



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

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

March 26, 2015

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

Dear Dr. Cox:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local Infants and Toddlers Program using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local Infants and Toddler's Program performance in meeting the State's targets for Federal Fiscal Year (FFY) 2013 (2013-2014). Attached please find the *FFY 2013 Determination Overview* that identifies the Part C Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria*, and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 Annual Data Table on SPP/APR Part C Indicators* provides a three-year data analysis and required actions for the Allegany County Infants and Toddlers Program (ITP). Based on the FFY 2013 data, as well as information obtained through monitoring and complaint investigations, the Allegany County ITP has achieved the determination status of "**Meets Requirements.**"

In correspondence sent to your attention on March 20, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. As part of this plan, all Part C results indicators are used in the determination process. The results indicators include:

- Indicator 2: Provision of Services in the Natural Environment;
- Indicator 3: Child Outcomes;
- Indicator 4: Family Outcomes;
- Indicator 5: Child Find Birth to One; and
- Indicator 6: Child Find Birth to Three.

As part of the results-driven accountability system, the DSE/EIS has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. Please see the *Part C Child Outcomes Baselines and Targets for Local Determinations* document. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The attached baselines for local

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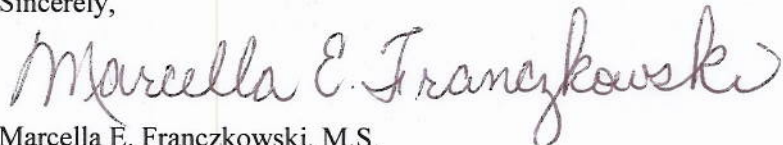
determinations of Maryland's LITPs will not be included in the Maryland's Annual Performance Report (APR) to the Office of Special Education Programs (OSEP). For federal reporting, the OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children 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.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Allegany County ITP to improve results for infants, toddlers, and preschool age children 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/BMM/cc  
Attachments

c: Lillian M Lowery  
Jack R. Smith  
Natalie Tenaglio  
Sheree Witt  
Branch Chiefs



**Allegany County Infants and Toddlers Program**  
**Annual Data on Part C State Performance Plan (SPP) Priority Indicators**  
**for the Period July 1, 2013 – June 30, 2014**

Part C Annual SPP Performance Report									
SPP/APR Indicators				FFY 2013			Action Required	Previous Results	
Results Indicator	Compliance Indicator			State Target	Local Results	Target Met		FFY 2012	FFY 2011
2	Infants and Toddlers with IFSPs who receive services in natural environments			92.00%	93.20%	Met	Data meet the State's target. No required action.	99.00%	98.00%
3A	Birth - 4 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	2. Exits within age expectations	64.23%	50.00%	Not Met		54.17%	18.80%
3B	Birth - 4 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	2. Exits within age expectations	65.12%	59.26%	Not Met		72.88%	75.00%
3C	Birth - 4 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	2. Exits within age expectations	69.08%	54.55%	Not Met		57.14%	41.90%
4A	Families who report EIS helped them know their rights			61.42%	53.70%	Not Met		70.00%	62.50%
4B	Families who report EIS helped them communicate their child's needs			72.98%	59.38%	Not Met		68.29%	46.20%
4C	Families who report EIS helped them help their children develop and learn			56.92%	62.96%	Met		71.67%	73.20%
5	Children birth to one served as a percentage of the population birth to one			81.00%	93.90%	Met	Data meet the State's target. No required action.	95.50%	95.5%
6	Children birth to three served as a percentage of the population birth to 3			79.00%	94.00%	Met	Data meet the State's target. No required action.	97.00%	95.40%
				89.00%	95.00%	Met	Data meet the State's target. No required action.	95.20%	95.30%
				1.50%	3.75%	Met	Data meet the State's target. No required action.	4.59%	2.16%
				3.00%	4.27%	Met	Data meet the State's target. No required action.	4.67%	4.82%

Part C Annual SPP Performance Report							
SPP/APR Indicators		FFY 2013			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2012	FFY 2011
1	Timely Delivery of IFSP Services	100%	100%	Met	Compliant. Verification activities indicate need for follow-up.	100%	100%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral	100%	100%	Met	Compliant. No required action.	100%	100%
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	91.70%
	Correction of Noncompliance	100%	100%	Met	Compliant. No required action.	100%	100%



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

**FFY 2013 Determination Overview**

**Part C & Part B**

**July 1, 2013 – June 30, 2014**

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability on Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2015.

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

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

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org> no later than June 1, 2015.

The following Part C indicators are included in assigning determinations:

<b>Results</b>	<b>Compliance</b>
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
4B. Family Survey – Effectively communicate their children's needs	
4C. Family Survey – Help their children	



develop and learn	
5. Child Find 0-1	
6. Child Find 0-3	
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

<b>Process</b>	<b>Compliance</b>
5A. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day;	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity
5B. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day; and	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5C. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements.	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	11. Initial Evaluation Timeline
8A. Preschool Parent Survey; or	12. Part C to B Transition
8B. School Age Parent Survey.	13. Secondary Transition
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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



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

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

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

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

## **Framework for Assistance and Intervention**

### **Needs Assistance**

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

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

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



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

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

### Needs Intervention

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

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

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



- o Integrated Monitoring Activities;
  - o Fiscal Management;
  - o Data Processes and Results;
  - o Improvement, Correction, Incentives, and Sanctions;
  - o Effective Dispute Resolution; and
  - o 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).

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

*Part C Child Outcomes Baselines and Targets for Local Determinations*  
*Federal Fiscal Year (FFY) 2013-2018*  
*State Fiscal Year (SFY) 2014-2019*

As part of the results-driven accountability system, the Division of Special Education/Early Intervention Services' (DSE/EIS) has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The percentage increases in targets above are consistent with the DSE/EIS Strategic Plan: *Moving Maryland Forward* and with the Annual Performance Report (APR) submitted to the Office of Special Education Programs (OSEP) on February 1, 2015. Baseline and Target Data for FFY 2013 to FFY 2018 are as follows:

Child Outcome Indicator	Summary Statement*	Baseline	Target	Target	Target	Target	Target
		FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	FFY 2018
		SFY 2014	SFY 2015	SFY 2016	SFY 2017	SFY 2018	SFY 2019
Positive Social Emotional Skills	1	64.23%	64.23%	65.23%	66.23%	67.23%	68.23%
	2	65.12%	65.12%	65.62%	66.12%	66.62%	67.12%
Acquisition and Use of Knowledge & Skills	1	69.08%	69.08%	70.08%	71.08%	72.08%	73.08%
	2	61.42%	61.42%	61.92%	62.42%	62.92%	63.42%
Use of Appropriate Behavior to Meet Their Needs	1	72.98%	72.98%	73.98%	74.98%	75.98%	76.98%
	2	56.92%	56.92%	57.42%	57.92%	58.42%	58.92%

\*Summary Statement #1 – Of those children who entered the program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they exited the program. Summary Statement #2 – The percent of children who were functioning within age expectations in each Outcome by the time they exited the program.



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

Number of Results Indicators Required to Meet Requirements (of 11 Total Indicators) <i>Natural Environments, Child Find, Child Outcomes, and Family Outcomes</i>						
FFY <SFY> (Determination Year)	Four (4)	Five (5)	Six (6)	Seven (7)		
2013 <2013-2014> (2015)						
2014 <2014-2015> (2016)						
2015 <2015-2016> (2017)						
2016 <2016-2017> (2018)						
2017 <2017-2018> (2019)						
2018 <2018-2019> (2020)						

DSE/EIS Strategic Plan Moving Maryland Forward Action Imperatives

Early Childhood

Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

Part C FFY 2013 Local Determination Scoring Criteria						
Determination Year	FFY12 2012-2013 March 2014	FFY13 2013-2014 March 2015	FFY14 2014-2015 March 2016	FFY15 2015-2016 March 2017	FFY16 2016-2017 March 2018	FFY17 2017-2018 March 2019
<b>Early Childhood Results</b>	LITP met State targets for at least four results indicators (2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least four results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least five results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least six results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)
<b>Compliance</b> (All targets are 100%)	Data for Natural Environments (Indicator 2) data is not significantly ( $\leq 81.0\%$ ) the target	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*
	LITP demonstrated substantial compliance in at least five compliance indicators (1, 7, 8a, 8b, 8c, & 14)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)
	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.
	LITP demonstrated full compliance (100%) in at least two compliance indicators	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)
	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification
	N/A	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.

March 25, 2015



**Maryland State Department of Education**  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

<b>Local Determination Criteria</b>	Use current Local Determination Criteria and Scoring Rubric	<ul style="list-style-type: none"> <li>Two of Two Results Indicator bands; and</li> <li>Four of Five Compliance Indicator bands</li> </ul>	Meets Requirements
	Use current Local Determination Criteria and Scoring Rubric	<ul style="list-style-type: none"> <li>One of Two Results Indicator bands; and</li> <li>Three of Five Compliance Indicator bands</li> </ul>	Needs Assistance
	Use current Local Determination Criteria and Scoring Rubric	<ul style="list-style-type: none"> <li>Zero of Two Results Indicator bands; and</li> <li>One of Five Compliance Indicator bands</li> </ul>	Needs Intervention
	Use current Local Determination Criteria and Scoring Rubric	<ul style="list-style-type: none"> <li>LTP demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification;</li> <li>LTP failure to substantially comply has affected the core requirements, such as delivery of services to students with disabilities or to provide effective general supervision and oversight; or</li> <li>LTP informed the State that it is unwilling to comply with the core requirements.</li> </ul>	<b>Need Substantial Intervention</b>

\*Programs with 3 or less children in Non-NE settings may be excluded. Indicator numbers correspond to State Performance Plan (SPP). Please see the SPP for more detail.



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

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

March 26, 2015

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

Dear Dr. Arlotto:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local Infants and Toddlers Program using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local Infants and Toddler's Program performance in meeting the State's targets for Federal Fiscal Year (FFY) 2013 (2013-2014). Attached please find the *FFY 2013 Determination Overview* that identifies the Part C Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria*, and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 Annual Data Table on SPP/APR Part C Indicators* provides a three-year data analysis and required actions for the Anne Arundel County Infants and Toddlers Program (ITP). Based on the FFY 2013 data, as well as information obtained through monitoring and complaint investigations, the Anne Arundel County ITP has achieved the determination status of **"Meets Requirements."**

In correspondence sent to your attention on March 20, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. As part of this plan, all Part C results indicators are used in the determination process. The results indicators include:

- Indicator 2: Provision of Services in the Natural Environment;
- Indicator 3: Child Outcomes;
- Indicator 4: Family Outcomes;
- Indicator 5: Child Find Birth to One; and
- Indicator 6: Child Find Birth to Three.

