, the IDEA requires states to evaluate each 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 established Indicators. As a result of that evaluation, the 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 states to 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 (DSE/EIS), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <http://mdideareport.org> no later than June 1, 2018. For the FFY 2016 determinations, the MSDE, DSE/EIS has included additional indicators highlighted below in blue.

The following **Part C** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
2. Primary Service Setting 3A. Birth – 4 Outcomes – Emotional Skills 3B. Birth – 4 Outcomes – Knowledge and Skills 3C. Birth – 4 Outcomes – Use of appropriate behaviors 4A. Family Survey-Know their rights 4B. Family Survey-Effectively communicate their children's needs 4C. Family Survey-Help their children develop and learn 5. Child Find 0-1 6. Child Find 0-3	1. Timely Services 7. 45 Day Timeline 8A. Transition - Transition Outcomes 8B. Transition - Notification to LSS 8C. Transition - Timely Planning Meeting
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate

<i>Fiscal</i>	<i>Complaints and Due Process Hearing</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The following **Part B** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
1. Students with IEPs graduating with a regular diploma	4B. Suspension/Expulsion - Significant Discrepancy Disaggregated by Race/Ethnicity
2. Students with IEPs dropping out	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5A. LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
5B. LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	11. Initial Evaluation Timeline
5C. LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	12. Part C to B Transition
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	13. Secondary Transition
8A. Preschool Parent Survey; or	
8B. School Age Parent Survey.	
14. Post-School Outcomes	
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate
<i>Fiscal</i>	<i>Complaints and Due Process Hearings</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS 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. In certain circumstances, enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.P.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.P.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.P.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 LSSILLA 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 LSSILLA, 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).

Baltimore City
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2016 – June 30, 2017 REVISED – APRIL 5, 2018

FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators <div><div></div> Results Indicator</div> <div><div></div> Compliance Indicator</div>			FFY 2016			Action Required	Previous Results	
			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
1	Students with IEPs graduating with a regular diploma - 4 year cohort (ESSA lag data based on 2015-2016) COMAR 13A.03.02.09 COMAR 13A.05.01.01		≥ 65.91%	47.55%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	50.65%	43.96%
2	Students with IEPs dropping out (ESSA Option 2 leaver rate based on lag data for 2015-2016) COMAR 13A.08.01.07		≤ 3.51%	6.88%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	8.61%	7.75%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading	NA	NA	NA	Waived by U.S. Department of Education. Change in methodology.	NA	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	AMO for Math	NA	NA	NA		NA	NA
3B	State Assessment: Participation rates of IEP students in all grades in the LEA	Math	≥ 95.00%	96.50%	Met	Target met, no further action required.	95.99%	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	Reading	≥ 95.00%	95.73%	Met	Target met, no further action required.		

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FFY 2016 (SFY 2017) Part B Indicators											
SPP/APR Indicators				FFY 2016			Action Required	Previous Results			
<div><div></div> Results Indicator</div> <div><div></div> Compliance Indicator</div>				State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014		
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	16.50%	7.93%	Not Met	Target not met in reading and math for the 3 rd grade through the 8 th grade and high school. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	7.12%	NA		
			Reading	18.60%	4.94%	Not Met		5.26%	NA		
		4	Mathematics	16.15%	5.02%	Not Met		5.42%	NA		
			Reading	21.10%	5.41%	Not Met		4.12%	NA		
		5	Mathematics	18.85%	4.77%	Not Met		4.59%	NA		
			Reading	23.60%	3.84%	Not Met		4.98%	NA		
		6	Mathematics	20.55%	4.50%	Not Met		4.33%	NA		
			Reading	26.10%	4.55%	Not Met		4.33%	NA		
		7	Mathematics	22.25%	5.18%	Not Met		5.01%	NA		
			Reading	28.60%	6.11%	Not Met		5.62%	NA		
		8	Mathematics	23.95%	6.01%	Not Met		5.62%	NA		
			Reading	31.10%	5.02%	Not Met		5.84%	NA		
		HS	Mathematics	56.08%	14.60%	Not Met		15.10%	NA		
			Reading	50.52%	9.93%	Not Met		11.62%	NA		
			COMAR 13A.05.11.05								
			COMAR 13A.03.06.05								

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4A	<p>Multiple suspensions (> 10 days): Disabled vs. nondisabled</p> <p>■ Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.03.03</p>	≤ 8.00	3.19	Met	<p>Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.</p>	3.10	3.29
	<p>Single suspensions (> 10 days): Disabled vs. nondisabled</p> <p>■ Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.03.03</p>	≤ 8.00	2.13	Met	<p>Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.</p>	2.66	2.37

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
5A	Students aged 6-21 whose LRE is \geq 80% of the day (MD SSIS LRE A) COMAR 13A.05.01.10	\geq 69.90%	58.77%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	60.51%	61.62%
5B	Students aged 6-21 whose LRE is \leq 40% of the day (MD SSIS LRE C) COMAR 13A.05.01.10	\leq 11.76%	22.13%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	21.13%	20.13%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities COMAR 13A.05.01.10 COMAR 13A.05.01.16	\leq 5.94%	7.01%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	7.33%	7.63%
6A	Students aged 3-5 LRE: Services in regular early childhood setting the majority of the day COMAR 13A.05.01.10	\geq 64.70%	72.97%	Met	Target met, no further action required.	72.20%	73.31%
6B	Students aged 3-5 LRE: Separate School or Class COMAR 13A.05.01.10	\leq 18.30%	15.40%	Met	Target met, no further action required.	14.57%	12.88%
7A	Students aged 3-5 demonstrate improved positive social-emotional skills COMAR 13A.13.01.09	1. Exits with substantial growth \geq 68.90%	63.87%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	47.52%	48.28%
		2. Exits within age expectations \geq 68.00%	54.75%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	47.03%	49.46%




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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
7B	Students aged 3-5 demonstrate acquisition and use of knowledge and skills COMAR 13A.13.01.09	1. Exits with substantial growth	≥67.60%	64.63%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	46.20%	51.50%
		2. Exits within age expectations	≥57.20%	50.23%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	38.92%	40.22%
7C	Students aged 3-5 demonstrate use of appropriate behavior to meet their needs. COMAR 13A.13.01.09	1. Exits with substantial growth	≥63.10%	66.01%	Met	Target met, no further action required.	54.48%	49.32%
		2. Exits within age expectations	≥65.70%	58.37%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	53.51%	49.46%
8	Parent Survey	Age 3-5	≥83.00%	69.00%	NA	These data reflect baseline data and the revised target.	43.00%	44.00%
		Age 6-21	≥70.00%	69.00%	NA	These data reflect baseline data and the revised target.	40.00%	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: COMAR 13A.08.01.07 COMAR 13A.05.01.09A(3)(a)(ii)	A. Higher ED w/in 1 year of leaving HS	≥25.00%	13.69%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	11.67%	12.66%
		B. Higher ED or employed w/in 1 year of leaving HS	≥51.00%	56.53%	Met	Target met, no further action required.	42.20%	40.88%
		C. Higher ED or training program or employed w/in 1 year of leaving HS	≥57.00%	69.10%	Met	Target met, no further action required.	51.39%	52.79%

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4B (Ages 6-21)	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students ages 6-21 with IEPs by race/ethnicity	<i>American Indian/Alaska Native</i>	< 2.00	8.82*	NA	Disproportionality in the suspension and expulsion of Black/African American SWD was identified.	12.30*	0.00
		<i>Asian</i>	< 2.00	0.00	Met	Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	0.00	0.00
	 Discrepancy exists in the category N size is ≥ 30	<i>Black/African American</i>	< 2.00	2.95	Not Met	The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that contribute to suspension and expulsion of SWD by race/ethnicity.	3.15	2.88
	* N size is < 30	<i>Native Hawaiian/Pacific Islander</i>	< 2.00	0.00	Met		0.00	0.00
	--**-- No suspension of disabled or nondisabled students	<i>White</i>	< 2.00	0.73	Met		1.13	0.89
		<i>2 or more races</i>	< 2.00	0.00	NA	Targeted review to be scheduled by MSDE DSE/EIS.	2.51*	0.00
		<i>Hispanic/Latino</i>	< 2.00	0.39	Met		0.29	0.00
	COMAR 13A.08.01.21					PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the suspension and exclusion of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.		

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators <div>Results Indicator</div> <div>Compliance Indicator</div>			FFY 2016			Action Required	Previous Results	
			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
9 (Ages 6-21)	Disproportionate representation (≥ 2.0) in students ages 6-21 special education of racial groups as a result of inappropriate identification	American Indian/Alaska Native	< 2.00	1.01	Met	Disproportionality in the identification of SWD by race or ethnicity was not identified. No further action required. The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity.	0.90	0.73
		Asian	< 2.00	0.32	Met		0.44	0.36
		Black/African American	< 2.00	1.37	Met		1.09	1.20
		Native Hawaiian/Pacific Islander	< 2.00	0.35	Met		0.19	0.13
		White	< 2.00	1.15	Met		1.39	1.14
		2 or more races	< 2.00	0.91	Met		1.08	1.02
		Hispanic/Latino	< 2.00	0.55	Met		0.50	0.66
	COMAR 13A.08.01.21							



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FFY 2016 ¹ (SFY 2017) Part B Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Action Required
<div><div></div> Compliance Indicator</div>									
10	FFY 2016 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	American Indian/Alaska Native	1.19	1.40	0.00	0.83	0.91	1.46	Disproportionality in the identification of SWD by race, ethnicity, and disability was not identified. No further action required. The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity <u>and</u> disability.
		Asian	0.14	0.23	0.00	0.39	1.34	0.19	
		Black/African American	1.66	1.75	1.72	0.79	0.84	1.78	
		Native Hawaiian/Pacific Islander	0.73	0.00	0.47	0.68	0.00	0.40	
		White	0.93	0.87	1.25	1.48	1.62	1.05	
		2 or more races	0.82	0.63	1.06	0.99	0.71	0.89	
	<div><div></div> Discrepancy exists in the category N size is ≥ 30 * N size is < 30</div>	Hispanic/Latino	0.68	0.70	0.20	0.92	0.39	0.35	PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities aged 3-5 goes into effect July 1, 2018. The LSS should review its policies, procedures, and practices to determine the factors that contribute to the identification of SWD aged 3-5 by race/ethnicity <u>and</u> disability. To be decided FFY 2019.
COMAR 13A.08.01.21									



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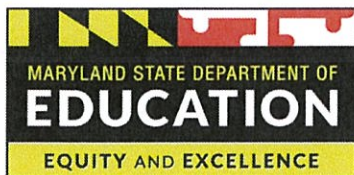
FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days. COMAR 13A.05.01.06	100%	94.03%	Not Met	Target not met. Submit a Corrective Action Plan (CAP) by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results. Correction of the noncompliance must be demonstrated and verified by April 6, 2019. Subsequent data demonstrated that the noncompliance identified in FFY 2015 was not corrected within one year of the written finding.	93.71%	94.10%
12	Percentage of eligible children exiting Part C at age 3 who have an IEP in effect by the child's 3rd birthday COMAR 13A.05.01.08A(2)(a)(iii) COMAR 13A.05.01.06B COMAR 13A.13.01.09	100%	100%	Met	Target met. No further action required.	100%	95.74%
13	Percentage of youth aged 16 and above whose IEP meets secondary transition requirements COMAR 13A.05.01.07D(5)(6) COMAR 13A.05.01.09A(3)(a)(ii)	100%	94.03%	Not Met	Target not met. Submit a Corrective Action Plan (CAP) by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results. Correction of the noncompliance must be demonstrated and verified by April 6, 2019. Subsequent data demonstrated that the noncompliance identified in FFY 2015 was not corrected within one year of the written finding.	92.60%	98.06%

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Other Data Considerations							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
	Timely correction of noncompliance (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	99.48%	Not Met	Target not met. Submit a Corrective Action Plan (CAP) by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results. Correction of the noncompliance must be demonstrated and verified by April 6, 2019.	100%	100%
	State reported data are timely and accurate. (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	98.39%	Not Met	Submit and Improvement Plan by May 7, 2018 to address the failure to report timely and accurate data for Indicator 11.	100%	100%
	Number of State complaints filed	NA	15	NA	Target met, no further action required.	NA	NA
	Number of State complaints identified with violation(s)	NA	13	NA	Correction of the identified noncompliance must be demonstrated and verified by August 2018.	NA	NA
	Number of State findings from State complaints corrected in a timely manner	NA	NA	NA	TBD FFY 2017.	NA	NA
	Number of due process hearings filed	NA	2	NA	No further action required.	NA	NA
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	NA	NA
	Fiscal Accountability: Number of findings identified	NA	1	NA	Correction of the identified noncompliance must be demonstrated and verified by September 2018.	NA	NA
	National Assessment of Educational Progress (NAEP)	NA	NA	NA	Not considered for 2016-2017 Local Determination Status. (See attachment for Statewide Data).	NA	NA

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Karen B. Salmon, Ph.D.
State Superintendent of Schools

MEMORANDUM

TO: Dr. Daniel D. Curry
Superintendent
Calvert County Public Schools

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

RE: Amendment to FFY 2016 Part B Local Determination

DATE: April 6, 2018

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) revisited the Federal Fiscal Year (FFY) 2016 *Annual Report Card on State Performance Plan (SPP)/Annual Performance Report (APR) Part B Indicators* issued on March 8, 2018 (see attached) for the Calvert County Public Schools (CCPS). In this communication, you were informed that the CCPS achieved the determination status of “Needs Assistance-Year 1” for the implementation of special education and related services for students ages 3 through 21 with an Individualized Education Program (IEP). Following a comprehensive reexamination of the data, I am proud to share with you that for FFY 2016, CCPS has achieved “**Meets Requirements.**” Please note the due date for any assigned Improvement Plan(s) and/or Corrective Action Plan(s) are now due by Monday, May 7, 2018.

Thank you for your hard work and commitment to equity and excellence in providing education to Maryland’s students.

Attachments

c: Christina Harris

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
1	Students with IEPs graduating with a regular diploma - 4 year cohort (ESSA lag data based on 2015-2016) COMAR 13A.03.02.09 COMAR 13A.05.01.01	≥ 65.91%	76.56%	Met	Target met, no further action required.	76.25%	75.34%
2	Students with IEPs dropping out (ESSA Option 2 leaver rate based on lag data for 2015-2016) COMAR 13A.08.01.07	≤ 3.51%	≤ 3.00%	Met	Target met, no further action required.	≤ 3.00%	≤ 3.00%
3A	State Assessment: AMO for disability subgroup in the LEA	NA	NA	NA	Waived by U.S. Department of Education. Change in methodology.	NA	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	NA	NA	NA		NA	NA
3B	State Assessment: Participation rates of IEP students in all grades in the LEA	≥ 95.00%	99.20%	Met	Target met, no further action required.	98.79%	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	≥ 95.00%	99.11%	Met	Target met, no further action required.		

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FFY 2016 (SFY 2017) Part B Indicators									
SPP/APR Indicators		FFY 2016			Action Required	Previous Results			
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014		
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	16.50%	23.64%	Met	Target met in math for the 3rd and 4th grade. Target not met in reading for the 3rd and the 4th grade. Target not met in math and reading for 5th through 8th grade and high school. Submit an Improvement Plan by Monday, May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	18.56%	NA
			Reading	18.60%	13.64%	Not Met		9.28%	NA
		4	Mathematics	16.15%	17.71%	Met		13.01%	NA
			Reading	21.10%	9.28%	Not Met		8.94%	NA
		5	Mathematics	18.85%	6.61%	Not met		10.91%	NA
			Reading	23.60%	10.74%	Not Met		11.01%	NA
		6	Mathematics	20.55%	7.89%	Not Met		3.20%	NA
			Reading	26.10%	8.77%	Not Met		5.60%	NA
		7	Mathematics	22.25%	0.93%	Not Met		6.67%	NA
			Reading	28.60%	5.61%	Not Met		4.96%	NA
		8	Mathematics	23.95%	4.81%	Not Met		4.26%	NA
			Reading	31.10%	3.81%	Not Met		4.12%	NA
		HS	Mathematics	56.08%	44.59%	Not Met		60.71%	NA
			Reading	50.52%	14.29%	Not Met		44.44%	NA

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
 Multiple suspensions (> 10 days): Disabled vs. nondisabled	 Discrepancy exists in the category N size is ≥ 30 * N size is < 30 --*-- No suspension of disabled or nondisabled students COMAR 13A.08.03.03	≤ 8.00	1.29	Met	Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.		
					The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.	1.10	0.00
4A							
 Single suspensions (> 10 days): Disabled vs. nondisabled	 Discrepancy exists in the category N size is ≥ 30 * N size is < 30 --*-- No suspension of disabled or nondisabled students COMAR 13A.08.03.03	≤ 8.00	--*--	Met	Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.		
					The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.	0.00	0.00

4A

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FFY 2016 (SFY 2017) Part B Indicators									
SPP/APR Indicators			FFY 2016			Action Required	Previous Results		
Results Indicator	Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014	
5A	Students aged 6-21 whose LRE is $\geq 80\%$ of the day (MD SSIS LRE A) COMAR 13A.05.01.10		$\geq 69.90\%$	62.74%	Not Met	Target not met. Submit an Improvement Plan by Monday, May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	60.53%	60.36%	
5B	Students aged 6-21 whose LRE is $\leq 40\%$ of the day (MD SSIS LRE C) COMAR 13A.05.01.10		$\leq 11.76\%$	10.60%	Met	Target met, no further action required.	9.52%	9.55%	
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities COMAR 13A.05.01.10 COMAR 13A.05.01.16		$\leq 5.94\%$	4.83%	Met	Target met, no further action required.	5.42%	5.18%	
6A	Students aged 3-5 LRE: Services in regular early childhood setting the majority of the day COMAR 13A.05.01.10		$\geq 64.70\%$	46.50%	Not Met	Target not met. Submit an Improvement Plan by Monday, May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	51.88%	61.86%	
6B	Students aged 3-5 LRE: Separate School or Class COMAR 13A.05.01.10		$\leq 18.30\%$	26.17%	Not Met	Target not met. Submit an Improvement Plan by Monday, May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	22.59%	23.31%	
7A	Students aged 3-5 demonstrate improved positive social-emotional skills	1. Exits with substantial growth	$\geq 68.90\%$	76.92%	Met	Target met, no further action required.	80.95%	66.25%	
	COMAR 13A.13.01.09	2. Exits within age expectations	$\geq 68.00\%$	57.14%	Not Met	Target not met. Submit an Improvement Plan by Monday, May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	55.56%	66.23%	

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FFY 2016 (SFY 2017) Part B Indicators									
SPP/APR Indicators			FFY 2016			Action Required		Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results ¹	Target Met			FFY 2015	FFY 2014
7B	Students aged 3-5 demonstrate acquisition and use of knowledge and skills	1. Exits with substantial growth	≥67.60%	79.31%	Met	Target met, no further action required.		56.52%	43.75%
	COMAR 13A.13.01.09	2. Exits within age expectations	≥57.20%	52.38%	Not Met	Target not met. Submit an Improvement Plan by Monday, May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.		44.44%	64.18%
7C	Students aged 3-5 demonstrate use of appropriate behavior to meet their needs.	1. Exits with substantial growth	≥63.10%	85.71%	Met	Target met, no further action required.		76.00%	65.00%
	COMAR 13A.13.01.09	2. Exits within age expectations	≥65.70%	59.32%	Not Met	Target not met. Submit an Improvement Plan by Monday, May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results		55.56%	47.00%
8	Parent Survey	Age 3-5	≥83.00%	86.00%	NA	These data reflect baseline data and the revised target.		44.00%	47.00%
		Age 6-21	≥70.00%	74.00%	NA	These data reflect baseline data and the revised target.		42.00%	28.00%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: COMAR 13A.08.01.07 COMAR 13A.05.01.09A(3)(a)(ii)	A. Higher ED w/in 1 year of leaving HS	≥25.00%	Small cell Size	NA	No further action required.		15.38%	28.00%
		B. Higher ED or employed w/in 1 year of leaving HS	≥51.00%	Small cell Size	NA	No further action required.		65.38%	72.00%
		C. Higher ED or training program or employed w/in 1 year of leaving HS	≥57.00%	Small cell Size	NA	No further action required.		73.08%	76.00%

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FFY 2016 (SFY 2017) Part B Indicators						
SPP/APR Indicators		Compliance Indicator		FFY 2016		Action Required
Results Indicator				State Target	Local Results ¹	Target Met
4B (Ages 6-21)	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students ages 6-21 with IEPs by race/ethnicity Discrepancy exists in the category N size is ≥ 30 * N size is < 30 --*-- No suspension of disabled or nondisabled students	American Indian/Alaska Native		< 2.00	0.00	Met
		Asian		< 2.00	0.00	Met
		Black/African American		< 2.00	0.00	Met
		Native Hawaiian/Pacific Islander		< 2.00	0.00	Met
		White		< 2.00	0.00	Met
		2 or more races		< 2.00	0.00	Met
		Hispanic/Latino		< 2.00	23.97*	NA
	COMAR 13A.08.01.21					
Disproportionality in the suspension and expulsion of SWD by race/ethnicity was not identified. No further action required. The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that contribute to suspension and expulsion of SWD by race/ethnicity. PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the suspension and exclusion of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.						
				FFY 2015	FFY 2014	
				0.00	0.00	
				0.00	0.00	
				5.12*	0.00	
				0.00	0.00	
				0.00	0.00	
				0.00	0.00	
				0.00	0.00	

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FFY 2016 (SFY 2017) Part B Indicators

SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
<p>Disproportionate representation (≥ 2.0) in students ages 6-21 special education of racial groups as a result of inappropriate identification</p> <p>Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>COMAR 13A.08.01.21</p>	American Indian/Alaska Native	< 2.00	2.26*	NA	Disproportionality in the identification of SWD by race or ethnicity was not identified. No further action required.	2.51	1.91
	Asian	< 2.00	0.51	Met	The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity.	0.46	0.54
	Black/African American	< 2.00	1.69	Met		1.67	1.60
	Native Hawaiian/Pacific Islander	< 2.00	0.63	Met		0.54	0.77
	White	< 2.00	0.73	Met		0.73	0.73
	2 or more races	< 2.00	0.89	Met	PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.	0.82	0.95
	Hispanic/Latino	< 2.00	0.80	Met		0.89	0.86

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FFY 2016 ¹ (SFY 2017) Part B Indicators									
SPP/APR Indicators		Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or Language Impairment	Autism	Other Health Impairment	Required Action	
<div><div></div><div>Compliance Indicator</div></div>	FFY 2016 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	American Indian/Alaska Native	0.00	2.29	7.62*	3.56*	2.97*	0.00	Disproportionality for Black/African American students with a Specific Learning Disability was identified. Submit an Improvement Plan within 30 days from the date of this letter. Identify the root causes and evidence-based practices targeted to improve student results.
		Asian	1.42	0.13	0.00	0.40	1.43	0.48	
		Black/African American	0.77	2.05	2.69*	1.67	1.15	1.67	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	3.59*	
		White	1.11	0.56	0.73	0.89	0.81	0.85	
	COMAR 13A.08.01.21	2 or more races	0.57	0.64	0.92	1.01	0.84	1.39	PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities aged 3-5 goes into effect July 1, 2018. The LSS should review its policies, procedures, and practices to determine the factors that contribute to the identification of SWD aged 3-5 by race/ethnicity <u>and</u> disability. To be decided FFY 2019.
		Hispanic/Latino	1.16	1.12	0.21	0.52	0.94	0.50	

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Calvert County

Annual Data on SPP/APR Part B Indicators

Notice of Performance for the Period July 1, 2016 – June 30, 2017 **REVISED – APRIL 5, 2018**

FFY 2016 (SFY 2017) Part B Indicators						
SPP/APR Indicators		FFY 2016			Action Required	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met	FFY 2015	FFY 2014
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days COMAR 13A.05.01.06	100%	99.36%	Not Met	Target not met. Submit an Improvement Plan by Monday, May 7, 2018. Identify the root causes and evidence-based practices to demonstrate correction of the noncompliance. Correction of the noncompliance must be demonstrated and verified by April 6, 2019. Subsequent data demonstrated that the noncompliance identified in FFY 2015 was corrected within one year of the written finding.	99.72% 100%
12	Percentage of eligible children exiting Part C at age 3 who have an IEP in effect by the child's 3rd birthday COMAR 13A.05.01.08A(2)(a)(iii) COMAR 13A.05.01.06B COMAR 13A.13.01.09	100%	100%	Met	Target met. No further action required.	100% 100%
13	Percentage of youth aged 16 and above whose IEP meets secondary transition requirements COMAR 13A.05.01.07D(5)(6) COMAR 13A.05.01.09A(3)(a)(ii)	100%	100%	Met	Target met. No further action required.	100% 100%

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Other Data Considerations						
SPP/APR Indicators		FFY 2016			Action Required	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met	Previous Results	
					FFY 2015	FFY 2014
	Timely correction of noncompliance (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%
	State reported data are timely and accurate. (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%
	Number of State complaints filed	NA	3	NA	No further action required.	NA
	Number of State complaints identified with violation(s)	NA	2	NA	Correction of the identified noncompliance must be demonstrated and verified by August 2018.	NA
	Number of State findings from State complaints corrected in a timely manner	NA	NA	NA	TBD FFY 2017.	NA
	Number of due process hearings filed	NA	0	NA	No further action required.	NA
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	NA
	Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	NA
	National Assessment of Educational Progress (NAEP)	NA	NA	NA	Not considered for 2016-2017 Local Determination Status. (See attachment for Statewide Data).	NA

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FFY 2016 Determination Overview

Part C & Part B

July 1, 2016 – June 30, 2017

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. 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 2018.

To receive a State determination, the IDEA requires states to evaluate each 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 established Indicators. As a result of that evaluation, the 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 states to 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 (DSE/EIS), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <http://mdideareport.org> no later than June 1, 2018. For the FFY 2016 determinations, the MSDE, DSE/EIS has included additional indicators highlighted below in blue.

The following **Part C** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
2. Primary Service Setting 3A. Birth – 4 Outcomes – Emotional Skills 3B. Birth – 4 Outcomes – Knowledge and Skills 3C. Birth – 4 Outcomes – Use of appropriate behaviors 4A. Family Survey-Know their rights 4B. Family Survey-Effectively communicate their children's needs 4C. Family Survey-Help their children develop and learn 5. Child Find 0-1 6. Child Find 0-3	1. Timely Services 7. 45 Day Timeline 8A. Transition - Transition Outcomes 8B. Transition - Notification to LSS 8C. Transition - Timely Planning Meeting
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate

<i>Fiscal</i>	<i>Complaints and Due Process Hearing</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The following **Part B** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
1. Students with IEPs graduating with a regular diploma	4B. Suspension/Expulsion - Significant Discrepancy Disaggregated by Race/Ethnicity
2. Students with IEPs dropping out	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5A. LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
5B. LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	11. Initial Evaluation Timeline
5C. LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	12. Part C to B Transition
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	13. Secondary Transition
8A. Preschool Parent Survey; or	
8B. School Age Parent Survey.	
14. Post-School Outcomes	
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate
<i>Fiscal</i>	<i>Complaints and Due Process Hearings</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS 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. In certain circumstances, enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.P.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.P.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.P.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 LSSILLA 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 LSSILLA, 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).

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FFY 2016 (SFY 2017) Part B Indicators								
<div> <div></div> SPP/APR Indicators <div></div> Results Indicator <div></div> Compliance Indicator </div>			FFY 2016			Action Required	Previous Results	
			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
1	Students with IEPs graduating with a regular diploma - 4 year cohort (ESSA lag data based on 2015-2016) COMAR 13A.03.02.09 COMAR 13A.05.01.01		≥ 65.91%	76.56%	Met	Target met, no further action required.	76.25%	75.34%
2	Students with IEPs dropping out (ESSA Option 2 leaver rate based on lag data for 2015-2016) COMAR 13A.08.01.07		≤ 3.51%	≤ 3.00%	Met	Target met, no further action required.	≤ 3.00%	≤ 3.00%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading	NA	NA	NA	Waived by U.S. Department of Education. Change in methodology.	NA	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	AMO for Math	NA	NA	NA		NA	NA
3B	State Assessment: Participation rates of IEP students in all grades in the LEA	Math	≥ 95.00%	99.20%	Met	Target met, no further action required.	98.79%	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	Reading	≥ 95.00%	99.11%	Met	Target met, no further action required.		

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FFY 2016 (SFY 2017) Part B Indicators										
SPP/APR Indicators				FFY 2016			Action Required	Previous Results		
Results Indicator	Compliance Indicator			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014	
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	16.50%	23.64%	Met	Target met in math for the 3rd and 4th grade.	18.56%	NA	
			Reading	18.60%	13.64%	Not Met	Target not met in reading for the 3rd and the 4th grade. Target not met in math and reading for 5th through 8th grade and high school. Submit an Improvement Plan by Monday, May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	9.28%	NA	
		4	Mathematics	16.15%	17.71%	Met		13.01%	NA	
			Reading	21.10%	9.28%	Not Met		8.94%	NA	
		5	Mathematics	18.85%	6.61%	Not met		10.91%	NA	
			Reading	23.60%	10.74%	Not Met		11.01%	NA	
		6	Mathematics	20.55%	7.89%	Not Met		3.20%	NA	
			Reading	26.10%	8.77%	Not Met		5.60%	NA	
		7	Mathematics	22.25%	0.93%	Not Met		6.67%	NA	
			Reading	28.60%	5.61%	Not Met		4.96%	NA	
		8	Mathematics	23.95%	4.81%	Not Met		4.26%	NA	
			Reading	31.10%	3.81%	Not Met		4.12%	NA	
		HS	Mathematics	56.08%	44.59%	Not Met		60.71%	NA	
			Reading	50.52%	14.29%	Not Met		44.44%	NA	
			COMAR 13A.05.11.05							
			COMAR 13A.03.06.05							

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4A	<p>Multiple suspensions (> 10 days): Disabled vs. nondisabled</p> <p> <input type="checkbox"/> Discrepancy exists in the category N size is ≥ 30 </p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.03.03</p>	≤ 8.00	1.29	Met	<p>Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.</p>	1.10	0.00
	<p>Single suspensions (> 10 days): Disabled vs. nondisabled</p> <p> <input type="checkbox"/> Discrepancy exists in the category N size is ≥ 30 </p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.03.03</p>	≤ 8.00	--*--	Met	<p>Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.</p>	0.00	0.00

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FFY 2016 (SFY 2017) Part B Indicators							
<div> <div></div> SPP/APR Indicators <div></div> Results Indicator <div></div> Compliance Indicator </div>		FFY 2016			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
5A	Students aged 6-21 whose LRE is \geq 80% of the day (MD SSIS LRE A) COMAR 13A.05.01.10	\geq 69.90%	62.74%	Not Met	Target not met. Submit an Improvement Plan by Monday, May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	60.53%	60.36%
5B	Students aged 6-21 whose LRE is \leq 40% of the day (MD SSIS LRE C) COMAR 13A.05.01.10	\leq 11.76%	10.60%	Met	Target met, no further action required.	9.52%	9.55%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities COMAR 13A.05.01.10 COMAR 13A.05.01.16	\leq 5.94%	4.83%	Met	Target met, no further action required.	5.42%	5.18%
6A	Students aged 3-5 LRE: Services in regular early childhood setting the majority of the day COMAR 13A.05.01.10	\geq 64.70%	46.50%	Not Met	Target not met. Submit an Improvement Plan by Monday, May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	51.88%	61.86%
6B	Students aged 3-5 LRE: Separate School or Class COMAR 13A.05.01.10	\leq 18.30%	26.17%	Not Met	Target not met. Submit an Improvement Plan by Monday, May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	22.59%	23.31%
7A	Students aged 3-5 demonstrate improved positive social-emotional skills COMAR 13A.13.01.09	1. Exits with substantial growth \geq 68.90%	76.92%	Met	Target met, no further action required.	80.95%	66.25%
		2. Exits within age expectations \geq 68.00%	57.14%	Not Met	Target not met. Submit an Improvement Plan by Monday, May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	55.56%	66.23%




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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators <div><div></div> Results Indicator</div> <div><div></div> Compliance Indicator</div>			FFY 2016			Action Required	Previous Results	
			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
7B	Students aged 3-5 demonstrate acquisition and use of knowledge and skills	1. Exits with substantial growth	≥67.60%	79.31%	Met	Target met, no further action required.	56.52%	43.75%
	COMAR 13A.13.01.09	2. Exits within age expectations	≥57.20%	52.38%	Not Met	Target not met. Submit an Improvement Plan by Monday, May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	44.44%	64.18%
7C	Students aged 3-5 demonstrate use of appropriate behavior to meet their needs.	1. Exits with substantial growth	≥63.10%	85.71%	Met	Target met, no further action required.	76.00%	65.00%
	COMAR 13A.13.01.09	2. Exits within age expectations	≥65.70%	59.32%	Not Met	Target not met. Submit an Improvement Plan by Monday, May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results	55.56%	47.00%
8	Parent Survey	Age 3-5	≥83.00%	86.00%	NA	These data reflect baseline data and the revised target.	44.00%	47.00%
		Age 6-21	≥70.00%	74.00%	NA	These data reflect baseline data and the revised target.	42.00%	28.00%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: COMAR 13A.08.01.07 COMAR 13A.05.01.09A(3)(a)(ii)	A. Higher ED w/in 1 year of leaving HS	≥25.00%	Small cell Size	NA	No further action required.	15.38%	28.00%
		B. Higher ED or employed w/in 1 year of leaving HS	≥51.00%	Small cell Size	NA	No further action required.	65.38%	72.00%
		C. Higher ED or training program or employed w/in 1 year of leaving HS	≥57.00%	Small cell Size	NA	No further action required.	73.08%	76.00%

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4B (Ages 6-21)	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students ages 6-21 with IEPs by race/ethnicity	<i>American Indian/Alaska Native</i>	< 2.00	0.00	Met	<p>Disproportionality in the suspension and expulsion of SWD by race/ethnicity was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that contribute to suspension and expulsion of SWD by race/ethnicity.</p> <p>PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the suspension and exclusion of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.</p>	0.00	0.00
		<i>Asian</i>	< 2.00	0.00	Met		0.00	0.00
	 Discrepancy exists in the category N size is ≥ 30	<i>Black/African American</i>	< 2.00	0.00	Met		5.12*	0.00
	* N size is < 30	<i>Native Hawaiian/Pacific Islander</i>	< 2.00	0.00	Met		0.00	0.00
	--*-- No suspension of disabled or nondisabled students	<i>White</i>	< 2.00	0.00	Met		0.00	0.00
		<i>2 or more races</i>	< 2.00	0.00	Met		0.00	0.00
	COMAR 13A.08.01.21	<i>Hispanic/Latino</i>	< 2.00	23.97*	NA		0.00	0.00

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators <div><div></div> Results Indicator</div> <div><div></div> Compliance Indicator</div>			FFY 2016			Action Required	Previous Results	
			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
9 (Ages 6-21)	Disproportionate representation (≥ 2.0) in students ages 6-21 special education of racial groups as a result of inappropriate identification	American Indian/Alaska Native	< 2.00	2.26*	NA	Disproportionality in the identification of SWD by race or ethnicity was not identified. No further action required. The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity. PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.	2.51	1.91
		Asian	< 2.00	0.51	Met		0.46	0.54
		Black/African American	< 2.00	1.69	Met		1.67	1.60
		Native Hawaiian/Pacific Islander	< 2.00	0.63	Met		0.54	0.77
		White	< 2.00	0.73	Met		0.73	0.73
		2 or more races	< 2.00	0.89	Met		0.82	0.95
		Hispanic/Latino	< 2.00	0.80	Met		0.89	0.86
	COMAR 13A.08.01.21							

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FFY 2016 ¹ (SFY 2017) Part B Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
 Compliance Indicator									
10	FFY 2016 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	American Indian/Alaska Native	0.00	2.29	7.62*	3.56*	2.97*	0.00	Disproportionality for Black/African American students with a Specific Learning Disability was identified. Submit an Improvement Plan within 30 days from the date of this letter. Identify the root causes and evidence-based practices targeted to improve student results.
		Asian	1.42	0.13	0.00	0.40	1.43	0.48	
		Black/African American	0.77	2.05	2.69*	1.67	1.15	1.67	The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity and disability.
		Native Hawaiian/Pacific Islander	0.00	0.00	0.00	0.00	0.00	3.59*	
		White	1.11	0.56	0.73	0.89	0.81	0.85	
		* N size is < 30	2 or more races	0.57	0.64	0.92	1.01	0.84	1.39
	COMAR 13A.08.01.21	Hispanic/Latino	1.16	1.12	0.21	0.52	0.94	0.50	PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities aged 3-5 goes into effect July 1, 2018. The LSS should review its policies, procedures, and practices to determine the factors that contribute to the identification of SWD aged 3-5 by race/ethnicity and disability. To be decided FFY 2019.



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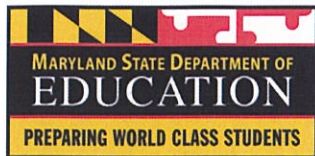
FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2015	FFY 2014
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days COMAR 13A.05.01.06	100%	99.36%	Not Met	Target not met. Submit an Improvement Plan by Monday, May 7, 2018. Identify the root causes and evidence-based practices to demonstrate correction of the noncompliance. Correction of the noncompliance must be demonstrated and verified by April 6, 2019. Subsequent data demonstrated that the noncompliance identified in FFY 2015 was corrected within one year of the written finding.	99.72%	100%
12	Percentage of eligible children exiting Part C at age 3 who have an IEP in effect by the child's 3rd birthday COMAR 13A.05.01.08A(2)(a)(iii) COMAR 13A.05.01.06B COMAR 13A.13.01.09	100%	100%	Met	Target met. No further action required.	100%	100%
13	Percentage of youth aged 16 and above whose IEP meets secondary transition requirements COMAR 13A.05.01.07D(5)(6) COMAR 13A.05.01.09A(3)(a)(ii)	100%	100%	Met	Target met. No further action required.	100%	100%

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Other Data Considerations							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
	Timely correction of noncompliance (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%	100%
	State reported data are timely and accurate. (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%	100%
	Number of State complaints filed	NA	3	NA	No further action required.	NA	NA
	Number of State complaints identified with violation(s)	NA	2	NA	Correction of the identified noncompliance must be demonstrated and verified by August 2018.	NA	NA
	Number of State findings from State complaints corrected in a timely manner	NA	NA	NA	TBD FFY 2017.	NA	NA
	Number of due process hearings filed	NA	0	NA	No further action required.	NA	NA
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	NA	NA
	Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	NA	NA
	National Assessment of Educational Progress (NAEP)	NA	NA	NA	Not considered for 2016-2017 Local Determination Status. (See attachment for Statewide Data).	NA	NA

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Karen B. Salmon, Ph.D.
State Superintendent of Schools

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

See Revised Report Card Attached

March 12, 2018

Dr. Patricia W. Saelens
Superintendent
Caroline County Public Schools
204 Franklin Street
Denton, MD 21629

Dear Dr. Saelens:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of students with disabilities for each local preschool and special education program 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]¹. The MSDE, DSE/EIS uses a results-based rubric for given indicators to evaluate the performance of each local school system in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2016 Part B determinations, the Caroline County Public Schools has achieved the determination status of **"Meets Requirements."**

Attached please find supporting documentation:

1. *FFY 2016 Determination Overview* (identifies the Part B Indicators used to assign a FFY 2017 local determination status on page two – please note the addition of fiscal accountability, State complaints/due process hearings, and preschool least restrictive environment data);
2. *FFY 2016 Local Determination Scoring Criteria* (provides a six-year graduated results driven accountability plan used to make a local determination by year); and
3. *FFY 2016 Annual Report Card on State Performance Plan (SPP)/Annual Performance Reports (APR) Part B Indicators* (provides a three-year local data analysis and required actions for students with disabilities ages three through 21).

The MSDE, DSE/EIS is committed to maintaining a balanced focus on results and compliance to narrow the school readiness and achievement gaps. Please note in FFY 2019 the determination status for each local school system will reflect the July 1, 2018 proposed revision to Code of Maryland Regulations (COMAR) regarding the identification of significant disproportionality. Maryland's proposed revised definition of significant disproportionality, as required by the Individuals with Disabilities Education Act (IDEA), includes the three to five years of age population. Beginning in 2016, the DSE/EIS has provided guidance, technical assistance, and professional learning opportunities to support local school systems in the implementation of revised data collection processes and review of local policies, procedures, and practices. Please note that FFY 2016-17 and FFY 2017-18 data capturing suspension/expulsion (in and out of school), identification by race/ethnicity, and identification by race/ethnicity and disability will be used for the FFY 2019 local determination status.

¹ USDE, OSEP uses state National Assessment of Educational Progress (NAEP) participation and performance data for students with disabilities to assign Maryland's special education determination status (see attached "NAEP"). DSE/EIS will be analyzing local testing protocols and decisions for the NAEP assessment.

Dr. Patricia W. Saelens
March 12, 2018
Page Two

To support Maryland's commitment to narrow the opportunity and achievement gaps for students with disabilities and their families, the implementation of the DSE/EIS five-year strategic plan provides a statewide differentiated framework for general supervision and performance support. Based upon a comprehensive data analysis (including the SPP/APR local determination status), the Caroline County Public Schools has been assigned the "**Universal**" tier for the delivery of the DSE/EIS technical assistance model for results.

Local school systems are strongly encouraged to work closely with their local Special Education Citizens Advisory Committee (SECAC) to analyze local data and infrastructure for the implementation of specially designed instruction. 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 with fidelity to improve the results for children and youth with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities with coaching.

Thank you for your hard work and commitment to equity and efficiency for excellence. The MSDE is committed to supporting the efforts of the Caroline County Public Schools to improve results for children and youth with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

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

MEF/AM/cc

Attachments

c: Karen B. Salmon
Carol A. Williamson
Elizabeth Anthony

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

FFY 2016 Determination Overview

Part C & Part B

July 1, 2016 – June 30, 2017

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. 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 2018.

To receive a State determination, the IDEA requires states to evaluate each 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 established Indicators. As a result of that evaluation, the 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 states to 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 (DSE/EIS), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <http://mdideareport.org> no later than June 1, 2018. For the FFY 2016 determinations, the MSDE, DSE/EIS has included additional indicators highlighted below in blue.

The following **Part C** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
2. Primary Service Setting 3A. Birth – 4 Outcomes – Emotional Skills 3B. Birth – 4 Outcomes – Knowledge and Skills 3C. Birth – 4 Outcomes – Use of appropriate behaviors 4A. Family Survey-Know their rights 4B. Family Survey-Effectively communicate their children's needs 4C. Family Survey-Help their children develop and learn 5. Child Find 0-1 6. Child Find 0-3	1. Timely Services 7. 45 Day Timeline 8A. Transition - Transition Outcomes 8B. Transition - Notification to LSS 8C. Transition - Timely Planning Meeting
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate

<i>Fiscal</i>	<i>Complaints and Due Process Hearing</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The following **Part B** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
1. Students with IEPs graduating with a regular diploma	4B. Suspension/Expulsion - Significant Discrepancy Disaggregated by Race/Ethnicity
2. Students with IEPs dropping out	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5A. LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
5B. LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	11. Initial Evaluation Timeline
5C. LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	12. Part C to B Transition
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	13. Secondary Transition
8A. Preschool Parent Survey; or	
8B. School Age Parent Survey.	
14. Post-School Outcomes	
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate
<i>Fiscal</i>	<i>Complaints and Due Process Hearings</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS 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. In certain circumstances, enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.P.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.P.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.P.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 LSSILLA 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 LSSILLA, 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).

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators  Results Indicator  Compliance Indicator		FFY 2016 ¹			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
1	Students with IEPs graduating with a regular diploma - 4 year cohort (ESSA lag data based on 2015-2016) COMAR 13A.03.02.09 COMAR 13A.05.01.01	≥ 65.91%	66.67%	Met	Target met, no further action required.	69.23%	58.62%
2	Students with IEPs dropping out (ESSA Option 2 leaver rate based on lag data for 2015-2016) COMAR 13A.08.01.07	≤ 3.51%	3.29%	Met	Target met, no further action required.	4.11%	7.43%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading	NA	NA	Waived by U.S. Department of Education. Change in methodology.	NA	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	AMO for Math	NA	NA		NA	NA
3B	State Assessment: Participation rates of IEP students in all grades in the LEA	Math	≥ 95.00%	99.30%	Target met, no further action required.	98.31%	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	Reading	≥ 95.00%	99.55%	Target met, no further action required.		