As part of the results-driven accountability system, the DSE/EIS has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. Please see the *Part C Child Outcomes Baselines and Targets for Local Determinations* document. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The attached baselines for local





Dr. George Arlotto  
March 26, 2015  
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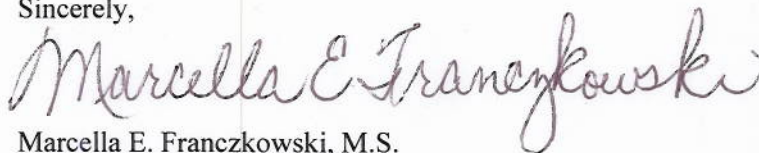
determinations of Maryland's LITPs will not be included in the Maryland's Annual Performance Report (APR) to the Office of Special Education Programs (OSEP). For federal reporting, the OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children 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.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Anne Arundel County ITP to improve results for infants, toddlers, and preschool age children 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/BMM/cc  
Attachments

c: Lillian M Lowery  
Jack R. Smith  
Bobbi Pedrick  
Edward Feinberg  
Branch Chiefs

**Anne Arundel County Infants and Toddlers Program**  
**Annual Data on Part C State Performance Plan (SPP) Priority Indicators**  
**for the Period July 1, 2013 – June 30, 2014**

Part C Annual SPP Performance Report									
SPP/APR Indicators				FFY 2013		Action Required	Previous Results		
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met	FFY 2012		FFY 2011		
2	Infants and Toddlers with IFSPs who receive services in natural environments	92.00%	95.70%	Met	Data meet the State's target. No required action.	95.10%	94.50%		
3A	Birth - 4 Outcomes: Use of social – emotional skills	64.23%	85.80%	Met		90.67%	93.60%		
		65.12%	64.03%	Not Met		62.99%	60.10%		
3B	Birth - 4 Outcomes: Use of knowledge and skills	69.08%	90.57%	Met		94.53%	95.00%		
		61.42%	65.44%	Met		63.59%	60.80%		
3C	Birth - 4 Outcomes: Use of appropriate behaviors	72.98%	92.34%	Met		94.08%	93.30%		
		56.92%	60.77%	Met		61.58%	57.30%		
4A	Families who report EIS helped them know their rights	81.0%	96.3%	Met	Data meet the State's target. No required action.	92.90%	92.80%		
4B	Families who report EIS helped them communicate their child's needs	79.0%	95.5%	Met	Data meet the State's target. No required action.	93.30%	94.60%		
4C	Families who report EIS helped them help their children develop and learn	89.0%	95.7%	Met	Data meet the State's target. No required action.	92.30%	93.60%		
5	Children birth to one served as a percentage of the population birth to one	1.50%	1.46%	Not Met	Data do not meet the State target. Continue Improvement Activities	1.37%	1.20%		
6	Children birth to three served as a percentage of the population birth to 3	3.00%	3.86%	Met	Data meet the State's target. No required action.	4.17%	4.21%		



Part C Annual SPP Performance Report							
SPP/APR Indicators		FFY 2013			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2012	FFY 2011
1	Timely Delivery of IFSP Services	100%	99.50%	Not Met	Correction of noncompliance must occur.	100%	99.80%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral	100%	99.43%	Not Met	Correction of noncompliance must occur.	99.60%	99.30%
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Met	Compliant. No required action.	99.50%	99.10%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.		
	Correction of Noncompliance	100%	100%	Met	Compliant. No required action.		

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

**FFY 2013 Determination Overview**

**Part C & Part B**

**July 1, 2013 – June 30, 2014**

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability on Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2015.

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

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

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org> no later than June 1, 2015.

The following Part C indicators are included in assigning determinations:

<b>Results</b>	<b>Compliance</b>
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
4B. Family Survey – Effectively communicate their children's needs	
4C. Family Survey – Help their children	



develop and learn	
5. Child Find 0-1	
6. Child Find 0-3	
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

<b>Process</b>	<b>Compliance</b>
5A. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day;	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity
5B. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day; and	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5C. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements.	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	11. Initial Evaluation Timeline
8A. Preschool Parent Survey; or	12. Part C to B Transition
8B. School Age Parent Survey.	13. Secondary Transition
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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



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

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

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

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

## **Framework for Assistance and Intervention**

### **Needs Assistance**

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

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

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



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

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

### Needs Intervention

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

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

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

- Integrated Monitoring Activities;
  - Fiscal Management;
  - Data Processes and Results;
  - Improvement, Correction, Incentives, and Sanctions;
  - Effective Dispute Resolution; and
  - Directed Targeted Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of their system of general supervision, needs and resources;
  - Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
  - MSDE prescribing the use of discretionary funds;
  - Identification of a local school system as a high risk grantee if a local school system is in the category of Needs Intervention for 2 years;
  - Required quarterly reporting on status of correction of noncompliance

#### Needs Substantial Intervention

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

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

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



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

*Part C Child Outcomes Baselines and Targets for Local Determinations*  
*Federal Fiscal Year (FFY) 2013-2018*  
*State Fiscal Year (SFY) 2014-2019*

As part of the results-driven accountability system, the Division of Special Education/Early Intervention Services' (DSE/EIS) has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The percentage increases in targets above are consistent with the DSE/EIS Strategic Plan: *Moving Maryland Forward* and with the Annual Performance Report (APR) submitted to the Office of Special Education Programs (OSEP) on February 1, 2015. Baseline and Target Data for FFY 2013 to FFY 2018 are as follows:

Child Outcome Indicator	Summary Statement*	Baseline	Target	Target	Target	Target	Target
		FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	FFY 2018
Positive Social Emotional Skills	1	64.23%	64.23%	65.23%	66.23%	67.23%	68.23%
	2	65.12%	65.12%	65.62%	66.12%	66.62%	67.12%
Acquisition and Use of Knowledge & Skills	1	69.08%	69.08%	70.08%	71.08%	72.08%	73.08%
	2	61.42%	61.42%	61.92%	62.42%	62.92%	63.42%
Use of Appropriate Behavior to Meet Their Needs	1	72.98%	72.98%	73.98%	74.98%	75.98%	76.98%
	2	56.92%	56.92%	57.42%	57.92%	58.42%	58.92%

\*Summary Statement #1 – Of those children who entered the program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they exited the program. Summary Statement #2 – The percent of children who were functioning within age expectations in each Outcome by the time they exited the program.

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

Number of Results Indicators Required to Meet Requirements (of 11 Total Indicators) <i>Natural Environments, Child Find, Child Outcomes, and Family Outcomes</i>						
FFY <SFY> (Determination Year)	Four (4)	Five (5)	Six (6)	Seven (7)		
2013 <2013-2014> (2015)						
2014 <2014-2015> (2016)						
2015 <2015-2016> (2017)						
2016 <2016-2017> (2018)						
2017 <2017-2018> (2019)						
2018 <2018-2019> (2020)						

DSE/EIS Strategic Plan Moving Maryland Forward Action Imperatives

Early Childhood



Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

Part C FFY 2013 Local Determination Scoring Criteria						
Determination Year	FFY12	FFY13	FFY14	FFY15	FFY16	FFY17
Data Year	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Determination	March 2014	March 2015	March 2016	March 2017	March 2018	March 2019
Early Childhood Results	LITP met State targets for at least four results indicators (2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least four results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least five results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least six results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)
	Data for Natural Environments (Indicator 2) data is not significantly ( $\leq 81.0\%$ ) the target	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*
	LITP demonstrated substantial compliance in at least five compliance indicators (1, 7, 8a, 8b, 8c, & 14)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)
Compliance (All targets are 100%)	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.
	LITP demonstrated full compliance (100%) in at least two compliance indicators	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)
	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification
	N/A	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.

March 25, 2015



Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

Part C FFY 2013 Local Determination Scoring Criteria						
Determination Year	FFY12	FFY13	FFY14	FFY15	FFY16	FFY17
Data Year	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Determination	March 2014	March 2015	March 2016	March 2017	March 2018	March 2019
Early Childhood Results	LITP met State targets for at least four results indicators (2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least five results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least six results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)
	Data for Natural Environments (Indicator 2) data is not significantly ( $\leq 81.0\%$ ) the target	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*
	LITP demonstrated substantial compliance in at least five compliance indicators (1, 7, 8a, 8b, 8c, & 14)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)
Compliance (All targets are 100%)	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.
	LITP demonstrated full compliance (100%) in at least two compliance indicators	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)
	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification
	N/A	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.

March 25, 2015



Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

Local Determination Criteria	Use current Local Determination Criteria and Scoring Rubric	Meets Requirements
	<ul style="list-style-type: none"> <li>Two of Two Results Indicator bands; and</li> <li>Four of Five Compliance Indicator bands</li> </ul>	
	Use current Local Determination Criteria and Scoring Rubric	Needs Assistance
	<ul style="list-style-type: none"> <li>One of Two Results Indicator bands; and</li> <li>Three of Five Compliance Indicator bands</li> </ul>	
	Use current Local Determination Criteria and Scoring Rubric	Needs Intervention
	<ul style="list-style-type: none"> <li>Zero of Two Results Indicator bands; and</li> <li>One of Five Compliance Indicator bands</li> </ul>	
	Use current Local Determination Criteria and Scoring Rubric	Need Substantial Intervention
	<ul style="list-style-type: none"> <li>LITP demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification;</li> <li>LITP failure to substantially comply has affected the core requirements, such as delivery of services to students with disabilities or to provide effective general supervision and oversight; or</li> <li>LITP informed the State that it is unwilling to comply with the core requirements.</li> </ul>	

\*Programs with 3 or less children in Non-NE settings may be excluded. Indicator numbers correspond to State Performance Plan (SPP). Please see the SPP for more detail.



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

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

March 26, 2015

Dr. Gregory William Branch  
Health Officer and Director  
Dept. of Health & Human Services  
Baltimore County  
6401 York Road, 3<sup>rd</sup> Floor  
Baltimore, MD 21212

Dear Dr. Branch:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local Infants and Toddlers Program using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local Infants and Toddler's Program performance in meeting the State's targets for Federal Fiscal Year (FFY) 2013 (2013-2014). Attached please find the *FFY 2013 Determination Overview* that identifies the Part C Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria*, and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 Annual Data Table on SPP/APR Part C Indicators* provides a three-year data analysis and required actions for the Baltimore County Infants and Toddlers Program (ITP). Based on the FFY 2013 data, as well as information obtained through monitoring and complaint investigations, the Baltimore County ITP has achieved the determination status of **"Meets Requirements."**

In correspondence sent to your attention on March 20, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. As part of this plan, all Part C results indicators are used in the determination process. The results indicators include:

- Indicator 2: Provision of Services in the Natural Environment;
- Indicator 3: Child Outcomes;
- Indicator 4: Family Outcomes;
- Indicator 5: Child Find Birth to One; and
- Indicator 6: Child Find Birth to Three.

As part of the results-driven accountability system, the DSE/EIS has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. Please see the *Part C Child Outcomes Baselines and Targets for Local Determinations* document. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The attached baselines for local



Dr. Gregory William Branch  
March 26, 2015  
Page Two

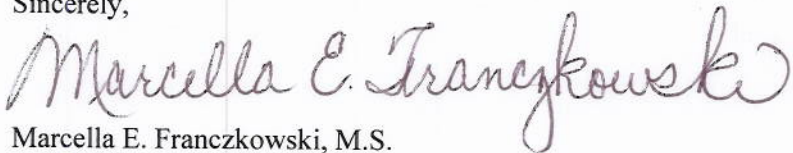
determinations of Maryland's LITPs will not be included in the Maryland's Annual Performance Report (APR) to the Office of Special Education Programs (OSEP). For federal reporting, the OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children 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.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Baltimore County ITP to improve results for infants, toddlers, and preschool age children 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 dark ink, reading "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/BMM/cc  
Attachments

c: Lillian M Lowery  
Jack R. Smith  
Paula Boykin  
Branch Chiefs

**Baltimore County Infants and Toddlers Program**  
**Annual Data on Part C State Performance Plan (SPP) Priority Indicators**  
**for the Period July 1, 2013 – June 30, 2014**

Part C Annual SPP Performance Report							
SPP/APR Indicators			FFY 2013		Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2012	FFY 2011
2	Infants and Toddlers with IFSPs who receive services in natural environments	92.00%	99.20%	Met	Data meet the State's target. No required action.	99.00%	98.70%
3A	Birth - 4 Outcomes: Use of social – emotional skills	64.23%	52.19%	Not Met		60.49%	67.20%
		65.12%	60.59%	Not Met		62.87%	68.70%
3B	Birth - 4 Outcomes: Use of knowledge and skills	69.08%	65.09%	Not Met		65.21%	74.00%
		61.42%	60.03%	Not Met		56.01%	65.30%
3C	Birth - 4 Outcomes: Use of appropriate behaviors	72.98%	61.38%	Not Met		63.62%	64.60%
		56.92%	57.49%	Met		57.32%	65.40%
4A	Families who report EIS helped them know their rights	81.0%	92.7%	Met	Data meet the State's target. No required action.	96.0%	94.30%
4B	Families who report EIS helped them communicate their child's needs	79.0%	92.5%	Met	Data meet the State's target. No required action.	95.10%	93.40%
4C	Families who report EIS helped them help their children develop and learn	89.0%	92.7%	Met	Data meet the State's target. No required action.	96.30%	93.50%
5	Children birth to one served as a percentage of the population birth to one	1.50%	1.69%	Met	Data meet the State's target. No required action.	1.43%	1.71%
6	Children birth to three served as a percentage of the population birth to 3	3.00%	3.61%	Met	Data meet the State's target. No required action.	3.49%	3.79%
1	Timely Delivery of IFSP Services	100%	96.34%	Not Met	Correction of noncompliance must	97.00%	95.70%



Part C Annual SPP Performance Report							
SPP/APR Indicators		FFY 2013			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2012	FFY 2011
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral	100%	100%	Met	occur. Compliant. Verification activities indicate need for follow-up.	96.70%	96.10%
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	99.79%	Not Met	Correction of noncompliance must occur.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	97.98%	Not Met	Correction of noncompliance must occur.	97.70%	98.10%
	Correction of Noncompliance	100%	100%	Met	Compliant. No required action.	100%	100%

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

**FFY 2013 Determination Overview**

**Part C & Part B**

**July 1, 2013 – June 30, 2014**

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability on Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2015.

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

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

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org> no later than June 1, 2015.

The following Part C indicators are included in assigning determinations:

<b>Results</b>	<b>Compliance</b>
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
4B. Family Survey – Effectively communicate their children's needs	
4C. Family Survey – Help their children	



develop and learn	
5. Child Find 0-1	
6. Child Find 0-3	
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

<b>Process</b>	<b>Compliance</b>
5A. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day;	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity
5B. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day; and	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5C. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements.	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	11. Initial Evaluation Timeline
8A. Preschool Parent Survey; or	12. Part C to B Transition
8B. School Age Parent Survey.	13. Secondary Transition
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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



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

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

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

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

## **Framework for Assistance and Intervention**

### **Needs Assistance**

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

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

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



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

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

### Needs Intervention

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

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

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

- Integrated Monitoring Activities;
  - Fiscal Management;
  - Data Processes and Results;
  - Improvement, Correction, Incentives, and Sanctions;
  - Effective Dispute Resolution; and
  - Directed Targeted Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of their system of general supervision, needs and resources;
  - Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
  - MSDE prescribing the use of discretionary funds;
  - Identification of a local school system as a high risk grantee if a local school system is in the category of Needs Intervention for 2 years;
  - Required quarterly reporting on status of correction of noncompliance

#### Needs Substantial Intervention

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

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

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



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

*Part C Child Outcomes Baselines and Targets for Local Determinations*  
*Federal Fiscal Year (FFY) 2013-2018*  
*State Fiscal Year (SFY) 2014-2019*

As part of the results-driven accountability system, the Division of Special Education/Early Intervention Services' (DSE/EIS) has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The percentage increases in targets above are consistent with the DSE/EIS Strategic Plan: *Moving Maryland Forward* and with the Annual Performance Report (APR) submitted to the Office of Special Education Programs (OSEP) on February 1, 2015. Baseline and Target Data for FFY 2013 to FFY 2018 are as follows:

Child Outcome Indicator	Summary Statement*	Baseline	Target	Target	Target	Target	Target
		FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	Target
		SFY 2014	SFY 2015	SFY 2016	SFY 2017	SFY 2018	SFY 2019
Positive Social Emotional Skills	1	64.23%	64.23%	65.23%	66.23%	67.23%	68.23%
	2	65.12%	65.12%	65.62%	66.12%	66.62%	67.12%
Acquisition and Use of Knowledge & Skills	1	69.08%	69.08%	70.08%	71.08%	72.08%	73.08%
	2	61.42%	61.42%	61.92%	62.42%	62.92%	63.42%
Use of Appropriate Behavior to Meet Their Needs	1	72.98%	72.98%	73.98%	74.98%	75.98%	76.98%
	2	56.92%	56.92%	57.42%	57.92%	58.42%	58.92%

\*Summary Statement #1 – Of those children who entered the program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they exited the program. Summary Statement #2 – The percent of children who were functioning within age expectations in each Outcome by the time they exited the program.

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

Number of Results Indicators Required to Meet Requirements (of 11 Total Indicators) <i>Natural Environments, Child Find, Child Outcomes, and Family Outcomes</i>						
FFY <SFY> (Determination Year)	Four (4)	Five (5)	Six (6)	Seven (7)		
2013 <2013-2014> (2015)						
2014 <2014-2015> (2016)						
2015 <2015-2016> (2017)						
2016 <2016-2017> (2018)						
2017 <2017-2018> (2019)						
2018 <2018-2019> (2020)						

DSE/EIS Strategic Plan Moving Maryland Forward Action Imperatives

Early Childhood



Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

Part C FFY 2013 Local Determination Scoring Criteria						
Determination Year	FFY12 2012-2013 March 2014	FFY13 2013-2014 March 2015	FFY14 2014-2015 March 2016	FFY15 2015-2016 March 2017	FFY16 2016-2017 March 2018	FFY17 2017-2018 March 2019
Early Childhood Results	LITP met State targets for at least four results indicators (2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least four results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least five results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least six results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)
	Data for Natural Environments (Indicator 2) data is not significantly ( $\leq 81.0\%$ ) the target	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.
	LITP demonstrated substantial compliance in at least five compliance indicators (1, 7, 8a, 8b, 8c, & 14)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)
Compliance (All targets are 100%)	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.
	LITP demonstrated full compliance (100%) in at least two compliance indicators	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)
	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification
	N/A	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.

March 25, 2015

Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

Local Determination Criteria	Use current Local Determination Criteria and Scoring Rubric	Meets Requirements
	<ul style="list-style-type: none"> <li>• Two of Two Results Indicator bands; and</li> <li>• Four of Five Compliance Indicator bands</li> </ul>	
	<ul style="list-style-type: none"> <li>• One of Two Results Indicator bands; and</li> <li>• Three of Five Compliance Indicator bands</li> </ul>	Needs Assistance
	<ul style="list-style-type: none"> <li>• Zero of Two Results Indicator bands; and</li> <li>• One of Five Compliance Indicator bands</li> </ul>	Needs Intervention
	Use current Local Determination Criteria and Scoring Rubric	Need Substantial Intervention
	<ul style="list-style-type: none"> <li>• LITP demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification;</li> <li>• LITP failure to substantially comply has affected the core requirements, such as delivery of services to students with disabilities or to provide effective general supervision and oversight; or</li> <li>• LITP informed the State that it is unwilling to comply with the core requirements.</li> </ul>	

\*Programs with 3 or less children in Non-NE settings may be excluded. Indicator numbers correspond to State Performance Plan (SPP). Please see the SPP for more detail.





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

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

March 26, 2015

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

Dear Dr. Curry:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local Infants and Toddlers Program using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local Infants and Toddler's Program performance in meeting the State's targets for Federal Fiscal Year (FFY) 2013 (2013-2014). Attached please find the *FFY 2013 Determination Overview* that identifies the Part C Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria*, and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 Annual Data Table on SPP/APR Part C Indicators* provides a three-year data analysis and required actions for the Calvert County Infants and Toddlers Program (ITP). Based on the FFY 2013 data, as well as information obtained through monitoring and complaint investigations, the Calvert County ITP has achieved the determination status of **"Meets Requirements."**

In correspondence sent to your attention on March 20, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. As part of this plan, all Part C results indicators are used in the determination process. The results indicators include:

- Indicator 2: Provision of Services in the Natural Environment;
- Indicator 3: Child Outcomes;
- Indicator 4: Family Outcomes;
- Indicator 5: Child Find Birth to One; and
- Indicator 6: Child Find Birth to Three.

As part of the results-driven accountability system, the DSE/EIS has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. Please see the *Part C Child Outcomes Baselines and Targets for Local Determinations* document. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The attached baselines for local

Dr. Daniel D. Curry  
March 26, 2015  
Page Two

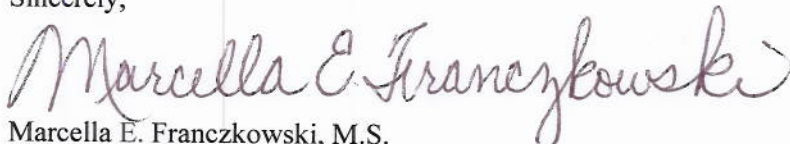
determinations of Maryland's LITPs will not be included in the Maryland's Annual Performance Report (APR) to the Office of Special Education Programs (OSEP). For federal reporting, the OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children 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.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Calvert County ITP to improve results for infants, toddlers, and preschool age children 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/BMM/cc  
Attachments

c: Lillian M Lowery  
Jack R. Smith  
Christina Harris  
Sheila Myers  
Branch Chiefs



**Calvert County Infants and Toddlers Program**  
**Annual Data on Part C State Performance Plan (SPP) Priority Indicators**  
**for the Period July 1, 2013 – June 30, 2014**

Part C Annual SPP Performance Report							
SPP/APR Indicators			FFY 2013		Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2012	FFY 2011
2	Infants and Toddlers with IFSPs who receive services in natural environments	92.00%	95.50%	Met	Data meet the State's target. No required action.	98.20%	96.90%
3A	Birth - 4 Outcomes: Use of social – emotional skills	64.23%	66.67%	Met		58.54%	68.90%
	1. Exits with substantial growth 2. Exits within age expectations	65.12%	75.76%	Met		71.43%	66.70%
3B	Birth - 4 Outcomes: Use of knowledge and skills	69.08%	69.64%	Met		72.92%	70.60%
	1. Exits with substantial growth 2. Exits within age expectations	61.42%	70.00%	Met		70.00%	59.10%
3C	Birth - 4 Outcomes: Use of appropriate behaviors	72.98%	80.00%	Met		68.33%	76.90%
	1. Exits with substantial growth 2. Exits within age expectations	56.92%	62.63%	Met		65.71%	66.70%
4A	Families who report EIS helped them know their rights	81.00%	89.70%	Met	Data meet the State's target. No required action.	87.80%	91.10%
4B	Families who report EIS helped them communicate their child's needs	79.00%	88.90%	Met	Data meet the State's target. No required action.	90.10%	93.30%
4C	Families who report EIS helped them help their children develop and learn	89.00%	86.50%	Met	Data meet the State's target. No required action.	88.50%	91.10%
5	Children birth to one served as a percentage of the population birth to one	1.50%	2.50%	Met	Data meet the State's target. No required action.	1.82%	0.88%
6	Children birth to three served as a percentage of the population birth to 3	3.00%	4.47%	Met	Data meet the State's target. No required action.	3.92%	2.26%

Part C Annual SPP Performance Report							
SPP/APR Indicators		FFY 2013			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2012	FFY 2011
1	Timely Delivery of IFSP Services	100%	100%	Met	Compliant. Verification activities indicate need for follow-up.	99.50%	99.4%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral	100%	100%	Met	Compliant. No required action.	100%	100%
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	98.00%	Not Met	Correction of noncompliance must occur.	100%	100%
	Correction of Noncompliance	100%	100%	Met	Compliant. No required action.	100%	100%



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

**FFY 2013 Determination Overview**

**Part C & Part B**

**July 1, 2013 – June 30, 2014**

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability on Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2015.

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

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

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org> no later than June 1, 2015.

The following Part C indicators are included in assigning determinations:

<b>Results</b>	<b>Compliance</b>
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
4B. Family Survey – Effectively communicate their children's needs	
4C. Family Survey – Help their children	



develop and learn	
5. Child Find 0-1	
6. Child Find 0-3	
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

<b>Process</b>	<b>Compliance</b>
5A. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day;	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity
5B. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day; and	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5C. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements.	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	11. Initial Evaluation Timeline
8A. Preschool Parent Survey; or	12. Part C to B Transition
8B. School Age Parent Survey.	13. Secondary Transition
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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



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

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

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

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

## **Framework for Assistance and Intervention**

### Needs Assistance

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

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

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



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

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

### Needs Intervention

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

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

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



- o Integrated Monitoring Activities;
  - o Fiscal Management;
  - o Data Processes and Results;
  - o Improvement, Correction, Incentives, and Sanctions;
  - o Effective Dispute Resolution; and
  - o 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).