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FFY 2016 (SFY 2017) Part B Indicators									
SPP/APR Indicators				FFY 2016 ¹			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	16.50%	21.43%	Met	Target met in math for 3 rd grade.	15.69%	NA
			Reading	18.60%	14.29%	Not Met	Target not met for 3rd grade reading and 4th through 8th grade and high school math and reading. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	24.39%	NA
		4	Mathematics	16.15%	15.09%	Not Met		17.07%	NA
			Reading	21.10%	9.62%	Not Met		12.00%	NA
		5	Mathematics	18.85%	14.71%	Not Met		12.00%	NA
			Reading	23.60%	8.82%	Not Met		11.54%	NA
		6	Mathematics	20.55%	6.82%	Not Met		13.46%	NA
			Reading	26.10%	2.33%	Not Met		2.94%	NA
		7	Mathematics	22.25%	6.25%	Not Met		2.94%	NA
			Reading	28.60%	6.25%	Not Met		6.82%	NA
		8	Mathematics	23.95%	3.23%	Not Met		2.27%	NA
			Reading	31.10%	6.45%	Not Met		50.00%	NA
		HS	Mathematics	56.08%	41.18%	Not Met		30.00%	NA
			Reading	50.52%	0.00%	Not Met	15.69%	NA	
COMAR 13A.05.11.05									
COMAR 13A.03.06.05									

¹ Local results are based on current data unless otherwise indicated.
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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016 ¹			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled				Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.		
	 Discrepancy exists in the category N size is ≥ 30 * N size is < 30 --*-- No suspension of disabled or nondisabled students COMAR 13A.08.03.03	≤ 8.00	0.00	Met	The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.	0.00*	0.94
4A	Single suspensions (> 10 days): Disabled vs. nondisabled				Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.		
	 Discrepancy exists in the category N size is ≥ 30 * N size is < 30 --*-- No suspension of disabled or nondisabled students COMAR 13A.08.03.03	≤ 8.00	--*--	Met	The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.	--*--	--*--

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FFY 2016 (SFY 2017) Part B Indicators							
<div> <div></div> SPP/APR Indicators <div></div> Results Indicator <div></div> Compliance Indicator </div>		FFY 2016 ¹			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
5A	Students aged 6-21 whose LRE is \geq 80% of the day (MD SSIS LRE A) COMAR 13A.05.01.10	\geq 69.90%	78.78%	Met	Target met, no further action required.	83.24%	82.10%
5B	Students aged 6-21 whose LRE is \leq 40% of the day (MD SSIS LRE C) COMAR 13A.05.01.10	\leq 11.76%	10.41%	Met	Target met, no further action required.	9.25%	10.89%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities COMAR 13A.05.01.10 COMAR 13A.05.01.16	\leq 5.94%	2.36%	Met	Target met, no further action required.	1.54%	1.56%
6A	Students aged 3-5 LRE: Services in regular early childhood setting the majority of the day COMAR 13A.05.01.10	\geq 64.70%	90.66%	Met	Target met, no further action required.	89.47%	90.91%
6B	Students aged 3-5 LRE: Separate School or Class COMAR 13A.05.01.10	\leq 18.30%	1.33%	Met	Target met, no further action required.	0.00%	0.00%
7A	Students aged 3-5 demonstrate improved positive social-emotional skills	1. Exits with substantial growth \geq 68.90%	36.36%	Not Met	Target not met. Submit an Improvement by Plan May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	73.73%	79.17%
	COMAR 13A.13.01.09	2. Exits within age expectations \geq 68.00%	70.83%	Met	Target met, no further action required.	88.57%	93.75%




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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators <div>Results Indicator</div> <div>Compliance Indicator</div>			FFY 2016 ¹			Action Required	Previous Results	
			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
7B	Students aged 3-5 demonstrate acquisition and use of knowledge and skills	1. Exits with substantial growth	≥67.60%	64.71%	Not Met	Target not met. Submit an Improvement by Plan May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	88.57%	93.75%
	COMAR 13A.13.01.09	2. Exits within age expectations	≥57.20%	66.67%	Met	Target met, no further action required.	68.89%	87.50%
7C	Students aged 3-5 demonstrate use of appropriate behavior to meet their needs.	1. Exits with substantial growth	≥63.10%	66.67%	Met	Target met, no further action required.	85.00%	92.31%
	COMAR 13A.13.01.09	2. Exits within age expectations	≥65.70%	75.00%	Met	Target met, no further action required.	77.78%	91.67%
8	Parent Survey	Age 3-5	≥83.00%	77.00%	NA	These data reflect baseline data and the revised target.	57.00%	NA
		Age 6-21	≥70.00%	77.00%	NA	These data reflect baseline data and the revised target.	58.00%	70.00%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: COMAR 13A.08.01.07 COMAR 13A.05.01.09A(3)(a)(ii)	A. Higher ED w/in 1 year of leaving HS	≥25.00%	Small cell size	NA	No further action required.	11.76%	10.81%
		B. Higher ED or employed w/in 1 year of leaving HS	≥51.00%	Small cell size	NA	No further action required.	58.82%	45.95%
		C. Higher ED or training program or employed w/in 1 year of leaving HS	≥57.00%	Small cell size	NA	No further action required.	64.71%	51.35%

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016 ¹			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4B (Ages 6-21)	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students ages 6-21 with IEPs by race/ethnicity	<i>American Indian/Alaska Native</i>	< 2.00	0.00	Met	<p>Disproportionality in the suspension and expulsion of SWD by race/ethnicity was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that contribute to suspension and expulsion of SWD by race/ethnicity.</p> <p>PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the suspension and exclusion of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.</p>	0.00	0.00
		<i>Asian</i>	< 2.00	0.00	Met		0.00	0.00
	 Discrepancy exists in the category N size is ≥ 30	<i>Black/African American</i>	< 2.00	0.00	Met		0.00	0.00
	* N size is < 30	<i>Native Hawaiian/Pacific Islander</i>	< 2.00	--*--	Met		--*--	--*--
	--*-- No suspension of disabled or nondisabled students	<i>White</i>	< 2.00	0.00	Met		0.00	0.00
		<i>2 or more races</i>	< 2.00	0.00	Met		0.00	13.78*
		<i>Hispanic/Latino</i>	< 2.00	0.00	Met		0.00	0.00
COMAR 13A.08.01.21								

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators <div><div></div> Results Indicator</div> <div><div></div> Compliance Indicator</div>			FFY 2016 ¹			Action Required	Previous Results	
			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
9 (Ages 6-21)	Disproportionate representation (≥ 2.0) in students ages 6-21 special education of racial groups as a result of inappropriate identification	American Indian/Alaska Native	< 2.00	1.65	Met	Disproportionality in the identification of SWD by race or ethnicity was not identified. No further action required.	3.60*	4.94*
		Asian	< 2.00	0.51	Met		0.93	1.34
		Black/African American	< 2.00	1.41	Met		1.35	1.15
		Native Hawaiian/Pacific Islander	< 2.00	0.00	Met		0.99	0.00
		White	< 2.00	1.06	Met		0.99	0.94
		2 or more races	< 2.00	1.08	Met		0.99	0.95
		Hispanic/Latino	< 2.00	0.49	Met		0.49	0.58
		Discrepancy exists in the category N size is ≥ 30						
	* N size is < 30							
	COMAR 13A.08.01.21							



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FFY 2016 ¹ (SFY 2017) Part B Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
<div><div></div> Compliance Indicator</div>									
10	FFY 2016 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	American Indian/Alaska Native	0.00	3.70*	0.00	2.97*	0.00	0.00	Disproportionality in the identification of SWD by race, ethnicity, and disability was not identified. No further action required. The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity and disability.
		Asian	0.00	0.00	0.00	2.02*	0.00	0.00	
		Black/African American	3.39*	1.39	1.26	1.14	1.88	1.26	
		Native Hawaiian/Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.41	1.06	1.37	1.15	1.10	1.16	
		2 or more races	0.00	1.08	1.54	0.86	0.27	2.07*	
	<div><div></div> Discrepancy exists in the category N size is ≥ 30 * N size is < 30</div>	Hispanic/Latino	0.97	0.67	0.40	0.20	0.46	0.54	PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities aged 3-5 goes into effect July 1, 2018. The LSS should review its policies, procedures, and practices to determine the factors that contribute to the identification of SWD aged 3-5 by race/ethnicity and disability. To be decided FFY 2019.
COMAR 13A.08.01.21									



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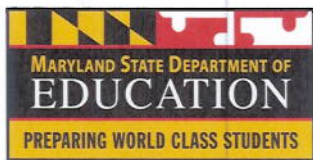
FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results	Target Met		FFY 2015	FFY 2014
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days. COMAR 13A.05.01.06	100%	98.94%	Not Met	Target not met. Submit an Improvement by Plan May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results. Correction of the noncompliance must be demonstrated and verified by April 6, 2019. Subsequent data demonstrated that the noncompliance identified in FFY 2015 was corrected within one year of the written finding.	99.24%	98.91%
12	Percentage of eligible children exiting Part C at age 3 who have an IEP in effect by the child's 3rd birthday COMAR 13A.05.01.08A(2)(a)(iii) COMAR 13A.05.01.06B COMAR 13A.13.01.09	100%	100%	Met	Target met. No further action required.	100%	100%
13	Percentage of youth aged 16 and above whose IEP meets secondary transition requirements COMAR 13A.05.01.07D(5)(6) COMAR 13A.05.01.09A(3)(a)(ii)	100%	100%	Met	Target met. No further action required.	100%	100%

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Other Data Considerations							
SPP/APR Indicators		FFY 2016 ¹			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results	Target Met		FFY 2015	FFY 2014
	Timely correction of noncompliance (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%	100%
	State reported data are timely and accurate. (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%	100%
	Number of State complaints filed	NA	1	NA	No further action required.	NA	NA
	Number of State complaints identified with violation(s)	NA	1	NA	Correction of the identified noncompliance must be demonstrated and verified by August 2018.	NA	NA
	Number of State findings from State complaints corrected in a timely manner	NA	NA	NA	TBD FFY 2017	NA	NA
	Number of due process hearings filed	NA	0	NA	No further action required.	NA	NA
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	NA	NA
	Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	NA	NA
	National Assessment of Educational Progress.(NAEP)	NA	NA	NA	Not considered for 2016-2017 Local Determination Status. (See attachment for Statewide Data).	NA	NA

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March 8, 2018

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

Congratulations!

Dear Mr. Guthrie:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of students with disabilities for each local preschool and special education program 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]¹. The MSDE, DSE/EIS uses a results-based rubric for given indicators to evaluate the performance of each local school system in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2016 Part B determinations, the Carroll County Public Schools has achieved the determination status of "**Meets Requirements.**"

Attached please find supporting documentation:

1. *FFY 2016 Determination Overview* (identifies the Part B Indicators used to assign a FFY 2017 local determination status on page two – please note the addition of fiscal accountability, State complaints/due process hearings, and preschool least restrictive environment data);
2. *FFY 2016 Local Determination Scoring Criteria* (provides a six-year graduated results driven accountability plan used to make a local determination by year); and
3. *FFY 2016 Annual Report Card on State Performance Plan (SPP)/Annual Performance Reports (APR) Part B Indicators* (provides a three-year local data analysis and required actions for students with disabilities ages three through 21).

The MSDE, DSE/EIS is committed to maintaining a balanced focus on results and compliance to narrow the school readiness and achievement gaps. Please note in FFY 2019 the determination status for each local school system will reflect the July 1, 2018 proposed revision to Code of Maryland Regulations (COMAR) regarding the identification of significant disproportionality. Maryland's proposed revised definition of significant disproportionality, as required by the Individuals with Disabilities Education Act (IDEA), includes the three to five years of age population. Beginning in 2016, the DSE/EIS has provided guidance, technical assistance, and professional learning opportunities to support local school systems in the implementation of revised data collection processes and review of local policies, procedures, and practices. Please note that FFY 2016-17 and FFY 2017-18 data capturing suspension/expulsion (in and out of school), identification by race/ethnicity, and identification by race/ethnicity and disability will be used for the FFY 2019 local determination status.

¹ USDE, OSEP uses state National Assessment of Educational Progress (NAEP) participation and performance data for students with disabilities to assign Maryland's special education determination status (see attached "NAEP"). DSE/EIS will be analyzing local testing protocols and decisions for the NAEP assessment.

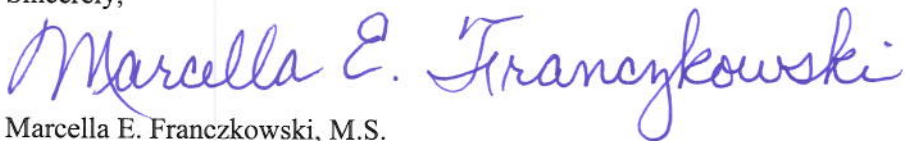
Dr. Patricia W. Saelens
March 8, 2018
Page Two

To support Maryland's commitment to narrow the opportunity and achievement gaps for students with disabilities and their families, the implementation of the DSE/EIS five-year strategic plan provides a statewide differentiated framework for general supervision and performance support. Based upon a comprehensive data analysis (including the SPP/APR local determination status), the Carroll County Public Schools has been assigned the "**Universal**" tier for the delivery of the DSE/EIS technical assistance model for results.

Local school systems are strongly encouraged to work closely with their local Special Education Citizens Advisory Committee (SECAC) to analyze local data and infrastructure for the implementation of specially designed instruction. 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 with fidelity to improve the results for children and youth with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities with coaching.

Thank you for your hard work and commitment to equity and efficiency for excellence. The MSDE is committed to supporting the efforts of the Carroll County Public Schools to improve results for children and youth with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



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

MEF/AM/cc

Attachments

c: Karen B. Salmon
Carol A. Williamson
Nicholas Shockney

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

**FFY 2016 Determination Overview
Part C & Part B
July 1, 2016 – June 30, 2017**

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. 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 2018.

To receive a State determination, the IDEA requires states to evaluate each 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 established Indicators. As a result of that evaluation, the 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 states to 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 (DSE/EIS), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <http://mdideareport.org> no later than June 1, 2018. For the FFY 2016 determinations, the MSDE, DSE/EIS has included additional indicators highlighted below in blue.

The following **Part C** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
2. Primary Service Setting 3A. Birth – 4 Outcomes – Emotional Skills 3B. Birth – 4 Outcomes – Knowledge and Skills 3C. Birth – 4 Outcomes – Use of appropriate behaviors 4A. Family Survey-Know their rights 4B. Family Survey-Effectively communicate their children's needs 4C. Family Survey-Help their children develop and learn 5. Child Find 0-1 6. Child Find 0-3	1. Timely Services 7. 45 Day Timeline 8A. Transition - Transition Outcomes 8B. Transition - Notification to LSS 8C. Transition - Timely Planning Meeting
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate

<i>Fiscal</i>	<i>Complaints and Due Process Hearing</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The following **Part B** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
1. Students with IEPs graduating with a regular diploma	4B. Suspension/Expulsion - Significant Discrepancy Disaggregated by Race/Ethnicity
2. Students with IEPs dropping out	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5A. LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
5B. LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	11. Initial Evaluation Timeline
5C. LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	12. Part C to B Transition
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	13. Secondary Transition
8A. Preschool Parent Survey; or	
8B. School Age Parent Survey.	
14. Post-School Outcomes	
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate
<i>Fiscal</i>	<i>Complaints and Due Process Hearings</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS 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. In certain circumstances, enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.P.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.P.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.P.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 LSSILLA 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 LSSILLA, 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).

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators  Results Indicator  Compliance Indicator		FFY 2016			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
1	Students with IEPs graduating with a regular diploma - 4 year cohort (ESSA lag data based on 2015-2016) COMAR 13A.03.02.09 COMAR 13A.05.01.01	≥ 65.91%	79.56%	Met	Target met, no further action required.	80.82%	75.17%
2	Students with IEPs dropping out (ESSA Option 2 leaver rate based on lag data for 2015-2016) COMAR 13A.08.01.07	≤ 3.51%	≤ 3.00%	Met	Target met, no further action required.	≤ 3.00%	≤ 3.00%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading	NA	NA	Waived by U.S. Department of Education. Change in methodology.	NA	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	AMO for Math	NA	NA		NA	NA
3B	State Assessment: Participation rates of IEP students in all grades in the LEA	Math	≥ 95.00%	99.20%	Target met, no further action required.	99.23%	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	Reading	≥ 95.00%	98.78%	Target met, no further action required.		





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FFY 2016 (SFY 2017) Part B Indicators									
SPP/APR Indicators				FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	16.50%	25.00%	Met	Target met in math for the 3 rd and 4 th grade and high school.	26.17%	NA
			Reading	18.60%	14.63%	Not Met	Target not met for reading for the 3 rd grade through the 8 th grade and high school. Target not met in math for 5 th grade through the 8 th grade and high school. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	13.15%	NA
		4	Mathematics	16.15%	19.41%	Met		17.21%	NA
			Reading	21.10%	12.66%	Not Met		13.55%	NA
		5	Mathematics	18.85%	18.60%	Not Met		18.10%	NA
			Reading	23.60%	11.63%	Not Met		7.83%	NA
		6	Mathematics	20.55%	9.40%	Not Met		9.75%	NA
			Reading	26.10%	8.09%	Not Met		6.36%	NA
		7	Mathematics	22.25%	9.91%	Not Met		11.22%	NA
			Reading	28.60%	10.85%	Not Met		10.73%	NA
		8	Mathematics	23.95%	14.59%	Not Met		12.43%	NA
			Reading	31.10%	10.27%	Not Met		7.03%	NA
		HS	Mathematics	56.08%	46.98%	Not Met		57.24%	NA
			Reading	50.52%	19.73%	Not Met		43.92%	NA
	COMAR 13A.05.11.05								
COMAR 13A.03.06.05									

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4A	<p>Multiple suspensions (> 10 days): Disabled vs. nondisabled</p> <p> Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.03.03</p>	≤ 8.00	4.03*	NA	<p>Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.</p>	3.05*	3.44*
	<p>Single suspensions (> 10 days): Disabled vs. nondisabled</p> <p> Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.03.03</p>	≤ 8.00	4.02*	NA	<p>Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.</p>	3.93*	3.93*

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FFY 2016 (SFY 2017) Part B Indicators							
<div> <div></div> <div>SPP/APR Indicators</div> <div> <div></div> Results Indicator <div></div> Compliance Indicator </div> </div>		FFY 2016			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
5A	Students aged 6-21 whose LRE is \geq 80% of the day (MD SSIS LRE A) COMAR 13A.05.01.10	\geq 69.90%	76.79%	Met	Target met, no further action required.	78.08%	80.32%
5B	Students aged 6-21 whose LRE is \leq 40% of the day (MD SSIS LRE C) COMAR 13A.05.01.10	\leq 11.76%	7.45%	Met	Target met, no further action required.	7.22%	6.90%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities COMAR 13A.05.01.10 COMAR 13A.05.01.16	\leq 5.94%	3.96%	Met	Target met, no further action required.	4.14%	3.45%
6A	Students aged 3-5 LRE: Services in regular early childhood setting the majority of the day COMAR 13A.05.01.10	\geq 64.70%	46.60%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	47.30%	53.48%
6B	Students aged 3-5 LRE: Separate School or Class COMAR 13A.05.01.10	\leq 18.30%	28.85%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	25.95%	23.12%
7A	Students aged 3-5 demonstrate improved positive social-emotional skills	1. Exits with substantial growth \geq 68.90%	66.00%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	88.11%	66.67%
	COMAR 13A.13.01.09	2. Exits within age expectations \geq 68.00%	67.71%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	78.69%	80.00%




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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
7B	Students aged 3-5 demonstrate acquisition and use of knowledge and skills	1. Exits with substantial growth	≥67.60%	72.50%	Met	Target met, no further action required.	62.75%	20.00%
	COMAR 13A.13.01.09	2. Exits within age expectations	≥57.20%	51.04%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	44.26%	20.00%
7C	Students aged 3-5 demonstrate use of appropriate behavior to meet their needs.	1. Exits with substantial growth	≥63.10%	75.00%	Met	Target met, no further action required.	82.05%	100%
	COMAR 13A.13.01.09	2. Exits within age expectations	≥65.70%	55.21%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results	72.31%	100%
8	Parent Survey	Age 3-5	≥83.00%	92.00%	NA	These data reflect baseline data and the revised target.	49.00%	40.00
		Age 6-21	≥70.00%	80.00%	NA	These data reflect baseline data and the revised target.	49.00%	46.00%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: COMAR 13A.08.01.07 COMAR 13A.05.01.09A(3)(a)(ii)	A. Higher ED w/in 1 year of leaving HS	≥25.00%	30.19%	Met	Target met, no further action required.	25.00%	25.64%
		B. Higher ED or employed w/in 1 year of leaving HS	≥51.00%	81.13%	Met	Target met, no further action required.	69.77%	32.05%
		C. Higher ED or training program or employed w/in 1 year of leaving HS	≥57.00%	91.19%	Met	Target met, no further action required.	77.91%	33.97%




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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4B (Ages 6-21)	<p>Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students ages 6-21 with IEPs by race/ethnicity</p> <p> Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.01.21</p>	<i>American Indian/Alaska Native</i>	< 2.00	0.00	Met	<p>Disproportionality in the suspension and expulsion of SWD by race/ethnicity was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that contribute to suspension and expulsion of SWD by race/ethnicity.</p> <p>PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the suspension and exclusion of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.</p>	0.00	0.00
		<i>Asian</i>	< 2.00	0.00	Met		0.00	0.00
		<i>Black/African American</i>	< 2.00	0.00	Met		6.49*	23.25*
		<i>Native Hawaiian/Pacific Islander</i>	< 2.00	0.00	Met		0.00	0.00
		<i>White</i>	< 2.00	3.55*	NA		3.41*	2.06*
		<i>2 or more races</i>	< 2.00	0.00	Met		0.00	0.00
		<i>Hispanic/Latino</i>	< 2.00	16.91*	Met		0.00	9.50*

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
9 (Ages 6-21)	<p>Disproportionate representation (≥ 2.0) in students ages 6-21 special education of racial groups as a result of inappropriate identification</p> <p> Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>COMAR 13A.08.01.21</p>	<i>American Indian/Alaska Native</i>	< 2.00	1.18	Met	<p>Disproportionality in the identification of SWD by race or ethnicity was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity.</p> <p>PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.</p>	1.58	1.44
		<i>Asian</i>	< 2.00	0.55	Met		0.55	0.55
		<i>Black/African American</i>	< 2.00	1.49	Met		1.56	1.61
		<i>Native Hawaiian/Pacific Islander</i>	< 2.00	1.08	Met		0.88	0.40
		<i>White</i>	< 2.00	0.76	Met		0.76	0.69
		<i>2 or more races</i>	< 2.00	1.00	Met		0.91	1.11
		<i>Hispanic/Latino</i>	< 2.00	0.93	Met		0.89	0.90



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FFY 2016 ¹ (SFY 2017) Part B Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Action Required
<div style="display: flex; align-items: center;"> <div style="width: 15px; height: 15px; background-color: #4f81bd; margin-right: 5px;"></div> Compliance Indicator </div>									
10	FFY 2016 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification <div style="display: flex; align-items: center;"> <div style="width: 15px; height: 15px; background-color: #cccccc; margin-right: 5px;"></div> Discrepancy exists in the category N size is ≥ 30 * N size is < 30 </div> COMAR 13A.08.01.21	American Indian/Alaska Native	0.00	0.99	2.72*	1.00	4.57*	0.00	<p>Disproportionality in the identification of SWD by race, ethnicity, and disability was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity <u>and</u> disability.</p> <p>Targeted review to be scheduled by MSDE DSE/EIS.</p> <p>PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities aged 3-5 goes into effect July 1, 2018. The LSS should review its policies, procedures, and practices to determine the factors that contribute to the identification of SWD aged 3-5 by race/ethnicity <u>and</u> disability. To be decided FFY 2019.</p>
		Asian	0.92	0.29	0.60	0.91	0.33	0.43	
		Black/African American	2.91*	1.61	1.19	0.76	1.08	2.04	
		Native Hawaiian/Pacific Islander	0.00	0.63	3.47*	2.56*	2.90*	0.00	
		White	0.37	0.76	1.01	1.12	1.21	0.60	
		2 or more races	0.33	0.98	0.95	1.29	1.29	1.12	
		Hispanic/Latino	0.79	0.94	0.79	1.57	0.64	0.78	

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days COMAR 13A.05.01.06	100%	99.20%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results. Correction of the noncompliance must be demonstrated and verified by April 6, 2019. Subsequent data demonstrated that the noncompliance identified in FFY 2015 was corrected within one year of the written finding.	99.02%	98.39%
12	Percentage of eligible children exiting Part C at age 3 who have an IEP in effect by the child's 3rd birthday COMAR 13A.05.01.08A(2)(a)(iii) COMAR 13A.05.01.06B COMAR 13A.13.01.09	100%	100%	Met	Target met. No further action required.	100%	100%
13	Percentage of youth aged 16 and above whose IEP meets secondary transition requirements COMAR 13A.05.01.07D(5)(6) COMAR 13A.05.01.09A(3)(a)(ii)	100%	99.8%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results. Correction of the noncompliance must be demonstrated and verified by April 6, 2019. Subsequent data demonstrated that the noncompliance identified in FFY 2015 was corrected within one year of the written finding.	100%	99.39%

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Other Data Considerations							
SPP/APR Indicators		FFY 2016 ¹			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
	Timely correction of noncompliance (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%	100%
	State reported data are timely and accurate. (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%	100%
	Number of State complaints filed	NA	0	NA	No further action required.	NA	NA
	Number of State complaints identified with violation(s)	NA	0	NA	No further action required.	NA	NA
	Number of State findings from State complaints corrected in a timely manner	NA	NA	NA	TBD FFY 2017.	NA	NA
	Number of due process hearings filed	NA	0	NA	No further action required.	NA	NA
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	NA	NA
	Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	NA	NA
	National Assessment of Educational Progress (NAEP)	NA	NA	NA	Not considered for 2016-2017 Local Determination Status. (See attachment for Statewide Data).	NA	NA

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March 8, 2018

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

Congratulations!

Dear Dr. D'Ette W. Devine:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of students with disabilities for each local preschool and special education program 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]¹. The MSDE, DSE/EIS uses a results-based rubric for given indicators to evaluate the performance of each local school system in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2016 Part B determinations, the Cecil County Public Schools has achieved the determination status of **"Meets Requirements."**

Attached please find supporting documentation:

1. FFY 2016 Determination Overview (identifies the Part B Indicators used to assign a FFY 2017 local determination status on page 2 – please note the addition of fiscal accountability, State complaints/due process hearings, and preschool least restrictive environment data);
2. FFY 2016 Local Determination Scoring Criteria (provides a six-year graduated results driven accountability plan used to make a local determination by year); and
3. FFY 2016 Annual Report Card on SPP/APR Part B Indicators (provides a three-year local data analysis and required actions for students with disabilities ages three through 21).

The MSDE, DSE/EIS is committed to maintaining a balanced focus on results and compliance to narrow the school readiness and achievement gaps. Please note in FFY 2019 the determination status for each local school system will reflect the July 1, 2018 proposed revision to COMAR regarding the identification of significant disproportionality. The proposed revised definition of significant disproportionality, as required by the IDEA, will include the three to five years of age population. This year the DSE/EIS provided guidance, technical assistance, and professional learning opportunities to support local school systems in the implementation of revised data collection processes and review of local policies, procedures, and practices. Please note that FFY 2016-17 and FFY 2017-18 data capturing suspension/expulsion (in and out of school), identification by race/ethnicity, and identification by race/ethnicity and disability will be used for the FFY 2019 local determination status.

To support Maryland's commitment to narrow the opportunity and achievement gaps for students with disabilities and their families, the implementation of the DSE/EIS five-year strategic plan provides a statewide

¹ USDE, OSEP uses state National Assessment of Educational Progress (NAEP) participation and performance data for students with disabilities to assign Maryland's determination status (see attached "NAEP"). DSE/EIS will be analyzing local testing protocols and decisions for the NAEP assessment.

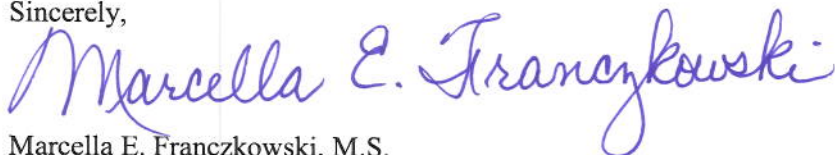
Dr. D'Ette W. Devine
March 8, 2018
Page Two

differentiated framework for general supervision and performance support. Based upon a comprehensive data analysis (including the SPP/APR local determination status), the Cecil County Public Schools has been assigned the "**Universal**" tier for the delivery of the DSE/EIS technical assistance model for results.

Local school systems are strongly encouraged to work closely with their local Special Education Citizens Advisory Committee (SECAC) to analyze local data and infrastructure for the implementation of specially designed instruction. 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 with fidelity to improve the results for children and youth with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities with coaching.

Thank you for your hard work and commitment to equity and efficiency for excellence. The MSDE is committed to supporting the efforts of the Cecil County Public Schools to improve results for children and youth with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



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

MEF/AM/cc

Attachments

c: Karen B. Salmon
Carol A. Williamson
Sarah J. Farr

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

**FFY 2016 Determination Overview
Part C & Part B
July 1, 2016 – June 30, 2017**

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. 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 2018.

To receive a State determination, the IDEA requires states to evaluate each 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 established Indicators. As a result of that evaluation, the 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 states to 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 (DSE/EIS), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <http://mdideareport.org> no later than June 1, 2018. For the FFY 2016 determinations, the MSDE, DSE/EIS has included additional indicators highlighted below in blue.

The following **Part C** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
2. Primary Service Setting 3A. Birth – 4 Outcomes – Emotional Skills 3B. Birth – 4 Outcomes – Knowledge and Skills 3C. Birth – 4 Outcomes – Use of appropriate behaviors 4A. Family Survey-Know their rights 4B. Family Survey-Effectively communicate their children's needs 4C. Family Survey-Help their children develop and learn 5. Child Find 0-1 6. Child Find 0-3	1. Timely Services 7. 45 Day Timeline 8A. Transition - Transition Outcomes 8B. Transition - Notification to LSS 8C. Transition - Timely Planning Meeting
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate

<i>Fiscal</i>	<i>Complaints and Due Process Hearing</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The following **Part B** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
1. Students with IEPs graduating with a regular diploma	4B. Suspension/Expulsion - Significant Discrepancy Disaggregated by Race/Ethnicity
2. Students with IEPs dropping out	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5A. LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
5B. LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	11. Initial Evaluation Timeline
5C. LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	12. Part C to B Transition
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	13. Secondary Transition
8A. Preschool Parent Survey; or	
8B. School Age Parent Survey.	
14. Post-School Outcomes	
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate
<i>Fiscal</i>	<i>Complaints and Due Process Hearings</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS 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. In certain circumstances, enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.P.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.P.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.P.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 LSSILLA 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 LSSILLA, 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).

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Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2016 – June 30, 2017 REVISED – APRIL 5, 2018

FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators  Results Indicator  Compliance Indicator		FFY 2016			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
1	Students with IEPs graduating with a regular diploma - 4 year cohort (ESSA lag data based on 2015-2016) COMAR 13A.03.02.09 COMAR 13A.05.01.01	≥ 65.91%	68.70%	Met	Target met, no further action required.	61.98%	65.74%
2	Students with IEPs dropping out (ESSA Option 2 leaver rate based on lag data for 2015-2016) COMAR 13A.08.01.07	≤ 3.51%	3.04%	Met	Target met, no further action required.	5.02%	4.33%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading	NA	NA	Waived by U.S. Department of Education. Change in methodology.	NA	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	AMO for Math	NA	NA		NA	NA
3B	State Assessment: Participation rates of IEP students in all grades in the LEA	Math	≥ 95.00%	98.80%	Target met, no further action required.	97.96%	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	Reading	≥ 95.00%	98.60%	Target met, no further action required.		





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FFY 2016 (SFY 2017) Part B Indicators									
SPP/APR Indicators <div>Results Indicator</div> <div>Compliance Indicator</div>				FFY 2016			Action Required	Previous Results	
				State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	16.50%	10.53%	Not Met	Target not met in reading and math for the 3rd grade through the 8th grade and high school. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	5.62%	NA
			Reading	18.60%	5.79%	Not Met		2.81%	NA
		4	Mathematics	16.15%	5.08%	Not Met		6.57%	NA
			Reading	21.10%	4.02%	Not Met		6.57%	NA
		5	Mathematics	18.85%	6.52%	Not Met		4.76%	NA
			Reading	23.60%	5.43%	Not Met		6.13%	NA
		6	Mathematics	20.55%	8.10%	Not Met		6.32%	NA
			Reading	26.10%	5.66%	Not Met		2.08%	NA
		7	Mathematics	22.25%	5.85%	Not Met		4.76%	NA
			Reading	28.60%	8.56%	Not Met		2.92%	NA
		8	Mathematics	23.95%	6.96%	Not Met		5.78%	NA
			Reading	31.10%	1.92%	Not Met		2.33%	NA
		HS	Mathematics	56.08%	16.67%	Not Met		33.33%	NA
			Reading	50.52%	9.26%	Not Met		19.57%	NA
					COMAR 13A.05.11.05 COMAR 13A.03.06.05				

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4A	<p>Multiple suspensions (> 10 days): Disabled vs. nondisabled</p> <p> Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.03.03</p>	≤ 8.00	0.56	Met	<p>Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.</p>	0.61*	0.00
	<p>Single suspensions (> 10 days): Disabled vs. nondisabled</p> <p> Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.03.03</p>	≤ 8.00	1.19	Met	<p>Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.</p>	0.00	0.43

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FFY 2016 (SFY 2017) Part B Indicators							
<div> <div></div> <div>SPP/APR Indicators</div> <div> <div></div> Results Indicator <div></div> Compliance Indicator </div> </div>		FFY 2016			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
5A	Students aged 6-21 whose LRE is \geq 80% of the day (MD SSIS LRE A) COMAR 13A.05.01.10	\geq 69.90%	90.81%	Met	Target met, no further action required.	90.74%	89.74%
5B	Students aged 6-21 whose LRE is \leq 40% of the day (MD SSIS LRE C) COMAR 13A.05.01.10	\leq 11.76%	3.27%	Met	Target met, no further action required.	2.82%	3.35%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities COMAR 13A.05.01.10 COMAR 13A.05.01.16	\leq 5.94%	2.70%	Met	Target met, no further action required.	2.72%	3.10%
6A	Students aged 3-5 LRE: Services in regular early childhood setting the majority of the day COMAR 13A.05.01.10	\geq 64.70%	66.01%	Met	Target met, no further action required.	60.15%	68.86%
6B	Students aged 3-5 LRE: Separate School or Class COMAR 13A.05.01.10	\leq 18.30%	0.00%	Met	Target met, no further action required.	0.00%	0.00%
7A	Students aged 3-5 demonstrate improved positive social-emotional skills	1. Exits with substantial growth \geq 68.90%	59.32%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	51.52%	0.00%
	COMAR 13A.13.01.09	2. Exits within age expectations \geq 68.00%	51.32%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	58.49%	53.85%




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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
7B	Students aged 3-5 demonstrate acquisition and use of knowledge and skills COMAR 13A.13.01.09	1. Exits with substantial growth	≥67.60%	62.30%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	58.14%	62.07%
		2. Exits within age expectations	≥57.20%	44.74%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	43.40%	59.22%
7C	Students aged 3-5 demonstrate use of appropriate behavior to meet their needs. COMAR 13A.13.01.09	1. Exits with substantial growth	≥63.10%	63.33%	Met	Target met, no further action required.	40.54%	49.25%
		2. Exits within age expectations	≥65.70%	60.53%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	43.40%	52.29%
8	Parent Survey	Age 3-5	≥83.00%	70.00%	NA	These data reflect baseline data and the revised target.	41.00%	53.69%
		Age 6-21	≥70.00%	70.00%	NA	These data reflect baseline data and the revised target.	43.00%	50.00%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: COMAR 13A.08.01.07 COMAR 13A.05.01.09A(3)(a)(ii)	A. Higher ED w/in 1 year of leaving HS	≥25.00%	15.18%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	16.95%	16.10%
		B. Higher ED or employed w/in 1 year of leaving HS	≥51.00%	68.75%	Met	Target met, no further action required.	61.86%	61.02%
		C. Higher ED or training program or employed w/in 1 year of leaving HS	≥57.00%	73.21%	Met	Target met, no further action required.	61.86%	62.71%

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4B (Ages 6-21)	<p>Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students ages 6-21 with IEPs by race/ethnicity</p> <p> Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.01.21</p>	<i>American Indian/Alaska Native</i>	< 2.00	0.00	Met	<p>Disproportionality in the suspension and expulsion of SWD by race/ethnicity was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that contribute to suspension and expulsion of SWD by race/ethnicity.</p> <p>PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the suspension and exclusion of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.</p>	0.00	0.00
		<i>Asian</i>	< 2.00	0.00	Met		0.00	0.00
		<i>Black/African American</i>	< 2.00	0.65	Met		1.57	0.00
		<i>Native Hawaiian/Pacific Islander</i>	< 2.00	0.00	Met		0.00	0.00
		<i>White</i>	< 2.00	0.75	Met		0.57	0.45
		<i>2 or more races</i>	< 2.00	0.00	Met		0.00	0.00
		<i>Hispanic/Latino</i>	< 2.00	0.95	Met		0.00	1.18



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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators <div>Results Indicator</div> <div>Compliance Indicator</div>			FFY 2016			Action Required	Previous Results	
			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
9 (Ages 6-21)	Disproportionate representation (≥ 2.0) in students ages 6-21 special education of racial groups as a result of inappropriate identification	American Indian/Alaska Native	< 2.00	1.37	Met	Disproportionality in the identification of SWD by race or ethnicity was not identified. No further action required. The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity.	1.44	1.04
		Asian	< 2.00	0.64	Met		0.54	0.32
		Black/African American	< 2.00	1.07	Met		1.13	1.16
		Native Hawaiian/Pacific Islander	< 2.00	1.10	Met		0.37	0.39
		White	< 2.00	0.98	Met		0.98	0.95
		2 or more races	< 2.00	1.11	Met		1.05	1.16
		Hispanic/Latino	< 2.00	1.01	Met		1.00	1.06
		COMAR 13A.08.01.21						



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FFY 2016 ¹ (SFY 2017) Part B Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Action Required
 Compliance Indicator									
10	FFY 2016 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	American Indian/Alaska Native	0.00	0.63	4.56*	0.00	0.00	2.96*	Disproportionality in the identification of SWD by race, ethnicity, and disability was not identified. No further action required. The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity <u>and</u> disability.
		Asian	0.00	0.35	0.00	2.23*	1.10	0.55	
		Black/African American	1.37	1.16	2.68*	0.47	0.68	1.26	
		Native Hawaiian/Pacific Islander	0.00	0.00	0.00	2.32*	0.00	3.17*	
		White	1.13	0.95	0.55	1.18	1.23	0.88	
		2 or more races	0.21	0.97	2.43*	0.88	1.25	1.22	
	 Discrepancy exists in the category N size is ≥ 30	Hispanic/Latino	0.95	1.13	0.25	1.28	1.09	0.88	PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities aged 3-5 goes into effect July 1, 2018. The LSS should review its policies, procedures, and practices to determine the factors that contribute to the identification of SWD aged 3-5 by race/ethnicity <u>and</u> disability. To be decided FFY 2019.
* N size is < 30									
COMAR 13A.08.01.21									



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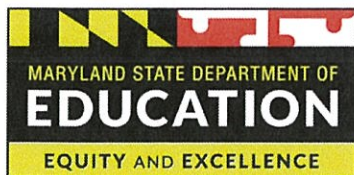
FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days COMAR 13A.05.01.06	100%	99.32%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results. Correction of the noncompliance must be demonstrated and verified by April 6, 2019. Subsequent data demonstrated that the noncompliance identified in FFY 2015 was corrected within one year of the written finding.	99.83%	99.08%
12	Percentage of eligible children exiting Part C at age 3 who have an IEP in effect by the child's 3rd birthday COMAR 13A.05.01.08A(2)(a)(iii) COMAR 13A.05.01.06B COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
13	Percentage of youth aged 16 and above whose IEP meets secondary transition requirements COMAR 13A.05.01.07D(5)(6) COMAR 13A.05.01.09A(3)(a)(ii)	100%	100%	Met	Target met, no further action required.	100%	100%

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Other Data Considerations							
SPP/APR Indicators		FFY 2016 ¹			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results	Target Met		FFY 2015	FFY 2014
	Timely correction of noncompliance (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met, no further action required.	100%	100%
	State reported data are timely and accurate. (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met, no further action required.	100%	100%
	Number of State complaints filed	NA	0	NA	No further action required.	NA	NA
	Number of State complaints identified with violation(s)	NA	0	NA	No further action required.	NA	NA
	Number of State findings from State complaints corrected in a timely manner	NA	NA	NA	TBD FFY 2017.	NA	NA
	Number of due process hearings filed	NA	1	NA	No further action required.	NA	NA
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	NA	NA
	Fiscal Accountability: Number of findings identified	100%	1	100%	Target met. No further action required. The one finding of noncompliance identified on September 1, 2017 was corrected and verified within one year from the issuance of the written finding.	NA	NA
	National Assessment of Educational Progress (NAEP)	NA	NA	NA	Not considered for 2016-2017 Local Determination Status. (See attachment for Statewide Data).	NA	NA

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Karen B. Salmon, Ph.D.
State Superintendent of Schools

MEMORANDUM

TO: Dr. Kimberly Hill
Superintendent
Charles County Public Schools

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

RE: Amendment to FFY 2016 Part B Local Determination

DATE: April 6, 2018

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) revisited the Federal Fiscal Year (FFY) 2016 *Annual Report Card on State Performance Plan (SPP)/Annual Performance Report (APR) Part B Indicators* issued on March 8, 2018 (see attached) for the Charles County Public Schools (CCPS). In this communication, you were informed that the CCPS achieved the determination status of “Needs Assistance-Year 1” for the implementation of special education and related services for students ages 3 through 21 with an Individualized Education Program (IEP). Following a comprehensive reexamination of the data, I am proud to share with you that for FFY 2016, CCPS has achieved “**Meets Requirements.**” Please note the due date for any assigned Improvement Plan(s) and/or Corrective Action Plan(s) are now due by Monday, May 7, 2018.

Thank you for your hard work and commitment to equity and excellence in providing education to Maryland’s students.

Attachments

c: Dr. Arden Sotomayer

Charles County

Annual Data on SPP/APR Part B Indicators

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
1	Students with IEPs graduating with a regular diploma - 4 year cohort (ESSA lag data based on 2015-2016) COMAR 13A.03.02.09 COMAR 13A.05.01.01	≥ 65.91%	70.52%	Met	Target met, no further action required.	74.03%	75.16%
2	Students with IEPs dropping out (ESSA Option 2 leaver rate based on lag data for 2015-2016) COMAR 13A.08.01.07	≤ 3.51%	≤ 3.00%	Met	Target met, no further action required.	≤ 3.00%	3.99%
3A	State Assessment: AMO for disability subgroup in the LEA	NA	NA	NA	Waived by U.S. Department of Education. Change in methodology.	NA	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	NA	NA	NA		NA	NA
3B	State Assessment: Participation rates of IEP students in all grades in the LEA	≥ 95.00%	97.70%	Met	Target met, no further action required.	98.36%	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	≥ 95.00%	97.79%	Met	Target met, no further action required.		