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

*Part C Child Outcomes Baselines and Targets for Local Determinations*  
*Federal Fiscal Year (FFY) 2013-2018*  
*State Fiscal Year (SFY) 2014-2019*

As part of the results-driven accountability system, the Division of Special Education/Early Intervention Services' (DSE/EIS) has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The percentage increases in targets above are consistent with the DSE/EIS Strategic Plan: *Moving Maryland Forward* and with the Annual Performance Report (APR) submitted to the Office of Special Education Programs (OSEP) on February 1, 2015. Baseline and Target Data for FFY 2013 to FFY 2018 are as follows:

Child Outcome Indicator	Summary Statement*	Baseline	Target	Target	Target	Target	Target
		FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	Target
		SFY 2014	SFY 2015	SFY 2016	SFY 2017	SFY 2018	SFY 2019
Positive Social Emotional Skills	1	64.23%	64.23%	65.23%	66.23%	67.23%	68.23%
	2	65.12%	65.12%	65.62%	66.12%	66.62%	67.12%
Acquisition and Use of Knowledge & Skills	1	69.08%	69.08%	70.08%	71.08%	72.08%	73.08%
	2	61.42%	61.42%	61.92%	62.42%	62.92%	63.42%
Use of Appropriate Behavior to Meet Their Needs	1	72.98%	72.98%	73.98%	74.98%	75.98%	76.98%
	2	56.92%	56.92%	57.42%	57.92%	58.42%	58.92%

\*Summary Statement #1 – Of those children who entered the program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they exited the program. Summary Statement #2 – The percent of children who were functioning within age expectations in each Outcome by the time they exited the program.



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

Number of Results Indicators Required to Meet Requirements (of 11 Total Indicators) <i>Natural Environments, Child Find, Child Outcomes, and Family Outcomes</i>						
FFY <SFY> (Determination Year)	Four (4)	Five (5)	Six (6)	Seven (7)		
2013 <2013-2014> (2015)						
2014 <2014-2015> (2016)						
2015 <2015-2016> (2017)						
2016 <2016-2017> (2018)						
2017 <2017-2018> (2019)						
2018 <2018-2019> (2020)						

DSE/EIS Strategic Plan Moving Maryland Forward Action Imperatives

Early Childhood



Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

Part C						
FFY 2013 Local Determination Scoring Criteria						
Determination Year	FFY12	FFY13	FFY14	FFY15	FFY16	FFY17
Data Year	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Determination	March 2014	March 2015	March 2016	March 2017	March 2018	March 2019
Early Childhood Results	LITP met State targets for at least four results indicators (2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least four results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least five results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least six results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)
	Data for Natural Environments (Indicator 2) data is not significantly ( $\leq 81.0\%$ ) the target	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.
	LITP demonstrated substantial compliance in at least five compliance indicators (1, 7, 8a, 8b, 8c, & 14)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)
Compliance (All targets are 100%)	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.
	LITP demonstrated full compliance (100%) in at least two compliance indicators	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)
	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification
	N/A	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.

March 25, 2015



Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

Local Determination Criteria	Use current Local Determination Criteria and Scoring Rubric	Meets Requirements
	<ul style="list-style-type: none"> <li>• Two of Two Results Indicator bands; and</li> <li>• Four of Five Compliance Indicator bands</li> </ul>	
	Use current Local Determination Criteria and Scoring Rubric	Needs Assistance
	<ul style="list-style-type: none"> <li>• One of Two Results Indicator bands; and</li> <li>• Three of Five Compliance Indicator bands</li> </ul>	
	Use current Local Determination Criteria and Scoring Rubric	Needs Intervention
	<ul style="list-style-type: none"> <li>• Zero of Two Results Indicator bands; and</li> <li>• One of Five Compliance Indicator bands</li> </ul>	
	Use current Local Determination Criteria and Scoring Rubric	Need Substantial Intervention
	<ul style="list-style-type: none"> <li>• LITP demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification;</li> <li>• LITP failure to substantially comply has affected the core requirements, such as delivery of services to students with disabilities or to provide effective general supervision and oversight; or</li> <li>• LITP informed the State that it is unwilling to comply with the core requirements.</li> </ul>	

\*Programs with 3 or less children in Non-NE settings may be excluded. Indicator numbers correspond to State Performance Plan (SPP). Please see the SPP for more detail.



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

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

March 26, 2015

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

Dear Mr. Nagel:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local Infants and Toddlers Program using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local Infants and Toddler's Program performance in meeting the State's targets for Federal Fiscal Year (FFY) 2013 (2013-2014). Attached please find the *FFY 2013 Determination Overview* that identifies the Part C Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria*, and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 Annual Data Table on SPP/APR Part C Indicators* provides a three-year data analysis and required actions for the Caroline County Infants and Toddlers Program (ITP). Based on the FFY 2013 data, as well as information obtained through monitoring and complaint investigations, the Caroline County ITP has achieved the determination status of **"Meets Requirements."**

In correspondence sent to your attention on March 20, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. As part of this plan, all Part C results indicators are used in the determination process. The results indicators include:

- Indicator 2: Provision of Services in the Natural Environment;
- Indicator 3: Child Outcomes;
- Indicator 4: Family Outcomes;
- Indicator 5: Child Find Birth to One; and
- Indicator 6: Child Find Birth to Three.

As part of the results-driven accountability system, the DSE/EIS has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. Please see the *Part C Child Outcomes Baselines and Targets for Local Determinations* document. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The attached baselines for local



Mr. Milton Nagel, CPA  
March 26, 2015  
Page Two

determinations of Maryland's LITPs will not be included in the Maryland's Annual Performance Report (APR) to the Office of Special Education Programs (OSEP). For federal reporting, the OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children 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.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Caroline County ITP to improve results for infants, toddlers, and preschool age children 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/BMM/cc  
Attachments

c: Lillian M Lowery  
Jack R. Smith  
Elizabeth Anthony  
Robin Fox  
Branch Chiefs

**Caroline County Infants and Toddlers Program**  
**Annual Data on Part C State Performance Plan (SPP) Priority Indicators**  
**for the Period July 1, 2013 – June 30, 2014**

Part C Annual SPP Performance Report									
SPP/APR Indicators				FFY 2013			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met	FFY 2012	FFY 2011			
2	Infants and Toddlers with IFSPs who receive services in natural environments	92.00%	100%	Met		Data meet the State’s target. No required action.		100%	100%
3A	Birth - 4 Outcomes: Use of social – emotional skills	64.23%	40.00%	Not Met				100%	60.00%
		65.12%	73.91%	Met				90.48%	83.30%
3B	Birth - 4 Outcomes: Use of knowledge and skills	69.08%	69.23%	Met				94.74%	80.00%
		61.42%	78.26%	Met				85.71%	83.30
3C	Birth - 4 Outcomes: Use of appropriate behaviors	72.98%	80.00%	Met				89.47%	81.80%
		56.92%	43.48%	Not Met				71.43%	83.30%
4A	Families who report EIS helped them know their rights	81.00%	89.7%	Met		Data meet the State’s target. No required action.		100%	100%
4B	Families who report EIS helped them communicate their child’s needs	79.00%	92.60%	Met		Data meet the State’s target. No required action.		100%	90.00%
4C	Families who report EIS helped them help their children develop and learn	89.00%	91.70%	Met		Data meet the State’s target. No required action.		100%	100%
5	Children birth to one served as a percentage of the population birth to one	1.50%	1.79%	Met		Data meet the State’s target. No required action.		1.18%	2.53%
6	Children birth to three served as a percentage of the population birth to 3	3.00%	2.10%	Not Met		Data do not meet the State target. Continue Improvement Activities.		2.67%	2.50%



Part C Annual SPP Performance Report							
SPP/APR Indicators		FFY 2013			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2012	FFY 2011
1	Timely Delivery of IFSP Services	100%	100%	Met	Compliant. No required action.	100%	100%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral	100%	100%	Met	Compliant. No required action.	100%	100%
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
	Correction of Noncompliance	100%	100%	Met	Compliant. No required action.	100%	100%

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

**FFY 2013 Determination Overview**

**Part C & Part B**

**July 1, 2013 – June 30, 2014**

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability on Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2015.

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

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

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org> no later than June 1, 2015.

The following Part C indicators are included in assigning determinations:

<b>Results</b>	<b>Compliance</b>
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
4B. Family Survey – Effectively communicate their children's needs	
4C. Family Survey – Help their children	



develop and learn	
5. Child Find 0-1	
6. Child Find 0-3	
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

<b>Process</b>	<b>Compliance</b>
5A. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day;	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity
5B. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day; and	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5C. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements.	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	11. Initial Evaluation Timeline
8A. Preschool Parent Survey; or	12. Part C to B Transition
8B. School Age Parent Survey.	13. Secondary Transition
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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



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

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

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

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

## **Framework for Assistance and Intervention**

### Needs Assistance

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

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

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



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

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

### Needs Intervention

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

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

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

- Integrated Monitoring Activities;
  - Fiscal Management;
  - Data Processes and Results;
  - Improvement, Correction, Incentives, and Sanctions;
  - Effective Dispute Resolution; and
  - Directed Targeted Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of their system of general supervision, needs and resources;
  - Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
  - MSDE prescribing the use of discretionary funds;
  - Identification of a local school system as a high risk grantee if a local school system is in the category of Needs Intervention for 2 years;
  - Required quarterly reporting on status of correction of noncompliance

#### Needs Substantial Intervention

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

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

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



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

*Part C Child Outcomes Baselines and Targets for Local Determinations*  
*Federal Fiscal Year (FFY) 2013-2018*  
*State Fiscal Year (SFY) 2014-2019*

As part of the results-driven accountability system, the Division of Special Education/Early Intervention Services' (DSE/EIS) has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The percentage increases in targets above are consistent with the DSE/EIS Strategic Plan: *Moving Maryland Forward* and with the Annual Performance Report (APR) submitted to the Office of Special Education Programs (OSEP) on February 1, 2015. Baseline and Target Data for FFY 2013 to FFY 2018 are as follows:

Child Outcome Indicator	Summary Statement*	Baseline	Target	Target	Target	Target	Target
		FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	FFY 2018
		SFY 2014	SFY 2015	SFY 2016	SFY 2017	SFY 2018	SFY 2019
Positive Social Emotional Skills	1	64.23%	64.23%	65.23%	66.23%	67.23%	68.23%
	2	65.12%	65.12%	65.62%	66.12%	66.62%	67.12%
Acquisition and Use of Knowledge & Skills	1	69.08%	69.08%	70.08%	71.08%	72.08%	73.08%
	2	61.42%	61.42%	61.92%	62.42%	62.92%	63.42%
Use of Appropriate Behavior to Meet Their Needs	1	72.98%	72.98%	73.98%	74.98%	75.98%	76.98%
	2	56.92%	56.92%	57.42%	57.92%	58.42%	58.92%

\*Summary Statement #1 – Of those children who entered the program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they exited the program. Summary Statement #2 – The percent of children who were functioning within age expectations in each Outcome by the time they exited the program.

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

Number of Results Indicators Required to Meet Requirements (of 11 Total Indicators) <i>Natural Environments, Child Find, Child Outcomes, and Family Outcomes</i>						
FFY <SFY> (Determination Year)	Four (4)	Five (5)	Six (6)	Seven (7)		
2013 <2013-2014> (2015)						
2014 <2014-2015> (2016)						
2015 <2015-2016> (2017)						
2016 <2016-2017> (2018)						
2017 <2017-2018> (2019)						
2018 <2018-2019> (2020)						

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

**Early Childhood**



Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

Part C

FFY 2013 Local Determination Scoring Criteria

Determination Year	FFY12 2012-2013 March 2014	FFY13 2013-2014 March 2015	FFY14 2014-2015 March 2016	FFY15 2015-2016 March 2017	FFY16 2016-2017 March 2018	FFY17 2017-2018 March 2019
<b>Early Childhood Results</b>	LITP met State targets for at least four results indicators (2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least four results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least five results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least six results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)
	Data for Natural Environments (Indicator 2) data is not significantly ( $\leq 81.0\%$ ) the target	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.
	LITP demonstrated substantial compliance in at least five compliance indicators (1, 7, 8a, 8b, 8c, & 14)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)
<b>Compliance</b> (All targets are 100%)	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.
	LITP demonstrated full compliance (100%) in at least two compliance indicators	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)
	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification
	N/A	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.