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FFY 2016 (SFY 2017) Part B Indicators									
SPP/APR Indicators		FFY 2016			Action Required	Previous Results			
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014		
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	16.50%	16.00%	Not Met	Target not met in reading and math for the 3rd grade through the 8th grade and high school. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	16.34%	NA
			Reading	18.60%	11.50%	Not Met		6.93%	NA
		4	Mathematics	16.15%	12.61%	Not Met		9.26%	NA
			Reading	21.10%	8.73%	Not Met		6.51%	NA
		5	Mathematics	18.85%	10.43%	Not Met		6.85%	NA
			Reading	23.60%	10.39%	Not Met		4.11%	NA
		6	Mathematics	20.55%	4.60%	Not Met		4.57%	NA
			Reading	26.10%	4.58%	Not Met		6.06%	NA
		7	Mathematics	22.25%	3.70%	Not Met		5.31%	NA
			Reading	28.60%	4.63%	Not Met		6.25%	NA
		8	Mathematics	23.95%	6.73%	Not Met		10.12%	NA
			Reading	31.10%	5.33%	Not Met		6.45%	NA
		HS	Mathematics	56.08%	29.34%	Not Met		51.47%	NA
			Reading	50.52%	12.80%	Not Met		44.44%	NA
		COMAR 13A.05.11.05 COMAR 13A.03.06.05							

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled <input type="checkbox"/> Discrepancy exists in the category N size is ≥ 30 * N size is < 30 --*-- No suspension of disabled or nondisabled students COMAR 13A.08.03.03	≤ 8.00	1.94	Met	Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required. The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.	2.39*	1.42
	Single suspensions (> 10 days): Disabled vs. nondisabled <input type="checkbox"/> Discrepancy exists in the category N size is ≥ 30 * N size is < 30 --*-- No suspension of disabled or nondisabled students COMAR 13A.08.03.03	≤ 8.00	0.00	Met	Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required. The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.	2.06*	0.00

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
5A	Students aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A) COMAR 13A.05.01.10	≥ 69.90%	67.07%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	66.63%	69.42%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C) COMAR 13A.05.01.10	≤ 11.76%	16.72%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	17.39%	15.52%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities COMAR 13A.05.01.10 COMAR 13A.05.01.16	≤ 5.94%	2.96%	Met	Target met, no further action required.	2.48%	2.40%
6A	Students aged 3-5 LRE: Services in regular early childhood setting the majority of the day COMAR 13A.05.01.10	≥ 64.70%	66.99%	Met	Target met, no further action required.	74.87%	74.55%
6B	Students aged 3-5 LRE: Separate School or Class COMAR 13A.05.01.10	≤ 18.30%	13.83%	Met	Target met, no further action required.	11.42%	12.72%
7A	Students aged 3-5 demonstrate improved positive social-emotional skills COMAR 13A.13.01.09	≥68.90%	75.00%	Met	Target met, no further action required.	62.14%	64.38%
		≥68.00%	48.15%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	58.39%	64.20%

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
7B	Students aged 3-5 demonstrate acquisition and use of knowledge and skills	≥67.60%	73.08%	Met	Target met, no further action required.	56.90%	52.76%
	COMAR 13A.13.01.09	≥57.20%	44.44%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	46.98%	47.33%
7C	Students aged 3-5 demonstrate use of appropriate behavior to meet their needs.	≥63.10%	68.00%	Met	Target met, no further action required.	53.85%	52.44%
	COMAR 13A.13.01.09	≥65.70%	44.44%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	59.06%	59.26%
8	Parent Survey	≥83.00%	88.00%	NA	These data reflect baseline data and the revised target.	37.00%	77.00%
		≥70.00%	63.00%	NA	These data reflect baseline data and the revised target.	40.00%	56.00%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:	≥25.00%	23.87%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	15.03%	30.56%
	COMAR 13A.08.01.07	≥51.00%	67.10%	Met	Target met, no further action required.	48.55%	52.78%
	COMAR 13A.05.01.09A(3)(a)(ii)	≥57.00%	72.90%	Met	Target met, no further action required.	50.87%	57.22%

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FFY 2016 (SFY 2017) Part B Indicators						
SPP/APR Indicators		FFY 2016			Action Required	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met	FFY 2015	FFY 2014
4B (Ages 6-21)	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students ages 6-21 with IEPs by race/ethnicity Discrepancy exists in the category N size is ≥ 30 * N size is < 30 --*-- No suspension of disabled or nondisabled students	<i>American Indian/Alaska Native</i> <i>Asian</i> <i>Black/African American</i> <i>Native Hawaiian/Pacific Islander</i> <i>White</i> <i>2 or more races</i> <i>Hispanic/Latino</i>	< 2.00 < 2.00 < 2.00 < 2.00 < 2.00 < 2.00 < 2.00	0.00 0.00 2.52* 0.00 0.00 1.97	Met Met NA Met Met Met	2.01* 0.00 3.43* 0.00 0.00 4.74* 0.00
	COMAR 13A.08.01.21			Met		0.00
						0.00
						1.88
						0.00
						0.33
						0.05
						0.00

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
Disproportionate representation (≥ 2.0) in students ages 6-21 special education of racial groups as a result of inappropriate identification Discrepancy exists in the category N size is ≥ 30 * N size is < 30 9 (Ages 6-21)	American Indian/Alaska Native	< 2.00	1.05	Met	Disproportionality in the identification of SWD by race or ethnicity was not identified. No further action required. The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity. PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.	0.95	1.11
	Asian	< 2.00	0.49	Met		0.47	0.49
	Black/African American	< 2.00	1.25	Met		1.27	1.25
	Native Hawaiian/Pacific Islander	< 2.00	0.34	Met		0.00	0.36
	White	< 2.00	1.05	Met		1.04	0.94
	2 or more races	< 2.00	0.85	Met		0.87	0.91
	Hispanic/Latino	< 2.00	0.79	Met		0.80	0.91
COMAR 13A.08.01.21							

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FFY 2016 ¹ (SFY 2017) Part B Indicators									
SPP/APR Indicators		Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or Language Impairment	Autism	Other Health Impairment	Action Required	
<div><div></div>Compliance Indicator</div>	FFY 2016 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification <div><div></div>Discrepancy exists in the category N size is ≥ 30</div> * N size is < 30	American Indian/Alaska Native	0.00	1.48	0.86	0.34	1.80	1.32	Disproportionality in the identification of SWD by race, ethnicity, and disability was not identified. No further action required. The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity and disability. PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities aged 3-5 goes into effect July 1, 2018. The LSS should review its policies, procedures, and practices to determine the factors that contribute to the identification of SWD aged 3-5 by race/ethnicity and disability. To be decided FFY 2019.
		Asian	0.86	0.18	0.13	0.83	0.72	0.20	
		Black/African American	1.05	1.52	0.97	1.16	1.18	1.35	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	1.58	0.00	0.00	
		White	1.13	0.83	1.94	0.92	0.83	1.25	
		2 or more races	0.56	0.85	0.98	0.99	1.10	0.82	
		Hispanic/Latino	0.89	0.98	0.33	0.94	1.10	0.52	
COMAR 13A.08.01.21									

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days COMAR 13A.05.01.06	100%	99.51%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve noncompliance. Correction of the noncompliance must be demonstrated and verified by April 6, 2019. Subsequent data demonstrated that the noncompliance identified in FFY 2015 was corrected within one year of the written finding.	98.95%	99.88%
12	Percentage of eligible children exiting Part C at age 3 who have an IEP in effect by the child's 3rd birthday COMAR 13A.05.01.08A(2)(a)(iii) COMAR 13A.05.01.06B COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	97.98%	98.67%
13	Percentage of youth aged 16 and above whose IEP meets secondary transition requirements COMAR 13A.05.01.07D(5)(6) COMAR 13A.05.01.09A(3)(a)(ii)	100%	100%	Met	Target met, no further action required.	100%	100%

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Other Data Considerations						
SPP/APR Indicators		FFY 2016 ¹			Action Required	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met		Previous Results
	Timely correction of noncompliance (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met, no further action required.	FFY 2015 100% FFY 2014 100%
	State reported data are timely and accurate. (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met, no further action required.	100% 100%
	Number of State complaints filed	NA	4	NA	No further action required.	NA NA
	Number of State complaints identified with violation(s)	NA	3	NA	Correction of the identified noncompliance must be demonstrated and verified by August 2018.	NA NA
	Number of State findings from State complaints corrected in a timely manner	NA	NA	NA	TBD FFY 2017.	NA NA
	Number of due process hearings filed	NA	0	NA	No further action required.	NA NA
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	NA NA
	Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	NA NA
	National Assessment of Educational Progress (NAEP)	NA	NA	NA	Not considered for 2016-2017 Local Determination Status. (See attachment for Statewide Data).	NA NA

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Charles County Annual Data FFY 2016
Maryland State Department of Education
Division of Special Education/Early Intervention Services

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

FFY 2016 Determination Overview

Part C & Part B

July 1, 2016 – June 30, 2017

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. 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 2018.

To receive a State determination, the IDEA requires states to evaluate each 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 established Indicators. As a result of that evaluation, the 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 states to 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 (DSE/EIS), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <http://mdideareport.org> no later than June 1, 2018. For the FFY 2016 determinations, the MSDE, DSE/EIS has included additional indicators highlighted below in blue.

The following **Part C** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
2. Primary Service Setting 3A. Birth – 4 Outcomes – Emotional Skills 3B. Birth – 4 Outcomes – Knowledge and Skills 3C. Birth – 4 Outcomes – Use of appropriate behaviors 4A. Family Survey-Know their rights 4B. Family Survey-Effectively communicate their children's needs 4C. Family Survey-Help their children develop and learn 5. Child Find 0-1 6. Child Find 0-3	1. Timely Services 7. 45 Day Timeline 8A. Transition - Transition Outcomes 8B. Transition - Notification to LSS 8C. Transition - Timely Planning Meeting
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate

<i>Fiscal</i>	<i>Complaints and Due Process Hearing</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The following **Part B** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
1. Students with IEPs graduating with a regular diploma	4B. Suspension/Expulsion - Significant Discrepancy Disaggregated by Race/Ethnicity
2. Students with IEPs dropping out	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5A. LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
5B. LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	11. Initial Evaluation Timeline
5C. LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	12. Part C to B Transition
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	13. Secondary Transition
8A. Preschool Parent Survey; or	
8B. School Age Parent Survey.	
14. Post-School Outcomes	
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate
<i>Fiscal</i>	<i>Complaints and Due Process Hearings</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS 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. In certain circumstances, enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.P.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.P.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.P.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 LSSILLA 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 LSSILLA, 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).

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Annual Data on SPP/APR Part B Indicators
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FFY 2016 (SFY 2017) Part B Indicators							
<div> <div></div> <div>SPP/APR Indicators</div> <div> <div></div> Results Indicator <div></div> Compliance Indicator </div> </div>		FFY 2016			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
1	Students with IEPs graduating with a regular diploma - 4 year cohort (ESSA lag data based on 2015-2016) COMAR 13A.03.02.09 COMAR 13A.05.01.01	≥ 65.91%	70.52%	Met	Target met, no further action required.	74.03%	75.16%
2	Students with IEPs dropping out (ESSA Option 2 leaver rate based on lag data for 2015-2016) COMAR 13A.08.01.07	≤ 3.51%	≤ 3.00%	Met	Target met, no further action required.	≤ 3.00%	3.99%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading	NA	NA	Waived by U.S. Department of Education. Change in methodology.	NA	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	AMO for Math	NA	NA		NA	NA
3B	State Assessment: Participation rates of IEP students in all grades in the LEA	Math	≥ 95.00%	97.70%	Target met, no further action required.	98.36%	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	Reading	≥ 95.00%	97.79%	Target met, no further action required.		

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FFY 2016 (SFY 2017) Part B Indicators											
SPP/APR Indicators				FFY 2016			Action Required	Previous Results			
<div>Results Indicator</div>	<div>Compliance Indicator</div>			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014		
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	16.50%	16.00%	Not Met	Target not met in reading and math for the 3rd grade through the 8th grade and high school. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	16.34%	NA		
			Reading	18.60%	11.50%	Not Met		6.93%	NA		
		4	Mathematics	16.15%	12.61%	Not Met		9.26%	NA		
			Reading	21.10%	8.73%	Not Met		6.51%	NA		
		5	Mathematics	18.85%	10.43%	Not Met		6.85%	NA		
			Reading	23.60%	10.39%	Not Met		4.11%	NA		
		6	Mathematics	20.55%	4.60%	Not Met		4.57%	NA		
			Reading	26.10%	4.58%	Not Met		6.06%	NA		
		7	Mathematics	22.25%	3.70%	Not Met		5.31%	NA		
			Reading	28.60%	4.63%	Not Met		6.25%	NA		
		8	Mathematics	23.95%	6.73%	Not Met		10.12%	NA		
			Reading	31.10%	5.33%	Not Met		6.45%	NA		
		HS	Mathematics	56.08%	29.34%	Not Met		51.47%	NA		
			Reading	50.52%	12.80%	Not Met		44.44%	NA		
		COMAR 13A.05.11.05									
		COMAR 13A.03.06.05									

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled				Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.		
	<div> <div></div> Discrepancy exists in the category N size is ≥ 30 </div> <div>* N size is < 30</div> <div>--*-- No suspension of disabled or nondisabled students</div> COMAR 13A.08.03.03	≤ 8.00	1.94	Met	The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.	2.39*	1.42
4A	Single suspensions (> 10 days): Disabled vs. nondisabled				Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.		
	<div> <div></div> Discrepancy exists in the category N size is ≥ 30 </div> <div>* N size is < 30</div> <div>--*-- No suspension of disabled or nondisabled students</div> COMAR 13A.08.03.03	≤ 8.00	0.00	Met	The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.	2.06*	0.00



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FFY 2016 (SFY 2017) Part B Indicators							
<div> <div></div> <div>SPP/APR Indicators</div> <div> <div></div> Results Indicator <div></div> Compliance Indicator </div> </div>		FFY 2016			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
5A	Students aged 6-21 whose LRE is \geq 80% of the day (MD SSIS LRE A) COMAR 13A.05.01.10	\geq 69.90%	67.07%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	66.63%	69.42%
5B	Students aged 6-21 whose LRE is \leq 40% of the day (MD SSIS LRE C) COMAR 13A.05.01.10	\leq 11.76%	16.72%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	17.39%	15.52%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities COMAR 13A.05.01.10 COMAR 13A.05.01.16	\leq 5.94%	2.96%	Met	Target met, no further action required.	2.48%	2.40%
6A	Students aged 3-5 LRE: Services in regular early childhood setting the majority of the day COMAR 13A.05.01.10	\geq 64.70%	66.99%	Met	Target met, no further action required.	74.87%	74.55%
6B	Students aged 3-5 LRE: Separate School or Class COMAR 13A.05.01.10	\leq 18.30%	13.83%	Met	Target met, no further action required.	11.42%	12.72%
7A	Students aged 3-5 demonstrate improved positive social-emotional skills	1. Exits with substantial growth \geq 68.90%	75.00%	Met	Target met, no further action required.	62.14%	64.38%
	COMAR 13A.13.01.09	2. Exits within age expectations \geq 68.00%	48.15%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	58.39%	64.20%




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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
7B	Students aged 3-5 demonstrate acquisition and use of knowledge and skills COMAR 13A.13.01.09	1. Exits with substantial growth	≥67.60%	73.08%	Met	Target met, no further action required.	56.90%	52.76%
		2. Exits within age expectations	≥57.20%	44.44%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	46.98%	47.33%
7C	Students aged 3-5 demonstrate use of appropriate behavior to meet their needs. COMAR 13A.13.01.09	1. Exits with substantial growth	≥63.10%	68.00%	Met	Target met, no further action required.	53.85%	52.44%
		2. Exits within age expectations	≥65.70%	44.44%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	59.06%	59.26%
8	Parent Survey	Age 3-5	≥83.00%	88.00%	NA	These data reflect baseline data and the revised target.	37.00%	77.00%
		Age 6-21	≥70.00%	63.00%	NA	These data reflect baseline data and the revised target.	40.00%	56.00%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: COMAR 13A.08.01.07 COMAR 13A.05.01.09A(3)(a)(ii)	A. Higher ED w/in 1 year of leaving HS	≥25.00%	23.87%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	15.03%	30.56%
		B. Higher ED or employed w/in 1 year of leaving HS	≥51.00%	67.10%	Met	Target met, no further action required.	48.55%	52.78%
		C. Higher ED or training program or employed w/in 1 year of leaving HS	≥57.00%	72.90%	Met	Target met, no further action required.	50.87%	57.22%

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4B (Ages 6-21)	<p>Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students ages 6-21 with IEPs by race/ethnicity</p> <p> Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.01.21</p>	<i>American Indian/Alaska Native</i>	< 2.00	0.00	Met	<p>Disproportionality in the suspension and expulsion of SWD by race/ethnicity was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that contribute to suspension and expulsion of SWD by race/ethnicity.</p> <p>PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the suspension and exclusion of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.</p>	2.01*	0.00
		<i>Asian</i>	< 2.00	0.00	Met		0.00	0.00
		<i>Black/African American</i>	< 2.00	2.52*	NA		3.43*	1.88
		<i>Native Hawaiian/Pacific Islander</i>	< 2.00	0.00	Met		0.00	0.00
		<i>White</i>	< 2.00	0.00	Met		0.00	0.33
		<i>2 or more races</i>	< 2.00	1.97	Met		4.74*	0.05
		<i>Hispanic/Latino</i>	< 2.00	1.91	Met		0.00	0.00

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators <div><div></div> Results Indicator</div> <div><div></div> Compliance Indicator</div>			FFY 2016			Action Required	Previous Results	
			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
9 (Ages 6-21)	Disproportionate representation (≥ 2.0) in students ages 6-21 special education of racial groups as a result of inappropriate identification	American Indian/Alaska Native	< 2.00	1.05	Met	Disproportionality in the identification of SWD by race or ethnicity was not identified. No further action required. The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity. PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.	0.95	1.11
		Asian	< 2.00	0.49	Met		0.47	0.49
		Black/African American	< 2.00	1.25	Met		1.27	1.25
		Native Hawaiian/Pacific Islander	< 2.00	0.34	Met		0.00	0.36
		White	< 2.00	1.05	Met		1.04	0.94
		2 or more races	< 2.00	0.85	Met		0.87	0.91
		Hispanic/Latino	< 2.00	0.79	Met		0.80	0.91
	COMAR 13A.08.01.21							



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FFY 2016 ¹ (SFY 2017) Part B Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Action Required
<div style="display: flex; align-items: center;"> <div style="width: 15px; height: 15px; background-color: #4f81bd; margin-right: 5px;"></div> Compliance Indicator </div>									
10	FFY 2016 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification <div style="display: flex; align-items: center;"> <div style="width: 15px; height: 15px; background-color: #cccccc; margin-right: 5px;"></div> Discrepancy exists in the category N size is ≥ 30 * N size is < 30 </div> COMAR 13A.08.01.21	American Indian/Alaska Native	0.00	1.48	0.86	0.34	1.80	1.32	<p>Disproportionality in the identification of SWD by race, ethnicity, and disability was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity <u>and</u> disability.</p> <p>PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities aged 3-5 goes into effect July 1, 2018. The LSS should review its policies, procedures, and practices to determine the factors that contribute to the identification of SWD aged 3-5 by race/ethnicity <u>and</u> disability. To be decided FFY 2019.</p>
		Asian	0.86	0.18	0.13	0.83	0.72	0.20	
		Black/African American	1.05	1.52	0.97	1.16	1.18	1.35	
		Native Hawaiian/Pacific Islander	0.00	0.00	0.00	1.58	0.00	0.00	
		White	1.13	0.83	1.94	0.92	0.83	1.25	
		2 or more races	0.56	0.85	0.98	0.99	1.10	0.82	
		Hispanic/Latino	0.89	0.98	0.33	0.94	1.10	0.52	



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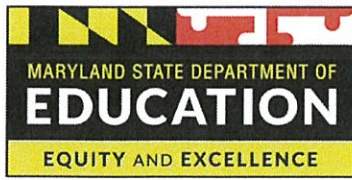
FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days COMAR 13A.05.01.06	100%	99.51%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve noncompliance. Correction of the noncompliance must be demonstrated and verified by April 6, 2019. Subsequent data demonstrated that the noncompliance identified in FFY 2015 was corrected within one year of the written finding.	98.95%	99.88%
12	Percentage of eligible children exiting Part C at age 3 who have an IEP in effect by the child's 3rd birthday COMAR 13A.05.01.08A(2)(a)(iii) COMAR 13A.05.01.06B COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	97.98%	98.67%
13	Percentage of youth aged 16 and above whose IEP meets secondary transition requirements COMAR 13A.05.01.07D(5)(6) COMAR 13A.05.01.09A(3)(a)(ii)	100%	100%	Met	Target met, no further action required.	100%	100%

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Other Data Considerations							
SPP/APR Indicators		FFY 2016 ¹			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
	Timely correction of noncompliance (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met, no further action required.	100%	100%
	State reported data are timely and accurate. (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met, no further action required.	100%	100%
	Number of State complaints filed	NA	4	NA	No further action required.	NA	NA
	Number of State complaints identified with violation(s)	NA	3	NA	Correction of the identified noncompliance must be demonstrated and verified by August 2018.	NA	NA
	Number of State findings from State complaints corrected in a timely manner	NA	NA	NA	TBD FFY 2017.	NA	NA
	Number of due process hearings filed	NA	0	NA	No further action required.	NA	NA
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	NA	NA
	Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	NA	NA
	National Assessment of Educational Progress (NAEP)	NA	NA	NA	Not considered for 2016-2017 Local Determination Status. (See attachment for Statewide Data).	NA	NA

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Division of Special Education/Early Intervention Services



Karen B. Salmon, Ph.D.
State Superintendent of Schools

MEMORANDUM

TO: Dr. Diana Mitchell
Superintendent
Dorchester County Public Schools

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

RE: Amendment to FFY 2016 Part B Local Determination

DATE: April 6, 2018

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) revisited the Federal Fiscal Year (FFY) 2016 *Annual Report Card on State Performance Plan (SPP)/Annual Performance Report (APR) Part B Indicators* issued on March 8, 2018 (see attached) for the Dorchester County Public Schools (DCPS). In this communication, you were informed that the DCPS achieved the determination status of “Needs Assistance-Year 1” for the implementation of special education and related services for students ages 3 through 21 with an Individualized Education Program (IEP). Following a comprehensive reexamination of the data, I am proud to share with you that for FFY 2016, DCPS has achieved “**Meets Requirements.**” Please note the due date for any assigned Improvement Plan(s) and/or Corrective Action Plan(s) are now due by Monday, May 7, 2018.

Thank you for your hard work and commitment to equity and excellence in providing education to Maryland’s students.

Attachments

c: Angela Gebert

Dorchester County
Annual Data on SPP/APR Part B Indicators
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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
1	Students with IEPs graduating with a regular diploma - 4 year cohort (ESSA lag data based on 2015-2016) COMAR 13A.03.02.09 COMAR 13A.05.01.01	≥ 65.91%	52.17%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	61.90%	68.18%
2	Students with IEPs dropping out (ESSA Option 2 leaver rate based on lag data for 2015-2016) COMAR 13A.08.01.07	≤ 3.51%	≤ 3.00%	Met	Target met, no further action required.	3.10%	6.43%
3A	State Assessment: AMO for disability subgroup in the LEA	NA	NA	NA	Waived by U.S. Department of Education. Change in methodology.	NA	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	NA	NA	NA		NA	NA
3B	State Assessment: Participation rates of IEP students in all grades in the LEA	≥ 95.00%	99.20%	Met	Target met, no further action required.	98.37%	NA
	Math COMAR 13A.05.11.05 COMAR 13A.03.06.05	≥ 95.00%	98.16%	Met	Target met, no further action required.		

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FFY 2016 (SFY 2017) Part B Indicators							Previous Results	
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	FFY 2015	FFY 2014
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met				
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	16.50%	9.38%	Not Met	Target not met in reading and math for the 3rd grade through the 8th grade and high school. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	NA
			Reading	18.60%	0.00%	Not Met		NA
		4	Mathematics	16.15%	9.38%	Not Met		NA
			Reading	21.10%	6.25%	Not Met		NA
		5	Mathematics	18.85%	2.33%	Not Met		NA
			Reading	23.60%	2.33%	Not Met		NA
		6	Mathematics	20.55%	6.67%	Not Met		NA
			Reading	26.10%	3.33%	Not Met		NA
		7	Mathematics	22.25%	7.32%	Not Met		NA
			Reading	28.60%	9.76%	Not Met		NA
		8	Mathematics	23.95%	0.00%	Not Met		NA
			Reading	31.10%	2.86%	Not Met		NA
		HS	Mathematics	56.08%	20.00%	Not Met		NA
			Reading	50.52%	5.88%	Not Met		NA

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled				Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.	0.13	0.00
	<div><div></div>Discrepancy exists in the category N size is ≥ 30</div> <div>* N size is < 30</div> <div>--*-- No suspension of disabled or nondisabled students</div> <div>COMAR 13A.08.03.03</div>	≤ 8.00	0.20	Met			
	Single suspensions (> 10 days): Disabled vs. nondisabled				Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.		
	<div><div></div>Discrepancy exists in the category N size is ≥ 30</div> <div>* N size is < 30</div> <div>--*-- No suspension of disabled or nondisabled students</div> <div>COMAR 13A.08.03.03</div>	≤ 8.00	6.67*	NA	The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.	3.79*	1.01

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
5A	Students aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A) COMAR 13A.05.01.10	≥ 69.90%	75.49%	Met	Target met, no further action required.	73.65%	76.87%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C) COMAR 13A.05.01.10	≤ 11.76%	7.60%	Met	Target met, no further action required.	7.06%	6.31%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities COMAR 13A.05.01.10 COMAR 13A.05.01.16	≤ 5.94%	2.45%	Met	Target met, no further action required.	2.82%	2.10%
6A	Students aged 3-5 LRE: Services in regular early childhood setting the majority of the day COMAR 13A.05.01.10	≥ 64.70%	94.73%	Met	Target met, no further action required.	86.54%	88.52%
6B	Students aged 3-5 LRE: Separate School or Class COMAR 13A.05.01.10	≤ 18.30%	0.00%	Met	Target met, no further action required.	0.00%	0.00%
7A	Students aged 3-5 demonstrate improved positive social-emotional skills	≥68.90%	50.00%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	66.67%	50.00%
	COMAR 13A.13.01.09	≥68.00%	25.00%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	0.00%	58.82%

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FFY 2016 (SFY 2017) Part B Indicators									
SPP/APR Indicators			FFY 2016			Action Required		Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results ¹	Target Met			FFY 2015	FFY 2014
7B	Students aged 3-5 demonstrate acquisition and use of knowledge and skills	1. Exits with substantial growth	≥67.60%	64.29%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.		66.67%	46.67%
	COMAR 13A.13.01.09	2. Exits within age expectations	≥57.20%	25.00%	Not Met			0.00%	41.18%
	Students aged 3-5 demonstrate use of appropriate behavior to meet their needs.	1. Exits with substantial growth	≥63.10%	53.85%	Not Met			33.33%	57.14%
7C	COMAR 13A.13.01.09	2. Exits within age expectations	≥65.70%	37.50%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.		0.00%	58.82%
		Age 3-5	≥83.00%	Small Cell Size	NA			NA	NA
8	Parent Survey	Age 6-21	≥70.00%	70.00%	NA	These data reflect baseline data and the revised target.		50.00%	45.00%
		A. Higher ED w/in 1 year of leaving HS	≥25.00%	Small cell size	NA			8.33%	15.63%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: COMAR 13A.08.01.07 COMAR 13A.05.01.09A(3)(a)(ii)	B. Higher ED or employed w/in 1 year of leaving HS	≥51.00%	Small cell size	NA	No further action required.		45.83%	50.00%
		C. Higher ED or training program or employed w/in 1 year of leaving HS	≥57.00%	Small cell size	NA			62.50%	50.00%

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FFY 2016 (SFY 2017) Part B Indicators						
SPP/APR Indicators		FFY 2016			Action Required	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met	FFY 2015	FFY 2014
4B (Ages 6-21) Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students ages 6-21 with IEPs by race/ethnicity <input type="checkbox"/> Discrepancy exists in the category N size is ≥ 30 * N size is < 30 --*-- No suspension of disabled or nondisabled students COMAR 13A.08.01.21	<i>American Indian/Alaska Native</i>	< 2.00	--*--	Met	0.00	0.00
	<i>Asian</i>	< 2.00	0.00	Met	0.00	0.00
	<i>Black/African American</i>	< 2.00	0.63	Met	0.74	0.24
	<i>Native Hawaiian/Pacific Islander</i>	< 2.00	--*--	Met	--*--	--*--
	<i>White</i>	< 2.00	0.65	Met	0.76	0.00
	<i>2 or more races</i>	< 2.00	0.00	Met	0.00	0.00
	<i>Hispanic/Latino</i>	< 2.00	4.90*	NA	0.00	0.00
	Disproportionality in the suspension and expulsion of SWD by race/ethnicity was not identified. No further action required. The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that contribute to suspension and expulsion of SWD by race/ethnicity. PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the suspension and exclusion of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.					

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FFY 2016 (SFY 2017) Part B Indicators						
SPP/APR Indicators		FFY 2016			Action Required	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met	FFY 2015	FFY 2014
<p>Disproportionate representation (≥ 2.0) in students ages 6-21 special education of racial groups as a result of inappropriate identification</p> <p>Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>9 (Ages 6-21)</p>	American Indian/Alaska Native	< 2.00	0.00	Met	1.74	1.00
	Asian	< 2.00	0.42	Met	0.45	0.45
	Black/African American	< 2.00	1.29	Met	1.37	1.33
	Native Hawaiian/Pacific Islander	< 2.00	0.00	Met	0.00	0.00
	White	< 2.00	1.01	Met	1.01	0.90
	2 or more races	< 2.00	1.24	Met	1.13	1.39
	Hispanic/Latino	< 2.00	0.75	Met	0.64	0.75
	COMAR 13A.08.01.21					

Disproportionality in the identification of SWD by race or ethnicity was not identified. No further action required.

The proposed change to COMAR regarding the definition of **significant disproportionality** goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity.

PLEASE NOTE: The proposed change to COMAR regarding the definition of **significant disproportionality** for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.

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FFY 2016 ¹ (SFY 2017) Part B Indicators									
SPP/APR Indicators		Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or Language Impairment	Autism	Other Health Impairment	Action Required	
<div><div></div><div>Compliance Indicator</div></div>	FFY 2016 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification <div><input type="checkbox"/> Discrepancy exists in the category N size is ≥ 30</div> * N size is < 30	American Indian/Alaska Native	0.00	0.00	0.00	0.00	0.00	0.00	Disproportionality for Black/African American students with an Intellectual Disability was identified. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results. The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity <u>and</u> disability. Targeted review to be scheduled by MSDE DSE/EIS. PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities aged 3-5 goes into effect July 1, 2018. The LSS should review its policies, procedures, and practices to determine the factors that contribute to the identification of SWD aged 3-5 by race/ethnicity <u>and</u> disability. To be decided FFY 2019.
		Asian	0.00	0.76	0.00	0.00	1.37	0.00	
		Black/African American	2.29	1.16	0.70	1.36	0.79	1.72	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.81	0.99	2.07	0.80	1.14	0.85	
		2 or more races	1.03	1.13	2.20	0.46	0.72	3.16*	
		Hispanic/Latino	0.40	0.82	0.40	1.53	1.06	0.27	
COMAR 13A.08.01.21									

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days COMAR 13A.05.01.06	100%	100%	Met	Target met, no further action required	100%	100%
12	Percentage of eligible children exiting Part C at age 3 who have an IEP in effect by the child's 3rd birthday COMAR 13A.05.01.08A(2)(a)(iii) COMAR 13A.05.01.06B COMAR 13A.13.01.09	100%	NA	NA	No further action required.	100%	100%
13	Percentage of youth aged 16 and above whose IEP meets secondary transition requirements COMAR 13A.05.01.07D(5)(6) COMAR 13A.05.01.09A(3)(a)(ii)	100%	100%	Met	Target met, no further action required.	100%	100%

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Other Data Considerations						
SPP/APR Indicators		FFY 2016			Action Required	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met		Previous Results
	Timely correction of noncompliance (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met, no further action required.	FFY 2015 100% FFY 2014 100%
	State reported data are timely and accurate. (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met, no further action required.	100%
	Number of State complaints filed	NA	1	NA	No further action required.	NA
	Number of State complaints identified with violation(s)	NA	1	NA	Correction of the identified noncompliance must be demonstrated and verified by August 2018.	NA
	Number of State findings from State complaints corrected in a timely manner	NA	NA	NA	TBD FFY 2017.	NA
	Number of due process hearings filed	NA	0	NA	No further action required.	NA
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	NA
	Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	NA
	National Assessment of Educational Progress (NAEP)	NA	NA	NA	Not considered for 2016-2017 Local Determination Status. (See attachment for Statewide Data).	NA

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

FFY 2016 Determination Overview

Part C & Part B

July 1, 2016 – June 30, 2017

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. 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 2018.

To receive a State determination, the IDEA requires states to evaluate each 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 established Indicators. As a result of that evaluation, the 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 states to 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 (DSE/EIS), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <http://mdideareport.org> no later than June 1, 2018. For the FFY 2016 determinations, the MSDE, DSE/EIS has included additional indicators highlighted below in blue.

The following **Part C** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
2. Primary Service Setting 3A. Birth – 4 Outcomes – Emotional Skills 3B. Birth – 4 Outcomes – Knowledge and Skills 3C. Birth – 4 Outcomes – Use of appropriate behaviors 4A. Family Survey-Know their rights 4B. Family Survey-Effectively communicate their children's needs 4C. Family Survey-Help their children develop and learn 5. Child Find 0-1 6. Child Find 0-3	1. Timely Services 7. 45 Day Timeline 8A. Transition - Transition Outcomes 8B. Transition - Notification to LSS 8C. Transition - Timely Planning Meeting
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate

<i>Fiscal</i>	<i>Complaints and Due Process Hearing</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The following **Part B** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
1. Students with IEPs graduating with a regular diploma	4B. Suspension/Expulsion - Significant Discrepancy Disaggregated by Race/Ethnicity
2. Students with IEPs dropping out	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5A. LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
5B. LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	11. Initial Evaluation Timeline
5C. LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	12. Part C to B Transition
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	13. Secondary Transition
8A. Preschool Parent Survey; or	
8B. School Age Parent Survey.	
14. Post-School Outcomes	
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate
<i>Fiscal</i>	<i>Complaints and Due Process Hearings</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS 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. In certain circumstances, enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.P.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.P.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.P.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 LSSILLA 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 LSSILLA, 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).

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators  Results Indicator  Compliance Indicator		FFY 2016			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
1	Students with IEPs graduating with a regular diploma - 4 year cohort (ESSA lag data based on 2015-2016) COMAR 13A.03.02.09 COMAR 13A.05.01.01	≥ 65.91%	52.17%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	61.90%	68.18%
2	Students with IEPs dropping out (ESSA Option 2 leaver rate based on lag data for 2015-2016) COMAR 13A.08.01.07	≤ 3.51%	≤ 3.00%	Met	Target met, no further action required.	3.10%	6.43%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading	NA	NA	Waived by U.S. Department of Education. Change in methodology.	NA	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	AMO for Math	NA	NA		NA	NA
3B	State Assessment: Participation rates of IEP students in all grades in the LEA	Math	≥ 95.00%	99.20%	Target met, no further action required.	98.37%	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	Reading	≥ 95.00%	98.16%	Target met, no further action required.		





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FFY 2016 (SFY 2017) Part B Indicators										
SPP/APR Indicators				FFY 2016			Action Required	Previous Results		
<div><div></div> Results Indicator</div> <div><div></div> Compliance Indicator</div>				State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014	
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	16.50%	9.38%	Not Met	Target not met in reading and math for the 3rd grade through the 8th grade and high school. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	9.09%	NA	
			Reading	18.60%	0.00%	Not Met		6.06%	NA	
		4	Mathematics	16.15%	9.38%	Not Met		7.50%	NA	
			Reading	21.10%	6.25%	Not Met		7.50%	NA	
		5	Mathematics	18.85%	2.33%	Not Met		20.00%	NA	
			Reading	23.60%	2.33%	Not Met		16.13%	NA	
		6	Mathematics	20.55%	6.67%	Not Met		4.44%	NA	
			Reading	26.10%	3.33%	Not Met		4.44%	NA	
		7	Mathematics	22.25%	7.32%	Not Met		0.00%	NA	
			Reading	28.60%	9.76%	Not Met		2.86%	NA	
		8	Mathematics	23.95%	0.00%	Not Met		11.76%	NA	
			Reading	31.10%	2.86%	Not Met		0.00%	NA	
		HS	Mathematics	56.08%	20.00%	Not Met		23.08%	NA	
			Reading	50.52%	5.88%	Not Met		23.08%	NA	
		COMAR 13A.05.11.05								
		COMAR 13A.03.06.05								



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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled				Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.		
	 Discrepancy exists in the category N size is ≥ 30 * N size is < 30 --*-- No suspension of disabled or nondisabled students COMAR 13A.08.03.03	≤ 8.00	0.20	Met	The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.	0.13	0.00
4A	Single suspensions (> 10 days): Disabled vs. nondisabled				Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.		
	 Discrepancy exists in the category N size is ≥ 30 * N size is < 30 --*-- No suspension of disabled or nondisabled students COMAR 13A.08.03.03	≤ 8.00	6.67*	NA	The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.	3.79*	1.01

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
5A	Students aged 6-21 whose LRE is \geq 80% of the day (MD SSIS LRE A) COMAR 13A.05.01.10	\geq 69.90%	75.49%	Met	Target met, no further action required.	73.65%	76.87%
5B	Students aged 6-21 whose LRE is \leq 40% of the day (MD SSIS LRE C) COMAR 13A.05.01.10	\leq 11.76%	7.60%	Met	Target met, no further action required.	7.06%	6.31%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities COMAR 13A.05.01.10 COMAR 13A.05.01.16	\leq 5.94%	2.45%	Met	Target met, no further action required.	2.82%	2.10%
6A	Students aged 3-5 LRE: Services in regular early childhood setting the majority of the day COMAR 13A.05.01.10	\geq 64.70%	94.73%	Met	Target met, no further action required.	86.54%	88.52%
6B	Students aged 3-5 LRE: Separate School or Class COMAR 13A.05.01.10	\leq 18.30%	0.00%	Met	Target met, no further action required.	0.00%	0.00%
7A	Students aged 3-5 demonstrate improved positive social-emotional skills	1. Exits with substantial growth \geq 68.90%	50.00%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	66.67%	50.00%
		2. Exits within age expectations \geq 68.00%	25.00%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	0.00%	58.82%
	COMAR 13A.13.01.09						

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
7B	Students aged 3-5 demonstrate acquisition and use of knowledge and skills	1. Exits with substantial growth	≥67.60%	64.29%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	66.67%	46.67%
		2. Exits within age expectations	≥57.20%	25.00%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	0.00%	41.18%
7C	Students aged 3-5 demonstrate use of appropriate behavior to meet their needs.	1. Exits with substantial growth	≥63.10%	53.85%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	33.33%	57.14%
		2. Exits within age expectations	≥65.70%	37.50%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	0.00%	58.82%
8	Parent Survey	Age 3-5	≥83.00%	Small Cell Size	NA	These data reflect baseline data and the revised target.	NA	NA
		Age 6-21	≥70.00%	70.00%	NA	These data reflect baseline data and the revised target.	50.00%	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: COMAR 13A.08.01.07 COMAR 13A.05.01.09A(3)(a)(ii)	A. Higher ED w/in 1 year of leaving HS	≥25.00%	Small cell size	NA	No further action required.	8.33%	15.63%
		B. Higher ED or employed w/in 1 year of leaving HS	≥51.00%	Small cell size	NA	No further action required.	45.83%	50.00%
		C. Higher ED or training program or employed w/in 1 year of leaving HS	≥57.00%	Small cell size	NA	No further action required.	62.50%	50.00%

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4B (Ages 6-21)	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students ages 6-21 with IEPs by race/ethnicity	<i>American Indian/Alaska Native</i>	< 2.00	--*--	Met	<p>Disproportionality in the suspension and expulsion of SWD by race/ethnicity was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that contribute to suspension and expulsion of SWD by race/ethnicity.</p> <p>PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the suspension and exclusion of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.</p>	0.00	0.00
		<i>Asian</i>	< 2.00	0.00	Met		0.00	0.00
	Discrepancy exists in the category N size is ≥ 30	<i>Black/African American</i>	< 2.00	0.63	Met		0.74	0.24
	* N size is < 30	<i>Native Hawaiian/Pacific Islander</i>	< 2.00	--*--	Met		--*--	--*--
	--*-- No suspension of disabled or nondisabled students	<i>White</i>	< 2.00	0.65	Met		0.76	0.00
		<i>2 or more races</i>	< 2.00	0.00	Met		0.00	0.00
	COMAR 13A.08.01.21	<i>Hispanic/Latino</i>	< 2.00	4.90*	NA		0.00	0.00

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators <div>Results Indicator</div> <div>Compliance Indicator</div>			FFY 2016			Action Required	Previous Results	
			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
9 (Ages 6-21)	Disproportionate representation (≥ 2.0) in students ages 6-21 special education of racial groups as a result of inappropriate identification	American Indian/Alaska Native	< 2.00	0.00	Met	Disproportionality in the identification of SWD by race or ethnicity was not identified. No further action required.	1.74	1.00
		Asian	< 2.00	0.42	Met		0.45	0.45
		Black/African American	< 2.00	1.29	Met		1.37	1.33
		Native Hawaiian/Pacific Islander	< 2.00	0.00	Met		0.00	0.00
		White	< 2.00	1.01	Met		1.01	0.90
		2 or more races	< 2.00	1.24	Met		1.13	1.39
		Hispanic/Latino	< 2.00	0.75	Met		0.64	0.75
		COMAR 13A.08.01.21						



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FFY 2016 ¹ (SFY 2017) Part B Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Action Required
<div><div></div></div> Compliance Indicator									
10	FFY 2016 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	American Indian/Alaska Native	0.00	0.00	0.00	0.00	0.00	0.00	Disproportionality for Black/African American students with an Intellectual Disability was identified. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.
		Asian	0.00	0.76	0.00	0.00	1.37	0.00	
		Black/African American	2.29	1.16	0.70	1.36	0.79	1.72	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.81	0.99	2.07	0.80	1.14	0.85	
		2 or more races	1.03	1.13	2.20	0.46	0.72	3.16*	
	* N size is < 30	Hispanic/Latino	0.40	0.82	0.40	1.53	1.06	0.27	The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity <u>and</u> disability.
COMAR 13A.08.01.21								Targeted review to be scheduled by MSDE DSE/EIS.	
									PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities aged 3-5 goes into effect July 1, 2018. The LSS should review its policies, procedures, and practices to determine the factors that contribute to the identification of SWD aged 3-5 by race/ethnicity <u>and</u> disability. To be decided FFY 2019.



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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days COMAR 13A.05.01.06	100%	100%	Met	Target met, no further action required	100%	100%
12	Percentage of eligible children exiting Part C at age 3 who have an IEP in effect by the child's 3rd birthday COMAR 13A.05.01.08A(2)(a)(iii) COMAR 13A.05.01.06B COMAR 13A.13.01.09	100%	NA	NA	No further action required.	100%	100%
13	Percentage of youth aged 16 and above whose IEP meets secondary transition requirements COMAR 13A.05.01.07D(5)(6) COMAR 13A.05.01.09A(3)(a)(ii)	100%	100%	Met	Target met, no further action required.	100%	100%

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Other Data Considerations							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
	Timely correction of noncompliance (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met, no further action required.	100%	100%
	State reported data are timely and accurate. (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met, no further action required.	100%	100%
	Number of State complaints filed	NA	1	NA	No further action required.	NA	NA
	Number of State complaints identified with violation(s)	NA	1	NA	Correction of the identified noncompliance must be demonstrated and verified by August 2018.	NA	NA
	Number of State findings from State complaints corrected in a timely manner	NA	NA	NA	TBD FFY 2017.	NA	NA
	Number of due process hearings filed	NA	0	NA	No further action required.	NA	NA
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	NA	NA
	Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	NA	NA
	National Assessment of Educational Progress (NAEP)	NA	NA	NA	Not considered for 2016-2017 Local Determination Status. (See attachment for Statewide Data).	NA	NA

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March 8, 2018

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

Dear Dr. Alban:

Congratulations!

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of students with disabilities for each local preschool and special education program 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]¹. The MSDE, DSE/EIS uses a results-based rubric for given indicators to evaluate the performance of each local school system in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2016 Part B determinations, the Frederick County Public Schools has achieved the determination status of "**Meets Requirements.**"

Attached please find supporting documentation:

1. *FFY 2016 Determination Overview* (identifies the Part B Indicators used to assign a FFY 2017 local determination status on page two – please note the addition of fiscal accountability, State complaints/due process hearings, and preschool least restrictive environment data);
2. *FFY 2016 Local Determination Scoring Criteria* (provides a six-year graduated results driven accountability plan used to make a local determination by year); and
3. *FFY 2016 Annual Report Card on State Performance Plan (SPP)/Annual Performance Reports (APR) Part B Indicators* (provides a three-year local data analysis and required actions for students with disabilities ages three through 21).

The MSDE, DSE/EIS is committed to maintaining a balanced focus on results and compliance to narrow the school readiness and achievement gaps. Please note in FFY 2019 the determination status for each local school system will reflect the July 1, 2018 proposed revision to Code of Maryland Regulations (COMAR) regarding the identification of significant disproportionality. Maryland's proposed revised definition of significant disproportionality, as required by the Individuals with Disabilities Education Act (IDEA), includes the three to five years of age population. Beginning in 2016, the DSE/EIS has provided guidance, technical assistance, and professional learning opportunities to support local school systems in the implementation of revised data collection processes and review of local policies, procedures, and practices. Please note that FFY 2016-17 and FFY 2017-18 data capturing suspension/expulsion (in and out of school), identification by race/ethnicity, and identification by race/ethnicity and disability will be used for the FFY 2019 local determination status.

¹ USDE, OSEP uses state National Assessment of Educational Progress (NAEP) participation and performance data for students with disabilities to assign Maryland's special education determination status (see attached "NAEP"). DSE/EIS will be analyzing local testing protocols and decisions for the NAEP assessment.

Dr. Theresa R. Alban
March 8, 2018
Page Two

To support Maryland's commitment to narrow the opportunity and achievement gaps for students with disabilities and their families, the implementation of the DSE/EIS five-year strategic plan provides a statewide differentiated framework for general supervision and performance support. Based upon a comprehensive data analysis (including the SPP/APR local determination status), the Frederick County Public Schools has been assigned the "**Universal**" tier for the delivery of the DSE/EIS technical assistance model for results.

Local school systems are strongly encouraged to work closely with their local Special Education Citizens Advisory Committee (SECAC) to analyze local data and infrastructure for the implementation of specially designed instruction. 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 with fidelity to improve the results for children and youth with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities with coaching.

Thank you for your hard work and commitment to equity and efficiency for excellence. The MSDE is committed to supporting the efforts of the Frederick County Public Schools to improve results for children and youth 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,

A handwritten signature in blue ink that reads "Marcella".