March 25, 2015

Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

Local Determination Criteria	Use current Local Determination Criteria and Scoring Rubric	Meets Requirements
	Use current Local Determination Criteria and Scoring Rubric	Needs Assistance
	Use current Local Determination Criteria and Scoring Rubric	Needs Intervention
	Use current Local Determination Criteria and Scoring Rubric	Need Substantial Intervention
		<ul style="list-style-type: none"> <li>Two of Two Results Indicator bands; and</li> <li>Four of Five Compliance Indicator bands</li> </ul>
		<ul style="list-style-type: none"> <li>One of Two Results Indicator bands; and</li> <li>Three of Five Compliance Indicator bands</li> </ul>
		<ul style="list-style-type: none"> <li>Zero of Two Results Indicator bands; and</li> <li>One of Five Compliance Indicator bands</li> </ul>
		<ul style="list-style-type: none"> <li>LITP demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification;</li> <li>LITP failure to substantially comply has affected the core requirements, such as delivery of services to students with disabilities or to provide effective general supervision and oversight; or</li> <li>LITP informed the State that it is unwilling to comply with the core requirements.</li> </ul>

\*Programs with 3 or less children in Non-NE settings may be excluded. Indicator numbers correspond to State Performance Plan (SPP). Please see the SPP for more detail.





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

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

March 26, 2015

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

Dear Mr. Guthrie:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local Infants and Toddlers Program using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local Infants and Toddler's Program performance in meeting the State's targets for Federal Fiscal Year (FFY) 2013 (2013-2014). Attached please find the *FFY 2013 Determination Overview* that identifies the Part C Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria*, and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 Annual Data Table on SPP/APR Part C Indicators* provides a three-year data analysis and required actions for the Carroll County Infants and Toddlers Program (ITP). Based on the FFY 2013 data, as well as information obtained through monitoring and complaint investigations, the Carroll County ITP has achieved the determination status of "**Meets Requirements.**"

In correspondence sent to your attention on March 20, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. As part of this plan, all Part C results indicators are used in the determination process. The results indicators include:

- Indicator 2: Provision of Services in the Natural Environment;
- Indicator 3: Child Outcomes;
- Indicator 4: Family Outcomes;
- Indicator 5: Child Find Birth to One; and
- Indicator 6: Child Find Birth to Three.

As part of the results-driven accountability system, the DSE/EIS has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. Please see the *Part C Child Outcomes Baselines and Targets for Local Determinations* document. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The attached baselines for local

Mr. Stephen H. Guthrie  
March 26, 2015  
Page Two


determinations of Maryland's LITPs will not be included in the Maryland's Annual Performance Report (APR) to the Office of Special Education Programs (OSEP). For federal reporting, the OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children 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.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Carroll County ITP to improve results for infants, toddlers, and preschool age children 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 dark ink, reading "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/BMM/cc  
Attachments

c: Lillian M Lowery  
Jack R. Smith  
Russell Gray  
Inez Marvel  
Branch Chiefs



**Carroll County Infants and Toddlers Program**  
**Annual Data on Part C State Performance Plan (SPP) Priority Indicators**  
**for the Period July 1, 2013 – June 30, 2014**

Part C Annual SPP Performance Report									
SPP /APR Indicators				FFY 2013		Action Required	Previous Results		
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met	FFY 2012		FFY 2011		
2	Infants and Toddlers with IFSPs who receive services in natural environments	92.00%	99.00%	Met	Data meet the State’s target. No required action.	98.80%	96.60%		
3A	Birth - 4 Outcomes: Use of social – emotional skills	64.23%	67.62%	Met		64.44%	67.90%		
		65.12%	68.29%	Met		67.86%	67.00%		
3B	Birth - 4 Outcomes: Use of knowledge and skills	69.08%	63.39%	Not Met		70.21%	71.40%		
		61.42%	66.06%	Met		68.35%	67.00%		
3C	Birth - 4 Outcomes: Use of appropriate behaviors	72.98%	72.26%	Not Met		70.75%	74.50%		
		56.92%	58.79%	Met		63.31%	73.20%		
4A	Families who report EIS helped them know their rights	81.00%	94.40%	Met	Data meet the State’s target. No required action.	92.60%	96.80%		
4B	Families who report EIS helped them communicate their child’s needs	79.00%	91.80%	Met	Data meet the State’s target. No required action.	94.30%	94.80%		
4C	Families who report EIS helped them help their children develop and learn	89.00%	93.50%	Met	Data meet the State’s target. No required action.	93.80%	94.60%		
5	Children birth to one served as a percentage of the population birth to one	1.50%	3.44%	Met	Data meet the State’s target. No required action.	2.20%	1.91%		
6	Children birth to three served as a percentage of the population birth to 3	3.00%	4.05%	Met	Data meet the State’s target. No required action.	3.41%	3.05%		

Part C Annual SPP Performance Report							
SPP/APR Indicators		FFY 2013			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2012	FFY 2011
1	Timely Delivery of IFSP Services	100%	99.52%	Not Met	Correction of noncompliance must occur.	99.50%	99.50%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral	100%	98.74%	Not Met	Correction of noncompliance must occur.	100%	99.40%
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
	Correction of Noncompliance	100%	100%	Met	Compliant. No required action.	100%	100%



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

**FFY 2013 Determination Overview**

**Part C & Part B**

**July 1, 2013 – June 30, 2014**

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability on Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2015.

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

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

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org> no later than June 1, 2015.

The following Part C indicators are included in assigning determinations:

<b>Results</b>	<b>Compliance</b>
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
4B. Family Survey – Effectively communicate their children's needs	
4C. Family Survey – Help their children	



develop and learn	
5. Child Find 0-1	
6. Child Find 0-3	
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

<b>Process</b>	<b>Compliance</b>
5A. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day;	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity
5B. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day; and	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5C. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements.	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	11. Initial Evaluation Timeline
8A. Preschool Parent Survey; or	12. Part C to B Transition
8B. School Age Parent Survey.	13. Secondary Transition
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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



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

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

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

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

## **Framework for Assistance and Intervention**

### **Needs Assistance**

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

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

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



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

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

### Needs Intervention

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

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

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



- o Integrated Monitoring Activities;
  - o Fiscal Management;
  - o Data Processes and Results;
  - o Improvement, Correction, Incentives, and Sanctions;
  - o Effective Dispute Resolution; and
  - o 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).

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

*Part C Child Outcomes Baselines and Targets for Local Determinations*  
*Federal Fiscal Year (FFY) 2013-2018*  
*State Fiscal Year (SFY) 2014-2019*

As part of the results-driven accountability system, the Division of Special Education/Early Intervention Services' (DSE/EIS) has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The percentage increases in targets above are consistent with the DSE/EIS Strategic Plan: *Moving Maryland Forward* and with the Annual Performance Report (APR) submitted to the Office of Special Education Programs (OSEP) on February 1, 2015. Baseline and Target Data for FFY 2013 to FFY 2018 are as follows:

Child Outcome Indicator	Summary Statement*	Baseline	Target	Target	Target	Target	Target
		FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	Target
		SFY 2014	SFY 2015	SFY 2016	SFY 2017	SFY 2018	SFY 2019
Positive Social Emotional Skills	1	64.23%	64.23%	65.23%	66.23%	67.23%	68.23%
	2	65.12%	65.12%	65.62%	66.12%	66.62%	67.12%
Acquisition and Use of Knowledge & Skills	1	69.08%	69.08%	70.08%	71.08%	72.08%	73.08%
	2	61.42%	61.42%	61.92%	62.42%	62.92%	63.42%
Use of Appropriate Behavior to Meet Their Needs	1	72.98%	72.98%	73.98%	74.98%	75.98%	76.98%
	2	56.92%	56.92%	57.42%	57.92%	58.42%	58.92%

\*Summary Statement #1 – Of those children who entered the program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they exited the program. Summary Statement #2 – The percent of children who were functioning within age expectations in each Outcome by the time they exited the program.



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

Number of Results Indicators Required to Meet Requirements (of 11 Total Indicators) <i>Natural Environments, Child Find, Child Outcomes, and Family Outcomes</i>						
FFY <SFY> (Determination Year)	Four (4)	Five (5)	Six (6)	Seven (7)		
2013 <2013-2014> (2015)						
2014 <2014-2015> (2016)						
2015 <2015-2016> (2017)						
2016 <2016-2017> (2018)						
2017 <2017-2018> (2019)						
2018 <2018-2019> (2020)						

DSE/EIS Strategic Plan Moving Maryland Forward Action Imperatives

**Early Childhood**



Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

Part C FFY 2013 Local Determination Scoring Criteria						
Determination Year	FFY12	FFY13	FFY14	FFY15	FFY16	FFY17
Data Year	2012-2013 March 2014	2013-2014 March 2015	2014-2015 March 2016	2015-2016 March 2017	2016-2017 March 2018	2017-2018 March 2019
Early Childhood Results	LITP met State targets for at least four results indicators (2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least four results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least five results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least six results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)
	Data for Natural Environments (Indicator 2) data is not significantly ( $\leq 81.0\%$ ) the target	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*
	LITP demonstrated substantial compliance in at least five compliance indicators (1, 7, 8a, 8b, 8c, & 14)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)
Compliance (All targets are 100%)	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.
	LITP demonstrated full compliance (100%) in at least two compliance indicators	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)
	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification
	N/A	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.

March 25, 2015



Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

<b>Local Determination Criteria</b>	Use current Local Determination Criteria and Scoring Rubric	<ul style="list-style-type: none"> <li>• Two of Two Results Indicator bands; and</li> <li>• Four of Five Compliance Indicator bands</li> </ul>	Meets Requirements
	Use current Local Determination Criteria and Scoring Rubric	<ul style="list-style-type: none"> <li>• One of Two Results Indicator bands; and</li> <li>• Three of Five Compliance Indicator bands</li> </ul>	Needs Assistance
	Use current Local Determination Criteria and Scoring Rubric	<ul style="list-style-type: none"> <li>• Zero of Two Results Indicator bands; and</li> <li>• One of Five Compliance Indicator bands</li> </ul>	Needs Intervention
	Use current Local Determination Criteria and Scoring Rubric	<ul style="list-style-type: none"> <li>• LITP demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification;</li> <li>• LITP failure to substantially comply has affected the core requirements, such as delivery of services to students with disabilities or to provide effective general supervision and oversight; or</li> <li>• LITP informed the State that it is unwilling to comply with the core requirements.</li> </ul>	Need Substantial Intervention

\*Programs with 3 or less children in Non-NE settings may be excluded. Indicator numbers correspond to State Performance Plan (SPP). Please see the SPP for more detail.



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

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

March 26, 2015

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

Dear Dr. Devine:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local Infants and Toddlers Program using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local Infants and Toddler's Program performance in meeting the State's targets for Federal Fiscal Year (FFY) 2013 (2013-2014). Attached please find the *FFY 2013 Determination Overview* that identifies the Part C Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria*, and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 Annual Data Table on SPP/APR Part C Indicators* provides a three-year data analysis and required actions for the Cecil County Infants and Toddlers Program (ITP). Based on the FFY 2013 data, as well as information obtained through monitoring and complaint investigations, the Cecil County ITP has achieved the determination status of **"Meets Requirements."**

In correspondence sent to your attention on March 20, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. As part of this plan, all Part C results indicators are used in the determination process. The results indicators include:

- Indicator 2: Provision of Services in the Natural Environment;
- Indicator 3: Child Outcomes;
- Indicator 4: Family Outcomes;
- Indicator 5: Child Find Birth to One; and
- Indicator 6: Child Find Birth to Three.

As part of the results-driven accountability system, the DSE/EIS has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. Please see the *Part C Child Outcomes Baselines and Targets for Local Determinations* document. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The attached baselines for local



Dr. D'Ette W. Devine  
March 26, 2015  
Page Two

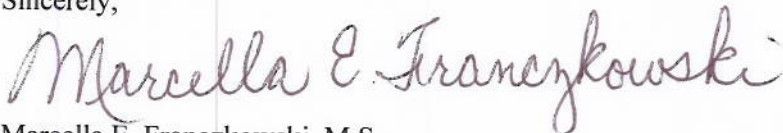
determinations of Maryland's LITPs will not be included in the Maryland's Annual Performance Report (APR) to the Office of Special Education Programs (OSEP). For federal reporting, the OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children 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.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Cecil County ITP to improve results for infants, toddlers, and preschool age children 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/BMM/cc  
Attachments

c: Lillian M Lowery  
Jack R. Smith  
Sarah J. Farr  
Richard Wilkinson  
Branch Chiefs

**Cecil County Infants and Toddlers Program**  
**Annual Data on Part C State Performance Plan (SPP) Priority Indicators**  
**for the Period July 1, 2013 – June 30, 2014**

98Part C Annual SPP Performance Report									
SPP/APR Indicators		FFY 2013			Action Required		Previous Results		
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met			FFY 2012	FFY 2011	
2	Infants and Toddlers with IFSPs who receive services in natural environments	92.00%	100%	Met	Data meet the State's target. No required action.		100%	100%	
3A	Birth - 4 Outcomes: Use of social – emotional skills	64.23%	52.50%	Not Met			87.50%	75.90%	
		65.12%	70.59%	Met			86.36%	70.50%	
3B	Birth - 4 Outcomes: Use of knowledge and skills	69.08%	52.38%	Not Met			88.89%	75.40%	
		61.42%	69.41%	Met			84.85%	70.50%	
3C	Birth - 4 Outcomes: Use of appropriate behaviors	72.98%	70.77%	Not Met			87.04%	84.80%	
		56.92%	61.18%	Met			71.21%	69.20%	
4A	Families who report EIS helped them know their rights	81.00%	98.90%	Met	Data meet the State's target. No required action.		91.60%	96.90%	
4B	Families who report EIS helped them communicate their child's needs	79.00%	97.60%	Met	Data meet the State's target. No required action.		91.30%	93.20%	
4C	Families who report EIS helped them help their children develop and learn	89.00%	98.80%	Met	Data meet the State's target. No required action.		92.20%	98.40%	
5	Children birth to one served as a percentage of the population birth to one	1.50%	1.03%	Not Met	Target not met. Improvement Plan required.		0.95%	0.93%	
6	Children birth to three served as a percentage of the population birth to 3	3.00%	3.05%	Met	Data meet the State's target. No required action.		3.51%	2.92%	



98Part C Annual SPP Performance Report							
SPP/APR Indicators		FFY 2013			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2012	FFY 2011
1	Timely Delivery of IFSP Services	100%	100%	Met	Compliant. Verification activities indicate need for follow-up.	100%	99.3%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral	100%	99.13%	Not Met	Correction of noncompliance must occur.	97.70%	99.20%
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	98.15%	Not Met	Correction of noncompliance must occur.	100%	100%
	Correction of Noncompliance	100%	100%	Met	Compliant. No required action.	100%	100%

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

**FFY 2013 Determination Overview**

**Part C & Part B**

**July 1, 2013 – June 30, 2014**

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability on Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2015.

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

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

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org> no later than June 1, 2015.

The following Part C indicators are included in assigning determinations:

<b>Results</b>	<b>Compliance</b>
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
4B. Family Survey – Effectively communicate their children's needs	
4C. Family Survey – Help their children	



develop and learn	
5. Child Find 0-1	
6. Child Find 0-3	
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

<b>Process</b>	<b>Compliance</b>
5A. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day;	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity
5B. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day; and	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5C. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements.	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	11. Initial Evaluation Timeline
8A. Preschool Parent Survey; or	12. Part C to B Transition
8B. School Age Parent Survey.	13. Secondary Transition
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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



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

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

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

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

## **Framework for Assistance and Intervention**

### **Needs Assistance**

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

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

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



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

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

### Needs Intervention

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

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

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

- o Integrated Monitoring Activities;
  - o Fiscal Management;
  - o Data Processes and Results;
  - o Improvement, Correction, Incentives, and Sanctions;
  - o Effective Dispute Resolution; and
  - o 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).



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

*Part C Child Outcomes Baselines and Targets for Local Determinations*  
*Federal Fiscal Year (FFY) 2013-2018*  
*State Fiscal Year (SFY) 2014-2019*

As part of the results-driven accountability system, the Division of Special Education/Early Intervention Services' (DSE/EIS) has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The percentage increases in targets above are consistent with the DSE/EIS Strategic Plan: *Moving Maryland Forward* and with the Annual Performance Report (APR) submitted to the Office of Special Education Programs (OSEP) on February 1, 2015. Baseline and Target Data for FFY 2013 to FFY 2018 are as follows:

Child Outcome Indicator	Summary Statement*	Baseline	Target	Target	Target	Target	Target
		FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	Target
		SFY 2014	SFY 2015	SFY 2016	SFY 2017	SFY 2018	Target
Positive Social Emotional Skills	1	64.23%	64.23%	65.23%	66.23%	67.23%	68.23%
	2	65.12%	65.12%	65.62%	66.12%	66.62%	67.12%
Acquisition and Use of Knowledge & Skills	1	69.08%	69.08%	70.08%	71.08%	72.08%	73.08%
	2	61.42%	61.42%	61.92%	62.42%	62.92%	63.42%
Use of Appropriate Behavior to Meet Their Needs	1	72.98%	72.98%	73.98%	74.98%	75.98%	76.98%
	2	56.92%	56.92%	57.42%	57.92%	58.42%	58.92%

\*Summary Statement #1 – Of those children who entered the program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they exited the program. Summary Statement #2 – The percent of children who were functioning within age expectations in each Outcome by the time they exited the program.

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

Number of Results Indicators Required to Meet Requirements (of 11 Total Indicators) <i>Natural Environments, Child Find, Child Outcomes, and Family Outcomes</i>						
FFY <SFY> (Determination Year)	Four (4)	Five (5)	Six (6)	Seven (7)		
2013 <2013-2014> (2015)						
2014 <2014-2015> (2016)						
2015 <2015-2016> (2017)						
2016 <2016-2017> (2018)						
2017 <2017-2018> (2019)						
2018 <2018-2019> (2020)						

DSE/EIS Strategic Plan Moving Maryland Forward Action Imperatives

Early Childhood



Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

Part C FFY 2013 Local Determination Scoring Criteria						
Determination Year	FFY12 2012-2013 March 2014	FFY13 2013-2014 March 2015	FFY14 2014-2015 March 2016	FFY15 2015-2016 March 2017	FFY16 2016-2017 March 2018	FFY17 2017-2018 March 2019
Early Childhood Results	LITP met State targets for at least four results indicators (2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least four results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least five results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least six results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)
	Data for Natural Environments (Indicator 2) data is not significantly ( $\leq 81.0\%$ ) the target	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.
Compliance (All targets are 100%)	LITP demonstrated substantial compliance in at least five compliance indicators (1, 7, 8a, 8b, 8c, & 14)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)
	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.
	LITP demonstrated full compliance (100%) in at least two compliance indicators	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)
	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification
	N/A	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.

March 25, 2015

Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

<b>Local Determination Criteria</b>	Use current Local Determination Criteria and Scoring Rubric	Meets Requirements
	<ul style="list-style-type: none"> <li>• Two of Two Results Indicator bands; and</li> <li>• Four of Five Compliance Indicator bands</li> </ul>	
	Use current Local Determination Criteria and Scoring Rubric	Needs Assistance
	<ul style="list-style-type: none"> <li>• One of Two Results Indicator bands; and</li> <li>• Three of Five Compliance Indicator bands</li> </ul>	
	Use current Local Determination Criteria and Scoring Rubric	Needs Intervention
	<ul style="list-style-type: none"> <li>• Zero of Two Results Indicator bands; and</li> <li>• One of Five Compliance Indicator bands</li> </ul>	
	Use current Local Determination Criteria and Scoring Rubric	Need Substantial Intervention
	<ul style="list-style-type: none"> <li>• LITP demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification;</li> <li>• LITP failure to substantially comply has affected the core requirements, such as delivery of services to students with disabilities or to provide effective general supervision and oversight; or</li> <li>• LITP informed the State that it is unwilling to comply with the core requirements.</li> </ul>	

\*Programs with 3 or less children in Non-NE settings may be excluded. Indicator numbers correspond to State Performance Plan (SPP). Please see the SPP for more detail.





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

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March 26, 2015

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

Dear Dr. Hill:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local Infants and Toddlers Program using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local Infants and Toddler's Program performance in meeting the State's targets for Federal Fiscal Year (FFY) 2013 (2013-2014). Attached please find the *FFY 2013 Determination Overview* that identifies the Part C Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria*, and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 Annual Data Table on SPP/APR Part C Indicators* provides a three-year data analysis and required actions for the Charles County Infants and Toddlers Program (ITP). Based on the FFY 2013 data, as well as information obtained through monitoring and complaint investigations, the Charles County ITP has achieved the determination status of "**Meets Requirements.**"

In correspondence sent to your attention on March 20, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. As part of this plan, all Part C results indicators are used in the determination process. The results indicators include:

- Indicator 2: Provision of Services in the Natural Environment;
- Indicator 3: Child Outcomes;
- Indicator 4: Family Outcomes;
- Indicator 5: Child Find Birth to One; and
- Indicator 6: Child Find Birth to Three.

As part of the results-driven accountability system, the DSE/EIS has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. Please see the *Part C Child Outcomes Baselines and Targets for Local Determinations* document. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The attached baselines for local

Dr. Kimberly Hill  
March 26, 2015  
Page Two

determinations of Maryland's LITPs will not be included in the Maryland's Annual Performance Report (APR) to the Office of Special Education Programs (OSEP). For federal reporting, the OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children 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.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Charles County ITP to improve results for infants, toddlers, and preschool age children 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/BMM/cc  
Attachments

c: Lillian M Lowery  
Jack R. Smith  
Arden Sotomayor  
Daphne Burns  
Branch Chiefs



**Charles County Infants and Toddlers Program**  
**Annual Data on Part C State Performance Plan (SPP) Priority Indicators**  
**for the Period July 1, 2013 – June 30, 2014**

Part C Annual SPP Performance Report							
SPP /APR Indicators		FFY 2013			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2012	FFY 2011
2	Infants and Toddlers with IFSPs who receive services in natural environments	92.00%	99.50%	Met	Data meet the State’s target. No required action.	100%	100%
3A	Birth - 4 Outcomes: Use of social – emotional skills	64.23%	60.00%	Not Met		62.90%	44.10%
	1. Exits with substantial growth						
	2. Exits within age expectations	65.12%	58.43%	Not Met		62.24%	61.20%
3B	Birth - 4 Outcomes: Use of knowledge and skills	69.08%	62.90%	Not Met		62.67%	46.60%
	1. Exits with substantial growth						
	2. Exits within age expectations	61.42%	50.00%	Not Met		59.18%	57.90%
3C	Birth - 4 Outcomes: Use of appropriate behaviors	72.98%	58.27%	Not Met		71.08%	56.20%
	1. Exits with substantial growth						
	2. Exits within age expectations	56.92%	48.80%	Not Met		56.12%	59.00%
4A	Families who report EIS helped them know their rights	81.00%	95.20%	Met	Data meet the State’s target. No required action.	86.80%	89.40%
4B	Families who report EIS helped them communicate their child’s needs	79.00%	95.20%	Met	Data meet the State’s target. No required action.	92.50%	88.90%
4C	Families who report EIS helped them help their children develop and learn	89.00%	95.00%	Met	Data meet the State’s target. No required action.	92.50%	89.70%
5	Children birth to one served as a percentage of the population birth to one	1.50%	1.21%	Not Met	Data do not meet the State target. Continue Improvement Activities.	1.83%	1.21%
6	Children birth to three served as a percentage of the population birth to 3	3.00%	3.31%	Met	Data meet the State’s target. No required action.	2.78%	2.73%

Part C Annual SPP Performance Report							
SPP/APR Indicators		FFY 2013			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2012	FFY 2011
1	Timely Delivery of IFSP Services	100%	100%	Met	Compliant. No required action.	100%	99.50%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral	100%	100%	Met	Compliant. Verification activities indicate need for follow-up.	100%	100%
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	95.70%
	Correction of Noncompliance	100%	100%	Met	Compliant. No required action.	100%	100%



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

**FFY 2013 Determination Overview**

**Part C & Part B**

**July 1, 2013 – June 30, 2014**

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability on Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2015.