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

MEF/AM/cc

Attachments

c: Karen B. Salmon
Carol A. Williamson
Michelle Concepcion
Carol Breeze

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

**FFY 2016 Determination Overview
Part C & Part B
July 1, 2016 – June 30, 2017**

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. 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 2018.

To receive a State determination, the IDEA requires states to evaluate each 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 established Indicators. As a result of that evaluation, the 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 states to 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 (DSE/EIS), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <http://mdideareport.org> no later than June 1, 2018. For the FFY 2016 determinations, the MSDE, DSE/EIS has included additional indicators highlighted below in blue.

The following **Part C** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
2. Primary Service Setting 3A. Birth – 4 Outcomes – Emotional Skills 3B. Birth – 4 Outcomes – Knowledge and Skills 3C. Birth – 4 Outcomes – Use of appropriate behaviors 4A. Family Survey-Know their rights 4B. Family Survey-Effectively communicate their children's needs 4C. Family Survey-Help their children develop and learn 5. Child Find 0-1 6. Child Find 0-3	1. Timely Services 7. 45 Day Timeline 8A. Transition - Transition Outcomes 8B. Transition - Notification to LSS 8C. Transition - Timely Planning Meeting
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate

<i>Fiscal</i>	<i>Complaints and Due Process Hearing</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The following **Part B** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
1. Students with IEPs graduating with a regular diploma	4B. Suspension/Expulsion - Significant Discrepancy Disaggregated by Race/Ethnicity
2. Students with IEPs dropping out	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5A. LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
5B. LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	11. Initial Evaluation Timeline
5C. LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	12. Part C to B Transition
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	13. Secondary Transition
8A. Preschool Parent Survey; or	
8B. School Age Parent Survey.	
14. Post-School Outcomes	
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate
<i>Fiscal</i>	<i>Complaints and Due Process Hearings</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS 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. In certain circumstances, enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.P.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.P.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.P.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 LSSILLA 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 LSSILLA, 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).

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators  Results Indicator  Compliance Indicator		FFY 2016 ¹			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
1	Students with IEPs graduating with a regular diploma - 4 year cohort (ESSA lag data based on 2015-2016) COMAR 13A.03.02.09 COMAR 13A.05.01.01	≥ 65.91%	72.94%	Met	Target met, no further action required.	70.61%	69.50%
2	Students with IEPs dropping out (ESSA Option 2 leaver rate based on lag data for 2015-2016) COMAR 13A.08.01.07	≤ 3.51%	≤3.00%	Met	Target met, no further action required.	≤3.00%	≤3.00%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading	NA	NA	Waived by U.S. Department of Education. Change in methodology.	NA	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	AMO for Math	NA	NA		NA	NA
3B	State Assessment: Participation rates of IEP students in all grades in the LEA	Math	≥ 95.00%	99.60%	Target met, no further action required. Please share promising practices.	99.16%	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	Reading	≥ 95.00%	99.59%	Target met, no further action required. Please share promising practices.		





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FFY 2016 (SFY 2017) Part B Indicators										
SPP/APR Indicators				FFY 2016 ¹			Action Required	Previous Results		
Results Indicator	Compliance Indicator			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014	
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	16.50%	24.10%	Met	Target met for math in 3 rd grade.	18.34%	NA	
			Reading	18.60%	16.31%	Not Met	Target not met in reading for 3 rd grade and reading and math for the 4 th grade through the 8 th grade and high school. Submit an Improvement Plan within 30 days from the date of this letter. Identify the root causes and evidence based practices targeted to improve student results.	16.26%	NA	
		4	Mathematics	16.15%	14.68%	Not Met		14.42%	NA	
			Reading	21.10%	14.02%	Not Met		12.23%	NA	
		5	Mathematics	18.85%	13.18%	Not Met		14.59%	NA	
			Reading	23.60%	11.17%	Not Met		9.73%	NA	
		6	Mathematics	20.55%	9.38%	Not Met		9.54%	NA	
			Reading	26.10%	5.88%	Not Met		7.24%	NA	
		7	Mathematics	22.25%	12.10%	Not Met		11.18%	NA	
			Reading	28.60%	13.46%	Not Met		9.03%	NA	
		8	Mathematics	23.95%	11.29%	Not Met		12.20%	NA	
			Reading	31.10%	8.81%	Not Met		9.45%	NA	
		HS	Mathematics	56.08%	50.52%	Not Met		61.54%	NA	
			Reading	50.52%	22.06%	Not Met		53.96%	NA	
		COMAR 13A.05.11.05								
		COMAR 13A.03.06.05								

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016 ¹			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4A	<p>Multiple suspensions (> 10 days): Disabled vs. nondisabled</p> <p> Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.03.03</p>	≤ 8.00	2.27	Met	<p>Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.</p>	3.50*	1.89
	<p>Single suspensions (> 10 days): Disabled vs. nondisabled</p> <p> Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.03.03</p>	≤ 8.00	0.59	Met	<p>Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.</p>	2.91*	1.96

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FFY 2016 (SFY 2017) Part B Indicators							
<div> <div></div> <div>SPP/APR Indicators</div> <div> <div></div> Results Indicator <div></div> Compliance Indicator </div> </div>		FFY 2016 ¹			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
5A	Students aged 6-21 whose LRE is \geq 80% of the day (MD SSIS LRE A) COMAR 13A.05.01.10	\geq 69.90%	80.34%	Met	Target met, no further action required.	80.08%	80.33%
5B	Students aged 6-21 whose LRE is \leq 40% of the day (MD SSIS LRE C) COMAR 13A.05.01.10	\leq 11.76%	7.15%	Met	Target met, no further action required.	6.97%	6.19%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities COMAR 13A.05.01.10 COMAR 13A.05.01.16	\leq 5.94%	4.84%	Met	Target met, no further action required.	4.75%	4.84%
6A	Students aged 3-5 LRE: Services in regular early childhood setting the majority of the day COMAR 13A.05.01.10	\geq 64.70%	46.57%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	39.70%	39.23%
6B	Students aged 3-5 LRE: Separate School or Class COMAR 13A.05.01.10	\leq 18.30%	9.21%	Met	Target met, no further action required.	14.02%	17.52%
7A	Students aged 3-5 demonstrate improved positive social-emotional skills	1. Exits with substantial growth \geq 68.90%	73.83%	Met	Target met, no further action required.	74.84%	79.81%
	COMAR 13A.13.01.09	2. Exits within age expectations \geq 68.00%	63.43%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	68.33%	79.13%




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FFY 2016 (SFY 2017) Part B Indicators								
<div> <div></div> <div>SPP/APR Indicators</div> <div> <div></div> Results Indicator <div></div> Compliance Indicator </div> </div>			FFY 2016 ¹			Action Required	Previous Results	
			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
7B	Students aged 3-5 demonstrate acquisition and use of knowledge and skills COMAR 13A.13.01.09	1. Exits with substantial growth	≥67.60%	75.24%	Met	Target met, no further action required.	68.18%	74.30%
		2. Exits within age expectations	≥57.20%	62.69%	Met	Target met, no further action required.	58.82%	68.85%
7C	Students aged 3-5 demonstrate use of appropriate behavior to meet their needs. COMAR 13A.13.01.09	1. Exits with substantial growth	≥63.10%	71.00%	Met	Target met, no further action required.	69.08%	75.36%
		2. Exits within age expectations	≥65.70%	68.66%	Met	Target met, no further action required.	71.49%	77.88%
8	Parent Survey	Age 3-5	≥83.00%	86.00%	NA	These data reflect baseline data and the revised target.	55.00%	53.00%
		Age 6-21	≥70.00%	74.00%	NA	These data reflect baseline data and the revised target.	49.00%	56.00%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: COMAR 13A.08.01.07 COMAR 13A.05.01.09A(3)(a)(ii)	A. Higher ED w/in 1 year of leaving HS	≥25.00%	36.22%	Met	Target met, no further action required.	34.19%	28.21%
		B. Higher ED or employed w/in 1 year of leaving HS	≥51.00%	82.65%	Met	Target met, no further action required.	63.24%	64.29%
		C. Higher ED or training program or employed w/in 1 year of leaving HS	≥57.00%	100.00%	Met	Target met, no further action required.	72.43%	68.57%

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016 ¹			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4B (Ages 6-21)	<p>Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students ages 6-21 with IEPs by race/ethnicity</p> <p> Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.01.21</p>	<i>American Indian/Alaska Native</i>	< 2.00	0.00	Met	<p>Disproportionality in the suspension and expulsion of SWD by race/ethnicity was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that contribute to suspension and expulsion of SWD by race/ethnicity.</p> <p>PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the suspension and exclusion of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.</p>	0.00	0.00
		<i>Asian</i>	< 2.00	0.00	Met		0.00	0.00
		<i>Black/African American</i>	< 2.00	0.80	Met		9.98*	7.04*
		<i>Native Hawaiian/Pacific Islander</i>	< 2.00	0.00	Met		0.00	0.00
		<i>White</i>	< 2.00	1.87	Met		1.61	0.86
		<i>2 or more races</i>	< 2.00	2.49*	NA		0.00	0.00
		<i>Hispanic/Latino</i>	< 2.00	0.93	Met		5.34*	2.18

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators <div><div></div> Results Indicator</div> <div><div></div> Compliance Indicator</div>			FFY 2016 ¹			Action Required	Previous Results	
			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
9 (Ages 6-21)	Disproportionate representation (≥ 2.0) in students ages 6-21 special education of racial groups as a result of inappropriate identification	American Indian/Alaska Native	< 2.00	1.27	Met	Disproportionality in the identification of SWD by race or ethnicity was not identified. No further action required. The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity.	1.20	1.21
		Asian	< 2.00	0.41	Met		0.37	0.38
		Black/African American	< 2.00	1.47	Met		1.55	1.54
		Native Hawaiian/Pacific Islander	< 2.00	0.64	Met		0.90	0.74
		White	< 2.00	0.86	Met		0.82	0.79
		2 or more races	< 2.00	0.97	Met		0.97	0.90
		Hispanic/Latino	< 2.00	0.83	Met		0.85	0.90
	COMAR 13A.08.01.21							



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FFY 2016 ¹ (SFY 2017) Part B Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
<div><div></div></div> Compliance Indicator									
10	FFY 2016 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	American Indian/Alaska Native	1.60	1.10	1.14	2.59*	1.55	0.72	Disproportionality for Black/African Americans with ED was identified. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results. The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity and disability. Targeted review to be scheduled by MSDE DSE/EIS.
		Asian	0.88	0.22	0.15	0.89	0.67	0.16	
		Black/African American	1.80	1.56	2.05	0.99	1.63	1.63	
		Native Hawaiian/Pacific Islander	0.00	0.44	0.00	2.60*	0.00	0.73	
		White	0.65	0.72	0.83	1.01	0.79	0.97	
		2 or more races	0.47	1.22	1.22	0.61	1.19	1.13	
	<div><div></div></div> Discrepancy exists in the category N size is ≥ 30 * N size is < 30	Hispanic/Latino	0.85	1.09	0.41	1.09	0.63	0.55	PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities aged 3-5 goes into effect July 1, 2018. The LSS should review its policies, procedures, and practices to determine the factors that contribute to the identification of SWD aged 3-5 by race/ethnicity and disability. To be decided FFY 2019.
COMAR 13A.08.01.21									



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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results	Target Met		FFY 2015	FFY 2014
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days. COMAR 13A.05.01.06	100%	100%	Met	Target met. No further action required.	100%	100%
12	Percentage of eligible children exiting Part C at age 3 who have an IEP in effect by the child's 3rd birthday COMAR 13A.05.01.08A(2)(a)(iii) COMAR 13A.05.01.06B COMAR 13A.13.01.09	100%	100%	Met	Target met. No further action required.	100%	100%
13	Percentage of youth aged 16 and above whose IEP meets secondary transition requirements COMAR 13A.05.01.07D(5)(6) COMAR 13A.05.01.09A(3)(a)(ii)	100%	100%	Met	Target met. No further action required.	100%	100%

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Other Data Considerations							
SPP/APR Indicators		FFY 2016 ¹			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results	Target Met		FFY 2015	FFY 2014
	Timely correction of noncompliance (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%	100%
	State reported data are timely and accurate. (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%	100%
	Number of State complaints filed	NA	0	NA	No further action required.	NA	NA
	Number of State complaints identified with violation(s)	NA	0	NA	Correction of the identified noncompliance must be demonstrated and verified by August 2018.	NA	NA
	Number of State findings from State complaints corrected in a timely manner	NA	NA	NA	TBD FFY 2017.	NA	NA
	Number of due process hearings filed	NA	0	NA	No further action required.	NA	NA
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	NA	NA
	Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	NA	NA
	National Assessment of Educational Progress.(NAEP)	NA	NA	NA	Not considered for 2016-2017 Local Determination Status. (See attachment for Statewide Data).	NA	NA

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March 8, 2018

Mrs. Barbara L. Baker
Superintendent
Garrett County Board of Education
40 South Second Street
Oakland, MD 21550

Congratulations!

Dear Mrs. Baker:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of students with disabilities for each local preschool and special education program 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]¹. The MSDE, DSE/EIS uses a results-based rubric for given indicators to evaluate the performance of each local school system in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2016 Part B determinations, the Garrett County Board of Education has achieved the determination status of "**Meets Requirements.**"

Attached please find supporting documentation:

1. *FFY 2016 Determination Overview* (identifies the Part B Indicators used to assign a FFY 2017 local determination status on page two – please note the addition of fiscal accountability, State complaints/due process hearings, and preschool least restrictive environment data);
2. *FFY 2016 Local Determination Scoring Criteria* (provides a six-year graduated results driven accountability plan used to make a local determination by year); and
3. *FFY 2016 Annual Report Card on State Performance Plan (SPP)/Annual Performance Reports (APR) Part B Indicators* (provides a three-year local data analysis and required actions for students with disabilities ages three through 21).

The MSDE, DSE/EIS is committed to maintaining a balanced focus on results and compliance to narrow the school readiness and achievement gaps. Please note in FFY 2019 the determination status for each local school system will reflect the July 1, 2018 proposed revision to Code of Maryland Regulations (COMAR) regarding the identification of significant disproportionality. Maryland's proposed revised definition of significant disproportionality, as required by the Individuals with Disabilities Education Act (IDEA), includes the three to five years of age population. Beginning in 2016, the DSE/EIS has provided guidance, technical assistance, and professional learning opportunities to support local school systems in the implementation of revised data collection processes and review of local policies, procedures, and practices. Please note that FFY 2016-17 and FFY 2017-18 data capturing suspension/expulsion (in and out of school), identification by race/ethnicity, and identification by race/ethnicity and disability will be used for the FFY 2019 local determination status.

¹ USDE, OSEP uses state National Assessment of Educational Progress (NAEP) participation and performance data for students with disabilities to assign Maryland's special education determination status (see attached "NAEP"). DSE/EIS will be analyzing local testing protocols and decisions for the NAEP assessment.

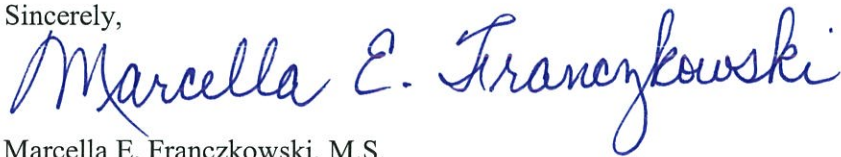
Mrs. Barbara L. Baker
March 8, 2018
Page Two

To support Maryland's commitment to narrow the opportunity and achievement gaps for students with disabilities and their families, the implementation of the DSE/EIS five-year strategic plan provides a statewide differentiated framework for general supervision and performance support. Based upon a comprehensive data analysis (including the SPP/APR local determination status), the Garrett County Board of Education has been assigned the "**Universal**" tier for the delivery of the DSE/EIS technical assistance model for results.

Local school systems are strongly encouraged to work closely with their local Special Education Citizens Advisory Committee (SECAC) to analyze local data and infrastructure for the implementation of specially designed instruction. 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 with fidelity to improve the results for children and youth with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities with coaching.

Thank you for your hard work and commitment to equity and efficiency for excellence. The MSDE is committed to supporting the efforts of the Garrett County Board of Education to improve results for children and youth with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



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

MEF/AM/cc

Attachments

c: Karen B. Salmon
Carol A. Williamson
Heather Raybold

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

FFY 2016 Determination Overview
Part C & Part B
July 1, 2016 – June 30, 2017

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. 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 2018.

To receive a State determination, the IDEA requires states to evaluate each 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 established Indicators. As a result of that evaluation, the 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 states to 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 (DSE/EIS), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <http://mdideareport.org> no later than June 1, 2018. For the FFY 2016 determinations, the MSDE, DSE/EIS has included additional indicators highlighted below in blue.

The following **Part C** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
2. Primary Service Setting 3A. Birth – 4 Outcomes – Emotional Skills 3B. Birth – 4 Outcomes – Knowledge and Skills 3C. Birth – 4 Outcomes – Use of appropriate behaviors 4A. Family Survey-Know their rights 4B. Family Survey-Effectively communicate their children's needs 4C. Family Survey-Help their children develop and learn 5. Child Find 0-1 6. Child Find 0-3	1. Timely Services 7. 45 Day Timeline 8A. Transition - Transition Outcomes 8B. Transition - Notification to LSS 8C. Transition - Timely Planning Meeting
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate

<i>Fiscal</i>	<i>Complaints and Due Process Hearing</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The following **Part B** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
1. Students with IEPs graduating with a regular diploma	4B. Suspension/Expulsion - Significant Discrepancy Disaggregated by Race/Ethnicity
2. Students with IEPs dropping out	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5A. LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
5B. LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	11. Initial Evaluation Timeline
5C. LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	12. Part C to B Transition
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	13. Secondary Transition
8A. Preschool Parent Survey; or	
8B. School Age Parent Survey.	
14. Post-School Outcomes	
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate
<i>Fiscal</i>	<i>Complaints and Due Process Hearings</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS 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. In certain circumstances, enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.P.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.P.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.P.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 LSSILLA 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 LSSILLA, 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).

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators  Results Indicator  Compliance Indicator		FFY 2016			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
1	Students with IEPs graduating with a regular diploma - 4 year cohort (ESSA lag data based on 2015-2016) COMAR 13A.03.02.09 COMAR 13A.05.01.01	≥ 65.91%	81.82%	Met	Target met, no further action required.	82.61%	50.00%
2	Students with IEPs dropping out (ESSA Option 2 leaver rate based on lag data for 2015-2016) COMAR 13A.08.01.07	≤ 3.51%	≤3.00%	Met	Target met, no further action required.	≤3.00%	6.36%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading	NA	NA	Waived by U.S. Department of Education. Change in methodology.	NA	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	AMO for Math	NA	NA		NA	NA
3B	State Assessment: Participation rates of IEP students in all grades in the LEA	Math	≥ 95.00%	100%	Target met, no further action required.	99.62%	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	Reading	≥ 95.00%	100%	Target met, no further action required.		

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FFY 2016 (SFY 2017) Part B Indicators									
SPP/APR Indicators				FFY 2016			Action Required	Previous Results	
<div><div></div> Results Indicator</div> <div><div></div> Compliance Indicator</div>				State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	16.50%	13.95%	Not Met	Target not met in reading and math for the 3rd grade through the 8th grade and high school. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence based practices targeted to improve student results.	14.81%	NA
			Reading	18.60%	11.36%	Not Met		11.11%	NA
		4	Mathematics	16.15%	5.41%	Not Met		12.00%	NA
			Reading	21.10%	8.11%	Not Met		10.00%	NA
		5	Mathematics	18.85%	6.67%	Not Met		9.68%	NA
			Reading	23.60%	8.89%	Not Met		9.68%	NA
		6	Mathematics	20.55%	3.85%	Not Met		7.41%	NA
			Reading	26.10%	15.38%	Not Met		7.41%	NA
		7	Mathematics	22.25%	4.35%	Not Met		10.34%	NA
			Reading	28.60%	4.35%	Not Met		6.90%	NA
		8	Mathematics	23.95%	3.45%	Not Met		14.71%	NA
			Reading	31.10%	6.90%	Not Met		11.76%	NA
		HS	Mathematics	56.08%	37.50%	Not Met		50.00%	NA
			Reading	50.52%	29.41%	Not Met		38.89%	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05								

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled				Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.		
	<div> <div></div> Discrepancy exists in the category N size is ≥ 30 * N size is < 30 --*-- No suspension of disabled or nondisabled students COMAR 13A.08.03.03 </div>	≤ 8.00	0.00%	Met	<p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.</p>	--*--	--*--
4A	Single suspensions (> 10 days): Disabled vs. nondisabled				Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.		
	<div> <div></div> Discrepancy exists in the category N size is ≥ 30 * N size is < 30 --*-- No suspension of disabled or nondisabled students COMAR 13A.08.03.03 </div>	≤ 8.00	— * —	Met	<p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.</p>	--*--	--*--



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FFY 2016 (SFY 2017) Part B Indicators							
<div> <div></div> <div>SPP/APR Indicators</div> <div> <div></div> Results Indicator <div></div> Compliance Indicator </div> </div>		FFY 2016			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
5A	Students aged 6-21 whose LRE is \geq 80% of the day (MD SSIS LRE A) COMAR 13A.05.01.10	\geq 69.90%	80.17%	Met	Target met, no further action required.	79.44%	79.40
5B	Students aged 6-21 whose LRE is \leq 40% of the day (MD SSIS LRE C) COMAR 13A.05.01.10	\leq 11.76%	5.59%	Met	Target met, no further action required.	4.72%	5.96%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities COMAR 13A.05.01.10 COMAR 13A.05.01.16	\leq 5.94%	2.51%	Met	Target met, no further action required.	3.33%	2.44%
6A	Students aged 3-5 LRE: Services in regular early childhood setting the majority of the day COMAR 13A.05.01.10	\geq 64.70%	73.81%	Met	Target met, no further action required.	74.55%	76.47%
6B	Students aged 3-5 LRE: Separate School or Class COMAR 13A.05.01.10	\leq 18.30%	0.00%	Met	Target met, no further action required.	0.00%	0.00%
7A	Students aged 3-5 demonstrate improved positive social-emotional skills	1. Exits with substantial growth \geq 68.90%	57.14%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	75.00%	72.22%
	COMAR 13A.13.01.09	2. Exits within age expectations \geq 68.00%	75.00%	Met	Target met, no further action required.	60.00%	70.83%




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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
7B	Students aged 3-5 demonstrate acquisition and use of knowledge and skills COMAR 13A.13.01.09	1. Exits with substantial growth	≥67.60%	57.14%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	88.24%	75.00%
		2. Exits within age expectations	≥57.20%	75.00%	Met	Target met, no further action required.	52.00%	66.67%
7C	Students aged 3-5 demonstrate use of appropriate behavior to meet their needs. COMAR 13A.13.01.09	1. Exits with substantial growth	≥63.10%	72.73%	Met	Target met, no further action required.	87.50%	70.59%
		2. Exits within age expectations	≥65.70%	75.00%	Met	Target met, no further action required.	64.00%	70.83%
8	Parent Survey	Age 3-5	≥83.00%	100%	NA	Target met, no further action required.	75.00%	NA
		Age 6-21	≥70.00%	75.00%	NA	Target met, no further action required.	51.00%	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: COMAR 13A.08.01.07 COMAR 13A.05.01.09A(3)(a)(ii)	A. Higher ED w/in 1 year of leaving HS	≥25.00%	Small cell size	NA	No further action required	14.29%	11.11%
		B. Higher ED or employed w/in 1 year of leaving HS	≥51.00%	Small cell size	NA	No further action required	61.90%	38.89%
		C. Higher ED or training program or employed w/in 1 year of leaving HS	≥57.00%	Small cell size	NA	No further action required	61.90%	44.44%

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4B (Ages 6-21)	<p>Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students ages 6-21 with IEPs by race/ethnicity</p> <p> Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.01.21</p>	<i>American Indian/Alaska Native</i>	< 2.00	--*--	Met	<p>Disproportionality in the suspension and expulsion of SWD by race/ethnicity was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that contribute to suspension and expulsion of SWD by race/ethnicity.</p> <p>PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the suspension and exclusion of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.</p>	--*--	--*--
		<i>Asian</i>	< 2.00	--*--	Met		--*--	--*--
		<i>Black/African American</i>	< 2.00	--*--	Met		0.00%	--*--
		<i>Native Hawaiian/Pacific Islander</i>	< 2.00	--*--	Met		--*--	--*--
		<i>White</i>	< 2.00	0.00%	Met		0.00%	--*--
		<i>2 or more races</i>	< 2.00	0.00%	Met		0.00%	--*--
		<i>Hispanic/Latino</i>	< 2.00	0.00%	Met		0.00%	--*--

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators <div><div></div> Results Indicator</div> <div><div></div> Compliance Indicator</div>			FFY 2016			Action Required	Previous Results	
			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
9 (Ages 6-21)	Disproportionate representation (≥ 2.0) in students ages 6-21 special education of racial groups as a result of inappropriate identification <div><div></div> Discrepancy exists in the category N size is ≥ 30</div> <div>* N size is < 30</div>	American Indian/Alaska Native	< 2.00	0.00	Met	Disproportionality in the identification of White SWD was identified. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	0.00	0.00
		Asian	< 2.00	0.00	Met		0.39	0.39
		Black/African American	< 2.00	0.00	Met	The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity.	3.81*	3.53*
		Native Hawaiian/Pacific Islander	< 2.00	0.00	Met		0.00	0.00
		White	< 2.00	3.14	Not Met		0.50	0.56
		2 or more races	< 2.00	1.87	Met	Targeted review to be scheduled by MSDE DSE/EIS.	0.63	0.78
		Hispanic/Latino	< 2.00	1.76	Met	PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.	0.36	0.00
	COMAR 13A.08.01.21							



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FFY 2016 ¹ (SFY 2017) Part B Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Action Required
<div style="background-color: #4f81bd; width: 15px; height: 10px; display: inline-block; margin-right: 5px;"></div> Compliance Indicator									
10	FFY 2016 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification <div style="background-color: #d3d3d3; width: 15px; height: 10px; display: inline-block; margin-right: 5px;"></div> Discrepancy exists in the category N size is ≥ 30 * N size is < 30	American Indian/Alaska Native	0.00	0.00	0.00	0.00	0.00	0.00	Disproportionality for White students with specific learning disabilities was identified. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results. The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity <u>and</u> disability. Targeted review to be scheduled by MSDE, DSE/EIS.
		Asian	0.00	0.00	0.00	0.00	0.00	0.00	
		Black/African American	0.00	0.00	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	3.79*	3.76	8.49*	1.15	--	--	
		2 or more races	8.95	0.66	4.00*	0.72	0.00	0.00	
	COMAR 13A.08.01.21	Hispanic/Latino	0.00	1.75	0.00	6.23*	0.00	0.00	PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities aged 3-5 goes into effect July 1, 2018. The LSS should review its policies, procedures, and practices to determine the factors that contribute to the identification of SWD aged 3-5 by race/ethnicity <u>and</u> disability. To be decided FFY 2019.



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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days. COMAR 13A.05.01.06	100%	100%	Met	Target met. No further action required.	100%	100%
12	Percentage of eligible children exiting Part C at age 3 who have an IEP in effect by the child's 3rd birthday COMAR 13A.05.01.08A(2)(a)(iii) COMAR 13A.05.01.06B COMAR 13A.13.01.09	100%	100%	Met	Target met. No further action required.	100%	100%
13	Percentage of youth aged 16 and above whose IEP meets secondary transition requirements COMAR 13A.05.01.07D(5)(6) COMAR 13A.05.01.09A(3)(a)(ii)	100%	100%	Met	Target met. No further action required.	100%	100%

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Other Data Considerations							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
	Timely correction of noncompliance (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%	100%
	State reported data are timely and accurate. (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%	100%
	Number of State complaints filed	NA	1	NA	No further action required.	NA	NA
	Number of State complaints identified with violation(s)	NA	1	NA	Correction of the identified noncompliance must be demonstrated and verified by August 2018.	NA	NA
	Number of State findings from State complaints corrected in a timely manner	NA	NA	NA	TBD FFY 2017.	NA	NA
	Number of due process hearings filed	NA	0	NA	No further action required.	NA	NA
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	NA	NA
	Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	NA	NA
	National Assessment of Educational Progress.(NAEP)	NA	NA	NA	Not considered for 2016-2017 Local Determination Status. (See attachment for Statewide Data).	NA	NA

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March 8, 2018

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

Congratulations!

Dear Mrs. Canavan:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of students with disabilities for each local preschool and special education program 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]¹. The MSDE, DSE/EIS uses a results-based rubric for given indicators to evaluate the performance of each local school system in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2016 Part B determinations, the Harford County Public Schools has achieved the determination status of "**Meets Requirements.**"

Attached please find supporting documentation:

1. *FFY 2016 Determination Overview* (identifies the Part B Indicators used to assign a FFY 2017 local determination status on page two – please note the addition of fiscal accountability, State complaints/due process hearings, and preschool least restrictive environment data);
2. *FFY 2016 Local Determination Scoring Criteria* (provides a six-year graduated results driven accountability plan used to make a local determination by year); and
3. *FFY 2016 Annual Report Card on State Performance Plan (SPP)/Annual Performance Reports (APR) Part B Indicators* (provides a three-year local data analysis and required actions for students with disabilities ages three through 21).

The MSDE, DSE/EIS is committed to maintaining a balanced focus on results and compliance to narrow the school readiness and achievement gaps. Please note in FFY 2019 the determination status for each local school system will reflect the July 1, 2018 proposed revision to Code of Maryland Regulations (COMAR) regarding the identification of significant disproportionality. Maryland's proposed revised definition of significant disproportionality, as required by the Individuals with Disabilities Education Act (IDEA), includes the three to five years of age population. Beginning in 2016, the DSE/EIS has provided guidance, technical assistance, and professional learning opportunities to support local school systems in the implementation of revised data collection processes and review of local policies, procedures, and practices. Please note that FFY 2016-17 and FFY 2017-18 data capturing suspension/expulsion (in and out of school), identification by race/ethnicity, and identification by race/ethnicity and disability will be used for the FFY 2019 local determination status.

¹ USDE, OSEP uses state National Assessment of Educational Progress (NAEP) participation and performance data for students with disabilities to assign Maryland's special education determination status (see attached "NAEP"). DSE/EIS will be analyzing local testing protocols and decisions for the NAEP assessment.

Mrs. Barbara P. Canavan
March 8, 2018
Page Two

To support Maryland's commitment to narrow the opportunity and achievement gaps for students with disabilities and their families, the implementation of the DSE/EIS five-year strategic plan provides a statewide differentiated framework for general supervision and performance support. Based upon a comprehensive data analysis (including the SPP/APR local determination status), the Harford County Public Schools has been assigned the "**Universal**" tier for the delivery of the DSE/EIS technical assistance model for results.

Local school systems are strongly encouraged to work closely with their local Special Education Citizens Advisory Committee (SECAC) to analyze local data and infrastructure for the implementation of specially designed instruction. 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 with fidelity to improve the results for children and youth with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities with coaching.

Thank you for your hard work and commitment to equity and efficiency for excellence. The MSDE is committed to supporting the efforts of the Harford County Public Schools to improve results for children and youth with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



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

MEF/AM/cc

Attachments

c: Karen B. Salmon
Carol A. Williamson
Susan Austin

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

FFY 2016 Determination Overview

Part C & Part B

July 1, 2016 – June 30, 2017

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. 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 2018.

To receive a State determination, the IDEA requires states to evaluate each 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 established Indicators. As a result of that evaluation, the 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 states to 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 (DSE/EIS), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <http://mdideareport.org> no later than June 1, 2018. For the FFY 2016 determinations, the MSDE, DSE/EIS has included additional indicators highlighted below in blue.

The following **Part C** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
2. Primary Service Setting 3A. Birth – 4 Outcomes – Emotional Skills 3B. Birth – 4 Outcomes – Knowledge and Skills 3C. Birth – 4 Outcomes – Use of appropriate behaviors 4A. Family Survey-Know their rights 4B. Family Survey-Effectively communicate their children's needs 4C. Family Survey-Help their children develop and learn 5. Child Find 0-1 6. Child Find 0-3	1. Timely Services 7. 45 Day Timeline 8A. Transition - Transition Outcomes 8B. Transition - Notification to LSS 8C. Transition - Timely Planning Meeting
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate

<i>Fiscal</i>	<i>Complaints and Due Process Hearing</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The following **Part B** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
1. Students with IEPs graduating with a regular diploma	4B. Suspension/Expulsion - Significant Discrepancy Disaggregated by Race/Ethnicity
2. Students with IEPs dropping out	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5A. LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
5B. LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	11. Initial Evaluation Timeline
5C. LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	12. Part C to B Transition
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	13. Secondary Transition
8A. Preschool Parent Survey; or	
8B. School Age Parent Survey.	
14. Post-School Outcomes	
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate
<i>Fiscal</i>	<i>Complaints and Due Process Hearings</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS 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. In certain circumstances, enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.P.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.P.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.P.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 LSSILLA 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 LSSILLA, 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).

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FFY 2016 (SFY 2017) Part B Indicators							
<div> <div></div> <div>SPP/APR Indicators</div> <div> <div></div> Results Indicator <div></div> Compliance Indicator </div> </div>		FFY 2016			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
1	Students with IEPs graduating with a regular diploma - 4 year cohort (ESSA lag data based on 2015-2016) COMAR 13A.03.02.09 COMAR 13A.05.01.01	≥ 65.91%	69.81%	Met	Target met, no further action required.	62.04%	63.50%
2	Students with IEPs dropping out (ESSA Option 2 leaver rate based on lag data for 2015-2016) COMAR 13A.08.01.07	≤ 3.51%	4.39%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	4.89%	3.18%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading	NA	NA	Waived by U.S. Department of Education. Change in methodology.	NA	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	AMO for Math	NA	NA		NA	NA
3B	State Assessment: Participation rates of IEP students in all grades in the LEA	Math	≥ 95.00%	99.20%	Target met, no further action required.	99.15%	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	Reading	≥ 95.00%	98.90%	Target met, no further action required.		





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SPP/APR Indicators <div>Results Indicator</div> <div>Compliance Indicator</div>				FFY 2016			Action Required	Previous Results		
				State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014	
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	16.50%	16.85%	Met	Target met in 3 rd grade math.	17.11%	NA	
			Reading	18.60%	15.77%	Not Met	Target not met in 3 rd grade reading and reading and math for the 4th grade through the 8th grade and high school. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	13.24%	NA	
		4	Mathematics	16.15%	12.09%	Not Met		10.39%	NA	
			Reading	21.10%	10.66%	Not Met		9.87%	NA	
		5	Mathematics	18.85%	11.30%	Not Met		10.57%	NA	
			Reading	23.60%	9.64%	Not Met		13.92%	NA	
		6	Mathematics	20.55%	8.63%	Not Met		11.72%	NA	
			Reading	26.10%	11.99%	Not Met		12.78%	NA	
		7	Mathematics	22.25%	11.55%	Not Met		7.82%	NA	
			Reading	28.60%	14.92%	Not Met		10.75%	NA	
		8	Mathematics	23.95%	7.87%	Not Met		13.82%	NA	
			Reading	31.10%	8.71%	Not Met		11.96%	NA	
		HS	Mathematics	56.08%	37.87%	Not Met		57.03%	NA	
			Reading	50.52%	18.25%	Not Met		44.58%	NA	
			COMAR 13A.05.11.05 COMAR 13A.03.06.05							

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled				Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.		
	 Discrepancy exists in the category N size is ≥ 30 * N size is < 30 --*-- No suspension of disabled or nondisabled students COMAR 13A.08.03.03	≤ 8.00	1.70	Met	The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.	1.63	0.86
4A	Single suspensions (> 10 days): Disabled vs. nondisabled				Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.		
	 Discrepancy exists in the category N size is ≥ 30 * N size is < 30 --*-- No suspension of disabled or nondisabled students COMAR 13A.08.03.03	≤ 8.00	1.48	Met	The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.	0.62*	1.10

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FFY 2016 (SFY 2017) Part B Indicators							
<div> <div></div> <div>SPP/APR Indicators</div> <div> <div></div> Results Indicator <div></div> Compliance Indicator </div> </div>		FFY 2016			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
5A	Students aged 6-21 whose LRE is \geq 80% of the day (MD SSIS LRE A) COMAR 13A.05.01.10	\geq 69.90%	83.66%	Met	Target met, no further action required.	56.75%	54.39%
5B	Students aged 6-21 whose LRE is \leq 40% of the day (MD SSIS LRE C) COMAR 13A.05.01.10	\leq 11.76%	3.72%	Met	Target met, no further action required.	3.34%	2.97%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities COMAR 13A.05.01.10 COMAR 13A.05.01.16	\leq 5.94%	6.41%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	7.10%	7.84%
6A	Students aged 3-5 LRE: Services in regular early childhood setting the majority of the day COMAR 13A.05.01.10	\geq 64.70%	53.20%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	54.40%	51.29%
6B	Students aged 3-5 LRE: Separate School or Class COMAR 13A.05.01.10	\leq 18.30%	14.26%	Met	Target met, no further action required.	14.34%	17.04%
7A	Students aged 3-5 demonstrate improved positive social-emotional skills COMAR 13A.13.01.09	1. Exits with substantial growth \geq 68.90%	49.06%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	59.80%	62.97%
		2. Exits within age expectations \geq 68.00%	72.29%	Met	Target met, no further action required.	57.14%	42.95%




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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2016			Action Required	Previous Results	
			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
7B	Students aged 3-5 demonstrate acquisition and use of knowledge and skills COMAR 13A.13.01.09	1. Exits with substantial growth	≥67.60%	72.29%	Met	Target met, no further action required.	43.48%	38.79%
		2. Exits within age expectations	≥57.20%	57.55%	Met	Target met, no further action required.	38.10%	45.20%
7C	Students aged 3-5 demonstrate use of appropriate behavior to meet their needs. COMAR 13A.13.01.09	1. Exits with substantial growth	≥63.10%	70.27%	Met	Target met, no further action required.	49.51%	53.65%
		2. Exits within age expectations	≥65.70%	63.21%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	48.98%	39.00%
8	Parent Survey	Age 3-5	≥83.00%	80.00%	NA	These data reflect baseline data and the revised target.	42.00%	40.00%
		Age 6-21	≥70.00%	76.00%	NA	These data reflect baseline data and the revised target.	39.00%	27.60%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: COMAR 13A.08.01.07 COMAR 13A.05.01.09A(3)(a)(ii)	A. Higher ED w/in 1 year of leaving HS	≥25.00%	34.11%	Met	Target met, no further action required.	23.96%	27.60%
		B. Higher ED or employed w/in 1 year of leaving HS	≥51.00%	81.94%	Met	Target met, no further action required.	58.68%	57.71%
		C. Higher ED or training program or employed w/in 1 year of leaving HS	≥57.00%	88.29%	Met	Target met, no further action required.	67.01%	68.82%




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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4B (Ages 6-21)	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students ages 6-21 with IEPs by race/ethnicity	<i>American Indian/Alaska Native</i>	< 2.00	11.09*	NA	<p>Disproportionality in the suspension and expulsion of SWD by race/ethnicity was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that contribute to suspension and expulsion of SWD by race/ethnicity.</p> <p>PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the suspension and exclusion of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.</p>	0.00	0.00
		<i>Asian</i>	< 2.00	0.00	Met		0.00	0.00
	 Discrepancy exists in the category N size is ≥ 30	<i>Black/African American</i>	< 2.00	2.91*	NA		2.28*	1.50
	* N size is < 30	<i>Native Hawaiian/Pacific Islander</i>	< 2.00	0.00	Met		11.4*	0.00
	--*-- No suspension of disabled or nondisabled students	<i>White</i>	< 2.00	1.00	Met		0.64	0.52
		<i>2 or more races</i>	< 2.00	0.78	Met		2.16*	4.97*
		<i>Hispanic/Latino</i>	< 2.00	2.81*	NA		1.33	2.75*
COMAR 13A.08.01.21								

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
9 (Ages 6-21)	<p>Disproportionate representation (≥ 2.0) in students ages 6-21 special education of racial groups as a result of inappropriate identification</p> <p> Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>COMAR 13A.08.01.21</p>	<i>American Indian/Alaska Native</i>	< 2.00	1.44	Met	<p>Disproportionality in the identification of SWD by race or ethnicity was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity.</p> <p>PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.</p>	1.67	2.90*
		<i>Asian</i>	< 2.00	0.40	Met		0.36	0.64
		<i>Black/African American</i>	< 2.00	1.39	Met		1.48	1.62
		<i>Native Hawaiian/Pacific Islander</i>	< 2.00	1.13	Met		0.92	1.35
		<i>White</i>	< 2.00	0.87	Met		0.84	0.76
		<i>2 or more races</i>	< 2.00	0.93	Met		0.83	0.20
		<i>Hispanic/Latino</i>	< 2.00	0.91	Met		0.94	0.92



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FFY 2016 ¹ (SFY 2017) Part B Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Action Required
<div style="display: flex; align-items: center;"> <div style="width: 15px; height: 15px; background-color: #4f81bd; margin-right: 5px;"></div> Compliance Indicator </div>									
10	FFY 2016 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification <div style="display: flex; align-items: center;"> <div style="width: 15px; height: 15px; background-color: #cccccc; margin-right: 5px;"></div> Discrepancy exists in the category N size is ≥ 30 * N size is < 30 </div>	American Indian/Alaska Native	1.70	1.42	0.00	1.16	1.08	2.05	<p>Disproportionality for Black/African American students with an Intellectual Disability was identified. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity and disability.</p> <p>Targeted review to be scheduled by MSDE, DSE/EIS.</p> <p>PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities aged 3-5 goes into effect July 1, 2018. The LSS should review its policies, procedures, and practices to determine the factors that contribute to the identification of SWD aged 3-5 by race/ethnicity and disability. To be decided FFY 2019.</p>
		Asian	0.40	0.18	0.20	0.84	1.15	0.22	
		Black/African American	2.02	1.49	1.71	1.04	1.11	1.59	
		Native Hawaiian/Pacific Islander	0.00	0.67	1.85	1.64	0.00	1.16	
		White	0.50	0.86	0.72	0.98	1.11	0.83	
		2 or more races	0.76	0.78	1.19	1.03	1.13	0.92	
	COMAR 13A.08.01.21	Hispanic/Latino	1.13	0.97	0.89	0.99	0.49	0.83	



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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days COMAR 13A.05.01.06	100%	99.60%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve noncompliance. Correction of the noncompliance must be demonstrated and verified by April 6, 2019. Subsequent data demonstrated that the noncompliance identified in FFY 2015 was not corrected within one year of the written finding.	99.80%	98.81%
12	Percentage of eligible children exiting Part C at age 3 who have an IEP in effect by the child's 3rd birthday COMAR 13A.05.01.08A(2)(a)(iii) COMAR 13A.05.01.06B COMAR 13A.13.01.09	100%	91.30%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve noncompliance. Correction of the noncompliance must be demonstrated and verified by April 6, 2019.	96.67%	97.06%
13	Percentage of youth aged 16 and above whose IEP meets secondary transition requirements COMAR 13A.05.01.07D(5)(6) COMAR 13A.05.01.09A(3)(a)(ii)	100%	100%	Met	Target met. No further action required.	100%	100%

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Other Data Considerations							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
	Timely correction of noncompliance (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%	100%
	State reported data are timely and accurate. (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%	100%
	Number of State complaints filed	NA	8	NA	No further action required.	NA	NA
	Number of State complaints identified with violation(s)	NA	6	NA	Correction of the identified noncompliance must be demonstrated and verified by August 2018.	NA	NA
	Number of State findings from State complaints corrected in a timely manner	NA	NA	NA	TBD FFY 2017.	NA	NA
	Number of due process hearings filed	NA	1	NA	No further action required.	NA	NA
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	NA	NA
	Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	NA	NA
	National Assessment of Educational Progress (NAEP)	NA	NA	NA	Not considered for 2016-2017 Local Determination Status. (See attachment for Statewide Data).	NA	NA

¹Local results are based on current data unless otherwise indicated.
Harford County Annual Data FFY 2016
Maryland State Department of Education
Division of Special Education/Early Intervention Services



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March 8, 2018

Dr. Michael J. Martirano
Interim Superintendent
Howard County Public Schools
10910 Clarksville Pike
Ellicott City, MD 21042

Congratulations!

Dear Dr. Martirano:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of students with disabilities for each local preschool and special education program 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]¹. The MSDE, DSE/EIS uses a results-based rubric for given indicators to evaluate the performance of each local school system in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2016 Part B determinations, the Howard County Public Schools has achieved the determination status of "**Meets Requirements.**"

Attached please find supporting documentation:

1. *FFY 2016 Determination Overview* (identifies the Part B Indicators used to assign a FFY 2017 local determination status on page two – please note the addition of fiscal accountability, State complaints/due process hearings, and preschool least restrictive environment data);
2. *FFY 2016 Local Determination Scoring Criteria* (provides a six-year graduated results driven accountability plan used to make a local determination by year); and
3. *FFY 2016 Annual Report Card on State Performance Plan (SPP)/Annual Performance Reports (APR) Part B Indicators* (provides a three-year local data analysis and required actions for students with disabilities ages three through 21).

The MSDE, DSE/EIS is committed to maintaining a balanced focus on results and compliance to narrow the school readiness and achievement gaps. Please note in FFY 2019 the determination status for each local school system will reflect the July 1, 2018 proposed revision to Code of Maryland Regulations (COMAR) regarding the identification of significant disproportionality. Maryland's proposed revised definition of significant disproportionality, as required by the Individuals with Disabilities Education Act (IDEA), includes the three to five years of age population. Beginning in 2016, the DSE/EIS has provided guidance, technical assistance, and professional learning opportunities to support local school systems in the implementation of revised data collection processes and review of local policies, procedures, and practices. Please note that FFY 2016-17 and FFY 2017-18 data capturing suspension/expulsion (in and out of school), identification by race/ethnicity, and identification by race/ethnicity and disability will be used for the FFY 2019 local determination status.

¹ USDE, OSEP uses state National Assessment of Educational Progress (NAEP) participation and performance data for students with disabilities to assign Maryland's special education determination status (see attached "NAEP"). DSE/EIS will be analyzing local testing protocols and decisions for the NAEP assessment.

Dr. Michael J. Martirano
March 8, 2018
Page Two

To support Maryland's commitment to narrow the opportunity and achievement gaps for students with disabilities and their families, the implementation of the DSE/EIS five-year strategic plan provides a statewide differentiated framework for general supervision and performance support. Based upon a comprehensive data analysis (including the SPP/APR local determination status), the Howard County Public Schools has been assigned the "**Universal**" tier for the delivery of the DSE/EIS technical assistance model for results.

Local school systems are strongly encouraged to work closely with their local Special Education Citizens Advisory Committee (SECAC) to analyze local data and infrastructure for the implementation of specially designed instruction. 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 with fidelity to improve the results for children and youth with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities with coaching.

Thank you for your hard work and commitment to equity and efficiency for excellence. The MSDE is committed to supporting the efforts of the Howard County Public Schools to improve results for children and youth with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



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

MEF/AM/cc

Attachments

c: Karen B. Salmon
Carol A. Williamson
Terri Savage

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

**FFY 2016 Determination Overview
Part C & Part B
July 1, 2016 – June 30, 2017**

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. 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 2018.

To receive a State determination, the IDEA requires states to evaluate each 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 established Indicators. As a result of that evaluation, the 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 states to 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 (DSE/EIS), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <http://mdideareport.org> no later than June 1, 2018. For the FFY 2016 determinations, the MSDE, DSE/EIS has included additional indicators highlighted below in blue.

The following **Part C** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
2. Primary Service Setting 3A. Birth – 4 Outcomes – Emotional Skills 3B. Birth – 4 Outcomes – Knowledge and Skills 3C. Birth – 4 Outcomes – Use of appropriate behaviors 4A. Family Survey-Know their rights 4B. Family Survey-Effectively communicate their children's needs 4C. Family Survey-Help their children develop and learn 5. Child Find 0-1 6. Child Find 0-3	1. Timely Services 7. 45 Day Timeline 8A. Transition - Transition Outcomes 8B. Transition - Notification to LSS 8C. Transition - Timely Planning Meeting
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate

<i>Fiscal</i>	<i>Complaints and Due Process Hearing</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The following **Part B** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
1. Students with IEPs graduating with a regular diploma	4B. Suspension/Expulsion - Significant Discrepancy Disaggregated by Race/Ethnicity
2. Students with IEPs dropping out	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5A. LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
5B. LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	11. Initial Evaluation Timeline
5C. LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	12. Part C to B Transition
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	13. Secondary Transition
8A. Preschool Parent Survey; or	
8B. School Age Parent Survey.	
14. Post-School Outcomes	
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate
<i>Fiscal</i>	<i>Complaints and Due Process Hearings</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS 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. In certain circumstances, enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.P.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.P.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.P.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 LSSILLA 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 LSSILLA, 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).

Howard County
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2016 – June 30, 2017 REVISED – APRIL 5, 2018

FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators <div><div></div> Results Indicator</div> <div><div></div> Compliance Indicator</div>			FFY 2016 ¹			Action Required	Previous Results	
			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
1	Students with IEPs graduating with a regular diploma - 4 year cohort (ESSA lag data based on 2015-2016) COMAR 13A.03.02.09 COMAR 13A.05.01.01		≥ 65.91%	68.10%	Met	Target met, no further action required.	63.87%	60.15%
2	Students with IEPs dropping out (ESSA Option 2 leaver rate based on lag data for 2015-2016) COMAR 13A.08.01.07		≤ 3.51%	≤ 3.00%	Met	Target met, no further action required.	3.11%	3.64%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading	NA	NA	NA	Waived by U.S. Department of Education. Change in methodology.	NA	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	AMO for Math	NA	NA	NA		NA	NA
3B	State Assessment: Participation rates of IEP students in all grades in the LEA	Math	≥ 95.00%	99.00%	Met	Target met, no further action required.	99.20%	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	Reading	≥ 95.00%	98.74%	Met	Target met, no further action required.		





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FFY 2016 (SFY 2017) Part B Indicators									
SPP/APR Indicators <div>Results Indicator</div> <div>Compliance Indicator</div>				FFY 2016 ¹			Action Required	Previous Results	
				State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	16.50%	21.96%	Met	Target met in math for 3rd and 4th grade.	19.95%	NA
			Reading	18.60%	17.83%	Not Met	Target not met in reading for 3rd and 4th grade. Target not met in reading and math for the 5th grade through the 8th grade and high school. Submit an Improvement Plan May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	14.32%	NA
		4	Mathematics	16.15%	19.37%	Met		17.29%	NA
			Reading	21.10%	15.34%	Not Met		16.82%	NA
		5	Mathematics	18.85%	13.55%	Not Met		16.58%	NA
			Reading	23.60%	12.04%	Not Met		13.83%	NA
		6	Mathematics	20.55%	13.20%	Not Met		15.91%	NA
			Reading	26.10%	9.94%	Not Met		10.10%	NA
		7	Mathematics	22.25%	17.41%	Not Met		12.29%	NA
			Reading	28.60%	17.85%	Not Met		12.01%	NA
		8	Mathematics	23.95%	16.88%	Not Met		13.11%	NA
			Reading	31.10%	8.46%	Not Met		10.68%	NA
		HS	Mathematics	56.08%	53.40%	Not Met		67.74%	NA
			Reading	50.52%	14.80%	Not Met		52.85%	NA
COMAR 13A.05.11.05									
COMAR 13A.03.06.05									

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016 ¹			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4A	<p>Multiple suspensions (> 10 days): Disabled vs. nondisabled</p> <p> Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.03.03</p>	≤ 8.00	1.73	Met	<p>Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.</p>	1.31*	1.95*
	<p>Single suspensions (> 10 days): Disabled vs. nondisabled</p> <p> Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.03.03</p>	≤ 8.00	0.00	Met	<p>Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.</p>	0.00	3.74*

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FFY 2016 (SFY 2017) Part B Indicators							
<div> <div></div> <div>SPP/APR Indicators</div> <div> <div></div> Results Indicator <div></div> Compliance Indicator </div> </div>		FFY 2016 ¹			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
5A	Students aged 6-21 whose LRE is \geq 80% of the day (MD SSIS LRE A) COMAR 13A.05.01.10	\geq 69.90%	80.33%	Met	Target met, no further action required.	80.35%	81.25%
5B	Students aged 6-21 whose LRE is \leq 40% of the day (MD SSIS LRE C) COMAR 13A.05.01.10	\leq 11.76%	1.86%	Met	Target met, no further action required.	2.08%	1.54%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities COMAR 13A.05.01.10 COMAR 13A.05.01.16	\leq 5.94%	6.51%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	6.41%	6.66%
6A	Students aged 3-5 LRE: Services in regular early childhood setting the majority of the day COMAR 13A.05.01.10	\geq 64.70%	83.37%	Met	Target met, no further action required.	83.74%	84.21%
6B	Students aged 3-5 LRE: Separate School or Class COMAR 13A.05.01.10	\leq 18.30%	1.27%	Met	Target met, no further action required.	79.02%	72.50%
7A	Students aged 3-5 demonstrate improved positive social-emotional skills	1. Exits with substantial growth \geq 68.90%	72.03%	Met	Target met, no further action required.	81.34%	77.27%
	COMAR 13A.13.01.09	2. Exits within age expectations \geq 68.00%	59.18%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	72.35%	75.16%




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Howard County
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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators <div><div></div> Results Indicator</div> <div><div></div> Compliance Indicator</div>			FFY 2016 ¹			Action Required	Previous Results	
			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
7B	Students aged 3-5 demonstrate acquisition and use of knowledge and skills	1. Exits with substantial growth	≥67.60%	72.65%	Met	Target met, no further action required.	79.02%	72.50%
	COMAR 13A.13.01.09	2. Exits within age expectations	≥57.20%	59.18%	Met	Target met, no further action required.	68.82%	69.28%
7C	Students aged 3-5 demonstrate use of appropriate behavior to meet their needs.	1. Exits with substantial growth	≥63.10%	71.30%	Met	Target met, no further action required.	78.79%	71.03%
	COMAR 13A.13.01.09	2. Exits within age expectations	≥65.70%	68.71%	Met	Target met, no further action required.	75.29%	75.16%
8	Parent Survey	Age 3-5	≥83.00%	83.00%	NA	These data reflect baseline data and the revised target.	49.00%	50.00%
		Age 6-21	≥70.00%	71.00%	NA	These data reflect baseline data and the revised target.	41.00%	47.00%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: COMAR 13A.08.01.07 COMAR 13A.05.01.09A(3)(a)(ii)	A. Higher ED w/in 1 year of leaving HS	≥25.00%	50.22%	Met	Target met, no further action required.	45.70%	42.19%
		B. Higher ED or employed w/in 1 year of leaving HS	≥51.00%	75.34%	Met	Target met, no further action required.	68.36%	58.98%
		C. Higher ED or training program or employed w/in 1 year of leaving HS	≥57.00%	79.37%	Met	Target met, no further action required.	74.61%	69.92%

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016 ¹			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4B (Ages 6-21)	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students ages 6-21 with IEPs by race/ethnicity	<i>American Indian/Alaska Native</i>	< 2.00	80.31*	Met	<p>Disproportionality in the suspension and expulsion of SWD by race/ethnicity was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that contribute to suspension and expulsion of SWD by race/ethnicity.</p> <p>PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the suspension and exclusion of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.</p>	0.00	0.00
		<i>Asian</i>	< 2.00	0.00	Met		1.41	0.00
	 Discrepancy exists in the category N size is ≥ 30	<i>Black/African American</i>	< 2.00	2.39*	NA		2.75*	6.89*
	* N size is < 30	<i>Native Hawaiian/Pacific Islander</i>	< 2.00	0.00	Met		0.00	0.00
	--*-- No suspension of disabled or nondisabled students	<i>White</i>	< 2.00	0.85	Met		0.35	0.57
		<i>2 or more races</i>	< 2.00	5.52*	Met		0.00	2.16*
		<i>Hispanic/Latino</i>	< 2.00	0.00	Met		1.21	3.33*
COMAR 13A.08.01.21								

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators <div><div></div> Results Indicator</div> <div><div></div> Compliance Indicator</div>			FFY 2016 ¹			Action Required	Previous Results	
			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
9 (Ages 6-21)	Disproportionate representation (≥ 2.0) in students ages 6-21 special education of racial groups as a result of inappropriate identification	American Indian/Alaska Native	< 2.00	0.93	Met	Disproportionality in the identification of SWD by race or ethnicity was not identified. No further action required.	0.91	0.70
		Asian	< 2.00	0.38	Met		0.37	0.42
		Black/African American	< 2.00	1.49	Met		1.47	1.50
		Native Hawaiian/Pacific Islander	< 2.00	0.87	Met		0.85	1.27
		White	< 2.00	0.77	Met		0.77	0.74
		2 or more races	< 2.00	0.82	Met		0.79	0.76
		Hispanic/Latino	< 2.00	1.06	Met		1.12	1.11
		Discrepancy exists in the category N size is ≥ 30						
	* N size is < 30							
	COMAR 13A.08.01.21							



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FFY 2016 ¹ (SFY 2017) Part B Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Action Required
<div style="display: flex; align-items: center;"> <div style="width: 10px; height: 10px; background-color: #4f81bd; margin-right: 5px;"></div> Compliance Indicator </div>									
10	FFY 2016 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification <div style="display: flex; align-items: center;"> <div style="width: 10px; height: 10px; background-color: #cccccc; margin-right: 5px;"></div> Discrepancy exists in the category N size is ≥ 30 * N size is < 30 </div> COMAR 13A.08.01.21	American Indian/Alaska Native	1.83	1.06	0.00	0.62	0.00	1.22	<p>Disproportionality in the identification of SWD by race, ethnicity, and disability was not identified, no further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity <u>and</u> disability.</p> <p>Targeted review to be scheduled by MSDE DSE/EIS.</p> <p>PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities aged 3-5 goes into effect July 1, 2018. The LSS should review its policies, procedures, and practices to determine the factors that contribute to the identification of SWD aged 3-5 by race/ethnicity <u>and</u> disability. To be decided FFY 2019.</p>
		Asian	0.42	0.21	0.08	0.59	0.79	0.15	
		Black/African American	1.64	1.75	1.54	1.23	1.31	1.80	
		Native Hawaiian/Pacific Islander	2.66*	0.00	2.26*	0.88	0.98	1.72	
		White	0.68	0.60	0.99	0.78	0.93	0.80	
		2 or more races	0.80	0.67	1.23	0.70	0.98	0.81	
		Hispanic/Latino	1.03	1.30	0.62	1.33	0.75	0.76	



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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results	Target Met		FFY 2015	FFY 2014
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days. COMAR 13A.05.01.06	100%	95.69%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results. Correction of the noncompliance must be demonstrated and verified by April 6, 2019. Subsequent data demonstrated that the noncompliance identified in FFY 2015 was not corrected within one year of the written finding.	97.82%	97.86%
12	Percentage of eligible children exiting Part C at age 3 who have an IEP in effect by the child's 3rd birthday COMAR 13A.05.01.08A(2)(a)(iii) COMAR 13A.05.01.06B COMAR 13A.13.01.09	100%	100%	Met	Target met. No further action required.	96.43%	96.67%
13	Percentage of youth aged 16 and above whose IEP meets secondary transition requirements COMAR 13A.05.01.07D(5)(6) COMAR 13A.05.01.09A(3)(a)(ii)	100%	100%	Met	Target met. No further action required.	100%	100%

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Other Data Considerations							
SPP/APR Indicators		FFY 2016 ¹			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results	Target Met		FFY 2015	FFY 2014
	Timely correction of noncompliance (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%	100%
	State reported data are timely and accurate. (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%	100%
	Number of State complaints filed	NA	22	NA	No further action required.	NA	NA
	Number of State complaints identified with violation(s)	NA	11	NA	Correction of the identified noncompliance must be demonstrated and verified by August 2018.	NA	NA
	Number of State findings from State complaints corrected in a timely manner	NA	NA	NA	TBD FFY 2017	NA	NA
	Number of due process hearings filed	NA	0	NA	No further action required.	NA	NA
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	NA	NA
	Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	NA	NA
	National Assessment of Educational Progress.(NAEP)	NA	NA	NA	Not considered for 2016-2017 Local Determination Status. (See attachment for Statewide Data).	NA	NA

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

March 8, 2018

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

Dear Dr. Couch:

Congratulations!

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of students with disabilities for each local preschool and special education program 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]¹. The MSDE, DSE/EIS uses a results-based rubric for given indicators to evaluate the performance of each local school system in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2016 Part B determinations, the Kent County Public Schools has achieved the determination status of "**Meets Requirements**."

Attached please find supporting documentation:

1. *FFY 2016 Determination Overview* (identifies the Part B Indicators used to assign a FFY 2017 local determination status on page two – please note the addition of fiscal accountability, State complaints/due process hearings, and preschool least restrictive environment data);
2. *FFY 2016 Local Determination Scoring Criteria* (provides a six-year graduated results driven accountability plan used to make a local determination by year); and
3. *FFY 2016 Annual Report Card on State Performance Plan (SPP)/Annual Performance Reports (APR) Part B Indicators* (provides a three-year local data analysis and required actions for students with disabilities ages three through 21).

The MSDE, DSE/EIS is committed to maintaining a balanced focus on results and compliance to narrow the school readiness and achievement gaps. Please note in FFY 2019 the determination status for each local school system will reflect the July 1, 2018 proposed revision to Code of Maryland Regulations (COMAR) regarding the identification of significant disproportionality. Maryland's proposed revised definition of significant disproportionality, as required by the Individuals with Disabilities Education Act (IDEA), includes the three to five years of age population. Beginning in 2016, the DSE/EIS has provided guidance, technical assistance, and professional learning opportunities to support local school systems in the implementation of revised data collection processes and review of local policies, procedures, and practices. Please note that FFY 2016-17 and FFY 2017-18 data capturing suspension/expulsion (in and out of school), identification by race/ethnicity, and identification by race/ethnicity and disability will be used for the FFY 2019 local determination status.

¹ USDE, OSEP uses state National Assessment of Educational Progress (NAEP) participation and performance data for students with disabilities to assign Maryland's special education determination status (see attached "NAEP"). DSE/EIS will be analyzing local testing protocols and decisions for the NAEP assessment.

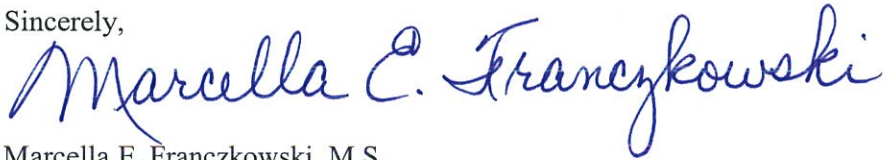
Dr. Karen M. Couch
March 8, 2018
Page Two

To support Maryland's commitment to narrow the opportunity and achievement gaps for students with disabilities and their families, the implementation of the DSE/EIS five-year strategic plan provides a statewide differentiated framework for general supervision and performance support. Based upon a comprehensive data analysis (including the SPP/APR local determination status), the Kent County Public Schools has been assigned the "**Universal**" tier for the delivery of the DSE/EIS technical assistance model for results.

Local school systems are strongly encouraged to work closely with their local Special Education Citizens Advisory Committee (SECAC) to analyze local data and infrastructure for the implementation of specially designed instruction. 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 with fidelity to improve the results for children and youth with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities with coaching.

Thank you for your hard work and commitment to equity and efficiency for excellence. The MSDE is committed to supporting the efforts of the Kent County Public Schools to improve results for children and youth with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



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

MEF/AM/cc

Attachments

c: Karen B. Salmon
Carol A. Williamson
Wendy Keen

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

**FFY 2016 Determination Overview
Part C & Part B
July 1, 2016 – June 30, 2017**

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. 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 2018.

To receive a State determination, the IDEA requires states to evaluate each 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 established Indicators. As a result of that evaluation, the 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 states to 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 (DSE/EIS), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <http://mdideareport.org> no later than June 1, 2018. For the FFY 2016 determinations, the MSDE, DSE/EIS has included additional indicators highlighted below in blue.

The following **Part C** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
2. Primary Service Setting 3A. Birth – 4 Outcomes – Emotional Skills 3B. Birth – 4 Outcomes – Knowledge and Skills 3C. Birth – 4 Outcomes – Use of appropriate behaviors 4A. Family Survey-Know their rights 4B. Family Survey-Effectively communicate their children's needs 4C. Family Survey-Help their children develop and learn 5. Child Find 0-1 6. Child Find 0-3	1. Timely Services 7. 45 Day Timeline 8A. Transition - Transition Outcomes 8B. Transition - Notification to LSS 8C. Transition - Timely Planning Meeting
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate

<i>Fiscal</i>	<i>Complaints and Due Process Hearing</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The following **Part B** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
1. Students with IEPs graduating with a regular diploma	4B. Suspension/Expulsion - Significant Discrepancy Disaggregated by Race/Ethnicity
2. Students with IEPs dropping out	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5A. LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
5B. LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	11. Initial Evaluation Timeline
5C. LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	12. Part C to B Transition
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	13. Secondary Transition
8A. Preschool Parent Survey; or	
8B. School Age Parent Survey.	
14. Post-School Outcomes	
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate
<i>Fiscal</i>	<i>Complaints and Due Process Hearings</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS 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. In certain circumstances, enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.P.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.P.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.P.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 LSSILLA 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 LSSILLA, 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).

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FFY 2016 (SFY 2017) Part B Indicators							
<div> <div></div> <div>SPP/APR Indicators</div> <div> <div></div> Results Indicator <div></div> Compliance Indicator </div> </div>		FFY 2016			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
1	Students with IEPs graduating with a regular diploma - 4 year cohort (ESSA lag data based on 2015-2016) COMAR 13A.03.02.09 COMAR 13A.05.01.01	≥ 65.91%	77.27%	Met	Target met, no further action required.	64.57%	82.35%
2	Students with IEPs dropping out (ESSA Option 2 leaver rate based on lag data for 2015-2016) COMAR 13A.08.01.07	≤ 3.51%	≤ 3.00%	Met	Target met, no further action required.	≤ 3.00%	3.37%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading	NA	NA	Waived by U.S. Department of Education. Change in methodology.	NA	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	AMO for Math	NA	NA		NA	NA
3B	State Assessment: Participation rates of IEP students in all grades in the LEA	Math	≥ 95.00%	99.29%	Target met, no further action required.	99.69%	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	Reading	≥ 95.00%	98.61%	Target met, no further action required.		

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FFY 2016 (SFY 2017) Part B Indicators										
SPP/APR Indicators				FFY 2016			Action Required	Previous Results		
Results Indicator	Compliance Indicator			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014	
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	16.50%	15.79%	Not Met	Target met in math for 4 th grade.	30.00%	NA	
			Reading	18.60%	5.26%	Not Met	Target not met in reading for 4 th grade, and not met in reading and math for the 3 rd grade, for 5 th grade through the 8th grade, and for high school. Submit an Improvement Plan within 30 days from the date of this letter. Identify the root causes and evidence based practices targeted to improve student results.	20.00%	NA	
		4	Mathematics	16.15%	19.05%	Met		3.85%	NA	
			Reading	21.10%	14.29%	Not Met		0.00%	NA	
		5	Mathematics	18.85%	0.00%	Not Met		5.26%	NA	
			Reading	23.60%	4.17%	Not Met		0.00%	NA	
		6	Mathematics	20.55%	0.00%	Not Met		11.11%	NA	
			Reading	26.10%	0.00%	Not Met		5.56%	NA	
		7	Mathematics	22.25%	5.26%	Not Met		0.00%	NA	
			Reading	28.60%	5.26%	Not Met		0.00%	NA	
		8	Mathematics	23.95%	0.00%	Not Met		0.00%	NA	
			Reading	31.10%	0.00%	Not Met		0.00%	NA	
		HS	Mathematics	56.08%	23.81%	Not Met		47.06%	NA	
			Reading	50.52%	5.00%	Not Met		33.33%	NA	
		COMAR 13A.05.11.05								
		COMAR 13A.03.06.05								

¹ Local results are based on current data unless otherwise indicated.
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Kent County
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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled				Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.		
	<input type="checkbox"/> Discrepancy exists in the category N size is ≥ 30 * N size is < 30 --*-- No suspension of disabled or nondisabled students COMAR 13A.08.03.03	≤ 8.00	0.00	Met	The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.	--*--	--*--
4A	Single suspensions (> 10 days): Disabled vs. nondisabled				Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.		
	<input type="checkbox"/> Discrepancy exists in the category N size is ≥ 30 * N size is < 30 --*-- No suspension of disabled or nondisabled students COMAR 13A.08.03.03	≤ 8.00	--*--	Met	The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.	--*--	--*--

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FFY 2016 (SFY 2017) Part B Indicators							
<div> <div></div> <div>SPP/APR Indicators</div> <div> <div></div> Results Indicator <div></div> Compliance Indicator </div> </div>		FFY 2016			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
5A	Students aged 6-21 whose LRE is \geq 80% of the day (MD SSIS LRE A) COMAR 13A.05.01.10	\geq 69.90%	75.22%	Met	Target met, no further action required.	78.83%	77.52%
5B	Students aged 6-21 whose LRE is \leq 40% of the day (MD SSIS LRE C) COMAR 13A.05.01.10	\leq 11.76%	13.27%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	11.26%	10.09%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities COMAR 13A.05.01.10 COMAR 13A.05.01.16	\leq 5.94%	3.98%	Met	Target met, no further action required.	4.05%	4.13%
6A	Students aged 3-5 LRE: Services in regular early childhood setting the majority of the day COMAR 13A.05.01.10	\geq 64.70%	80.77%	Met	Target met, no further action required.	79.19%	85.29%
6B	Students aged 3-5 LRE: Separate School or Class COMAR 13A.05.01.10	\leq 18.30%	7.69%	Met	Target met, no further action required.	8.33%	5.88%
7A	Students aged 3-5 demonstrate improved positive social-emotional skills	1. Exits with substantial growth \geq 68.90%	100%	Met	Target met, no further action required.	100%	66.67%
		2. Exits within age expectations \geq 68.00%	83.33%	Met	Target met, no further action required.	66.67%	80.00%
	COMAR 13A.13.01.09						




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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
7B	Students aged 3-5 demonstrate acquisition and use of knowledge and skills COMAR 13A.13.01.09	1. Exits with substantial growth	≥67.60%	100%	Met	Target met, no further action required.	100%	77.78%
		2. Exits within age expectations	≥57.20%	83.33%	Met	Target met, no further action required.	66.67%	50.00%
7C	Students aged 3-5 demonstrate use of appropriate behavior to meet their needs. COMAR 13A.13.01.09	1. Exits with substantial growth	≥63.10%	100%	Met	Target met, no further action required.	100%	71.43%
		2. Exits within age expectations	≥65.70%	83.33%	Met	Target met, no further action required.	66.67%	60.00%
8	Parent Survey	Age 3-5	≥83.00%	Small cell size	NA	These data reflect baseline data and the revised target.	Less than 10 Students	Less than 10 Students
		Age 6-21	≥70.00%	74.00%	NA	These data reflect baseline data and the revised target.	55.00%	60.00%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: COMAR 13A.08.01.07 COMAR 13A.05.01.09A(3)(a)(ii)	A. Higher ED w/in 1 year of leaving HS	≥25.00%	Small cell size	NA	No further action required.	28.57%	11.76%
		B. Higher ED or employed w/in 1 year of leaving HS	≥51.00%	Small cell size	NA	No further action required.	61.90%	76.47%
		C. Higher ED or training program or employed w/in 1 year of leaving HS	≥57.00%	Small cell size	NA	No further action required.	61.90%	82.35%

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4B (Ages 6-21)	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students ages 6-21 with IEPs by race/ethnicity	<i>American Indian/Alaska Native</i>	< 2.00	0.00	Met	<p>Disproportionality in the suspension and expulsion of SWD by race/ethnicity was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that contribute to suspension and expulsion of SWD by race/ethnicity.</p> <p>PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the suspension and exclusion of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.</p>	--*--	--*--
		<i>Asian</i>	< 2.00	0.00	Met		--*--	--*--
	 Discrepancy exists in the category N size is ≥ 30	<i>Black/African American</i>	< 2.00	0.00	Met		--*--	--*--
	* N size is < 30	<i>Native Hawaiian/Pacific Islander</i>	< 2.00	--*--	Met		--*--	--*--
	--*-- No suspension of disabled or nondisabled students	<i>White</i>	< 2.00	0.00	Met		--*--	--*--
		<i>2 or more races</i>	< 2.00	0.00	Met		--*--	--*--
	COMAR 13A.08.01.21	<i>Hispanic/Latino</i>	< 2.00	0.00	Met		--*--	--*--

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators <div>Results Indicator</div> <div>Compliance Indicator</div>			FFY 2016			Action Required	Previous Results	
			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
9 (Ages 6-21)	Disproportionate representation (≥ 2.0) in students ages 6-21 special education of racial groups as a result of inappropriate identification	American Indian/Alaska Native	< 2.00	1.83	Met	Disproportionality in the identification of Black/African American students was identified. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	0.00	0.00
		Asian	< 2.00	0.55	Met		0.74	0.00
		Black/African American	< 2.00	2.00	Not Met	The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity.	2.28	2.52*
		Native Hawaiian/Pacific Islander	< 2.00	0.00	Met		0.00	0.00
		White	< 2.00	0.74	Met		0.73	0.63
		2 or more races	< 2.00	0.38	Met		0.40	0.15
		Discrepancy exists in the category N size is ≥ 30						
	* N size is < 30							
	Hispanic/Latino	< 2.00	0.66	Met	PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.	0.41	0.79	
COMAR 13A.08.01.21								



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FFY 2016 ¹ (SFY 2017) Part B Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Action Required
<div><div></div></div> Compliance Indicator									
10	FFY 2016 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	American Indian/Alaska Native	0.00	4.00%*	0.00	0.00	0.00	0.00	Disproportionality for Black/African American students with a Specific Learning Disability was identified. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.
		Asian	0.00	0.00	0.00	0.00	0.00	0.00	
		Black/African American	2.22*	2.59	1.35	0.91	0.70	2.29*	The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity <u>and</u> disability.
		Native Hawaiian/Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.09	0.63	1.72	3.32*	3.23*	0.89	
		2 or more races	0.00	0.14	1.48	0.00	1.42	0.81	
	* N size is < 30	Hispanic/Latino	3.59*	0.72	0.00	0.00	0.00	0.33	Targeted review to be scheduled by MSDE, DSE/EIS.
COMAR 13A.08.01.21								PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities aged 3-5 goes into effect July 1, 2018. The LSS should review its policies, procedures, and practices to determine the factors that contribute to the identification of SWD aged 3-5 by race/ethnicity <u>and</u> disability. To be decided FFY 2019.	



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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days. COMAR 13A.05.01.06	100%	97.87%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results. Correction of the noncompliance must be demonstrated and verified by April 6, 2019. Subsequent data demonstrated that the noncompliance identified in FFY 2015 was not corrected within one year of the written finding.	100%	97.67%
12	Percentage of eligible children exiting Part C at age 3 who have an IEP in effect by the child's 3rd birthday COMAR 13A.05.01.08A(2)(a)(iii) COMAR 13A.05.01.06B COMAR 13A.13.01.09	100%	Small Cell Size	NA	No further action required.	100%	100%
13	Percentage of youth aged 16 and above whose IEP meets secondary transition requirements COMAR 13A.05.01.07D(5)(6) COMAR 13A.05.01.09A(3)(a)(ii)	100%	100%	Met	Target met. No further action required.	100%	100%

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Other Data Considerations							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
	Timely correction of noncompliance (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%	100%
	State reported data are timely and accurate. (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%	100%
	Number of State complaints filed	NA	0	NA	No further action required.	NA	NA
	Number of State complaints identified with violation(s)	NA	0	NA	No further action required.	NA	NA
	Number of State findings from State complaints corrected in a timely manner	NA	0	NA	TBD FFY 2017		
	Number of due process hearings filed	NA	0	NA	No further action required.	NA	NA
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	NA	NA
	Fiscal Accountability: Number of findings identified	NA	1	NA	Target met. No further action required. The one finding of noncompliance identified November 7, 2017 was corrected and verified within one year from the issuance of the written finding.	NA	NA
	National Assessment of Educational Progress (NAEP)	NA	NA	NA	Not considered for 2016-2017 Local Determination Status. (See attachment for Statewide Data).	NA	NA

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March 8, 2018

Dr. Jack R. Smith
Superintendent
Montgomery County Public Schools
850 Hungerford Drive
Rockville, MD 20850

Dear Dr. Smith:

Congratulations!

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of students with disabilities for each local preschool and special education program 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]¹. The MSDE, DSE/EIS uses a results-based rubric for given indicators to evaluate the performance of each local school system in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2016 Part B determinations, the Montgomery County Public Schools has achieved the determination status of "**Meets Requirements.**"

Attached please find supporting documentation:

1. *FFY 2016 Determination Overview* (identifies the Part B Indicators used to assign a FFY 2017 local determination status on page two – please note the addition of fiscal accountability, State complaints/due process hearings, and preschool least restrictive environment data);
2. *FFY 2016 Local Determination Scoring Criteria* (provides a six-year graduated results driven accountability plan used to make a local determination by year); and
3. *FFY 2016 Annual Report Card on State Performance Plan (SPP)/Annual Performance Reports (APR) Part B Indicators* (provides a three-year local data analysis and required actions for students with disabilities ages three through 21).

The MSDE, DSE/EIS is committed to maintaining a balanced focus on results and compliance to narrow the school readiness and achievement gaps. Please note in FFY 2019 the determination status for each local school system will reflect the July 1, 2018 proposed revision to Code of Maryland Regulations (COMAR) regarding the identification of significant disproportionality. Maryland's proposed revised definition of significant disproportionality, as required by the Individuals with Disabilities Education Act (IDEA), includes the three to five years of age population. Beginning in 2016, the DSE/EIS has provided guidance, technical assistance, and professional learning opportunities to support local school systems in the implementation of revised data collection processes and review of local policies, procedures, and practices. Please note that FFY 2016-17 and FFY 2017-18 data capturing suspension/expulsion (in and out of school), identification by race/ethnicity, and identification by race/ethnicity and disability will be used for the FFY 2019 local determination status.

¹ USDE, OSEP uses state National Assessment of Educational Progress (NAEP) participation and performance data for students with disabilities to assign Maryland's special education determination status (see attached "NAEP"). DSE/EIS will be analyzing local testing protocols and decisions for the NAEP assessment.

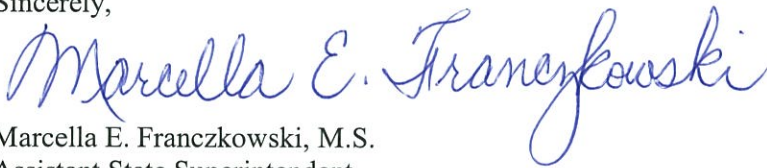
Dr. Jack R. Smith
March 8, 2018
Page Two

To support Maryland's commitment to narrow the opportunity and achievement gaps for students with disabilities and their families, the implementation of the DSE/EIS five-year strategic plan provides a statewide differentiated framework for general supervision and performance support. Based upon a comprehensive data analysis (including the SPP/APR local determination status), the Montgomery County Public Schools has been assigned the "**Universal**" tier for the delivery of the DSE/EIS technical assistance model for results.

Local school systems are strongly encouraged to work closely with their local Special Education Citizens Advisory Committee (SECAC) to analyze local data and infrastructure for the implementation of specially designed instruction. 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 with fidelity to improve the results for children and youth with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities with coaching.

Thank you for your hard work and commitment to equity and efficiency for excellence. The MSDE is committed to supporting the efforts of the Montgomery County Public Schools to improve results for children and youth with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



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

MEF/AM/cc

Attachments

c: Karen B. Salmon
Carol A. Williamson
Phillip Lynch
Kevin Lowndes
Julie Hall

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

FFY 2016 Determination Overview

Part C & Part B

July 1, 2016 – June 30, 2017

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. 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 2018.

To receive a State determination, the IDEA requires states to evaluate each 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 established Indicators. As a result of that evaluation, the 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 states to 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 (DSE/EIS), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <http://mdideareport.org> no later than June 1, 2018. For the FFY 2016 determinations, the MSDE, DSE/EIS has included additional indicators highlighted below in blue.

The following **Part C** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
2. Primary Service Setting 3A. Birth – 4 Outcomes – Emotional Skills 3B. Birth – 4 Outcomes – Knowledge and Skills 3C. Birth – 4 Outcomes – Use of appropriate behaviors 4A. Family Survey-Know their rights 4B. Family Survey-Effectively communicate their children's needs 4C. Family Survey-Help their children develop and learn 5. Child Find 0-1 6. Child Find 0-3	1. Timely Services 7. 45 Day Timeline 8A. Transition - Transition Outcomes 8B. Transition - Notification to LSS 8C. Transition - Timely Planning Meeting
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate

<i>Fiscal</i>	<i>Complaints and Due Process Hearing</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The following **Part B** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
1. Students with IEPs graduating with a regular diploma	4B. Suspension/Expulsion - Significant Discrepancy Disaggregated by Race/Ethnicity
2. Students with IEPs dropping out	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5A. LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
5B. LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	11. Initial Evaluation Timeline
5C. LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	12. Part C to B Transition
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	13. Secondary Transition
8A. Preschool Parent Survey; or	
8B. School Age Parent Survey.	
14. Post-School Outcomes	
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate
<i>Fiscal</i>	<i>Complaints and Due Process Hearings</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS 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. In certain circumstances, enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.P.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.P.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.P.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 LSSILLA 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 LSSILLA, 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).

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FFY 2016 (SFY 2017) Part B Indicators							
<div> <div></div> <div>SPP/APR Indicators</div> <div> <div></div> Results Indicator <div></div> Compliance Indicator </div> </div>		FFY 2016 ¹			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
1	Students with IEPs graduating with a regular diploma - 4 year cohort (ESSA lag data based on 2015-2016) COMAR 13A.03.02.09 COMAR 13A.05.01.01	≥ 65.91%	72.03%	Met	Target met, no further action required.	66.50%	70.35%
2	Students with IEPs dropping out (ESSA Option 2 leaver rate based on lag data for 2015-2016) COMAR 13A.08.01.07	≤ 3.51%	≤ 3.00%	Met	Target met, no further action required.	3.60%	≤ 3.00%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading	NA	NA	Waived by U.S. Department of Education. Change in methodology.	NA	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	AMO for Math	NA	NA		NA	NA
3B	State Assessment: Participation rates of IEP students in all grades in the LEA	Math	≥ 95.00%	98.77%	Target met, no further action required.	98.89%	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	Reading	≥ 95.00%	98.40%	Target met, no further action required.		



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FFY 2016 (SFY 2017) Part B Indicators									
SPP/APR Indicators				FFY 2016 ¹			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	16.50%	22.62%	Met	Target met in math for 3rd and 4th grade.	19.91%	NA
			Reading	18.60%	15.38%	Not Met	Target not met in reading for 3rd and 4th grade. Target not met in reading and math for the 5th grade through the 8th grade and high school. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	13.42%	NA
		4	Mathematics	16.15%	16.52%	Met		16.20%	NA
			Reading	21.10%	13.47%	Not Met		14.37%	NA
		5	Mathematics	18.85%	14.36%	Not Met		14.06%	NA
			Reading	23.60%	12.98%	Not Met		14.91%	NA
		6	Mathematics	20.55%	13.67%	Not Met		12.39%	NA
			Reading	26.10%	13.20%	Not Met		9.75%	NA
		7	Mathematics	22.25%	12.32%	Not Met		13.97%	NA
			Reading	28.60%	13.94%	Not Met		11.39%	NA
		8	Mathematics	23.95%	16.37%	Not Met		14.66%	NA
			Reading	31.10%	12.30%	Not Met		10.80%	NA
		HS	Mathematics	56.08%	42.35%	Not Met		58.86%	NA
			Reading	50.52%	16.94%	Not Met		51.80%	NA
COMAR 13A.05.11.05									
COMAR 13A.03.06.05									

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016 ¹			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled				Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.		
	<input type="checkbox"/> Discrepancy exists in the category N size is ≥ 30 * N size is < 30 --*-- No suspension of disabled or nondisabled students COMAR 13A.08.03.03	≤ 8.00	3.17	Met	The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.	2.59	2.78
4A	Single suspensions (> 10 days): Disabled vs. nondisabled				Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.		
	<input type="checkbox"/> Discrepancy exists in the category N size is ≥ 30 * N size is < 30 --*-- No suspension of disabled or nondisabled students COMAR 13A.08.03.03	≤ 8.00	2.01	Met	The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.	2.37	2.10

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FFY 2016 (SFY 2017) Part B Indicators							
<div> <div></div> <div>SPP/APR Indicators</div> <div> <div></div> Results Indicator <div></div> Compliance Indicator </div> </div>		FFY 2016 ¹			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
5A	Students aged 6-21 whose LRE is \geq 80% of the day (MD SSIS LRE A) COMAR 13A.05.01.10	\geq 69.90%	67.01%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	66.31%	66.85%
5B	Students aged 6-21 whose LRE is \leq 40% of the day (MD SSIS LRE C) COMAR 13A.05.01.10	\leq 11.76%	13.78%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	13.38%	12.85%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities COMAR 13A.05.01.10 COMAR 13A.05.01.16	\leq 5.94%	5.82%	Met	Target met, no further action required.	5.99%	5.93%
6A	Students aged 3-5 LRE: Services in regular early childhood setting the majority of the day COMAR 13A.05.01.10	\geq 64.70%	43.10%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	43.76%	42.58%
6B	Students aged 3-5 LRE: Separate School or Class COMAR 13A.05.01.10	\leq 18.30%	36.24%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	35.78%	35.12%
7A	Students aged 3-5 demonstrate improved positive social-emotional skills	1. Exits with substantial growth \geq 68.90%	71.09%	Met	Target met, no further action required.	75.75%	66.51%
	COMAR 13A.13.01.09	2. Exits within age expectations \geq 68.00%	62.26%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	68.02%	60.50%




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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators <div><div></div> Results Indicator</div> <div><div></div> Compliance Indicator</div>			FFY 2016 ¹			Action Required	Previous Results	
			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
7B	Students aged 3-5 demonstrate acquisition and use of knowledge and skills	1. Exits with substantial growth	≥67.60%	69.55%	Met	Target met, no further action required.	73.66%	69.77%
	COMAR 13A.13.01.09	2. Exits within age expectations	≥57.20%	52.89%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	53.77%	52.42%
7C	Students aged 3-5 demonstrate use of appropriate behavior to meet their needs.	1. Exits with substantial growth	≥63.10%	76.36%	Met	Target met, no further action required.	74.46%	67.81%
	COMAR 13A.13.01.09	2. Exits within age expectations	≥65.70%	67.78%	Met	Target met, no further action required.	69.13%	64.32%
8	Parent Survey	Age 3-5	≥83.00%	85.00%	NA	These data reflect baseline data and the revised target.	50.00%	47.00%
		Age 6-21	≥70.00%	72.00%	NA	These data reflect baseline data and the revised target.	41.00%	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: COMAR 13A.08.01.07 COMAR 13A.05.01.09A(3)(a)(ii)	A. Higher ED w/in 1 year of leaving HS	≥25.00%	42.32%	Met	Target met, no further action required.	38.22%	36.41%
		B. Higher ED or employed w/in 1 year of leaving HS	≥51.00%	74.02%	Met	Target met, no further action required.	66.67%	57.66%
		C. Higher ED or training program or employed w/in 1 year of leaving HS	≥57.00%	77.86%	Met	Target met, no further action required.	71.63%	63.51%

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FFY 2016 (SFY 2017) Part B Indicators									
SPP/APR Indicators			FFY 2016 ¹			Action Required	Previous Results		
 Results Indicator	 Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014	
4B (Ages 6-21)	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students ages 6-21 with IEPs by race/ethnicity	<i>American Indian/Alaska Native</i>	< 2.00	0.00	Met	Disproportionality in the suspension and expulsion of Black/African American SWD was identified.	0.00	0.00	
		<i>Asian</i>	< 2.00	1.37	Met		0.73	0.78	
		 Discrepancy exists in the category N size is ≥ 30	<i>Black/African American</i>	< 2.00	5.91	Not Met	Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	6.44	5.87*
		* N size is < 30	<i>Native Hawaiian/Pacific Islander</i>	< 2.00	0.00	Met		0.00	0.00
			<i>White</i>	< 2.00	0.48	Met		0.37	0.74
			<i>2 or more races</i>	< 2.00	5.73*	NA		4.36*	0.00
		--*-- No suspension of disabled or nondisabled students	<i>Hispanic/Latino</i>	< 2.00	1.41	Met	Targeted review to be scheduled by MSDE DSE/EIS.	1.50	1.75
	COMAR 13A.08.01.21						PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the suspension and exclusion of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.		