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

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

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org> no later than June 1, 2015.

The following Part C indicators are included in assigning determinations:

Results	Compliance
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
4B. Family Survey – Effectively communicate their children's needs	
4C. Family Survey – Help their children	



develop and learn	
5. Child Find 0-1	
6. Child Find 0-3	
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

<b>Process</b>	<b>Compliance</b>
5A. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day;	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity
5B. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day; and	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5C. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements.	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	11. Initial Evaluation Timeline
8A. Preschool Parent Survey; or	12. Part C to B Transition
8B. School Age Parent Survey.	13. Secondary Transition
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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



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

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

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

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

## **Framework for Assistance and Intervention**

### Needs Assistance

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

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

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



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

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

### Needs Intervention

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

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

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



- Integrated Monitoring Activities;
  - Fiscal Management;
  - Data Processes and Results;
  - Improvement, Correction, Incentives, and Sanctions;
  - Effective Dispute Resolution; and
  - Directed Targeted Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of their system of general supervision, needs and resources;
  - Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
  - MSDE prescribing the use of discretionary funds;
  - Identification of a local school system as a high risk grantee if a local school system is in the category of Needs Intervention for 2 years;
  - Required quarterly reporting on status of correction of noncompliance

#### Needs Substantial Intervention

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

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

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

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

*Part C Child Outcomes Baselines and Targets for Local Determinations*  
*Federal Fiscal Year (FFY) 2013-2018*  
*State Fiscal Year (SFY) 2014-2019*

As part of the results-driven accountability system, the Division of Special Education/Early Intervention Services' (DSE/EIS) has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The percentage increases in targets above are consistent with the DSE/EIS Strategic Plan: *Moving Maryland Forward* and with the Annual Performance Report (APR) submitted to the Office of Special Education Programs (OSEP) on February 1, 2015. Baseline and Target Data for FFY 2013 to FFY 2018 are as follows:

Child Outcome Indicator	Summary Statement*	Baseline	Target	Target	Target	Target	Target
		FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	FFY 2018
		SFY 2014	SFY 2015	SFY 2016	SFY 2017	SFY 2018	SFY 2019
Positive Social Emotional Skills	1	64.23%	64.23%	65.23%	66.23%	67.23%	68.23%
	2	65.12%	65.12%	65.62%	66.12%	66.62%	67.12%
Acquisition and Use of Knowledge & Skills	1	69.08%	69.08%	70.08%	71.08%	72.08%	73.08%
	2	61.42%	61.42%	61.92%	62.42%	62.92%	63.42%
Use of Appropriate Behavior to Meet Their Needs	1	72.98%	72.98%	73.98%	74.98%	75.98%	76.98%
	2	56.92%	56.92%	57.42%	57.92%	58.42%	58.92%

\*Summary Statement #1 – Of those children who entered the program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they exited the program. Summary Statement #2 – The percent of children who were functioning within age expectations in each Outcome by the time they exited the program.



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

Number of Results Indicators Required to Meet Requirements (of 11 Total Indicators) <i>Natural Environments, Child Find, Child Outcomes, and Family Outcomes</i>						
FFY <SFY> (Determination Year)	Four (4)	Five (5)	Six (6)	Seven (7)		
2013 <2013-2014> (2015)						
2014 <2014-2015> (2016)						
2015 <2015-2016> (2017)						
2016 <2016-2017> (2018)						
2017 <2017-2018> (2019)						
2018 <2018-2019> (2020)						

DSE/EIS Strategic Plan Moving Maryland Forward Action Imperatives

Early Childhood



Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

Part C FFY 2013 Local Determination Scoring Criteria						
Determination Year	FFY12	FFY13	FFY14	FFY15	FFY16	FFY17
Data Year	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Determination	March 2014	March 2015	March 2016	March 2017	March 2018	March 2019
Early Childhood Results	LITP met State targets for at least four results indicators (2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least four results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least five results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least six results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)
	Data for Natural Environments (Indicator 2) data is not significantly ( $\leq 81.0\%$ ) the target	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*
	LITP demonstrated substantial compliance in at least five compliance indicators (1, 7, 8a, 8b, 8c, & 14)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)
Compliance (All targets are 100%)	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.
	LITP demonstrated full compliance (100%) in at least two compliance indicators	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)
	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification
	N/A	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.

March 25, 2015



Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

<b>Local Determination Criteria</b>	Use current Local Determination Criteria and Scoring Rubric	Meets Requirements	<ul style="list-style-type: none"> <li>• Two of Two Results Indicator bands; and</li> <li>• Four of Five Compliance Indicator bands</li> </ul>
	Use current Local Determination Criteria and Scoring Rubric	Needs Assistance	<ul style="list-style-type: none"> <li>• One of Two Results Indicator bands; and</li> <li>• Three of Five Compliance Indicator bands</li> </ul>
	Use current Local Determination Criteria and Scoring Rubric	Needs Intervention	<ul style="list-style-type: none"> <li>• Zero of Two Results Indicator bands; and</li> <li>• One of Five Compliance Indicator bands</li> </ul>
	Use current Local Determination Criteria and Scoring Rubric	Need Substantial Intervention	<ul style="list-style-type: none"> <li>• LITP demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification;</li> <li>• LITP failure to substantially comply has affected the core requirements, such as delivery of services to students with disabilities or to provide effective general supervision and oversight; or</li> <li>• LITP informed the State that it is unwilling to comply with the core requirements.</li> </ul>

\*Programs with 3 or less children in Non-NE settings may be excluded. Indicator numbers correspond to State Performance Plan (SPP). Please see the SPP for more detail.



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

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March 26, 2015

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

Dear Dr. Wagner:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local Infants and Toddlers Program using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local Infants and Toddler's Program performance in meeting the State's targets for Federal Fiscal Year (FFY) 2013 (2013-2014). Attached please find the *FFY 2013 Determination Overview* that identifies the Part C Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria*, and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 Annual Data Table on SPP/APR Part C Indicators* provides a three-year data analysis and required actions for the Dorchester County Infants and Toddlers Program (ITP). Based on the FFY 2013 data, as well as information obtained through monitoring and complaint investigations, the Dorchester County ITP has achieved the determination status of "**Meets Requirements.**"

In correspondence sent to your attention on March 20, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. As part of this plan, all Part C results indicators are used in the determination process. The results indicators include:

- Indicator 2: Provision of Services in the Natural Environment;
- Indicator 3: Child Outcomes;
- Indicator 4: Family Outcomes;
- Indicator 5: Child Find Birth to One; and
- Indicator 6: Child Find Birth to Three.

As part of the results-driven accountability system, the DSE/EIS has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. Please see the *Part C Child Outcomes Baselines and Targets for Local Determinations* document. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The attached baselines for local



Dr. Henry V. Wagner, Jr.  
March 26, 2015  
Page Two

determinations of Maryland's LITPs will not be included in the Maryland's Annual Performance Report (APR) to the Office of Special Education Programs (OSEP). For federal reporting, the OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children 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.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Dorchester County ITP to improve results for infants, toddlers, and preschool age children 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/BMM/cc  
Attachments

c: Lillian M Lowery  
Jack R. Smith  
Angela McPeake Gebert  
Branch Chiefs

**Dorchester County Infants and Toddlers Program**  
**Annual Data on Part C State Performance Plan (SPP) Priority Indicators**  
**for the Period July 1, 2013 – June 30, 2014**

Part C Annual SPP Performance Report							
SPP/APR Indicators				FFY 2013		Action Required	
Results Indicator  Compliance Indicator				State Target	Local Results	Target Met	Previous Results FFY 2012
							FFY 2011
2	Infants and Toddlers with IFSPs who receive services in natural environments			92.00%	100%	Met	100%
3A	Birth - 4 Outcomes: Use of social – emotional skills	1. Exits with substantial growth		64.23%	57.14%	Not Met	88.89%
		2. Exits within age expectations		65.12%	56.52%	Not Met	87.50%
3B	Birth - 4 Outcomes: Use of knowledge and skills	1. Exits with substantial growth		69.08%	58.33%	Not Met	100%
		2. Exits within age expectations		61.42%	65.22%	Met	93.75%
3C	Birth - 4 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth		72.98%	61.90%	Not Met	86.67%
		2. Exits within age expectations		56.92%	52.17%	Not Met	68.75%
4A	Families who report EIS helped them know their rights			81.00%	100%	Met	100%
4B	Families who report EIS helped them communicate their child's needs			79.00%	100%	Met	100%
4C	Families who report EIS helped them help their children develop and learn			89.0%	100%	Met	100%
5	Children birth to one served as a percentage of the population birth to one			1.50%	1.71%	Met	0.82%
6	Children birth to three served as a percentage of the population birth to 3			3.00%	2.90%	Not Met	2.31%
							3.05%



Part C Annual SPP Performance Report							
SPP/APR Indicators		FFY 2013			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2012	FFY 2011
1	Timely Delivery of IFSP Services	100%	100%	Met	Compliant. No required action.	100%	100%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral	100%	96.67%	Not Met	Correction of noncompliance must occur.	100%	100%
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
	Correction of Noncompliance	100%	100%	Met	Compliant. No required action.	100%	100%

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

**FFY 2013 Determination Overview**

**Part C & Part B**

**July 1, 2013 – June 30, 2014**

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability on Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2015.

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

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

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org> no later than June 1, 2015.

The following Part C indicators are included in assigning determinations:

Results	Compliance
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
4B. Family Survey – Effectively communicate their children's needs	
4C. Family Survey – Help their children	



develop and learn	
5. Child Find 0-1	
6. Child Find 0-3	
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

<b>Process</b>	<b>Compliance</b>
5A. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day;	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity
5B. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day; and	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5C. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements.	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	11. Initial Evaluation Timeline
8A. Preschool Parent Survey; or	12. Part C to B Transition
8B. School Age Parent Survey.	13. Secondary Transition
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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



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

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

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

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

## **Framework for Assistance and Intervention**

### Needs Assistance

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

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

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



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

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

### Needs Intervention

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

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

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

- Integrated Monitoring Activities;
  - Fiscal Management;
  - Data Processes and Results;
  - Improvement, Correction, Incentives, and Sanctions;
  - Effective Dispute Resolution; and
  - Directed Targeted Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of their system of general supervision, needs and resources;
  - Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
  - MSDE prescribing the use of discretionary funds;
  - Identification of a local school system as a high risk grantee if a local school system is in the category of Needs Intervention for 2 years;
  - Required quarterly reporting on status of correction of noncompliance

#### Needs Substantial Intervention

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

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

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



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

*Part C Child Outcomes Baselines and Targets for Local Determinations*  
*Federal Fiscal Year (FFY) 2013-2018*  
*State Fiscal Year (SFY) 2014-2019*

As part of the results-driven accountability system, the Division of Special Education/Early Intervention Services' (DSE/EIS) has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The percentage increases in targets above are consistent with the DSE/EIS Strategic Plan: *Moving Maryland Forward* and with the Annual Performance Report (APR) submitted to the Office of Special Education Programs (OSEP) on February 1, 2015. Baseline and Target Data for FFY 2013 to FFY 2018 are as follows:

Child Outcome Indicator	Summary Statement*	Baseline	Target	Target	Target	Target	Target
		FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	FFY 2018
		SFY 2014	SFY 2015	SFY 2016	SFY 2017	SFY 2018	SFY 2019
Positive Social Emotional Skills	1	64.23%	64.23%	65.23%	66.23%	67.23%	68.23%
	2	65.12%	65.12%	65.62%	66.12%	66.62%	67.12%
Acquisition and Use of Knowledge & Skills	1	69.08%	69.08%	70.08%	71.08%	72.08%	73.08%
	2	61.42%	61.42%	61.92%	62.42%	62.92%	63.42%
Use of Appropriate Behavior to Meet Their Needs	1	72.98%	72.98%	73.98%	74.98%	75.98%	76.98%
	2	56.92%	56.92%	57.42%	57.92%	58.42%	58.92%

\*Summary Statement #1 – Of those children who entered the program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they exited the program. Summary Statement #2 – The percent of children who were functioning within age expectations in each Outcome by the time they exited the program.