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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators <div><div></div> Results Indicator</div> <div><div></div> Compliance Indicator</div>			FFY 2016 ¹			Action Required	Previous Results	
			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
9 (Ages 6-21)	Disproportionate representation (≥ 2.0) in students ages 6-21 special education of racial groups as a result of inappropriate identification	American Indian/Alaska Native	< 2.00	1.23	Met	Disproportionality in the identification of SWD by race or ethnicity was not identified. No further action required. The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity.	1.31	0.43
		Asian	< 2.00	0.44	Met		0.44	1.27
		Black/African American	< 2.00	1.23	Met		1.23	0.74
		Native Hawaiian/Pacific Islander	< 2.00	0.92	Met		0.88	0.84
		White	< 2.00	0.90	Met		0.90	0.81
		2 or more races	< 2.00	0.80	Met		0.78	1.20
		Hispanic/Latino	< 2.00	1.11	Met		1.13	1.14
		COMAR 13A.08.01.21						



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FFY 2016 ¹ (SFY 2017) Part B Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
	Compliance Indicator								
10	FFY 2016 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	American Indian/Alaska Native	1.64	1.19	0.00	1.19	0.90	1.60	Disproportionality in the identification of SWD by race, ethnicity, and disability was not identified. No further action required. The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity and disability.
		Asian	0.60	0.25	0.19	0.76	0.74	0.29	
		Black/African American	1.91	1.21	1.48	0.87	1.06	1.33	
		Native Hawaiian/Pacific Islander	0.39	0.37	0.00	2.38*	1.80	0.00	
		White	0.50	0.71	1.06	1.07	1.32	1.06	
		2 or more races	0.69	0.66	1.15	0.84	0.91	0.89	
	 Discrepancy exists in the category N size is ≥ 30 * N size is < 30	Hispanic/Latino	1.19	1.76	0.57	1.22	0.54	0.73	PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities aged 3-5 goes into effect July 1, 2018. The LSS should review its policies, procedures, and practices to determine the factors that contribute to the identification of SWD aged 3-5 by race/ethnicity and disability. To be decided FFY 2019.
COMAR 13A.08.01.21									



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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results	Target Met		FFY 2015	FFY 2014
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days. COMAR 13A.05.01.06	100%	99.14%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results. Correction of the noncompliance must be demonstrated and verified by April 6, 2019.	99.03%	98.17%
12	Percentage of eligible children exiting Part C at age 3 who have an IEP in effect by the child's 3rd birthday COMAR 13A.05.01.08A(2)(a)(iii) COMAR 13A.05.01.06B COMAR 13A.13.01.09	100%	100%	Met	Target met. No further action required.	100%	99.79%
13	Percentage of youth aged 16 and above whose IEP meets secondary transition requirements COMAR 13A.05.01.07D(5)(6) COMAR 13A.05.01.09A(3)(a)(ii)	100%	100%	Met	Target met. No further action required.	100%	100%

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Other Data Considerations							
SPP/APR Indicators		FFY 2016 ¹			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results	Target Met		FFY 2015	FFY 2014
	Timely correction of noncompliance (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%	100%
	State reported data are timely and accurate. (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%	100%
	Number of State complaints filed	NA	16	NA	No further action required.	NA	NA
	Number of State complaints identified with violation(s)	NA	6	NA	Correction of the identified noncompliance must be demonstrated and verified by August 2018.	NA	NA
	Number of State findings from State complaints corrected in a timely manner	NA	NA	NA	TBD FFY 2017.	NA	NA
	Number of due process hearings filed	NA	5	NA	No further action required.	NA	NA
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	NA	NA
	Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	NA	NA
	National Assessment of Educational Progress.(NAEP)	NA	NA	NA	Not considered for 2016-2017 Local Determination Status. (See attachment for Statewide Data).	NA	NA

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March 8, 2018

Dr. Kevin 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 by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of students with disabilities for each local preschool and special education program 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]¹. The MSDE, DSE/EIS uses a results-based rubric for given indicators to evaluate the performance of each local school system in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2016 Part B determinations, the Prince George's County Public Schools has achieved the determination status of **"Needs Intervention – Year 4."**

Attached please find supporting documentation:

1. *FFY 2016 Determination Overview* (identifies the Part B Indicators used to assign a FFY 2017 local determination status on page two – please note the addition of fiscal accountability, State complaints/due process hearings, and preschool least restrictive environment data);
2. *FFY 2016 Local Determination Scoring Criteria* (provides a six-year graduated results driven accountability plan used to make a local determination by year); and
3. *FFY 2016 Annual Report Card on State Performance Plan (SPP)/Annual Performance Reports (APR) Part B Indicators* (provides a three-year local data analysis and required actions for students with disabilities ages three through 21).

The MSDE, DSE/EIS is committed to maintaining a balanced focus on results and compliance to narrow the school readiness and achievement gaps. Please note in FFY 2019 the determination status for each local school system will reflect the July 1, 2018 proposed revision to Code of Maryland Regulations (COMAR) regarding the identification of significant disproportionality. Maryland's proposed revised definition of significant disproportionality, as required by the Individuals with Disabilities Education Act (IDEA), includes the three to five years of age population. Beginning in 2016, the DSE/EIS has provided guidance, technical assistance, and professional learning opportunities to support local school systems in the implementation of revised data collection processes and review of local policies, procedures, and practices. Please note that FFY 2016-17 and FFY 2017-18 data capturing suspension/expulsion (in and out of school), identification by race/ethnicity, and identification by race/ethnicity and disability will be used for the FFY 2019 local determination status.

¹ USDE, OSEP uses state National Assessment of Educational Progress (NAEP) participation and performance data for students with disabilities to assign Maryland's special education determination status (see attached "NAEP"). DSE/EIS will be analyzing local testing protocols and decisions for the NAEP assessment.

Dr. Kevin Maxwell
March 8, 2018
Page Two

To support Maryland's commitment to narrow the opportunity and achievement gaps for students with disabilities and their families, the implementation of the DSE/EIS five-year strategic plan provides a statewide differentiated framework for general supervision and performance support. Based upon a comprehensive data analysis (including the SPP/APR local determination status), the Prince George's County Public Schools has been assigned the "**Focused**" tier for the delivery of the DSE/EIS technical assistance model for results.

Local school systems are strongly encouraged to work closely with their local Special Education Citizens Advisory Committee (SECAC) to analyze local data and infrastructure for the implementation of specially designed instruction. 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 with fidelity to improve the results for children and youth with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities with coaching.

Thank you for your hard work and commitment to equity and efficiency for excellence. The MSDE is committed to supporting the efforts of the Prince George's County Public Schools to improve results for children and youth with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



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

MEF/AM/cc

Attachments

c: Karen B. Salmon
Carol A. Williamson
Gwendolyn Mason
Trinell Bowman

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

**FFY 2016 Determination Overview
Part C & Part B
July 1, 2016 – June 30, 2017**

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. 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 2018.

To receive a State determination, the IDEA requires states to evaluate each 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 established Indicators. As a result of that evaluation, the 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 states to 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 (DSE/EIS), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <http://mdideareport.org> no later than June 1, 2018. For the FFY 2016 determinations, the MSDE, DSE/EIS has included additional indicators highlighted below in blue.

The following **Part C** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
2. Primary Service Setting 3A. Birth – 4 Outcomes – Emotional Skills 3B. Birth – 4 Outcomes – Knowledge and Skills 3C. Birth – 4 Outcomes – Use of appropriate behaviors 4A. Family Survey-Know their rights 4B. Family Survey-Effectively communicate their children's needs 4C. Family Survey-Help their children develop and learn 5. Child Find 0-1 6. Child Find 0-3	1. Timely Services 7. 45 Day Timeline 8A. Transition - Transition Outcomes 8B. Transition - Notification to LSS 8C. Transition - Timely Planning Meeting
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate

<i>Fiscal</i>	<i>Complaints and Due Process Hearing</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The following **Part B** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
1. Students with IEPs graduating with a regular diploma	4B. Suspension/Expulsion - Significant Discrepancy Disaggregated by Race/Ethnicity
2. Students with IEPs dropping out	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5A. LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
5B. LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	11. Initial Evaluation Timeline
5C. LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	12. Part C to B Transition
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	13. Secondary Transition
8A. Preschool Parent Survey; or	
8B. School Age Parent Survey.	
14. Post-School Outcomes	
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate
<i>Fiscal</i>	<i>Complaints and Due Process Hearings</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS 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. In certain circumstances, enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.P.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.P.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.P.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 LSSILLA 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 LSSILLA, 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).

Prince George's County
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2016 – June 30, 2017 REVISED – APRIL 5, 2018

FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators  Results Indicator  Compliance Indicator		FFY 2016			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
1	Students with IEPs graduating with a regular diploma - 4 year cohort (ESSA lag data based on 2015-2016) COMAR 13A.03.02.09 COMAR 13A.05.01.01	≥ 65.91%	67.39%	Met	Target met, no further action required.	61.03%	62.31%
2	Students with IEPs dropping out (ESSA Option 2 leaver rate based on lag data for 2015-2016) COMAR 13A.08.01.07	≤ 3.51%	4.88%	Not met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	5.42%	6.29%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading	NA	NA	Waived by U.S. Department of Education. Change in methodology.	NA	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	AMO for Math	NA	NA		NA	NA
3B	State Assessment: Participation rates of IEP students in all grades in the LEA	Math	≥ 95.00%	98.67%	Met	97.50%	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	Reading	≥ 95.00%	97.15%	Met		

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FFY 2016 (SFY 2017) Part B Indicators									
SPP/APR Indicators <div><div></div> Results Indicator</div> <div><div></div> Compliance Indicator</div>				FFY 2016			Action Required	Previous Results	
				State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	16.50%	8.14%	Not Met	Target not met in reading and math for the 3rd grade through the 8th grade and high school. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	8.57%	NA
			Reading	18.60%	6.06%	Not Met		7.17%	NA
		4	Mathematics	16.15%	7.15%	Not Met		5.60%	NA
			Reading	21.10%	6.22%	Not Met		4.67%	NA
		5	Mathematics	18.85%	6.93%	Not Met		5.40%	NA
			Reading	23.60%	6.13%	Not Met		4.59%	NA
		6	Mathematics	20.55%	4.65%	Not Met		3.24%	NA
			Reading	26.10%	3.66%	Not Met		3.60%	NA
		7	Mathematics	22.25%	2.80%	Not Met		2.44%	NA
			Reading	28.60%	4.05%	Not Met		4.38%	NA
		8	Mathematics	23.95%	5.32%	Not Met		6.10%	NA
			Reading	31.10%	3.60%	Not Met		3.61%	NA
		HS	Mathematics	56.08%	18.27%	Not Met		25.15%	NA
			Reading	50.52%	12.17%	Not Met		21.54%	NA
COMAR 13A.05.11.05									
COMAR 13A.03.06.05									

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled				Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.		
	<input type="checkbox"/> Discrepancy exists in the category N size is ≥ 30 * N size is < 30 --*-- No suspension of disabled or nondisabled students COMAR 13A.08.03.03	≤ 8.00	3.58	Met	The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.	4.39	4.62
4A	Single suspensions (> 10 days): Disabled vs. nondisabled				Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.		
	<input type="checkbox"/> Discrepancy exists in the category N size is ≥ 30 * N size is < 30 --*-- No suspension of disabled or nondisabled students COMAR 13A.08.03.03	≤ 8.00	2.41	Met	The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.	2.66	2.94



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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators <div>Results Indicator</div> <div>Compliance Indicator</div>		FFY 2016			Action Required	Previous Results		
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014	
5A	Students aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A) COMAR 13A.05.01.10	≥ 69.90%	64.48%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	56.75%	54.39%	
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C) COMAR 13A.05.01.10	≤ 11.76%	15.66%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	24.22%	27.09%	
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities COMAR 13A.05.01.10 COMAR 13A.05.01.16	≤ 5.94%	9.32%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	9.35%	9.64%	
6A	Students aged 3-5 LRE: Services in regular early childhood setting the majority of the day COMAR 13A.05.01.10	≥ 64.70%	64.39%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	59.51%	54.63%	
6B	Students aged 3-5 LRE: Separate School or Class COMAR 13A.05.01.10	≤ 18.30%	16.91%	Met	Target met, no further action required.	25.68%	27.17%	
7A	Students aged 3-5 demonstrate improved positive social-emotional skills	1. Exits with substantial growth	≥68.90%	60.98%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	69.09%	63.91%
	COMAR 13A.13.01.09	2. Exits within age expectations	≥68.00%	49.55%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	59.14%	59.19%




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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
7B	Students aged 3-5 demonstrate acquisition and use of knowledge and skills COMAR 13A.13.01.09	1. Exits with substantial growth	≥67.60%	80.65%	Met	Target met, no further action required.	68.49%	58.51%
		2. Exits within age expectations	≥57.20%	46.53%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	45.35%	44.22%
7C	Students aged 3-5 demonstrate use of appropriate behavior to meet their needs. COMAR 13A.13.01.09	1. Exits with substantial growth	≥63.10%	71.73%	Met	Target met, no further action required.	66.84%	60.86%
		2. Exits within age expectations	≥65.70%	61.03%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	60.21%	59.02%
8	Parent Survey	Age 3-5	≥83.00%	85.00%	NA	These data reflect baseline data and the revised target.	52.00%	48.00%
		Age 6-21	≥70.00%	66.00%	NA	These data reflect baseline data and the revised target.	37.00%	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: COMAR 13A.08.01.07 COMAR 13A.05.01.09A(3)(a)(ii)	A. Higher ED w/in 1 year of leaving HS	≥25.00%	19.85%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	19.21%	20.57%
		B. Higher ED or employed w/in 1 year of leaving HS	≥51.00%	58.29%	Met	Target met, no further action required.	46.72%	40.08%
		C. Higher ED or training program or employed w/in 1 year of leaving HS	≥57.00%	66.28%	Met	Target met, no further action required.	47.65%	42.53%

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4B (Ages 6-21)	<p>Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students ages 6-21 with IEPs by race/ethnicity</p> <p> Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>--** No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.01.21</p>	<i>American Indian/Alaska Native</i>	< 2.00	0.00	Met	Disproportionality in the suspension and expulsion of Black/African American SWD was identified. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	2.69*	8.57
		<i>Asian</i>	< 2.00	0.59	Met		1.53	0.81
		<i>Black/African American</i>	< 2.00	4.07	Not Met	<p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that contribute to suspension and expulsion of SWD by race/ethnicity.</p> <p>Targeted review to be scheduled by MSDE, DSE/EIS.</p> <p>PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the suspension and exclusion of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.</p>	4.87	5.36
		<i>Native Hawaiian/Pacific Islander</i>	< 2.00	0.00	Met		0.00	0.00
		<i>White</i>	< 2.00	1.27	Met		1.03	1.53
		<i>2 or more races</i>	< 2.00	1.89	Met		6.25*	5.42*
		<i>Hispanic/Latino</i>	< 2.00	0.87	Met		1.00	0.73

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators <div>Results Indicator</div> <div>Compliance Indicator</div>			FFY 2016			Action Required	Previous Results	
			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
9 (Ages 6-21)	Disproportionate representation (≥ 2.0) in students ages 6-21 special education of racial groups as a result of inappropriate identification	American Indian/Alaska Native	< 2.00	1.13	Met	Disproportionality in the identification of SWD by race or ethnicity was not identified. No further action required.	1.18	1.05
		Asian	< 2.00	0.46	Met		0.39	0.42
		Black/African American	< 2.00	1.03	Met		1.01	0.94
		Native Hawaiian/Pacific Islander	< 2.00	0.43	Met		0.36	0.25
		White	< 2.00	1.36	Met		1.39	1.41
		2 or more races	< 2.00	0.85	Met		0.38	0.72
		Hispanic/Latino	< 2.00	0.67	Met		0.71	0.75
		COMAR 13A.08.01.21						

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FFY 2016 ¹ (SFY 2017) Part B Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Action Required
<div style="display: flex; align-items: center;"> <div style="width: 15px; height: 15px; background-color: #4f81bd; margin-right: 5px;"></div> Compliance Indicator </div>									
10	FFY 2016 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification <div style="display: flex; align-items: center;"> <div style="width: 15px; height: 15px; background-color: #cccccc; margin-right: 5px;"></div> Discrepancy exists in the category N size is ≥ 30 * N size is < 30 </div> COMAR 13A.08.01.21	American Indian/Alaska Native	0.50	0.99	2.03*	1.60	1.05	0.83	<p>Disproportionality in the identification of SWD by race, ethnicity, and disability was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity <u>and</u> disability.</p> <p>PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities aged 3-5 goes into effect July 1, 2018. The LSS should review its policies, procedures, and practices to determine the factors that contribute to the identification of SWD aged 3-5 by race/ethnicity <u>and</u> disability. To be decided FFY 2019.</p>
		Asian	0.36	0.31	0.27	0.67	0.88	0.15	
		Black/African American	1.93	1.11	1.28	0.75	0.80	1.12	
		Native Hawaiian/Pacific Islander	1.49	0.46	0.00	0.95	0.00	0.49	
		White	0.68	1.02	1.50	1.87	1.93	1.63	
		2 or more races	1.05	0.89	1.05	1.42	0.87	0.40	
		Hispanic/Latino	0.74	1.02	0.22	0.40	0.31	0.52	



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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days. COMAR 13A.05.01.06	100%	97.03%	Not Met	Target not met. Submit a Corrective Action Plan (CAP) by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results. Correction of the noncompliance must be demonstrated and verified by April 6, 2019. Subsequent data demonstrated that the noncompliance identified in FFY 2015 was not corrected within one year of the written finding.	97.15%	97.51%
12	Percentage of eligible children exiting Part C at age 3 who have an IEP in effect by the child's 3rd birthday COMAR 13A.05.01.08A(2)(a)(iii) COMAR 13A.05.01.06B COMAR 13A.13.01.09	100%	100%	Met	Target met. No further action required.	100%	99.72%
13	Percentage of youth aged 16 and above whose IEP meets secondary transition requirements COMAR 13A.05.01.07D(5)(6) COMAR 13A.05.01.09A(3)(a)(ii)	100%	98.6%	Not Met	Target not met. Submit a Corrective Action Plan (CAP) by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results. Correction of the noncompliance must be demonstrated and verified by April 6, 2019. Subsequent data demonstrated that the noncompliance identified in FFY 2015 was not corrected within one year of the written finding.	98.4%	100%

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Other Data Considerations							
SPP/APR Indicators  Results Indicator  Compliance Indicator		FFY 2016			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
	Timely correction of noncompliance (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	96.61%	Met	Target not met. Submit a Corrective Action Plan (CAP) by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results. Correction of the noncompliance must be demonstrated and verified by April 6, 2019.	100%	100%
	State reported data are timely and accurate. (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	98.39%	Not Met	Submit and Improvement Plan by May 7, 2018 to address the failure to report timely and accurate data for Indicator 11.	100%	100%
	Number of State complaints filed	NA	45	NA	No further action required.	NA	NA
	Number of State complaints identified with violation(s)	NA	35	NA	Correction of the identified noncompliance must be demonstrated and verified by August 2018.	NA	NA
	Number of State findings from State complaints corrected in a timely manner	NA	NA	NA	TBD FFY 2017.	NA	NA
	Number of due process hearings filed	NA	5	NA	No further action required.	NA	NA
	Number of due process hearings identified with violations	NA	1	NA	Correction of the identified noncompliance must be demonstrated and verified by August 2018.	NA	NA
	Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	NA	NA
	National Assessment of Educational Progress (NAEP)	NA	NA	NA	Not considered for 2016-2017 Local Determination Status. (See attachment for Statewide Data).	NA	NA

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

March 8, 2018

Dr. Andrea Kane
Superintendent
Queen Anne's Co. Bd. of Education
202 Chesterfield Avenue
Centreville, MD 21617

Dear Dr. Kane:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of students with disabilities for each local preschool and special education program 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]¹. The MSDE, DSE/EIS uses a results-based rubric for given indicators to evaluate the performance of each local school system in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2016 Part B determinations, the Queen Anne's County Board of Education has achieved the determination status of "**Meets Requirements.**"

Attached please find supporting documentation:

1. *FFY 2016 Determination Overview* (identifies the Part B Indicators used to assign a FFY 2017 local determination status on page two – please note the addition of fiscal accountability, State complaints/due process hearings, and preschool least restrictive environment data);
2. *FFY 2016 Local Determination Scoring Criteria* (provides a six-year graduated results driven accountability plan used to make a local determination by year); and
3. *FFY 2016 Annual Report Card on State Performance Plan (SPP)/Annual Performance Reports (APR) Part B Indicators* (provides a three-year local data analysis and required actions for students with disabilities ages three through 21).

The MSDE, DSE/EIS is committed to maintaining a balanced focus on results and compliance to narrow the school readiness and achievement gaps. Please note in FFY 2019 the determination status for each local school system will reflect the July 1, 2018 proposed revision to Code of Maryland Regulations (COMAR) regarding the identification of significant disproportionality. Maryland's proposed revised definition of significant disproportionality, as required by the Individuals with Disabilities Education Act (IDEA), includes the three to five years of age population. Beginning in 2016, the DSE/EIS has provided guidance, technical assistance, and professional learning opportunities to support local school systems in the implementation of revised data collection processes and review of local policies, procedures, and practices. Please note that FFY 2016-17 and FFY 2017-18 data capturing suspension/expulsion (in and out of school), identification by race/ethnicity, and identification by race/ethnicity and disability will be used for the FFY 2019 local determination status.

¹ USDE, OSEP uses state National Assessment of Educational Progress (NAEP) participation and performance data for students with disabilities to assign Maryland's special education determination status (see attached "NAEP"). DSE/EIS will be analyzing local testing protocols and decisions for the NAEP assessment.

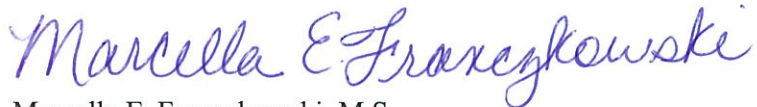
Dr. Andrea Kane
March 8, 2018
Page Two

To support Maryland's commitment to narrow the opportunity and achievement gaps for students with disabilities and their families, the implementation of the DSE/EIS five-year strategic plan provides a statewide differentiated framework for general supervision and performance support. Based upon a comprehensive data analysis (including the SPP/APR local determination status), the Queen Anne's County Board of Education has been assigned the "**Universal**" tier for the delivery of the DSE/EIS technical assistance model for results.

Local school systems are strongly encouraged to work closely with their local Special Education Citizens Advisory Committee (SECAC) to analyze local data and infrastructure for the implementation of specially designed instruction. 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 with fidelity to improve the results for children and youth with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities with coaching.

Thank you for your hard work and commitment to equity and efficiency for excellence. The MSDE is committed to supporting the efforts of the Queen Anne's County Board of Education to improve results for children and youth with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



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

MEF/AM/cc

Attachments

c: Karen B. Salmon
Carol A. Williamson
Joleen McShane

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

FFY 2016 Determination Overview

Part C & Part B

July 1, 2016 – June 30, 2017

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. 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 2018.

To receive a State determination, the IDEA requires states to evaluate each 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 established Indicators. As a result of that evaluation, the 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 states to 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 (DSE/EIS), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <http://mdideareport.org> no later than June 1, 2018. For the FFY 2016 determinations, the MSDE, DSE/EIS has included additional indicators highlighted below in blue.

The following **Part C** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
2. Primary Service Setting 3A. Birth – 4 Outcomes – Emotional Skills 3B. Birth – 4 Outcomes – Knowledge and Skills 3C. Birth – 4 Outcomes – Use of appropriate behaviors 4A. Family Survey-Know their rights 4B. Family Survey-Effectively communicate their children's needs 4C. Family Survey-Help their children develop and learn 5. Child Find 0-1 6. Child Find 0-3	1. Timely Services 7. 45 Day Timeline 8A. Transition - Transition Outcomes 8B. Transition - Notification to LSS 8C. Transition - Timely Planning Meeting
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate

<i>Fiscal</i>	<i>Complaints and Due Process Hearing</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The following **Part B** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
1. Students with IEPs graduating with a regular diploma	4B. Suspension/Expulsion - Significant Discrepancy Disaggregated by Race/Ethnicity
2. Students with IEPs dropping out	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5A. LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
5B. LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	11. Initial Evaluation Timeline
5C. LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	12. Part C to B Transition
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	13. Secondary Transition
8A. Preschool Parent Survey; or	
8B. School Age Parent Survey.	
14. Post-School Outcomes	
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate
<i>Fiscal</i>	<i>Complaints and Due Process Hearings</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS 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. In certain circumstances, enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.P.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.P.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.P.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 LSSILLA 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 LSSILLA, 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).

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators  Results Indicator  Compliance Indicator		FFY 2016 ¹			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
1	Students with IEPs graduating with a regular diploma - 4 year cohort (ESSA lag data based on 2015-2016) COMAR 13A.03.02.09 COMAR 13A.05.01.01	≥ 65.91%	85.11%	Met	Target met, no further action required.	76.47%	79.71%
2	Students with IEPs dropping out (ESSA Option 2 leaver rate based on lag data for 2015-2016) COMAR 13A.08.01.07	≤ 3.51%	≤ 3.00%	Met	Target met, no further action required.	≤ 3.00%	≤ 3.00%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading	NA	NA	Waived by U.S. Department of Education. Change in methodology.	NA	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	AMO for Math	NA	NA		NA	NA
3B	State Assessment: Participation rates of IEP students in all grades in the LEA	Math	≥ 95.00%	99.22%	Target met, no further action required.	99.20%	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	Reading	≥ 95.00%	99.22%	Target met, no further action required.		





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FFY 2016 (SFY 2017) Part B Indicators									
SPP/APR Indicators				FFY 2016 ¹			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	16.50%	26.92%	Met	Target met in math for 3rd grade.	15.69%	NA
			Reading	18.60%	14.10%	Not Met	Target not met in reading for 3rd grade, reading and math for the 4 th grade through the 8th grade and high school. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	11.54%	NA
		4	Mathematics	16.15%	13.11%	Not Met		11.29%	NA
			Reading	21.10%	13.11%	Not Met		11.29%	NA
		5	Mathematics	18.85%	7.81%	Not Met		19.48%	NA
			Reading	23.60%	4.69%	Not Met		10.39%	NA
		6	Mathematics	20.55%	12.82%	Not Met		5.71%	NA
			Reading	26.10%	6.41%	Not Met		5.71%	NA
		7	Mathematics	22.25%	4.48%	Not Met		14.67%	NA
			Reading	28.60%	10.45%	Not Met		21.05%	NA
		8	Mathematics	23.95%	17.91%	Not Met		2.50%	NA
			Reading	31.10%	13.43%	Not Met		3.75%	NA
		HS	Mathematics	56.08%	36.84%	Not Met		46.34%	NA
			Reading	50.52%	5.26%	Not Met	48.78%	NA	
	COMAR 13A.05.11.05 COMAR 13A.03.06.05								

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016 ¹			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4A	<p>Multiple suspensions (> 10 days): Disabled vs. nondisabled</p> <p> Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.03.03</p>	≤ 8.00	13.35*	NA	<p>Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.</p>	2.87*	2.46*
	<p>Single suspensions (> 10 days): Disabled vs. nondisabled</p> <p> Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.03.03</p>	≤ 8.00	--*--	Met	<p>Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.</p>	--*--	7.37

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FFY 2016 (SFY 2017) Part B Indicators							
<div> <div></div> <div>SPP/APR Indicators</div> <div> <div></div> Results Indicator <div></div> Compliance Indicator </div> </div>		FFY 2016 ¹			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
5A	Students aged 6-21 whose LRE is \geq 80% of the day (MD SSIS LRE A) COMAR 13A.05.01.10	\geq 69.90%	90.08%	Met	Target met, no further action required.	90.64%	92.45%
5B	Students aged 6-21 whose LRE is \leq 40% of the day (MD SSIS LRE C) COMAR 13A.05.01.10	\leq 11.76%	6.57%	Met	Target met, no further action required.	6.07%	5.28%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities COMAR 13A.05.01.10 COMAR 13A.05.01.16	\leq 5.94%	0.90%	Met	Target met, no further action required.	0.76%	0.96%
6A	Students aged 3-5 LRE: Services in regular early childhood setting the majority of the day COMAR 13A.05.01.10	\geq 64.70%	57.00%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	44.74%	48.45%
6B	Students aged 3-5 LRE: Separate School or Class COMAR 13A.05.01.10	\leq 18.30%	24.30%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	25.44%	29.90%
7A	Students aged 3-5 demonstrate improved positive social-emotional skills	1. Exits with substantial growth \geq 68.90%	86.67%	Met	Target met, no further action required.	91.67%	70.83%
		2. Exits within age expectations \geq 68.00%	80.00%	Met	Target met, no further action required.	75.00%	72.97%
	COMAR 13A.13.01.09						




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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016 ¹			Action Required	Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
7B	Students aged 3-5 demonstrate acquisition and use of knowledge and skills COMAR 13A.13.01.09	1. Exits with substantial growth	≥67.60%	76.00%	Met	Target met, no further action required.	75.86%	71.43%
		2. Exits within age expectations	≥57.20%	63.33%	Met	Target met, no further action required.	72.73%	54.96%
7C	Students aged 3-5 demonstrate use of appropriate behavior to meet their needs. COMAR 13A.13.01.09	1. Exits with substantial growth	≥63.10%	94.44%	Met	Target met, no further action required.	66.67%	72.00%
		2. Exits within age expectations	≥65.70%	86.67%	Met	Target met, no further action required.	68.18%	78.38%
8	Parent Survey	Age 3-5	≥83.00%	Small cell size	NA	These data reflect baseline data and the revised target.	50.00%	33.00%
		Age 6-21	≥70.00%	68.00%	NA	These data reflect baseline data and the revised target.	35.00%	51.00%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: COMAR 13A.08.01.07 COMAR 13A.05.01.09A(3)(a)(ii)	A. Higher ED w/in 1 year of leaving HS	≥25.00%	Small cell size	NA	No further action required.	33.87%	33.87%
		B. Higher ED or employed w/in 1 year of leaving HS	≥51.00%	Small cell size	NA	No further action required.	80.65%	80.65%
		C. Higher ED or training program or employed w/in 1 year of leaving HS	≥57.00%	Small cell size	NA	No further action required.	85.48%	85.48%

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016 ¹			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4B (Ages 6-21)	<p>Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students ages 6-21 with IEPs by race/ethnicity</p> <p> Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.01.21</p>	<i>American Indian/Alaska Native</i>	< 2.00	0.00	Met	<p>Disproportionality in the suspension and expulsion of SWD by race/ethnicity was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that contribute to suspension and expulsion of SWD by race/ethnicity.</p> <p>PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the suspension and exclusion of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.</p>	0.00	0.00
		<i>Asian</i>	< 2.00	0.00	Met		0.00	0.00
		<i>Black/African American</i>	< 2.00	70.24*	NA		8.45*	18.15*
		<i>Native Hawaiian/Pacific Islander</i>	< 2.00	0.00	Met		0.00	0.00
		<i>White</i>	< 2.00	3.47*	NA		1.23	1.31
		<i>2 or more races</i>	< 2.00	0.00	NA		23.1*	0.00
		<i>Hispanic/Latino</i>	< 2.00	54.22*	NA		0.00	0.00



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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators <div><div></div> Results Indicator</div> <div><div></div> Compliance Indicator</div>			FFY 2016 ¹			Action Required	Previous Results	
			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
9 (Ages 6-21)	Disproportionate representation (≥ 2.0) in students ages 6-21 special education of racial groups as a result of inappropriate identification	American Indian/Alaska Native	< 2.00	0.95	Met	Disproportionality in the identification of SWD by race or ethnicity was not identified. No further action required.	0.87	0.80
		Asian	< 2.00	0.69	Met		0.74	0.64
		Black/African American	< 2.00	1.95	Met		1.80	1.81
		Native Hawaiian/Pacific Islander	< 2.00	14.56*	NA		3.73*	1.20
		White	< 2.00	0.65	Met		0.71	0.75
		2 or more races	< 2.00	0.86	Met		0.85	0.96
		Hispanic/Latino	< 2.00	0.56	Met		0.66	0.54
		COMAR 13A.08.01.21						



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FFY 2016 ¹ (SFY 2017) Part B Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
 Compliance Indicator									
10	FFY 2016 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	American Indian/Alaska Native	0.00	1.85	0.00	0.00	0.00	0.00	Disproportionality for Black/African American students with a SLD was identified. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results. The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity and disability. Targeted review to be scheduled by MSDE DSE/EIS.
		Asian	0.00	0.39	0.00	0.89	0.83	1.60	
		Black/African American	3.92*	2.39	5.19*	0.79	1.77	1.34	
		Native Hawaiian/Pacific Islander	0.00	6.97*	0.00	0.00	0.00	0.00	
		White	0.55	0.59	0.47	0.93	0.68	0.70	
		2 or more races	0.40	0.52	0.89	0.53	0.24	2.34	
	COMAR 13A.08.01.21	Hispanic/Latino	0.28	0.64	0.00	0.37	0.95	0.48	PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities aged 3-5 goes into effect July 1, 2018. The LSS should review its policies, procedures, and practices to determine the factors that contribute to the identification of SWD aged 3-5 by race/ethnicity and disability. To be decided FFY 2019.
 Discrepancy exists in the category N size is ≥ 30 * N size is < 30									

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results	Target Met		FFY 2015	FFY 2014
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days. COMAR 13A.05.01.06	100%	99.12%	Not Met	Target not met. Submit a Corrective Action Plan (CAP) by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results. Correction of the noncompliance must be demonstrated and verified by April 6, 2019.	97.80%	97.17%
12	Percentage of eligible children exiting Part C at age 3 who have an IEP in effect by the child's 3rd birthday COMAR 13A.05.01.08A(2)(a)(iii) COMAR 13A.05.01.06B COMAR 13A.13.01.09	100%	100%	Met	Target met. No further action required.	100%	100%
13	Percentage of youth aged 16 and above whose IEP meets secondary transition requirements COMAR 13A.05.01.07D(5)(6) COMAR 13A.05.01.09A(3)(a)(ii)	100%	100%	Met	Target met. No further action required.	100%	100%

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Other Data Considerations							
SPP/APR Indicators  Results Indicator  Compliance Indicator		FFY 2016 ¹			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2015	FFY 2014
	Timely correction of noncompliance (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%	100%
	State reported data are timely and accurate. (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%	100%
	Number of State complaints filed	NA	0	NA	No further action required.	NA	NA
	Number of State complaints identified with violation(s)	NA	0	NA	Correction of the identified noncompliance must be demonstrated and verified by August 2018.	NA	NA
	Number of State findings from State complaints corrected in a timely manner	NA	NA	NA	TBD FFY 2017.	NA	NA
	Number of due process hearings filed	NA	0	NA	No further action required.	NA	NA
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	NA	NA
	Fiscal Accountability: Number of findings identified	NA	1	NA	Correction of the identified noncompliance must be demonstrated and verified by September 2018.	NA	NA
	National Assessment of Educational Progress.(NAEP)	NA	NA	NA	Not considered for 2016-2017 Local Determination Status. (See attachment for Statewide Data).	NA	NA

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

March 8, 2018

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

Dear Dr. Smith:

Congratulations!

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of students with disabilities for each local preschool and special education program 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]¹. The MSDE, DSE/EIS uses a results-based rubric for given indicators to evaluate the performance of each local school system in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2016 Part B determinations, the St. Mary's County Public Schools has achieved the determination status of "**Meets Requirements.**"

Attached please find supporting documentation:

1. *FFY 2016 Determination Overview* (identifies the Part B Indicators used to assign a FFY 2017 local determination status on page two – please note the addition of fiscal accountability, State complaints/due process hearings, and preschool least restrictive environment data);
2. *FFY 2016 Local Determination Scoring Criteria* (provides a six-year graduated results driven accountability plan used to make a local determination by year); and
3. *FFY 2016 Annual Report Card on State Performance Plan (SPP)/Annual Performance Reports (APR) Part B Indicators* (provides a three-year local data analysis and required actions for students with disabilities ages three through 21).

The MSDE, DSE/EIS is committed to maintaining a balanced focus on results and compliance to narrow the school readiness and achievement gaps. Please note in FFY 2019 the determination status for each local school system will reflect the July 1, 2018 proposed revision to Code of Maryland Regulations (COMAR) regarding the identification of significant disproportionality. Maryland's proposed revised definition of significant disproportionality, as required by the Individuals with Disabilities Education Act (IDEA), includes the three to five years of age population. Beginning in 2016, the DSE/EIS has provided guidance, technical assistance, and professional learning opportunities to support local school systems in the implementation of revised data collection processes and review of local policies, procedures, and practices. Please note that FFY 2016-17 and FFY 2017-18 data capturing suspension/expulsion (in and out of school), identification by race/ethnicity, and identification by race/ethnicity and disability will be used for the FFY 2019 local determination status.

¹ USDE, OSEP uses state National Assessment of Educational Progress (NAEP) participation and performance data for students with disabilities to assign Maryland's special education determination status (see attached "NAEP"). DSE/EIS will be analyzing local testing protocols and decisions for the NAEP assessment.

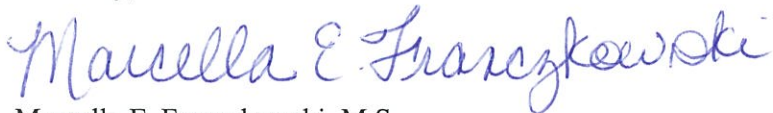
Dr. James Scott Smith
March 8, 2018
Page Two

To support Maryland's commitment to narrow the opportunity and achievement gaps for students with disabilities and their families, the implementation of the DSE/EIS five-year strategic plan provides a statewide differentiated framework for general supervision and performance support. Based upon a comprehensive data analysis (including the SPP/APR local determination status), the St. Mary's County Public School Systems has been assigned the "**Universal**" tier for the delivery of the DSE/EIS technical assistance model for results.

Local school systems are strongly encouraged to work closely with their local Special Education Citizens Advisory Committee (SECAC) to analyze local data and infrastructure for the implementation of specially designed instruction. 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 with fidelity to improve the results for children and youth with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities with coaching.

Thank you for your hard work and commitment to equity and efficiency for excellence. The MSDE is committed to supporting the efforts of the St. Mary's County Public Schools to improve results for children and youth with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



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

MEF/AM/cc

Attachments

c: Karen B. Salmon
Carol A. Williamson
Susie Fowler
Cindy Kilcoyne

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

FFY 2016 Determination Overview

Part C & Part B

July 1, 2016 – June 30, 2017

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. 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 2018.

To receive a State determination, the IDEA requires states to evaluate each 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 established Indicators. As a result of that evaluation, the 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 states to 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 (DSE/EIS), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <http://mdideareport.org> no later than June 1, 2018. For the FFY 2016 determinations, the MSDE, DSE/EIS has included additional indicators highlighted below in blue.

The following **Part C** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
2. Primary Service Setting 3A. Birth – 4 Outcomes – Emotional Skills 3B. Birth – 4 Outcomes – Knowledge and Skills 3C. Birth – 4 Outcomes – Use of appropriate behaviors 4A. Family Survey-Know their rights 4B. Family Survey-Effectively communicate their children's needs 4C. Family Survey-Help their children develop and learn 5. Child Find 0-1 6. Child Find 0-3	1. Timely Services 7. 45 Day Timeline 8A. Transition - Transition Outcomes 8B. Transition - Notification to LSS 8C. Transition - Timely Planning Meeting
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate

<i>Fiscal</i>	<i>Complaints and Due Process Hearing</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The following **Part B** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
1. Students with IEPs graduating with a regular diploma	4B. Suspension/Expulsion - Significant Discrepancy Disaggregated by Race/Ethnicity
2. Students with IEPs dropping out	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5A. LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
5B. LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	11. Initial Evaluation Timeline
5C. LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	12. Part C to B Transition
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	13. Secondary Transition
8A. Preschool Parent Survey; or	
8B. School Age Parent Survey.	
14. Post-School Outcomes	
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate
<i>Fiscal</i>	<i>Complaints and Due Process Hearings</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS 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. In certain circumstances, enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.P.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.P.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.P.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 LSSILLA 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 LSSILLA, 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).

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators  Results Indicator  Compliance Indicator		FFY 2016			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
1	Students with IEPs graduating with a regular diploma - 4 year cohort (ESSA lag data based on 2015-2016) COMAR 13A.03.02.09 COMAR 13A.05.01.01	≥ 65.91%	72.29%	Met	Target met, no further action required.	70.93%	62.16%
2	Students with IEPs dropping out (ESSA Option 2 leaver rate based on lag data for 2015-2016) COMAR 13A.08.01.07	≤ 3.51%	≤ 3.00	Met	Target met, no further action required.	≤ 3.00	≤ 3.00
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading	NA	NA	Waived by U.S. Department of Education. Change in methodology.	NA	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	AMO for Math	NA	NA		NA	NA
3B	State Assessment: Participation rates of IEP students in all grades in the LEA	Math	≥ 95.00%	99.10%	Target met, no further action required.	99.21%	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	Reading	≥ 95.00%	98.58%	Target met, no further action required.		

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FFY 2016 (SFY 2017) Part B Indicators									
SPP/APR Indicators <div><div></div> Results Indicator</div> <div><div></div> Compliance Indicator</div>				FFY 2016			Action Required	Previous Results	
				State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	16.50%	12.59%	Not Met	Target not met in reading and math for the 3rd grade through the 8th grade and high school. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	12.00%	NA
			Reading	18.60%	9.15%	Not Met		8.73%	NA
		4	Mathematics	16.15%	8.92%	Not Met		8.11%	NA
			Reading	21.10%	9.55%	Not Met		8.05%	NA
		5	Mathematics	18.85%	10.49%	Not Met		12.20%	NA
			Reading	23.60%	9.09%	Not Met		8.48%	NA
		6	Mathematics	20.55%	9.38%	Not Met		7.09%	NA
			Reading	26.10%	6.21%	Not Met		2.82%	NA
		7	Mathematics	22.25%	6.58%	Not Met		7.63%	NA
			Reading	28.60%	7.24%	Not Met		9.02%	NA
		8	Mathematics	23.95%	11.76%	Not Met		14.84%	NA
			Reading	31.10%	9.24%	Not Met		9.60%	NA
		HS	Mathematics	56.08%	25.84%	Not Met		45.16%	NA
			Reading	50.52%	9.20%	Not Met		31.15%	NA
COMAR 13A.05.11.05									
COMAR 13A.03.06.05									

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled				Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.		
	<input type="checkbox"/> Discrepancy exists in the category N size is ≥ 30 * N size is < 30 --*-- No suspension of disabled or nondisabled students COMAR 13A.08.03.03	≤ 8.00	0.00	Met	The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.	0.00*	3.56*
4A	Single suspensions (> 10 days): Disabled vs. nondisabled				Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.		
	<input type="checkbox"/> Discrepancy exists in the category N size is ≥ 30 * N size is < 30 --*-- No suspension of disabled or nondisabled students COMAR 13A.08.03.03	≤ 8.00	--*--	Met	The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.	--*--	--*--



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FFY 2016 (SFY 2017) Part B Indicators							
<div> <div></div> <div>SPP/APR Indicators</div> <div> <div></div> Results Indicator <div></div> Compliance Indicator </div> </div>		FFY 2016			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
5A	Students aged 6-21 whose LRE is \geq 80% of the day (MD SSIS LRE A) COMAR 13A.05.01.10	\geq 69.90%	75.78%	Met	Target met, no further action required.	76.98%	77.69%
5B	Students aged 6-21 whose LRE is \leq 40% of the day (MD SSIS LRE C) COMAR 13A.05.01.10	\leq 11.76%	11.81%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	10.56%	10.18%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities COMAR 13A.05.01.10 COMAR 13A.05.01.16	\leq 5.94%	2.19%	Met	Target met, no further action required.	2.28%	2.01%
6A	Students aged 3-5 LRE: Services in regular early childhood setting the majority of the day COMAR 13A.05.01.10	\geq 64.70%	84.28%	Met	Target met, no further action required.	80.43%	74.89%
6B	Students aged 3-5 LRE: Separate School or Class COMAR 13A.05.01.10	\leq 18.30%	0.48%	Met	Target met, no further action required.	0.43%	0.00%
7A	Students aged 3-5 demonstrate improved positive social-emotional skills	1. Exits with substantial growth \geq 68.90%	46.34%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	68.70%	56.10%
		2. Exits within age expectations \geq 68.00%	13.33%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	70.73%	66.41%
	COMAR 13A.13.01.09						




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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
7B	Students aged 3-5 demonstrate acquisition and use of knowledge and skills	1. Exits with substantial growth	≥67.60%	50.00%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	63.64%	59.63%
	COMAR 13A.13.01.09	2. Exits within age expectations	≥57.20%	13.33%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	48.78%	54.96%
7C	Students aged 3-5 demonstrate use of appropriate behavior to meet their needs.	1. Exits with substantial growth	≥63.10%	43.90%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	65.38%	51.69%
	COMAR 13A.13.01.09	2. Exits within age expectations	≥65.70%	15.56%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	75.61%	62.60%
8	Parent Survey	Age 3-5	≥83.00%	87.00%	NA	These data reflect baseline data and the revised target.	52.00%	40.00%
		Age 6-21	≥70.00%	79.00%	NA	These data reflect baseline data and the revised target.	50.00%	52.00%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: COMAR 13A.08.01.07 COMAR 13A.05.01.09A(3)(a)(ii)	A. Higher ED w/in 1 year of leaving HS	≥25.00%	23.19%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results..	23.23%	18.48%
		B. Higher ED or employed w/in 1 year of leaving HS	≥51.00%	68.12%	Met	Target met, no further action required.	54.55%	46.74%
		C. Higher ED or training program or employed w/in 1 year of leaving HS	≥57.00%	78.26%	Met	Target met, no further action required.	61.62%	63.04%

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4B (Ages 6-21)	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students ages 6-21 with IEPs by race/ethnicity	<i>American Indian/Alaska Native</i>	< 2.00	0.00	Met	<p>Disproportionality in the suspension and expulsion of SWD by race/ethnicity was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that contribute to suspension and expulsion of SWD by race/ethnicity.</p> <p>PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the suspension and exclusion of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.</p>	0.00	0.00
		<i>Asian</i>	< 2.00	0.00	Met		0.00	0.00
	 Discrepancy exists in the category N size is ≥ 30	<i>Black/African American</i>	< 2.00	0.00	Met		0.00	4.83*
	* N size is < 30	<i>Native Hawaiian/Pacific Islander</i>	< 2.00	0.00	Met		0.00	--*--
	--*-- No suspension of disabled or nondisabled students	<i>White</i>	< 2.00	0.00	Met		0.00	2.76
		<i>2 or more races</i>	< 2.00	0.00	Met		0.00	0.00
	COMAR 13A.08.01.21	<i>Hispanic/Latino</i>	< 2.00	0.00	Met		0.00	0.00

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators <div>Results Indicator</div> <div>Compliance Indicator</div>			FFY 2016			Action Required	Previous Results	
			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
9 (Ages 6-21)	Disproportionate representation (≥ 2.0) in students ages 6-21 special education of racial groups as a result of inappropriate identification	American Indian/Alaska Native	< 2.00	1.12	Met	Disproportionality in the identification of SWD by race or ethnicity was not identified. No further action required. The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity. PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.	1.92	1.75*
		Asian	< 2.00	0.25	Met		0.34	0.55
		Black/African American	< 2.00	1.62	Met		1.61	1.26
		Native Hawaiian/Pacific Islander	< 2.00	0.35	Met		0.59	0.00
		White	< 2.00	0.81	Met		0.84	1.16
		2 or more races	< 2.00	1.03	Met		1.05	0.96
		Hispanic/Latino	< 2.00	0.81	Met		0.73	0.34
	COMAR 13A.08.01.21							



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FFY 2016 ¹ (SFY 2017) Part B Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Action Required
<div><div></div></div> Compliance Indicator									
10	FFY 2016 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	American Indian/Alaska Native	0.00	0.61	0.00	3.78*	0.00	1.90	Disproportionality for Black/African American students with an Emotional Disability was identified. The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity and disability. Targeted review to be scheduled by MSDE, DSE/EIS. PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities aged 3-5 goes into effect July 1, 2018. The LSS should review its policies, procedures, and practices to determine the factors that contribute to the identification of SWD aged 3-5 by race/ethnicity and disability. To be decided FFY 2019.
		Asian	0.00	0.23	0.00	0.54	0.20	0.27	
		Black/African American	2.28*	1.95	2.10	1.32	1.07	1.48	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	2.97*	0.00	0.00	
		White	0.49	0.72	0.81	0.89	1.02	0.92	
		2 or more races	0.72	0.92	1.20	0.94	1.51	1.14	
	Hispanic/Latino	1.20	0.74	0.48	0.84	1.07	0.73		
	COMAR 13A.08.01.21								



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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days. COMAR 13A.05.01.06	100%	100%	Met	Target met. No further action required.	97.94%	97.50%
12	Percentage of eligible children exiting Part C at age 3 who have an IEP in effect by the child's 3rd birthday COMAR 13A.05.01.08A(2)(a)(iii) COMAR 13A.05.01.06B COMAR 13A.13.01.09	100%	100%	Met	Target met. No further action required.	100%	100%
13	Percentage of youth aged 16 and above whose IEP meets secondary transition requirements COMAR 13A.05.01.07D(5)(6) COMAR 13A.05.01.09A(3)(a)(ii)	100%	100%	Met	Target met. No further action required.	100%	100%

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Other Data Considerations							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
	Timely correction of noncompliance (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%	100%
	State reported data are timely and accurate. (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%	100%
	Number of State complaints filed	NA	1	NA	No further action required.	NA	NA
	Number of State complaints identified with violation(s)	NA	0	NA	No further action required.	NA	NA
	Number of State findings from State complaints corrected in a timely manner	NA	NA	NA	TBD FFY 2017	NA	NA
	Number of due process hearings filed	NA	0	NA	No further action required.	NA	NA
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	NA	NA
	Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	NA	NA
	National Assessment of Educational Progress (NAEP)	NA	NA	NA	Not considered for 2016-2017 Local Determination Status. (See attachment for Statewide Data).	NA	NA

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March 8, 2018

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

Dear Dr. Gaddis:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of students with disabilities for each local preschool and special education program 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]¹. The MSDE, DSE/EIS uses a results-based rubric for given indicators to evaluate the performance of each local school system in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2016 Part B determinations, the Somerset County Public Schools has achieved the determination status of "**Needs Assistance – Year 1.**"

Attached please find supporting documentation:

1. *FFY 2016 Determination Overview* (identifies the Part B Indicators used to assign a FFY 2017 local determination status on page two – please note the addition of fiscal accountability, State complaints/due process hearings, and preschool least restrictive environment data);
2. *FFY 2016 Local Determination Scoring Criteria* (provides a six-year graduated results driven accountability plan used to make a local determination by year); and
3. *FFY 2016 Annual Report Card on State Performance Plan (SPP)/Annual Performance Reports (APR) Part B Indicators* (provides a three-year local data analysis and required actions for students with disabilities ages three through 21).

The MSDE, DSE/EIS is committed to maintaining a balanced focus on results and compliance to narrow the school readiness and achievement gaps. Please note in FFY 2019 the determination status for each local school system will reflect the July 1, 2018 proposed revision to Code of Maryland Regulations (COMAR) regarding the identification of significant disproportionality. Maryland's proposed revised definition of significant disproportionality, as required by the Individuals with Disabilities Education Act (IDEA), includes the three to five years of age population. Beginning in 2016, the DSE/EIS has provided guidance, technical assistance, and professional learning opportunities to support local school systems in the implementation of revised data collection processes and review of local policies, procedures, and practices. Please note that FFY 2016-17 and FFY 2017-18 data capturing suspension/expulsion (in and out of school), identification by race/ethnicity, and identification by race/ethnicity and disability will be used for the FFY 2019 local determination status.

¹ USDE, OSEP uses state National Assessment of Educational Progress (NAEP) participation and performance data for students with disabilities to assign Maryland's special education determination status (see attached "NAEP"). DSE/EIS will be analyzing local testing protocols and decisions for the NAEP assessment.

Dr. John B. Gaddis
March 8, 2018
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To support Maryland's commitment to narrow the opportunity and achievement gaps for students with disabilities and their families, the implementation of the DSE/EIS five-year strategic plan provides a statewide differentiated framework for general supervision and performance support. Based upon a comprehensive data analysis (including the SPP/APR local determination status), the Somerset County Public School Systems has been assigned the "**Universal**" tier for the delivery of the DSE/EIS technical assistance model for results.

Local school systems are strongly encouraged to work closely with their local Special Education Citizens Advisory Committee (SECAC) to analyze local data and infrastructure for the implementation of specially designed instruction. 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 with fidelity to improve the results for children and youth with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities with coaching.

Thank you for your hard work and commitment to equity and efficiency for excellence. The MSDE is committed to supporting the efforts of the Somerset County Public Schools to improve results for children and youth with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



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

MEF/AM/cc

Attachments

c: Karen B. Salmon
Carol A. Williamson
Cheryl A. O'Neal

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

**FFY 2016 Determination Overview
Part C & Part B
July 1, 2016 – June 30, 2017**

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. 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 2018.

To receive a State determination, the IDEA requires states to evaluate each 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 established Indicators. As a result of that evaluation, the 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 states to 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 (DSE/EIS), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <http://mdideareport.org> no later than June 1, 2018. For the FFY 2016 determinations, the MSDE, DSE/EIS has included additional indicators highlighted below in blue.

The following **Part C** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
2. Primary Service Setting 3A. Birth – 4 Outcomes – Emotional Skills 3B. Birth – 4 Outcomes – Knowledge and Skills 3C. Birth – 4 Outcomes – Use of appropriate behaviors 4A. Family Survey-Know their rights 4B. Family Survey-Effectively communicate their children's needs 4C. Family Survey-Help their children develop and learn 5. Child Find 0-1 6. Child Find 0-3	1. Timely Services 7. 45 Day Timeline 8A. Transition - Transition Outcomes 8B. Transition - Notification to LSS 8C. Transition - Timely Planning Meeting
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate

<i>Fiscal</i>	<i>Complaints and Due Process Hearing</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The following **Part B** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
1. Students with IEPs graduating with a regular diploma	4B. Suspension/Expulsion - Significant Discrepancy Disaggregated by Race/Ethnicity
2. Students with IEPs dropping out	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5A. LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
5B. LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	11. Initial Evaluation Timeline
5C. LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	12. Part C to B Transition
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	13. Secondary Transition
8A. Preschool Parent Survey; or	
8B. School Age Parent Survey.	
14. Post-School Outcomes	
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate
<i>Fiscal</i>	<i>Complaints and Due Process Hearings</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS 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. In certain circumstances, enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.P.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.P.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.P.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 LSSILLA 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 LSSILLA, 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).

Somerset County
Annual Data on SPP/APR Part B Indicators
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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators <div><div></div> Results Indicator</div> <div><div></div> Compliance Indicator</div>			FFY 2016			Action Required	Previous Results	
			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
1	Students with IEPs graduating with a regular diploma - 4 year cohort (ESSA lag data based on 2015-2016) COMAR 13A.03.02.09 COMAR 13A.05.01.01		≥ 65.91%	61.29%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	73.91%	71.43%
2	Students with IEPs dropping out (ESSA Option 2 leaver rate based on lag data for 2015-2016) COMAR 13A.08.01.07		≤ 3.51%	5.19%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	5.60%	5.48%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading	NA	NA	NA	Waived by U.S. Department of Education. Change in methodology.	NA	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	AMO for Math	NA	NA	NA		NA	NA
3B	State Assessment: Participation rates of IEP students in all grades in the LEA	Math	≥ 95.00%	99.20%	Met	Target met, no further action required.	99.65%	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	Reading	≥ 95.00%	99.06%	Met	Target met, no further action required.		

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FFY 2016 (SFY 2017) Part B Indicators									
SPP/APR Indicators				FFY 2016			Action Required	Previous Results	
<div><div></div> Results Indicator</div> <div><div></div> Compliance Indicator</div>				State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	16.50%	16.13%	Not Met	Target met in mathematics for the 5 th grade.	36.11%	NA
			Reading	18.60%	10.00%	Not Met	Target not met in mathematics for the 3 rd grade, the 4 th grade, for the 6 th through 8 th grade, and high school. Target not met in reading for the 3 rd grade through the 8 th grade and for high school. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	28.57%	NA
		4	Mathematics	16.15%	11.43%	Not Met		14.81%	NA
			Reading	21.10%	16.67%	Not Met		22.22%	NA
		5	Mathematics	18.85%	21.43%	Met		11.90%	NA
			Reading	23.60%	21.43%	Not Met		9.52%	NA
		6	Mathematics	20.55%	11.63%	Not Met		7.50%	NA
			Reading	26.10%	11.63%	Not Met		15.00%	NA
		7	Mathematics	22.25%	8.89%	Not Met		17.86%	NA
			Reading	28.60%	13.33%	Not Met		18.52%	NA
		8	Mathematics	23.95%	17.24%	Not Met		8.57%	NA
			Reading	31.10%	17.24%	Not Met		11.11%	NA
	HS	Mathematics	56.08%	38.46%	Not Met	36.84%		NA	
		Reading	50.52%	3.85%	Not Met	35.00%		NA	
	COMAR 13A.05.11.05 COMAR 13A.03.06.05								

Somerset County
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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled				Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.		
	<div> <div></div> Discrepancy exists in the category N size is ≥ 30 </div> <div>* N size is < 30</div> <div>--*-- No suspension of disabled or nondisabled students</div> <div>COMAR 13A.08.03.03</div>	≤ 8.00	2.73	Met	<p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.</p>	4.19*	0.00
4A	Single suspensions (> 10 days): Disabled vs. nondisabled				Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.		
	<div> <div></div> Discrepancy exists in the category N size is ≥ 30 </div> <div>* N size is < 30</div> <div>--*-- No suspension of disabled or nondisabled students</div> <div>COMAR 13A.08.03.03</div>	≤ 8.00	0.00	Met	<p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.</p>	0.00	0.09



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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators  Results Indicator  Compliance Indicator		FFY 2016			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
5A	Students aged 6-21 whose LRE is \geq 80% of the day (MD SSIS LRE A) COMAR 13A.05.01.10	\geq 69.90%	76.24%	Met	Target met, no further action required.	78.17%	78.57%
5B	Students aged 6-21 whose LRE is \leq 40% of the day (MD SSIS LRE C) COMAR 13A.05.01.10	\leq 11.76%	18.28%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	14.47%	15.02%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities COMAR 13A.05.01.10 COMAR 13A.05.01.16	\leq 5.94%	1.31%	Met	Target met, no further action required.	4.31%	4.43%
6A	Students aged 3-5 LRE: Services in regular early childhood setting the majority of the day COMAR 13A.05.01.10	\geq 64.70%	42.86%	Met	Target met, no further action required.	31.03%	18.42%
6B	Students aged 3-5 LRE: Separate School or Class COMAR 13A.05.01.10	\leq 18.30%	22.86%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	20.69%	44.74%
7A	Students aged 3-5 demonstrate improved positive social-emotional skills	1. Exits with substantial growth \geq 68.90%	57.14%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	100%	77.78%
	COMAR 13A.13.01.09	2. Exits within age expectations \geq 68.00%	62.50%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	33.33%	45.45%




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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
7B	Students aged 3-5 demonstrate acquisition and use of knowledge and skills	1. Exits with substantial growth	≥67.60%	62.50%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	0.00%	54.55%
	COMAR 13A.13.01.09	2. Exits within age expectations	≥57.20%	37.50%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	0.00%	9.09%
7C	Students aged 3-5 demonstrate use of appropriate behavior to meet their needs.	1. Exits with substantial growth	≥63.10%	66.67%	Met	Target met, no further action required.	50.00%	66.67%
	COMAR 13A.13.01.09	2. Exits within age expectations	≥65.70%	75.00%	Met	Target met, no further action required.	33.33%	54.55%
8	Parent Survey	Age 3-5	≥83.00%	Small Cell Size	NA	These data reflect baseline data and the revised target.	Less than 10	Less than 10
		Age 6-21	≥70.00%	79.00%	NA	These data reflect baseline data and the revised target.	54.00%	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: COMAR 13A.08.01.07 COMAR 13A.05.01.09A(3)(a)(ii)	A. Higher ED w/in 1 year of leaving HS	≥25.00%	Small cell size	NA	No further action required.	18.18%	16.67%
		B. Higher ED or employed w/in 1 year of leaving HS	≥51.00%	Small cell size	NA	No further action required.	36.26%	60.00%
		C. Higher ED or training program or employed w/in 1 year of leaving HS	≥57.00%	Small cell size	NA	No further action required.	51.52%	63.33%

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4B (Ages 6-21)	<p>Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students ages 6-21 with IEPs by race/ethnicity</p> <p> Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.01.21</p>	<i>American Indian/Alaska Native</i>	< 2.00	--*--	Met	<p>Disproportionality in the suspension and expulsion of SWD by race/ethnicity was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that contribute to suspension and expulsion of SWD by race/ethnicity.</p> <p>PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the suspension and exclusion of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.</p>	0.00	0.00
		<i>Asian</i>	< 2.00	0.00	Met		0.00	0.00
		<i>Black/African American</i>	< 2.00	4.41*	NA		7.61*	0.36
		<i>Native Hawaiian/Pacific Islander</i>	< 2.00	--*--	Met		--*--	0.00
		<i>White</i>	< 2.00	0.91	Met		0.45	0.00
		<i>2 or more races</i>	< 2.00	0.00	Met		0.00	0.00
		<i>Hispanic/Latino</i>	< 2.00	0.00	Met		0.00	0.00

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators <div><div></div> Results Indicator</div> <div><div></div> Compliance Indicator</div>			FFY 2016			Action Required	Previous Results	
			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
9 (Ages 6-21)	Disproportionate representation (≥ 2.0) in students ages 6-21 special education of racial groups as a result of inappropriate identification	American Indian/Alaska Native	< 2.00	0.00	Met	Disproportionality in the identification of SWD by race or ethnicity was not identified. No further action required.	2.31*	6.62*
		Asian	< 2.00	0.56	Met		0.56	0.30
		Black/African American	< 2.00	1.28	Met		1.25	1.65
		Native Hawaiian/Pacific Islander	< 2.00	0.00	Met		0.00	1.18
		White	< 2.00	1.25	Met		1.22	0.73
		2 or more races	< 2.00	1.29	Met		1.12	1.10
		Hispanic/Latino	< 2.00	0.35	Met		0.41	0.86
		COMAR 13A.08.01.21						



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FFY 2016 ¹ (SFY 2017) Part B Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Action Required
<div style="background-color: #4f81bd; width: 15px; height: 10px; display: inline-block; margin-right: 5px;"></div> Compliance Indicator									
10	FFY 2016 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification <div style="background-color: #cccccc; width: 15px; height: 10px; display: inline-block; margin-right: 5px;"></div> Discrepancy exists in the category N size is ≥ 30 * N size is < 30 COMAR 13A.08.01.21	American Indian/Alaska Native	0.00	0.00	0.00	0.00	0.00	0.00	<p>Disproportionality in the identification of SWD by race, ethnicity, and disability was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity <u>and</u> disability.</p> <p>PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities aged 3-5 goes into effect July 1, 2018. The LSS should review its policies, procedures, and practices to determine the factors that contribute to the identification of SWD aged 3-5 by race/ethnicity <u>and</u> disability. To be decided FFY 2019.</p>
		Asian	0.00	0.00	0.00	2.44*	0.00	0.00	
		Black/African American	1.24	1.66	0.90	0.93	1.08	1.67	
		Native Hawaiian/Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	1.73	1.08	1.87	1.23	1.89	1.07	
		2 or more races	0.00	1.65	1.57	2.16*	2.45*	0.97	
		Hispanic/Latino	0.48	0.32	0.39	0.00	0.00	0.50	



¹Local results are based on current data unless otherwise indicated.
 Somerset County Annual Data FFY 2016
 Maryland State Department of Education
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Somerset County
Annual Data on SPP/APR Part B Indicators
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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days COMAR 13A.05.01.06	100%	98.51%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results. Correction of the noncompliance must be demonstrated and verified by April 6, 2019. Subsequent data demonstrated that the noncompliance identified in FFY 2015 was corrected within one year of the written finding.	98.04%	96.61%
12	Percentage of eligible children exiting Part C at age 3 who have an IEP in effect by the child's 3rd birthday COMAR 13A.05.01.08A(2)(a)(iii) COMAR 13A.05.01.06B COMAR 13A.13.01.09	100%	100%	Met	Target met. No further action required.	100%	100%
13	Percentage of youth aged 16 and above whose IEP meets secondary transition requirements COMAR 13A.05.01.07D(5)(6) COMAR 13A.05.01.09A(3)(a)(ii)	100%	98.70%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results. Correction of the noncompliance must be demonstrated and verified by April 6, 2019. Subsequent data demonstrated that the noncompliance identified in FFY 2015 was corrected within one year of the written finding.	81.90%	100%

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Somerset County
Annual Data on SPP/APR Part B Indicators
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Other Data Considerations							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
	Timely correction of noncompliance (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%	100%
	State reported data are timely and accurate. (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%	100%
	Number of State complaints filed	NA	0	NA	No further action required.	NA	NA
	Number of State complaints identified with violation(s)	NA	0	NA	No further action required.	NA	NA
	Number of State findings from State complaints corrected in a timely manner	NA	NA	NA	TBD FFY 2017.	NA	NA
	Number of due process hearings filed	NA	0	NA	No further action required.	NA	NA
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	NA	NA
	Fiscal Accountability: Number of findings identified	NA	1	NA	Correction of the identified fiscal noncompliance must be demonstrated and verified by May 16, 2018.	NA	NA
	National Assessment of Educational Progress (NAEP)	NA	NA	NA	Not considered for 2016-2017 Local Determination Status. (See attachment for Statewide Data).	NA	NA

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Somerset County Annual Data FFY 2016
Maryland State Department of Education
Division of Special Education/Early Intervention Services



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

March 8, 2018

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

Congratulations!

Dear Dr. Griffith:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of students with disabilities for each local preschool and special education program 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]¹. The MSDE, DSE/EIS uses a results-based rubric for given indicators to evaluate the performance of each local school system in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2016 Part B determinations, the Talbot County Public Schools has achieved the determination status of "**Meets Requirements**."

Attached please find supporting documentation:

1. *FFY 2016 Determination Overview* (identifies the Part B Indicators used to assign a FFY 2017 local determination status on page two – please note the addition of fiscal accountability, State complaints/due process hearings, and preschool least restrictive environment data);
2. *FFY 2016 Local Determination Scoring Criteria* (provides a six-year graduated results driven accountability plan used to make a local determination by year); and
3. *FFY 2016 Annual Report Card on State Performance Plan (SPP)/Annual Performance Reports (APR) Part B Indicators* (provides a three-year local data analysis and required actions for students with disabilities ages three through 21).

The MSDE, DSE/EIS is committed to maintaining a balanced focus on results and compliance to narrow the school readiness and achievement gaps. Please note in FFY 2019 the determination status for each local school system will reflect the July 1, 2018 proposed revision to Code of Maryland Regulations (COMAR) regarding the identification of significant disproportionality. Maryland's proposed revised definition of significant disproportionality, as required by the Individuals with Disabilities Education Act (IDEA), includes the three to five years of age population. Beginning in 2016, the DSE/EIS has provided guidance, technical assistance, and professional learning opportunities to support local school systems in the implementation of revised data collection processes and review of local policies, procedures, and practices. Please note that FFY 2016-17 and FFY 2017-18 data capturing suspension/expulsion (in and out of school), identification by race/ethnicity, and identification by race/ethnicity and disability will be used for the FFY 2019 local determination status.

¹ USDE, OSEP uses state National Assessment of Educational Progress (NAEP) participation and performance data for students with disabilities to assign Maryland's special education determination status (see attached "NAEP"). DSE/EIS will be analyzing local testing protocols and decisions for the NAEP assessment.

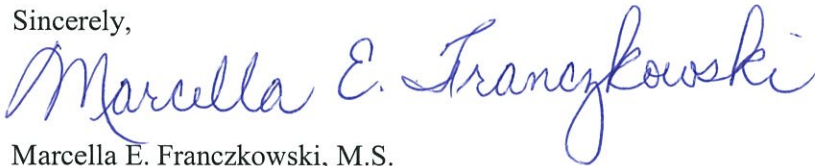
Dr. Kelly L. Griffith
March 8, 2018
Page Two

To support Maryland's commitment to narrow the opportunity and achievement gaps for students with disabilities and their families, the implementation of the DSE/EIS five-year strategic plan provides a statewide differentiated framework for general supervision and performance support. Based upon a comprehensive data analysis (including the SPP/APR local determination status), the Talbot County Public School Systems has been assigned the "**Universal**" tier for the delivery of the DSE/EIS technical assistance model for results.

Local school systems are strongly encouraged to work closely with their local Special Education Citizens Advisory Committee (SECAC) to analyze local data and infrastructure for the implementation of specially designed instruction. 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 with fidelity to improve the results for children and youth with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities with coaching.

Thank you for your hard work and commitment to equity and efficiency for excellence. The MSDE is committed to supporting the efforts of the Talbot County Public Schools to improve results for children and youth with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



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

MEF/AM/cc

Attachments

c: Karen B. Salmon
Carol A. Williamson
Kristin Mentges

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

**FFY 2016 Determination Overview
Part C & Part B
July 1, 2016 – June 30, 2017**

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. 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 2018.

To receive a State determination, the IDEA requires states to evaluate each 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 established Indicators. As a result of that evaluation, the 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 states to 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 (DSE/EIS), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <http://mdideareport.org> no later than June 1, 2018. For the FFY 2016 determinations, the MSDE, DSE/EIS has included additional indicators highlighted below in blue.

The following **Part C** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
2. Primary Service Setting 3A. Birth – 4 Outcomes – Emotional Skills 3B. Birth – 4 Outcomes – Knowledge and Skills 3C. Birth – 4 Outcomes – Use of appropriate behaviors 4A. Family Survey-Know their rights 4B. Family Survey-Effectively communicate their children's needs 4C. Family Survey-Help their children develop and learn 5. Child Find 0-1 6. Child Find 0-3	1. Timely Services 7. 45 Day Timeline 8A. Transition - Transition Outcomes 8B. Transition - Notification to LSS 8C. Transition - Timely Planning Meeting
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate

<i>Fiscal</i>	<i>Complaints and Due Process Hearing</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The following **Part B** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
1. Students with IEPs graduating with a regular diploma	4B. Suspension/Expulsion - Significant Discrepancy Disaggregated by Race/Ethnicity
2. Students with IEPs dropping out	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5A. LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
5B. LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	11. Initial Evaluation Timeline
5C. LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	12. Part C to B Transition
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	13. Secondary Transition
8A. Preschool Parent Survey; or	
8B. School Age Parent Survey.	
14. Post-School Outcomes	
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate
<i>Fiscal</i>	<i>Complaints and Due Process Hearings</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS 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. In certain circumstances, enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.P.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.P.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.P.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 LSSILLA 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 LSSILLA, 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).

Talbot County
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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators  Results Indicator  Compliance Indicator		FFY 2016			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
1	Students with IEPs graduating with a regular diploma - 4 year cohort (ESSA lag data based on 2015-2016) COMAR 13A.03.02.09 COMAR 13A.05.01.01	≥ 65.91%	60.00%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	80.95%	72.00%
2	Students with IEPs dropping out (ESSA Option 2 leaver rate based on lag data for 2015-2016) COMAR 13A.08.01.07	≤ 3.51%	≤ 3.00	Met	Target met, no further action required.	3.45%	≤ 3.00%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading	NA	NA	Waived by U.S. Department of Education. Change in methodology.	NA	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	AMO for Math	NA	NA		NA	NA
3B	State Assessment: Participation rates of IEP students in all grades in the LEA	Math	≥ 95.00%	98.60%	Met	97.44%	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	Reading	≥ 95.00%	98.64%	Met		





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FFY 2016 (SFY 2017) Part B Indicators									
SPP/APR Indicators				FFY 2016			Action Required	Previous Results	
<div><div></div> Results Indicator</div> <div><div></div> Compliance Indicator</div>				State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	16.50%	14.00%	Not Met	Target not met in reading and math for the 3rd grade through the 8th grade and high school. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	14.63%	NA
			Reading	18.60%	16.00%	Not Met		12.20%	NA
		4	Mathematics	16.15%	10.64%	Not Met		10.53%	NA
			Reading	21.10%	12.77%	Not Met		7.89%	NA
		5	Mathematics	18.85%	7.32%	Not Met		11.63%	NA
			Reading	23.60%	9.76%	Not Met		2.38%	NA
		6	Mathematics	20.55%	2.56%	Not Met		3.03%	NA
			Reading	26.10%	2.56%	Not Met		6.06%	NA
		7	Mathematics	22.25%	8.82%	Not Met		19.05%	NA
			Reading	28.60%	17.65%	Not Met		19.05%	NA
		8	Mathematics	23.95%	8.70%	Not Met		3.57%	NA
			Reading	31.10%	13.04%	Not Met		3.57%	NA
		HS	Mathematics	56.08%	30.77%	Not Met		35.29%	NA
			Reading	50.52%	7.69%	Not Met		35.71%	NA
COMAR 13A.05.11.05									
COMAR 13A.03.06.05									

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4A	<p>Multiple suspensions (> 10 days): Disabled vs. nondisabled</p> <p> Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.03.03</p>	≤ 8.00	1.39	Met	<p>Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.</p>	0.00*	8.32*
	<p>Single suspensions (> 10 days): Disabled vs. nondisabled</p> <p> Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.03.03</p>	≤ 8.00	0.00	Met	<p>Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.</p>	--*--	--*--



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FFY 2016 (SFY 2017) Part B Indicators							
<div> <div></div> SPP/APR Indicators <div></div> Results Indicator <div></div> Compliance Indicator </div>		FFY 2016			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
5A	Students aged 6-21 whose LRE is \geq 80% of the day (MD SSIS LRE A) COMAR 13A.05.01.10	\geq 69.90%	77.72%	Met	Target met, no further action required.	78.44%	79.18%
5B	Students aged 6-21 whose LRE is \leq 40% of the day (MD SSIS LRE C) COMAR 13A.05.01.10	\leq 11.76%	9.28%	Met	Target met, no further action required.	8.83%	8.74%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities COMAR 13A.05.01.10 COMAR 13A.05.01.16	\leq 5.94%	1.59%	Met	Target met, no further action required.	0.52%	0.77%
6A	Students aged 3-5 LRE: Services in regular early childhood setting the majority of the day COMAR 13A.05.01.10	\geq 64.70%	98.65%	Met	Target met, no further action required.	98.57%	98.15%
6B	Students aged 3-5 LRE: Separate School or Class COMAR 13A.05.01.10	\leq 18.30%	0.00%	Met	Target met, no further action required.	0.00%	1.85%
7A	Students aged 3-5 demonstrate improved positive social-emotional skills	1. Exits with substantial growth \geq 68.90%	83.33%	Met	Target met, no further action required.	72.73%	92.86%
	COMAR 13A.13.01.09	2. Exits within age expectations \geq 68.00%	62.50%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	82.35%	57.89%




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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
7B	Students aged 3-5 demonstrate acquisition and use of knowledge and skills COMAR 13A.13.01.09	1. Exits with substantial growth	≥67.60%	85.71%	Met	Target met, no further action required.	73.33%	93.33%
		2. Exits within age expectations	≥57.20%	62.50%	Met	Target met, no further action required.	64.71%	42.11%
7C	Students aged 3-5 demonstrate use of appropriate behavior to meet their needs. COMAR 13A.13.01.09	1. Exits with substantial growth	≥63.10%	83.33%	Met	Target met, no further action required.	83.33%	66.67%
		2. Exits within age expectations	≥65.70%	75.00%	Met	Target met, no further action required.	72.00%	63.16%
8	Parent Survey	Age 3-5	≥83.00%	100%	NA	These data reflect baseline data and the revised target.	50.00%	NA
		Age 6-21	≥70.00%	73.00%	NA	These data reflect baseline data and the revised target.	72.00%	67.00%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: COMAR 13A.08.01.07 COMAR 13A.05.01.09A(3)(a)(ii)	A. Higher ED w/in 1 year of leaving HS	≥25.00%	Small cell size	NA	No further action required.	13.79%	3.70%
		B. Higher ED or employed w/in 1 year of leaving HS	≥51.00%	Small cell size	NA	No further action required.	51.72	66.67%
		C. Higher ED or training program or employed w/in 1 year of leaving HS	≥57.00%	Small cell size	NA	No further action required.	62.07%	74.07%

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4B (Ages 6-21)	<p>Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students ages 6-21 with IEPs by race/ethnicity</p> <p> Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.01.21</p>	<i>American Indian/Alaska Native</i>	< 2.00	--*--	Met	<p>Disproportionality in the suspension and expulsion of SWD by race/ethnicity was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that contribute to suspension and expulsion of SWD by race/ethnicity.</p> <p>PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the suspension and exclusion of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.</p>	--*--	--*--
		<i>Asian</i>	< 2.00	0.00	Met		0.00	0.00
		<i>Black/African American</i>	< 2.00	0.00	Met		11.50*	15.25*
		<i>Native Hawaiian/Pacific Islander</i>	< 2.00	--*--	Met		--*--	--*--
		<i>White</i>	< 2.00	2.06*	Met		0.98	5.56*
		<i>2 or more races</i>	< 2.00	0.00	Met		0.00	46.68*
		<i>Hispanic/Latino</i>	< 2.00	0.00	Met		0.00	0.00



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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators <div>Results Indicator</div> <div>Compliance Indicator</div>			FFY 2016			Action Required	Previous Results	
			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
9 (Ages 6-21)	Disproportionate representation (≥ 2.0) in students ages 6-21 special education of racial groups as a result of inappropriate identification	American Indian/Alaska Native	< 2.00	0.00	Met	Disproportionality in the identification of SWD by race or ethnicity was not identified. No further action required. The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity.	0.00	0.00
		Asian	< 2.00	0.34	Met		0.22	0.37
		Black/African American	< 2.00	1.74	Met		1.66	1.65
		Native Hawaiian/Pacific Islander	< 2.00	0.00	Met		0.00	0.00
		White	< 2.00	0.94	Met		0.93	0.86
		2 or more races	< 2.00	0.47	Met		0.66	0.62
		Hispanic/Latino	< 2.00	0.62	Met		0.71	0.72
		Discrepancy exists in the category N size is ≥ 30 * N size is < 30 COMAR 13A.08.01.21						



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FFY 2016 ¹ (SFY 2017) Part B Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Action Required
 Compliance Indicator									
10	FFY 2016 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	American Indian/Alaska Native	0.00	0.00	0.00	0.00	0.00	0.00	Disproportionality in the identification of SWD by race, ethnicity, and disability was not identified. No further action required. The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity and disability.
		Asian	1.60	0.31	0.00	0.00	0.00	0.00	
		Black/African American	1.92	1.90	0.00	2.18*	2.06*	0.93	
		Native Hawaiian/Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.40	0.91	19.92*	0.78	1.16	0.00	
		2 or more races	0.68	0.57	1.70	0.22	0.62	1.50	
	 Discrepancy exists in the category N size is ≥ 30 * N size is < 30	Hispanic/Latino	1.03	0.52	0.00	0.76	0.16	1.20	PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities aged 3-5 goes into effect July 1, 2018. The LSS should review its policies, procedures, and practices to determine the factors that contribute to the identification of SWD aged 3-5 by race/ethnicity and disability. To be decided FFY 2019.
COMAR 13A.08.01.21									



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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days. COMAR 13A.05.01.06	100%	97.96%	Not Met	Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results. Correction of the noncompliance must be demonstrated and verified by April 6, 2019. Subsequent data demonstrated that the noncompliance identified in FFY 2015 was corrected within one year of the written finding.	99.31%	99.28%
12	Percentage of eligible children exiting Part C at age 3 who have an IEP in effect by the child's 3rd birthday COMAR 13A.05.01.08A(2)(a)(iii) COMAR 13A.05.01.06B COMAR 13A.13.01.09	100%	100%	Met	Target met. No further action required.	88.89%	100%
13	Percentage of youth aged 16 and above whose IEP meets secondary transition requirements COMAR 13A.05.01.07D(5)(6) COMAR 13A.05.01.09A(3)(a)(ii)	100%	100%	Met	Target met. No further action required.	100%	100%

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Other Data Considerations							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
	Timely correction of noncompliance (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%	100%
	State reported data are timely and accurate. (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%	100%
	Number of State complaints filed	NA	1	NA	No further action required.	NA	NA
	Number of State complaints identified with violation(s)	NA	0	NA	No further action required.	NA	NA
	Number of State findings from State complaints corrected in a timely manner	NA	NA	NA	TBD FFY 2017	NA	NA
	Number of due process hearings filed	NA	0	NA	No further action required.	NA	NA
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	NA	NA
	Fiscal Accountability: Number of findings identified	NA	1	NA	Correction of the identified area of noncompliance must be demonstrated and verified by June 30, 2018.	NA	NA
	National Assessment of Educational Progress (NAEP)	NA	NA	NA	Not considered for 2016-2017 Local Determination Status. (See attachment for Statewide Data).	NA	NA

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Division of Special Education/Early Intervention Services



March 12, 2018

Revised from March 8, 2018
Correspondence

Dr. Boyd J. Michael
Superintendent
Washington Co. Public Schools
10435 Downsville Pike
Hagerstown, MD 21740

Dear Dr. Michael:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of students with disabilities for each local preschool and special education program 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]¹. The MSDE, DSE/EIS uses a results-based rubric for given indicators to evaluate the performance of each local school system in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2016 Part B determinations, the Washington County Public Schools has achieved the determination status of **"Meets Requirements."**

Attached please find supporting documentation:

1. *FFY 2016 Determination Overview* (identifies the Part B Indicators used to assign a FFY 2017 local determination status on page two – please note the addition of fiscal accountability, State complaints/due process hearings, and preschool least restrictive environment data);
2. *FFY 2016 Local Determination Scoring Criteria* (provides a six-year graduated results driven accountability plan used to make a local determination by year); and
3. *FFY 2016 Annual Report Card on State Performance Plan (SPP)/Annual Performance Reports (APR) Part B Indicators* (provides a three-year local data analysis and required actions for students with disabilities ages three through 21).

The MSDE, DSE/EIS is committed to maintaining a balanced focus on results and compliance to narrow the school readiness and achievement gaps. Please note in FFY 2019 the determination status for each local school system will reflect the July 1, 2018 proposed revision to Code of Maryland Regulations (COMAR) regarding the identification of significant disproportionality. Maryland's proposed revised definition of significant disproportionality, as required by the Individuals with Disabilities Education Act (IDEA), includes the three to five years of age population. Beginning in 2016, the DSE/EIS has provided guidance, technical assistance, and professional learning opportunities to support local school systems in the implementation of revised data collection processes and review of local policies, procedures, and practices. Please note that FFY 2016-17 and FFY 2017-18 data capturing suspension/expulsion (in and out of school), identification by race/ethnicity, and identification by race/ethnicity and disability will be used for the FFY 2019 local determination status.

¹ USDE, OSEP uses state National Assessment of Educational Progress (NAEP) participation and performance data for students with disabilities to assign Maryland's special education determination status (see attached "NAEP"). DSE/EIS will be analyzing local testing protocols and decisions for the NAEP assessment.

Dr. Boyd J. Michael
March 12, 2018
Page Two

To support Maryland's commitment to narrow the opportunity and achievement gaps for students with disabilities and their families, the implementation of the DSE/EIS five-year strategic plan provides a statewide differentiated framework for general supervision and performance support. Based upon a comprehensive data analysis (including the SPP/APR local determination status), the Washington County Public School Systems has been assigned the "**Universal**" tier for the delivery of the DSE/EIS technical assistance model for results.

Local school systems are strongly encouraged to work closely with their local Special Education Citizens Advisory Committee (SECAC) to analyze local data and infrastructure for the implementation of specially designed instruction. 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 with fidelity to improve the results for children and youth with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities with coaching.

Thank you for your hard work and commitment to equity and efficiency for excellence. The MSDE is committed to supporting the efforts of the Washington County Public Schools to improve results for children and youth 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,

A handwritten signature in black ink that reads "Marcella E. Franczkowski". The signature is fluid and cursive, with the first name "Marcella" being the most prominent part.

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

MEF/AM/cc

Attachments

c: Karen B. Salmon
Carol A. Williamson
Jeff Gladhill

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

FFY 2016 Determination Overview

Part C & Part B

July 1, 2016 – June 30, 2017

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. 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 2018.

To receive a State determination, the IDEA requires states to evaluate each 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 established Indicators. As a result of that evaluation, the 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 states to 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 (DSE/EIS), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <http://mdideareport.org> no later than June 1, 2018. For the FFY 2016 determinations, the MSDE, DSE/EIS has included additional indicators highlighted below in blue.

The following **Part C** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
2. Primary Service Setting 3A. Birth – 4 Outcomes – Emotional Skills 3B. Birth – 4 Outcomes – Knowledge and Skills 3C. Birth – 4 Outcomes – Use of appropriate behaviors 4A. Family Survey-Know their rights 4B. Family Survey-Effectively communicate their children's needs 4C. Family Survey-Help their children develop and learn 5. Child Find 0-1 6. Child Find 0-3	1. Timely Services 7. 45 Day Timeline 8A. Transition - Transition Outcomes 8B. Transition - Notification to LSS 8C. Transition - Timely Planning Meeting
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate

<i>Fiscal</i>	<i>Complaints and Due Process Hearing</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The following **Part B** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
1. Students with IEPs graduating with a regular diploma	4B. Suspension/Expulsion - Significant Discrepancy Disaggregated by Race/Ethnicity
2. Students with IEPs dropping out	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5A. LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
5B. LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	11. Initial Evaluation Timeline
5C. LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	12. Part C to B Transition
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	13. Secondary Transition
8A. Preschool Parent Survey; or	
8B. School Age Parent Survey.	
14. Post-School Outcomes	
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate
<i>Fiscal</i>	<i>Complaints and Due Process Hearings</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS 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. In certain circumstances, enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.P.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.P.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.P.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 LSSILLA 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 LSSILLA, 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).

Washington County
Annual Data on SPP/APR Part B Indicators
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FFY 2016 (SFY 2017) Part B Indicators							
<div> <div></div> <div>SPP/APR Indicators</div> <div> <div></div> Results Indicator <div></div> Compliance Indicator </div> </div>		FFY 2016			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
1	Students with IEPs graduating with a regular diploma - 4 year cohort (ESSA lag data based on 2015-2016) COMAR 13A.03.02.09 COMAR 13A.05.01.01	≥ 65.91%	66.89%	Met	Target met, no further action required.	62.75%	69.89%
2	Students with IEPs dropping out (ESSA Option 2 leaver rate based on lag data for 2015-2016) COMAR 13A.08.01.07	≤ 3.51%	≤ 3.00%	Met	Target met, no further action required.	≤ 3.00%	3.16%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading	NA	NA	Waived by U.S. Department of Education. Change in methodology.	NA	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	AMO for Math	NA	NA		NA	NA
3B	State Assessment: Participation rates of IEP students in all grades in the LEA	Math	≥ 95.00%	99.40%	Target met, no further action required.	99.05%	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	Reading	≥ 95.00%	98.83%	Target met, no further action required.		





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FFY 2016 (SFY 2017) Part B Indicators									
SPP/APR Indicators				FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	16.50%	8.70%	Not Met	Target not met in reading and math for the 3rd grade through the 8th grade and high school. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	7.19%	NA
			Reading	18.60%	8.70%	Not Met		2.90%	NA
		4	Mathematics	16.15%	9.03%	Not Met		7.32%	NA
			Reading	21.10%	6.49%	Not Met		4.91%	NA
		5	Mathematics	18.85%	9.09%	Not Met		7.05%	NA
			Reading	23.60%	7.83%	Not Met		5.13%	NA
		6	Mathematics	20.55%	7.10%	Not Met		9.15%	NA
			Reading	26.10%	5.81%	Not Met		6.10%	NA
		7	Mathematics	22.25%	14.71%	Not Met		6.71%	NA
			Reading	28.60%	15.29%	Not Met		8.48%	NA
		8	Mathematics	23.95%	9.41%	Not Met		11.11%	NA
			Reading	31.10%	8.82%	Not Met		9.83%	NA
		HS	Mathematics	56.08%	42.26%	Not Met		51.30%	NA
			Reading	50.52%	13.07%	Not Met		29.59%	NA
COMAR 13A.05.11.05									
COMAR 13A.03.06.05									



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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4A	<p>Multiple suspensions (> 10 days): Disabled vs. nondisabled</p> <p> Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.03.03</p>	≤ 8.00	--*--	Met	<p>Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.</p>	2.30*	1.33
	<p>Single suspensions (> 10 days): Disabled vs. nondisabled</p> <p> Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.03.03</p>	≤ 8.00	--*--	Met	<p>Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.</p>	--*--	--*--



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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators  Results Indicator  Compliance Indicator		FFY 2016			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
5A	Students aged 6-21 whose LRE is \geq 80% of the day (MD SSIS LRE A) COMAR 13A.05.01.10	\geq 69.90%	77.93%	Met	Target met, no further action required.	78.57%	79.58%
5B	Students aged 6-21 whose LRE is \leq 40% of the day (MD SSIS LRE C) COMAR 13A.05.01.10	\leq 11.76%	10.99%	Met	Target met, no further action required.	10.28%	10.24%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities COMAR 13A.05.01.10 COMAR 13A.05.01.16	\leq 5.94%	5.57%	Met	Target met, no further action required.	6.37%	5.48%
6A	Students aged 3-5 LRE: Services in regular early childhood setting the majority of the day COMAR 13A.05.01.10	\geq 64.70%	68.30%	Met	Target met, no further action required.	71.27%	67.94%
6B	Students aged 3-5 LRE: Separate School or Class COMAR 13A.05.01.10	\leq 18.30%	7.62%	Met	Target met, no further action required.	4.00%	6.11%
7A	Students aged 3-5 demonstrate improved positive social-emotional skills	1. Exits with substantial growth \geq 68.90%	62.50%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	66.67%	67.35%
		2. Exits within age expectations \geq 68.00%	49.02%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	54.24%	68.66%
	COMAR 13A.13.01.09						




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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
7B	Students aged 3-5 demonstrate acquisition and use of knowledge and skills COMAR 13A.13.01.09	1. Exits with substantial growth	≥67.60%	67.05%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	70.00%	52.46%
		2. Exits within age expectations	≥57.20%	42.16%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	50.85%	41.79%
7C	Students aged 3-5 demonstrate use of appropriate behavior to meet their needs. COMAR 13A.13.01.09	1. Exits with substantial growth	≥63.10%	67.14%	Met	Target met, no further action required.	68.89%	61.40%
		2. Exits within age expectations	≥65.70%	54.90%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	55.93%	58.21%
8	Parent Survey	Age 3-5	≥83.00%	75.00%	NA	These data reflect baseline data and the revised target.	45.00%	47.00%
		Age 6-21	≥70.00%	68.00%	NA	These data reflect baseline data and the revised target.	45.00%	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: COMAR 13A.08.01.07 COMAR 13A.05.01.09A(3)(a)(ii)	A. Higher ED w/in 1 year of leaving HS	≥25.00%	20.90%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	14.37%	17.99%
		B. Higher ED or employed w/in 1 year of leaving HS	≥51.00%	72.39%	Met	Target met, no further action required. Please share promising practices.	53.45%	54.50%
		C. Higher ED or training program or employed w/in 1 year of leaving HS	≥57.00%	81.34%	Met	Target met, no further action required. Please share promising practices.	56.90%	56.61%

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4B (Ages 6-21)	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students ages 6-21 with IEPs by race/ethnicity	<i>American Indian/Alaska Native</i>	< 2.00	0.00	Met	<p>Disproportionality in the suspension and expulsion of SWD by race/ethnicity was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that contribute to suspension and expulsion of SWD by race/ethnicity.</p> <p>PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the suspension and exclusion of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.</p>	0.00	0.00
		<i>Asian</i>	< 2.00	--*--	Met		0.00	0.00
	 Discrepancy exists in the category N size is ≥ 30	<i>Black/African American</i>	< 2.00	--*--	Met		12.70*	8.32*
	* N size is < 30	<i>Native Hawaiian/Pacific Islander</i>	< 2.00	--*--	Met		0.00	0.00
	--*-- No suspension of disabled or nondisabled students	<i>White</i>	< 2.00	--*--	Met		0.00	0.00
		<i>2 or more races</i>	< 2.00	--*--	Met		0.00	0.00
	COMAR 13A.08.01.21	<i>Hispanic/Latino</i>	< 2.00	--*--	Met		0.00	0.00

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators <div><div></div> Results Indicator</div> <div><div></div> Compliance Indicator</div>			FFY 2016			Action Required	Previous Results	
			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
9 (Ages 6-21)	Disproportionate representation (≥ 2.0) in students ages 6-21 special education of racial groups as a result of inappropriate identification	American Indian/Alaska Native	< 2.00	1.16	Met	Disproportionality in the identification of SWD by race or ethnicity was not identified. No further action required. The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity.	1.02	1.58
		Asian	< 2.00	0.47	Met		1.49	0.46
		Black/African American	< 2.00	1.52	Met		1.53	1.43
		Native Hawaiian/Pacific Islander	< 2.00	2.88*	NA		2.27*	0.98
		White	< 2.00	0.91	Met		0.90	0.86
		2 or more races	< 2.00	0.84	Met		0.79	0.81
		Hispanic/Latino	< 2.00	0.68	Met		0.71	0.87
		COMAR 13A.08.01.21						



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FFY 2016 ¹ (SFY 2017) Part B Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Action Required
<div><div></div> Compliance Indicator</div>									
10	FFY 2016 results: Disproportionate representation (≥ 2.0) in disability categories by race.	American Indian/Alaska Native	0.00	1.35	0.00	2.61*	0.00	0.00	Disproportionality for Black/African American students with an Intellectual Disability was identified. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.
		Asian	0.19	0.15	0.00	0.93	1.27	0.36	
		Black/African American	2.02	1.65	1.22	1.28	1.23	1.51	The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity and disability.
		Native Hawaiian/Pacific Islander	6.39*	5.02*	0.00	4.85*	0.00	0.00	
		White	0.75	0.85	1.23	0.79	1.12	1.07	
		* N size is < 30	2 or more races	0.72	0.74	1.39	0.98	0.89	0.79
	COMAR 13A.08.01.21	Hispanic/Latino	0.65	0.79	0.65	0.92	0.41	0.54	PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities aged 3-5 goes into effect July 1, 2018. The LSS should review its policies, procedures, and practices to determine the factors that contribute to the identification of SWD aged 3-5 by race/ethnicity and disability. To be decided FFY 2019.



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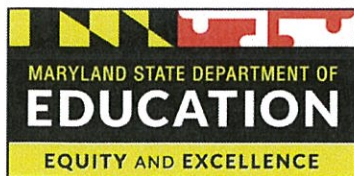
FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days COMAR 13A.05.01.06	100%	100%	Met	Target met. No further action required.	100%	100%
12	Percentage of eligible children exiting Part C at age 3 who have an IEP in effect by the child's 3rd birthday COMAR 13A.05.01.08A(2)(a)(iii) COMAR 13A.05.01.06B COMAR 13A.13.01.09	100%	100%	Met	Target met. No further action required.	100%	100%
13	Percentage of youth aged 16 and above whose IEP meets secondary transition requirements COMAR 13A.05.01.07D(5)(6) COMAR 13A.05.01.09A(3)(a)(ii)	100%	100%	Met	Target met. No further action required.	100%	100%

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Other Data Considerations							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
	Timely correction of noncompliance (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%	100%
	State reported data are timely and accurate. (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met. No further action required.	100%	100%
	Number of State complaints filed	NA	1	NA	No further action required.	NA	NA
	Number of State complaints identified with violation(s)	NA	1	NA	Correction of the identified noncompliance must be demonstrated and verified by August 2018.	NA	NA
	Number of State findings from State complaints corrected in a timely manner	NA	NA	NA	TBD FFY 2017.	NA	NA
	Number of due process hearings filed	NA	0	NA	No further action required.	NA	NA
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	NA	NA
	Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	NA	NA
	National Assessment of Educational Progress (NAEP)	NA	NA	NA	Not considered for 2016-2017 Local Determination Status. (See attachment for Statewide Data).	NA	NA

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Karen B. Salmon, Ph.D.
State Superintendent of Schools

MEMORANDUM

TO: Dr. Donna C. Hanlin
Superintendent
Wicomico County Public Schools

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

RE: Amendment to FFY 2016 Part B Local Determination

DATE: April 6, 2018

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) revisited the Federal Fiscal Year (FFY) 2016 *Annual Report Card on State Performance Plan (SPP)/Annual Performance Report (APR) Part B Indicators* issued on March 8, 2018 (see attached) for the Wicomico County Public Schools (WCPS). In this communication, you were informed that the WCPS achieved the determination status of “Needs Assistance-Year 1” for the implementation of special education and related services for students ages 3 through 21 with an Individualized Education Program (IEP). Following a comprehensive reexamination of the data, I am proud to share with you that for FFY 2016, WCPS has achieved “**Meets Requirements.**” Please note the due date for any assigned Improvement Plan(s) and/or Corrective Action Plan(s) are now due by Monday, May 7, 2018.

Thank you for your hard work and commitment to equity and excellence in providing education to Maryland’s students.

Attachments

c: Bonnie L. Walston

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
1	Students with IEPs graduating with a regular diploma - 4 year cohort (ESSA lag data based on 2015-2016) COMAR 13A.03.02.09 COMAR 13A.05.01.01	≥ 65.91%	54.37%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	54.02%	60.26%
2	Students with IEPs dropping out (ESSA Option 2 leaver rate based on lag data for 2015-2016) COMAR 13A.08.01.07	≤ 3.51%	3.40%	Met	Target met, no further action required.	3.29%	3.77%
3A	State Assessment: AMO for disability subgroup in the LEA	NA	NA	NA	Waived by U.S. Department of Education. Change in methodology.	NA	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	NA	NA	NA		NA	NA
3B	State Assessment: Participation rates of IEP students in all grades in the LEA	≥ 95.00%	98.50%	Met	Target met, no further action required.	99.32%	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	≥ 95.00%	98.61%	Met	Target met, no further action required.		

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FFY 2016 (SFY 2017) Part B Indicators									
SPP/APR Indicators		FFY 2016			Action Required	Previous Results			
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014		
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	16.50%	25.47%	Met	Target met in math for 3rd grade. Target not met in reading for 3rd grade. Target not met in reading and math for the 4th grade through the 8th grade and high school. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	19.44%	NA
			Reading	18.60%	14.29%	Not Met		10.34%	NA
		4	Mathematics	16.15%	12.59%	Not Met		5.26%	NA
			Reading	21.10%	9.15%	Not Met		7.51%	NA
		5	Mathematics	18.85%	6.85%	Not Met		9.85%	NA
			Reading	23.60%	5.48%	Not Met		8.27%	NA
		6	Mathematics	20.55%	4.92%	Not Met		8.33%	NA
			Reading	26.10%	5.83%	Not Met		4.51%	NA
		7	Mathematics	22.25%	10.48%	Not Met		5.88%	NA
			Reading	28.60%	8.80%	Not Met		9.49%	NA
		8	Mathematics	23.95%	6.56%	Not Met		9.38%	NA
			Reading	31.10%	4.03%	Not Met		8.00%	NA
		HS	Mathematics	56.08%	31.17%	Not Met		46.58%	NA
			Reading	50.52%	7.89%	Not Met		33.80%	NA

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SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled <div><div></div> Discrepancy exists in the category N size is ≥ 30</div> * N size is < 30 --*-- No suspension of disabled or nondisabled students COMAR 13A.08.03.03	≤ 8.00	1.14*	NA	Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required. The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.	0.67	0.79
	Single suspensions (> 10 days): Disabled vs. nondisabled <div><div></div> Discrepancy exists in the category N size is ≥ 30</div> * N size is < 30 --*-- No suspension of disabled or nondisabled students COMAR 13A.08.03.03	≤ 8.00	0.00	Met	Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required. The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.	3.58*	3.63

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
5A	Students aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A) COMAR 13A.05.01.10	≥ 69.90%	77.52%	Met	Target met, no further action required.	77.21%	77.77%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C) COMAR 13A.05.01.10	≤ 11.76%	12.63%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	13.94%	13.57%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities COMAR 13A.05.01.10 COMAR 13A.05.01.16	≤ 5.94%	0.87%	Met	Target met, no further action required.	0.67%	0.64%
6A	Students aged 3-5 LRE: Services in regular early childhood setting the majority of the day COMAR 13A.05.01.10	≥ 64.70%	61.24%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	54.82%	53.24%
6B	Students aged 3-5 LRE: Separate School or Class COMAR 13A.05.01.10	≤ 18.30%	0.00%	Met	Target met, no further action required.	1.52%	4.17%
7A	Students aged 3-5 demonstrate improved positive social-emotional skills	≥68.90%	0.00%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	100%	53.19%
	COMAR 13A.13.01.09	≥68.00%	66.67%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	100%	66.30%

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SPP/APR Indicators		FFY 2016 (SFY 2017) Part B Indicators				Action Required	Previous Results	
		Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met	FFY 2015	FFY 2014
7B	Students aged 3-5 demonstrate acquisition and use of knowledge and skills COMAR 13A.13.01.09	1. Exits with substantial growth		≥67.60%	66.67%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	100%
		2. Exits within age expectations		≥57.20%	83.33%	Met	Target met, no further action required.	52.31%
7C	Students aged 3-5 demonstrate use of appropriate behavior to meet their needs. COMAR 13A.13.01.09	1. Exits with substantial growth		≥63.10%	50.00%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	100%
		2. Exits within age expectations		≥65.70%	83.33%	Met	Target met, no further action required.	72.83%
8	Parent Survey	Age 3-5		≥83.00%	82.00%	NA	These data reflect baseline data and the revised target.	27.00%
		Age 6-21		≥70.00%	70.00%	NA	These data reflect baseline data and the revised target.	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: COMAR 13A.08.01.07 COMAR 13A.05.01.09A(3)(a)(ii)	A. Higher ED w/in 1 year of leaving HS		≥25.00%	20.24%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	10.23%
		B. Higher ED or employed w/in 1 year of leaving HS		≥51.00%	64.29%	Met	Target met, no further action required.	55.68%
		C. Higher ED or training program or employed w/in 1 year of leaving HS		≥57.00%	75.00%	Met	Target met, no further action required.	60.23%

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FFY 2016 (SFY 2017) Part B Indicators						
SPP/APR Indicators		FFY 2016			Action Required	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met	FFY 2015	FFY 2014
4B (Ages 6-21)	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students ages 6-21 with IEPs by race/ethnicity <input type="checkbox"/> Discrepancy exists in the category N size is ≥ 30 * N size is < 30 --*-- No suspension of disabled or nondisabled students	<i>American Indian/Alaska Native</i> <i>Asian</i> <i>Black/African American</i> <i>Native Hawaiian/Pacific Islander</i> <i>White</i> <i>2 or more races</i> <i>Hispanic/Latino</i>	 0.00 0.00 2.00* --*-- 0.14 0.86 0.00	Met Met NA Met Met Met	0.00 0.00 1.19 --*-- 0.37 0.00 0.77	0.00 0.00 7.04* 0.00 0.86 0.00 2.18
	<p>Disproportionality in the suspension and expulsion of SWD by race/ethnicity was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that contribute to suspension and expulsion of SWD by race/ethnicity.</p> <p>PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the suspension and exclusion of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.</p>					
	COMAR 13A.08.01.21					

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FFY 2016 (SFY 2017) Part B Indicators						
SPP/APR Indicators		FFY 2016			Action Required	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met	FFY 2015	FFY 2014
<p>Disproportionate representation (≥ 2.0) in students ages 6-21 special education of racial groups as a result of inappropriate identification</p> <p>Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>9 (Ages 6-21)</p>	<i>American Indian/Alaska Native</i>	< 2.00	0.46	Met	0.49	1.21
	<i>Asian</i>	< 2.00	0.30	Met		0.38
	<i>Black/African American</i>	< 2.00	1.52	Met		1.54
	<i>Native Hawaiian/Pacific Islander</i>	< 2.00	0.00	Met		0.74
	<i>White</i>	< 2.00	0.87	Met		0.79
	<i>2 or more races</i>	< 2.00	0.99	Met		0.90
	<i>Hispanic/Latino</i>	< 2.00	0.83	Met		0.90
	COMAR 13A.08.01.21					
<p>Disproportionality in the identification of SWD by race or ethnicity was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity.</p> <p>PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.</p>						

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FFY 2016 ¹ (SFY 2017) Part B Indicators									
SPP/APR Indicators		Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or Language Impairment	Autism	Other Health Impairment	Required Action	
<div><div></div><div>Compliance Indicator</div></div>	FFY 2016 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification <div></div> Discrepancy exists in the category N size is ≥ 30 * N size is < 30	American Indian/Alaska Native	1.58	0.59	0.00	0.00	1.23	0.00	Disproportionality for Black/African American students with an Intellectual Disability and for Black/African American students with an Emotional Disability was identified. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results. The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity and disability. Targeted review to be scheduled by MSDE, DSE/EIS. PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities aged 3-5 goes into effect July 1, 2018. The LSS should review its policies, procedures, and practices to determine the factors that contribute to the identification of SWD aged 3-5 by race/ethnicity and disability. To be decided FFY 2019.
		Asian	0.87	0.10	0.00	0.35	0.67	0.36	
		Black/African American	2.00	1.63	2.88	1.07	0.86	1.86	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.61	0.79	0.81	1.05	1.26	0.88	
		2 or more races	0.51	0.80	0.57	1.34	1.79	0.88	
		Hispanic/Latino	0.75	1.00	0.19	0.99	0.73	0.50	
COMAR 13A.08.01.21									

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days COMAR 13A.05.01.06	100%	100%	Met	Target met, no further action required.	100%	100%
12	Percentage of eligible children exiting Part C at age 3 who have an IEP in effect by the child's 3rd birthday COMAR 13A.05.01.08A(2)(a)(iii) COMAR 13A.05.01.06B COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
13	Percentage of youth aged 16 and above whose IEP meets secondary transition requirements COMAR 13A.05.01.07D(5)(6) COMAR 13A.05.01.09A(3)(a)(ii)	100%	100%	Met	Target met, no further action required.	100%	100%

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Other Data Considerations						
SPP/APR Indicators		FFY 2016			Action Required	
Results Indicator	Compliance Indicator	State Target	Local Results ¹	Target Met		Previous Results
	Timely correction of noncompliance (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met, no further action required.	FFY 2015 100%
	State reported data are timely and accurate. (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met, no further action required.	FFY 2014 100%
	Number of State complaints filed	NA	1	NA	No further action required.	NA
	Number of State complaints identified with violation(s)	NA	1	NA	Correction of the identified noncompliance must be demonstrated and verified by August 2018.	NA
	Number of State findings from State complaints corrected in a timely manner.	NA	NA	NA	TBD FFY 2017.	NA
	Number of due process hearings filed	NA	0	NA	No further action required.	NA
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	NA
	Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	NA
	National Assessment of Educational Progress (NAEP)	NA	NA	NA	Not considered for 2016-2017 Local Determination Status. (See attachment for Statewide Data).	NA

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FFY 2016 Determination Overview

Part C & Part B

July 1, 2016 – June 30, 2017

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. 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 2018.

To receive a State determination, the IDEA requires states to evaluate each 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 established Indicators. As a result of that evaluation, the 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 states to 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 (DSE/EIS), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <http://mdideareport.org> no later than June 1, 2018. For the FFY 2016 determinations, the MSDE, DSE/EIS has included additional indicators highlighted below in blue.

The following **Part C** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
2. Primary Service Setting 3A. Birth – 4 Outcomes – Emotional Skills 3B. Birth – 4 Outcomes – Knowledge and Skills 3C. Birth – 4 Outcomes – Use of appropriate behaviors 4A. Family Survey-Know their rights 4B. Family Survey-Effectively communicate their children's needs 4C. Family Survey-Help their children develop and learn 5. Child Find 0-1 6. Child Find 0-3	1. Timely Services 7. 45 Day Timeline 8A. Transition - Transition Outcomes 8B. Transition - Notification to LSS 8C. Transition - Timely Planning Meeting
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate

<i>Fiscal</i>	<i>Complaints and Due Process Hearing</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The following **Part B** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
1. Students with IEPs graduating with a regular diploma	4B. Suspension/Expulsion - Significant Discrepancy Disaggregated by Race/Ethnicity
2. Students with IEPs dropping out	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5A. LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
5B. LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	11. Initial Evaluation Timeline
5C. LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	12. Part C to B Transition
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	13. Secondary Transition
8A. Preschool Parent Survey; or	
8B. School Age Parent Survey.	
14. Post-School Outcomes	
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate
<i>Fiscal</i>	<i>Complaints and Due Process Hearings</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS 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. In certain circumstances, enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.P.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.P.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.P.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 LSSILLA 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 LSSILLA, 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).

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators <div><div></div> Results Indicator</div> <div><div></div> Compliance Indicator</div>			FFY 2016			Action Required	Previous Results	
			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
1	Students with IEPs graduating with a regular diploma - 4 year cohort (ESSA lag data based on 2015-2016) COMAR 13A.03.02.09 COMAR 13A.05.01.01		≥ 65.91%	54.37%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	54.02%	60.26%
2	Students with IEPs dropping out (ESSA Option 2 leaver rate based on lag data for 2015-2016) COMAR 13A.08.01.07		≤ 3.51%	3.40%	Met	Target met, no further action required.	3.29%	3.77%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading	NA	NA	NA	Waived by U.S. Department of Education. Change in methodology.	NA	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	AMO for Math	NA	NA	NA		NA	NA
3B	State Assessment: Participation rates of IEP students in all grades in the LEA	Math	≥ 95.00%	98.50%	Met	Target met, no further action required.	99.32%	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	Reading	≥ 95.00%	98.61%	Met	Target met, no further action required.		





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FFY 2016 (SFY 2017) Part B Indicators										
SPP/APR Indicators				FFY 2016			Action Required	Previous Results		
<div><div></div> Results Indicator</div> <div><div></div> Compliance Indicator</div>				State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014	
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	16.50%	25.47%	Met	Target met in math for 3rd grade.	19.44%	NA	
			Reading	18.60%	14.29%	Not Met	Target not met in reading for 3rd grade. Target not met in reading and math for the 4th grade through the 8th grade and high school. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	10.34%	NA	
		4	Mathematics	16.15%	12.59%	Not Met		5.26%	NA	
			Reading	21.10%	9.15%	Not Met		7.51%	NA	
		5	Mathematics	18.85%	6.85%	Not Met		9.85%	NA	
			Reading	23.60%	5.48%	Not Met		8.27%	NA	
		6	Mathematics	20.55%	4.92%	Not Met		8.33%	NA	
			Reading	26.10%	5.83%	Not Met		4.51%	NA	
		7	Mathematics	22.25%	10.48%	Not Met		5.88%	NA	
			Reading	28.60%	8.80%	Not Met		9.49%	NA	
		8	Mathematics	23.95%	6.56%	Not Met		9.38%	NA	
			Reading	31.10%	4.03%	Not Met		8.00%	NA	
		HS	Mathematics	56.08%	31.17%	Not Met		46.58%	NA	
			Reading	50.52%	7.89%	Not Met		33.80%	NA	
		COMAR 13A.05.11.05								
		COMAR 13A.03.06.05								

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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4A	<p>Multiple suspensions (> 10 days): Disabled vs. nondisabled</p> <p> Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.03.03</p>	≤ 8.00	1.14*	NA	<p>Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.</p>	0.67	0.79
	<p>Single suspensions (> 10 days): Disabled vs. nondisabled</p> <p> Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.03.03</p>	≤ 8.00	0.00	Met	<p>Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.</p>	3.58*	3.63

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators <div><div></div> Results Indicator</div> <div><div></div> Compliance Indicator</div>		FFY 2016			Action Required	Previous Results		
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014	
5A	Students aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A) COMAR 13A.05.01.10	≥ 69.90%	77.52%	Met	Target met, no further action required.	77.21%	77.77%	
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C) COMAR 13A.05.01.10	≤ 11.76%	12.63%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	13.94%	13.57%	
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities COMAR 13A.05.01.10 COMAR 13A.05.01.16	≤ 5.94%	0.87%	Met	Target met, no further action required.	0.67%	0.64%	
6A	Students aged 3-5 LRE: Services in regular early childhood setting the majority of the day COMAR 13A.05.01.10	≥ 64.70%	61.24%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	54.82%	53.24%	
6B	Students aged 3-5 LRE: Separate School or Class COMAR 13A.05.01.10	≤ 18.30%	0.00%	Met	Target met, no further action required.	1.52%	4.17%	
7A	Students aged 3-5 demonstrate improved positive social-emotional skills	1. Exits with substantial growth	≥68.90%	0.00%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	100%	53.19%
		2. Exits within age expectations	≥68.00%	66.67%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	100%	66.30%
	COMAR 13A.13.01.09							




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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
7B	Students aged 3-5 demonstrate acquisition and use of knowledge and skills	1. Exits with substantial growth	≥67.60%	66.67%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	100%	52.31%
	COMAR 13A.13.01.09	2. Exits within age expectations	≥57.20%	83.33%	Met	Target met, no further action required.	100%	52.36%
7C	Students aged 3-5 demonstrate use of appropriate behavior to meet their needs.	1. Exits with substantial growth	≥63.10%	50.00%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	100%	53.06%
	COMAR 13A.13.01.09	2. Exits within age expectations	≥65.70%	83.33%	Met	Target met, no further action required.	100%	72.83%
8	Parent Survey	Age 3-5	≥83.00%	82.00%	NA	These data reflect baseline data and the revised target.	27.00%	53.00%
		Age 6-21	≥70.00%	70.00%	NA	These data reflect baseline data and the revised target.	40.00%	56.00%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: COMAR 13A.08.01.07 COMAR 13A.05.01.09A(3)(a)(ii)	A. Higher ED w/in 1 year of leaving HS	≥25.00%	20.24%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	10.23%	9.09%
		B. Higher ED or employed w/in 1 year of leaving HS	≥51.00%	64.29%	Met	Target met, no further action required.	55.68%	51.14%
		C. Higher ED or training program or employed w/in 1 year of leaving HS	≥57.00%	75.00%	Met	Target met, no further action required.	73.86%	60.23%




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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4B (Ages 6-21)	<p>Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students ages 6-21 with IEPs by race/ethnicity</p> <p> Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.01.21</p>	<i>American Indian/Alaska Native</i>	< 2.00	0.00	Met	<p>Disproportionality in the suspension and expulsion of SWD by race/ethnicity was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that contribute to suspension and expulsion of SWD by race/ethnicity.</p> <p>PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the suspension and exclusion of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.</p>	0.00	0.00
		<i>Asian</i>	< 2.00	0.00	Met		0.00	0.00
		<i>Black/African American</i>	< 2.00	2.00*	NA		1.19	7.04*
		<i>Native Hawaiian/Pacific Islander</i>	< 2.00	--*--	Met		--*--	0.00
		<i>White</i>	< 2.00	0.14	Met		0.37	0.86
		<i>2 or more races</i>	< 2.00	0.86	Met		0.00	0.00
		<i>Hispanic/Latino</i>	< 2.00	0.00	Met		0.77	2.18

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
9 (Ages 6-21)	<p>Disproportionate representation (≥ 2.0) in students ages 6-21 special education of racial groups as a result of inappropriate identification</p> <p> Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>COMAR 13A.08.01.21</p>	<i>American Indian/Alaska Native</i>	< 2.00	0.46	Met	<p>Disproportionality in the identification of SWD by race or ethnicity was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity.</p> <p>PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.</p>	0.49	1.21
		<i>Asian</i>	< 2.00	0.30	Met		0.30	0.38
		<i>Black/African American</i>	< 2.00	1.52	Met		1.51	1.54
		<i>Native Hawaiian/Pacific Islander</i>	< 2.00	0.00	Met		0.00	0.74
		<i>White</i>	< 2.00	0.87	Met		0.89	0.79
		<i>2 or more races</i>	< 2.00	0.99	Met		1.02	0.90
		<i>Hispanic/Latino</i>	< 2.00	0.83	Met		1.80	0.90



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FFY 2016 ¹ (SFY 2017) Part B Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
<div><div></div></div> Compliance Indicator									
10	FFY 2016 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	American Indian/Alaska Native	1.58	0.59	0.00	0.00	1.23	0.00	Disproportionality for Black/African American students with an Intellectual Disability and for Black/African American students with an Emotional Disability was identified. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.
		Asian	0.87	0.10	0.00	0.35	0.67	0.36	
		Black/African American	2.00	1.63	2.88	1.07	0.86	1.86	
		Native Hawaiian/Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.61	0.79	0.81	1.05	1.26	0.88	
		2 or more races	0.51	0.80	0.57	1.34	1.79	0.88	
	<div><div></div></div> Discrepancy exists in the category N size is ≥ 30 * N size is < 30	Hispanic/Latino	0.75	1.00	0.19	0.99	0.73	0.50	The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity and disability.
COMAR 13A.08.01.21								Targeted review to be scheduled by MSDE, DSE/EIS.	
								PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities aged 3-5 goes into effect July 1, 2018. The LSS should review its policies, procedures, and practices to determine the factors that contribute to the identification of SWD aged 3-5 by race/ethnicity and disability. To be decided FFY 2019.	



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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days COMAR 13A.05.01.06	100%	100%	Met	Target met, no further action required.	100%	100%
12	Percentage of eligible children exiting Part C at age 3 who have an IEP in effect by the child's 3rd birthday COMAR 13A.05.01.08A(2)(a)(iii) COMAR 13A.05.01.06B COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
13	Percentage of youth aged 16 and above whose IEP meets secondary transition requirements COMAR 13A.05.01.07D(5)(6) COMAR 13A.05.01.09A(3)(a)(ii)	100%	100%	Met	Target met, no further action required.	100%	100%

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Other Data Considerations							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
	Timely correction of noncompliance (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met, no further action required.	100%	100%
	State reported data are timely and accurate. (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met, no further action required.	100%	100%
	Number of State complaints filed	NA	1	NA	No further action required.	NA	NA
	Number of State complaints identified with violation(s)	NA	1	NA	Correction of the identified noncompliance must be demonstrated and verified by August 2018.	NA	NA
	Number of State findings from State complaints corrected in a timely manner.	NA	NA	NA	TBD FFY 2017.	NA	NA
	Number of due process hearings filed	NA	0	NA	No further action required.	NA	NA
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	NA	NA
	Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	NA	NA
	National Assessment of Educational Progress (NAEP)	NA	NA	NA	Not considered for 2016-2017 Local Determination Status. (See attachment for Statewide Data).	NA	NA

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March 8, 2018

Mr. Louis Taylor
Superintendent
Worcester Co. Board of Education
6270 Worcester Highway
Newark, MD 21841

Dear Mr. Louis Taylor:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of students with disabilities for each local preschool and special education program 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]¹. The MSDE, DSE/EIS uses a results-based rubric for given indicators to evaluate the performance of each local school system in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2016 Part B determinations, the Worcester County Board of Education has achieved the determination status of "**Meets Requirements.**"

Attached please find supporting documentation:

1. *FFY 2016 Determination Overview* (identifies the Part B Indicators used to assign a FFY 2017 local determination status on page two – please note the addition of fiscal accountability, State complaints/due process hearings, and preschool least restrictive environment data);
2. *FFY 2016 Local Determination Scoring Criteria* (provides a six-year graduated results driven accountability plan used to make a local determination by year); and
3. *FFY 2016 Annual Report Card on State Performance Plan (SPP)/Annual Performance Reports (APR) Part B Indicators* (provides a three-year local data analysis and required actions for students with disabilities ages three through 21).

The MSDE, DSE/EIS is committed to maintaining a balanced focus on results and compliance to narrow the school readiness and achievement gaps. Please note in FFY 2019 the determination status for each local school system will reflect the July 1, 2018 proposed revision to Code of Maryland Regulations (COMAR) regarding the identification of significant disproportionality. Maryland's proposed revised definition of significant disproportionality, as required by the Individuals with Disabilities Education Act (IDEA), includes the three to five years of age population. Beginning in 2016, the DSE/EIS has provided guidance, technical assistance, and professional learning opportunities to support local school systems in the implementation of revised data collection processes and review of local policies, procedures, and practices. Please note that FFY 2016-17 and FFY 2017-18 data capturing suspension/expulsion (in and out of school), identification by race/ethnicity, and identification by race/ethnicity and disability will be used for the FFY 2019 local determination status.

¹ USDE, OSEP uses state National Assessment of Educational Progress (NAEP) participation and performance data for students with disabilities to assign Maryland's special education determination status (see attached "NAEP"). DSE/EIS will be analyzing local testing protocols and decisions for the NAEP assessment.

Mr. Louis Taylor
March 8, 2018
Page Two

To support Maryland's commitment to narrow the opportunity and achievement gaps for students with disabilities and their families, the implementation of the DSE/EIS five-year strategic plan provides a statewide differentiated framework for general supervision and performance support. Based upon a comprehensive data analysis (including the SPP/APR local determination status), the Worcester County Board of Education has been assigned the "**Universal**" tier for the delivery of the DSE/EIS technical assistance model for results.

Local school systems are strongly encouraged to work closely with their local Special Education Citizens Advisory Committee (SECAC) to analyze local data and infrastructure for the implementation of specially designed instruction. 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 with fidelity to improve the results for children and youth with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities with coaching.

Thank you for your hard work and commitment to equity and efficiency for excellence. The MSDE is committed to supporting the efforts of the Worcester County Board of Education to improve results for children and youth with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



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

MEF/AM/cc

Attachments

c: Karen B. Salmon
Carol A. Williamson
Rae Ann Record

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

**FFY 2016 Determination Overview
Part C & Part B
July 1, 2016 – June 30, 2017**

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. 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 2018.

To receive a State determination, the IDEA requires states to evaluate each 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 established Indicators. As a result of that evaluation, the 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 states to 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 (DSE/EIS), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <http://mdideareport.org> no later than June 1, 2018. For the FFY 2016 determinations, the MSDE, DSE/EIS has included additional indicators highlighted below in blue.

The following **Part C** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
2. Primary Service Setting 3A. Birth – 4 Outcomes – Emotional Skills 3B. Birth – 4 Outcomes – Knowledge and Skills 3C. Birth – 4 Outcomes – Use of appropriate behaviors 4A. Family Survey-Know their rights 4B. Family Survey-Effectively communicate their children's needs 4C. Family Survey-Help their children develop and learn 5. Child Find 0-1 6. Child Find 0-3	1. Timely Services 7. 45 Day Timeline 8A. Transition - Transition Outcomes 8B. Transition - Notification to LSS 8C. Transition - Timely Planning Meeting
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate

<i>Fiscal</i>	<i>Complaints and Due Process Hearing</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The following **Part B** indicators are included in assigning determinations:

<i>Results</i>	<i>Compliance</i>
1. Students with IEPs graduating with a regular diploma	4B. Suspension/Expulsion - Significant Discrepancy Disaggregated by Race/Ethnicity
2. Students with IEPs dropping out	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5A. LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
5B. LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	11. Initial Evaluation Timeline
5C. LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	12. Part C to B Transition
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	13. Secondary Transition
8A. Preschool Parent Survey; or	
8B. School Age Parent Survey.	
14. Post-School Outcomes	
<i>Correction of Noncompliance</i>	<i>Data and Submission of Reports</i>
Timely Correction of Noncompliance	Timely and Accurate
<i>Fiscal</i>	<i>Complaints and Due Process Hearings</i>
Fiscal Accountability	Number of State complaints filed
	Number of State complaints with violations
	Number of due process hearings filed
	Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS 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. In certain circumstances, enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.P.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.P.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.P.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 LSSILLA 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 LSSILLA, 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).

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FFY 2016 (SFY 2017) Part B Indicators							
<div> <div></div> <div>SPP/APR Indicators</div> <div> <div></div> Results Indicator <div></div> Compliance Indicator </div> </div>		FFY 2016			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
1	Students with IEPs graduating with a regular diploma - 4 year cohort (ESSA lag data based on 2015-2016) COMAR 13A.03.02.09 COMAR 13A.05.01.01	≥ 65.91%	76.47%	Met	Target met, no further action required.	80.00%	81.48%
2	Students with IEPs dropping out (ESSA Option 2 leaver rate based on lag data for 2015-2016) COMAR 13A.08.01.07	≤ 3.51%	≤ 3.00%	Met	Target met, no further action required.	≤ 3.00%	≤ 3.00%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading	NA	NA	Waived by U.S. Department of Education. Change in methodology.	NA	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	AMO for Math	NA	NA		NA	NA
3B	State Assessment: Participation rates of IEP students in all grades in the LEA	Math	≥ 95.00%	99.80%	Target met, no further action required.	99.33%	NA
	COMAR 13A.05.11.05 COMAR 13A.03.06.05	Reading	≥ 95.00%	99.57%	Target met, no further action required.		





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SPP/APR Indicators				FFY 2016			Action Required	Previous Results			
Results Indicator	Compliance Indicator			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014		
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	16.50%	34.78%	Met	Target met in reading for the 3 rd grade. Target met in math for the 3 rd grade, 5 th grade, 8 th grade, and high school. Target not met in reading for the 4 th grade through the 8 th grade and high school. Target not met in math for the 4 th grade, 6 th grade, and 7 th grade. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	31.58%	NA		
			Reading	18.60%	30.43%	Met		18.42%	NA		
		4	Mathematics	16.15%	14.29%	Not Met		20.51%	NA		
			Reading	21.10%	16.28%	Not Met		28.21%	NA		
		5	Mathematics	18.85%	23.08%	Met		14.06%	NA		
			Reading	23.60%	20.51%	Not Met		12.50%	NA		
		6	Mathematics	20.55%	7.94%	Not Met		10.14%	NA		
			Reading	26.10%	4.76%	Not Met		15.94%	NA		
		7	Mathematics	22.25%	11.94%	Not Met		13.64%	NA		
			Reading	28.60%	13.43%	Not Met		15.15%	NA		
		8	Mathematics	23.95%	26.15%	Met		18.75%	NA		
			Reading	31.10%	15.38%	Not Met		20.83%	NA		
		HS	Mathematics	56.08%	66.15%	Met		71.05%	NA		
			Reading	50.52%	39.06%	Not Met		50.00%	NA		
		COMAR 13A.05.11.05									
		COMAR 13A.03.06.05									

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SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled				Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.		
	 Discrepancy exists in the category N size is ≥ 30 * N size is < 30 --*-- No suspension of disabled or nondisabled students COMAR 13A.08.03.03	≤ 8.00	0.88	Met	The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.	0.00	1.16
4A	Single suspensions (> 10 days): Disabled vs. nondisabled				Disproportionality in the suspension and expulsion of SWD when compared to their nondisabled peers was not identified. No further action required.		
	 Discrepancy exists in the category N size is ≥ 30 * N size is < 30 --*-- No suspension of disabled or nondisabled students COMAR 13A.08.03.03	≤ 8.00	--*--	Met	The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the suspension and expulsion of SWD when compared to their nondisabled peers by race/ethnicity.	0.00	--*--

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FFY 2016 (SFY 2017) Part B Indicators							
<div> <div></div> <div>SPP/APR Indicators</div> <div> <div></div> Results Indicator <div></div> Compliance Indicator </div> </div>		FFY 2016			Action Required	Previous Results	
		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
5A	Students aged 6-21 whose LRE is \geq 80% of the day (MD SSIS LRE A) COMAR 13A.05.01.10	\geq 69.90%	82.07%	Met	Target met, no further action required.	84.28%	88.04%
5B	Students aged 6-21 whose LRE is \leq 40% of the day (MD SSIS LRE C) COMAR 13A.05.01.10	\leq 11.76%	4.28%	Met	Target met, no further action required.	3.52%	1.88%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities COMAR 13A.05.01.10 COMAR 13A.05.01.16	\leq 5.94%	5.79%	Met	Target met, no further action required.	6.37%	5.24%
6A	Students aged 3-5 LRE: Services in regular early childhood setting the majority of the day COMAR 13A.05.01.10	\geq 64.70%	44.24%	Not Met	Target not met. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results.	51.85%	38.24%
6B	Students aged 3-5 LRE: Separate School or Class COMAR 13A.05.01.10	\leq 18.30%	14.03%	Met	Target met, no further action required.	18.52%	27.45%
7A	Students aged 3-5 demonstrate improved positive social-emotional skills	1. Exits with substantial growth \geq 68.90%	88.89%	Met	Target met, no further action required.	85.75%	79.31%
		2. Exits within age expectations \geq 68.00%	70.59%	Met	Target met, no further action required.	81.82%	67.50%
	COMAR 13A.13.01.09						




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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
7B	Students aged 3-5 demonstrate acquisition and use of knowledge and skills COMAR 13A.13.01.09	1. Exits with substantial growth	≥67.60%	85.71%	Met	Target met, no further action required.	69.23%	74.29%
		2. Exits within age expectations	≥57.20%	70.59%	Met	Target met, no further action required.	66.67%	62.50%
7C	Students aged 3-5 demonstrate use of appropriate behavior to meet their needs. COMAR 13A.13.01.09	1. Exits with substantial growth	≥63.10%	83.33%	Met	Target met, no further action required.	89.47%	72.41%
		2. Exits within age expectations	≥65.70%	79.41%	Met	Target met, no further action required.	78.79%	67.50%
8	Parent Survey	Age 3-5	≥83.00%	76.00%	NA	These data reflect baseline data and the revised target.	67.00%	92.00%
		Age 6-21	≥70.00%	80.00%	NA	These data reflect baseline data and the revised target.	55.00%	67.00%
14	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: COMAR 13A.08.01.07 COMAR 13A.05.01.09A(3)(a)(ii)	A. Higher ED w/in 1 year of leaving HS	≥25.00%	Small cell size	NA	No further action required.	25.00%	28.07%
		B. Higher ED or employed w/in 1 year of leaving HS	≥51.00%	Small cell size	NA	No further action required.	62.50%	73.68%
		C. Higher ED or training program or employed w/in 1 year of leaving HS	≥57.00%	Small cell size	NA	No further action required.	70.83%	77.19%

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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators			FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator		State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
4B (Ages 6-21)	<p>Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students ages 6-21 with IEPs by race/ethnicity</p> <p> Discrepancy exists in the category N size is ≥ 30</p> <p>* N size is < 30</p> <p>--*-- No suspension of disabled or nondisabled students</p> <p>COMAR 13A.08.01.21</p>	<i>American Indian/Alaska Native</i>	< 2.00	0.00	Met	<p>Disproportionality in the suspension and expulsion of SWD by race/ethnicity was not identified. No further action required.</p> <p>The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that contribute to suspension and expulsion of SWD by race/ethnicity.</p> <p>PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities ages 3-5 goes into effect July 1, 2018. The LSS should ensure that its data collection processes are aligned with the new requirements and review its policies, procedures, and practices to determine the factors that may contribute to the suspension and exclusion of SWD ages 3-5 by race/ethnicity. To be decided FFY 2019.</p>	0.00	0.00
		<i>Asian</i>	< 2.00	0.00	Met		0.00	0.00
		<i>Black/African American</i>	< 2.00	3.30*	NA		0.00	4.25*
		<i>Native Hawaiian/Pacific Islander</i>	< 2.00	--*--	Met		0.00	--*--
		<i>White</i>	< 2.00	0.00	Met		0.00	0.00
		<i>2 or more races</i>	< 2.00	0.00	Met		0.00	0.00
		<i>Hispanic/Latino</i>	< 2.00	0.00	Met		0.00	0.00



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FFY 2016 (SFY 2017) Part B Indicators								
SPP/APR Indicators <div><div></div> Results Indicator</div> <div><div></div> Compliance Indicator</div>			FFY 2016			Action Required	Previous Results	
			State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
9 (Ages 6-21)	Disproportionate representation (≥ 2.0) in students ages 6-21 special education of racial groups as a result of inappropriate identification	American Indian/Alaska Native	< 2.00	0.85	Met	Disproportionality in the identification of SWD by race or ethnicity was not identified. No further action required.	0.53	1.20
		Asian	< 2.00	0.61	Met		0.60	0.58
		Black/African American	< 2.00	1.59	Met		1.68	1.62
		Native Hawaiian/Pacific Islander	< 2.00	0.00	Met		3.74*	0.00
		White	< 2.00	0.82	Met		0.78	0.76
		2 or more races	< 2.00	0.78	Met		0.73	0.65
		Hispanic/Latino	< 2.00	0.76	Met		0.74	0.84
		COMAR 13A.08.01.21						



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FFY 2016 ¹ (SFY 2017) Part B Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Action Required
 Compliance Indicator									
10	FFY 2016 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	American Indian/Alaska Native	0.00	0.00	0.00	0.00	5.57*	1.60	Disproportionality for White students with Autism was identified. Submit an Improvement Plan by May 7, 2018. Identify the root causes and evidence-based practices targeted to improve student results. The proposed change to COMAR regarding the definition of significant disproportionality goes into effect July 1, 2018. The revised COMAR regulations will have an impact on the current methodology used by MSDE, DSE/EIS to calculate and to determine disproportionality for this indicator. The LSS should review its policies, procedures, and practices to determine the factors that may contribute to the identification of SWD by race/ethnicity <u>and</u> disability. Targeted review to be scheduled by MSDE, DSE/EIS.
		Asian	1.10	0.16	0.00	0.45	1.70	1.19	
		Black/African American	3.01*	1.71	2.18*	0.79	0.61	1.91	
		Native Hawaiian/Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.47	0.69	0.62	1.07	2.09	0.79	
		2 or more races	0.80	0.76	1.05	1.02	0.59	0.68	
	 Discrepancy exists in the category N size is ≥ 30 * N size is < 30	Hispanic/Latino	0.36	1.14	0.85	1.54	0.22	0.32	PLEASE NOTE: The proposed change to COMAR regarding the definition of significant disproportionality for students with disabilities aged 3-5 goes into effect July 1, 2018. The LSS should review its policies, procedures, and practices to determine the factors that contribute to the identification of SWD aged 3-5 by race/ethnicity <u>and</u> disability. To be decided FFY 2019.
COMAR 13A.08.01.21									



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FFY 2016 (SFY 2017) Part B Indicators							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days COMAR 13A.05.01.06	100%	100%	Met	Target met, no further action required. Subsequent data demonstrated that the noncompliance identified in FFY 2015 was corrected within one year of the written finding.	99.46%	99.30%
12	Percentage of eligible children exiting Part C at age 3 who have an IEP in effect by the child's 3rd birthday COMAR 13A.05.01.08A(2)(a)(iii) COMAR 13A.05.01.06B COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
13	Percentage of youth aged 16 and above whose IEP meets secondary transition requirements COMAR 13A.05.01.07D(5)(6) COMAR 13A.05.01.09A(3)(a)(ii)	100%	100%	Met	Target met, no further action required.	100%	100%

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Other Data Considerations							
SPP/APR Indicators		FFY 2016			Action Required	Previous Results	
 Results Indicator	 Compliance Indicator	State Target	Local Results ¹	Target Met		FFY 2015	FFY 2014
	Timely correction of noncompliance (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met, no further action required.	100%	100%
	State reported data are timely and accurate. (Specific actions required are embedded within each Results and Compliance Indicator and used to establish local determination status)	100%	100%	Met	Target met, no further action required.	100%	100%
	Number of State complaints filed	NA	0	NA	No further action required.	NA	NA
	Number of State complaints identified with violation(s)	NA	0	NA	No further action required.	NA	NA
	Number of State findings from State complaints corrected in a timely manner	NA	NA	NA	TBD FFY 2017.	NA	NA
	Number of due process hearings filed	NA	0	NA	No further action required.	NA	NA
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	NA	NA
	Fiscal Accountability: Number of findings identified	NA	1	NA	Target met. No further action required. The one finding of noncompliance identified on August 3, 2017 was corrected and verified within one year from the issuance of the written finding.	NA	NA
	National Assessment of Educational Progress (NAEP)	NA	NA	NA	Not considered for 2016-2017 Local Determination Status. (See attachment for Statewide Data).	NA	NA

¹Local results are based on current data unless otherwise indicated.
Worcester County Annual Data FFY 2016
Maryland State Department of Education
Division of Special Education/Early Intervention Services