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

<b>Number of Results Indicators Required to Meet Requirements (of 11 Total Indicators)</b> <i>Natural Environments, Child Find, Child Outcomes, and Family Outcomes</i>						
FFY <SFY> (Determination Year)	Four (4)	Five (5)	Six (6)	Seven (7)		
2013 <2013-2014> (2015)						
2014 <2014-2015> (2016)						
2015 <2015-2016> (2017)						
2016 <2016-2017> (2018)						
2017 <2017-2018> (2019)						
2018 <2018-2019> (2020)						

DSE/EIS Strategic Plan Moving Maryland Forward Action Imperatives

**Early Childhood**



Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

Part C FFY 2013 Local Determination Scoring Criteria						
Determination Year	FFY12 2012-2013 March 2014	FFY13 2013-2014 March 2015	FFY14 2014-2015 March 2016	FFY15 2015-2016 March 2017	FFY16 2016-2017 March 2018	FFY17 2017-2018 March 2019
Early Childhood Results	LITP met State targets for at least four results indicators (2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least four results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least five results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least six results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)
	Data for Natural Environments (Indicator 2) data is not significantly ( $\leq 81.0\%$ ) the target	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*
Compliance (All targets are 100%)	LITP demonstrated substantial compliance in at least five compliance indicators (1, 7, 8a, 8b, 8c, & 14)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)
	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.
	LITP demonstrated full compliance (100%) in at least two compliance indicators	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)
	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification
	N/A	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.

March 25, 2015

Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

Local Determination Criteria	Use current Local Determination Criteria and Scoring Rubric	Meets Requirements
	<ul style="list-style-type: none"> <li>Two of Two Results Indicator bands; and</li> <li>Four of Five Compliance Indicator bands</li> </ul>	
	Use current Local Determination Criteria and Scoring Rubric	Needs Assistance
	<ul style="list-style-type: none"> <li>One of Two Results Indicator bands; and</li> <li>Three of Five Compliance Indicator bands</li> </ul>	
	Use current Local Determination Criteria and Scoring Rubric	Needs Intervention
	<ul style="list-style-type: none"> <li>Zero of Two Results Indicator bands; and</li> <li>One of Five Compliance Indicator bands</li> </ul>	
	Use current Local Determination Criteria and Scoring Rubric	Need Substantial Intervention
	<ul style="list-style-type: none"> <li>LITP demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification;</li> <li>LITP failure to substantially comply has affected the core requirements, such as delivery of services to students with disabilities or to provide effective general supervision and oversight; or</li> <li>LITP informed the State that it is unwilling to comply with the core requirements.</li> </ul>	

\*Programs with 3 or less children in Non-NE settings may be excluded. Indicator numbers correspond to State Performance Plan (SPP). Please see the SPP for more detail.



**Frederick County Infants and Toddlers Program**  
**Annual Data on Part C State Performance Plan (SPP) Priority Indicators**  
**for the Period July 1, 2013 – June 30, 2014**

Part C Annual SPP Performance Report									
SPP/APR Indicators			FFY 2013			Action Required		Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results	Target Met			FFY 2012	FFY 2011
2	Infants and Toddlers with IFSPs who receive services in natural environments		92.00%	99.60%	Met	Data meet the State's target. No required action.		99.60%	98.20%
3A	Birth - 4 Outcomes: Use of social – emotional skills	1. Exits with substantial growth 2. Exits within age expectations	64.23%	51.72%	Not Met			56.52%	52.90%
3B	Birth - 4 Outcomes: Use of knowledge and skills	1. Exits with substantial growth 2. Exits within age expectations	65.12%	61.95%	Not Met			68.42%	69.90%
3C	Birth - 4 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth 2. Exits within age expectations	69.08%	53.15%	Not Met			70.16%	64.40%
			61.42%	54.15%	Not Met			61.99%	57.70%
			72.98%	56.32%	Not Met			64.58%	64.00%
			56.92%	47.32%	Not Met			52.63%	64.80%
4A	Families who report EIS helped them know their rights		81.00%	95.80%	Met	Data meet the State's target. No required action.		95.10%	96.70%
4B	Families who report EIS helped them communicate their child's needs		79.00%	95.40%	Met	Data meet the State's target. No required action.		93.80%	96.40%
4C	Families who report EIS helped them help their children develop and learn		89.00%	92.50%	Met	Data meet the State's target. No required action.		94.80%	95.90%
5	Children birth to one served as a percentage of the population birth to one		1.50%	1.61%	Met	Data meet the State's target. No required action.		1.40%	2.02%
6	Children birth to three served as a percentage of the population birth to 3		3.00%	2.94%	Not Met	Target not met. Improvement Plan required.		2.81%	3.33%

Part C Annual SPP Performance Report							
SPP/APR Indicators		FFY 2013			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2012	FFY 2011
1	Timely Delivery of IFSP Services	100%	99.66%	Not Met	Correction of noncompliance must occur.	99.70%	98.90%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral	100%	99.70%	Not Met	Correction of noncompliance must occur.	100%	100%
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	98.13%	Not Met	Correction of noncompliance must occur.	100%	100%
	Correction of Noncompliance	100%	100%	Met	Compliant. No required action.	100%	100%



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

**FFY 2013 Determination Overview**

**Part C & Part B**

**July 1, 2013 – June 30, 2014**

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability on Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2015.

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

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

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org> no later than June 1, 2015.

The following Part C indicators are included in assigning determinations:

<b>Results</b>	<b>Compliance</b>
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
4B. Family Survey – Effectively communicate their children's needs	
4C. Family Survey – Help their children	



develop and learn	
5. Child Find 0-1	
6. Child Find 0-3	
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

<b>Process</b>	<b>Compliance</b>
5A. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day;	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity
5B. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day; and	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5C. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements.	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	11. Initial Evaluation Timeline
8A. Preschool Parent Survey; or	12. Part C to B Transition
8B. School Age Parent Survey.	13. Secondary Transition
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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



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

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

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

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

## **Framework for Assistance and Intervention**

### **Needs Assistance**

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

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

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



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

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

### Needs Intervention

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

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

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



- o Integrated Monitoring Activities;
  - o Fiscal Management;
  - o Data Processes and Results;
  - o Improvement, Correction, Incentives, and Sanctions;
  - o Effective Dispute Resolution; and
  - o 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).

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

*Part C Child Outcomes Baselines and Targets for Local Determinations*  
*Federal Fiscal Year (FFY) 2013-2018*  
*State Fiscal Year (SFY) 2014-2019*

As part of the results-driven accountability system, the Division of Special Education/Early Intervention Services' (DSE/EIS) has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The percentage increases in targets above are consistent with the DSE/EIS Strategic Plan: *Moving Maryland Forward* and with the Annual Performance Report (APR) submitted to the Office of Special Education Programs (OSEP) on February 1, 2015. Baseline and Target Data for FFY 2013 to FFY 2018 are as follows:

Child Outcome Indicator	Summary Statement*	Baseline	Target	Target	Target	Target	Target
		FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	FFY 2018
		SFY 2014	SFY 2015	SFY 2016	SFY 2017	SFY 2018	SFY 2019
Positive Social Emotional Skills	1	64.23%	64.23%	65.23%	66.23%	67.23%	68.23%
	2	65.12%	65.12%	65.62%	66.12%	66.62%	67.12%
Acquisition and Use of Knowledge & Skills	1	69.08%	69.08%	70.08%	71.08%	72.08%	73.08%
	2	61.42%	61.42%	61.92%	62.42%	62.92%	63.42%
Use of Appropriate Behavior to Meet Their Needs	1	72.98%	72.98%	73.98%	74.98%	75.98%	76.98%
	2	56.92%	56.92%	57.42%	57.92%	58.42%	58.92%

\*Summary Statement #1 – Of those children who entered the program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they exited the program. Summary Statement #2 – The percent of children who were functioning within age expectations in each Outcome by the time they exited the program.



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

Number of Results Indicators Required to Meet Requirements (of 11 Total Indicators) <i>Natural Environments, Child Find, Child Outcomes, and Family Outcomes</i>						
FFY <SFY> (Determination Year)	Four (4)	Five (5)	Six (6)	Seven (7)		
2013 <2013-2014> (2015)						
2014 <2014-2015> (2016)						
2015 <2015-2016> (2017)						
2016 <2016-2017> (2018)						
2017 <2017-2018> (2019)						
2018 <2018-2019> (2020)						

DSE/EIS Strategic Plan Moving Maryland Forward Action Imperatives

Early Childhood



Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

Part C FFY 2013 Local Determination Scoring Criteria						
Determination Year	FFY12	FFY13	FFY14	FFY15	FFY16	FFY17
Data Year	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Determination	March 2014	March 2015	March 2016	March 2017	March 2018	March 2019
Early Childhood Results	LITP met State targets for at least four results indicators (2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least four results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least five results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least six results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)
	Data for Natural Environments (Indicator 2) data is not significantly ( $\leq 81.0\%$ ) the target	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.
	LITP demonstrated substantial compliance in at least five compliance indicators (1, 7, 8a, 8b, 8c, & 14)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)
Compliance (All targets are 100%)	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.
	LITP demonstrated full compliance (100%) in at least two compliance indicators	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)
	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification
	N/A	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.

March 25, 2015



Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

Local Determination Criteria	Use current Local Determination Criteria and Scoring Rubric	Meets Requirements
	<ul style="list-style-type: none"> <li>Two of Two Results Indicator bands; and</li> <li>Four of Five Compliance Indicator bands</li> </ul>	
	Use current Local Determination Criteria and Scoring Rubric	Needs Assistance
	<ul style="list-style-type: none"> <li>One of Two Results Indicator bands; and</li> <li>Three of Five Compliance Indicator bands</li> </ul>	
	Use current Local Determination Criteria and Scoring Rubric	Needs Intervention
	<ul style="list-style-type: none"> <li>Zero of Two Results Indicator bands; and</li> <li>One of Five Compliance Indicator bands</li> </ul>	
	Use current Local Determination Criteria and Scoring Rubric	<b>Need Substantial Intervention</b>
		<ul style="list-style-type: none"> <li>LITP demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification;</li> <li>LITP failure to substantially comply has affected the core requirements, such as delivery of services to students with disabilities or to provide effective general supervision and oversight; or</li> <li>LITP informed the State that it is unwilling to comply with the core requirements.</li> </ul>

\*Programs with 3 or less children in Non-NE settings may be excluded. Indicator numbers correspond to State Performance Plan (SPP). Please see the SPP for more detail.



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

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March 26, 2015

Dr. Barbara Brookmyer  
Health Officer  
Frederick County  
350 Montevue Lane  
Frederick, MD 21702

Dear Dr. Brookmyer:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local Infants and Toddlers Program using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local Infants and Toddler's Program performance in meeting the State's targets for Federal Fiscal Year (FFY) 2013 (2013-2014). Attached please find the *FFY 2013 Determination Overview* that identifies the Part C Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria*, and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 Annual Data Table on SPP/APR Part C Indicators* provides a three-year data analysis and required actions for the Frederick County Infants and Toddlers Program (ITP). Based on the FFY 2013 data, as well as information obtained through monitoring and complaint investigations, the Frederick County ITP has achieved the determination status of "**Meets Requirements.**"

In correspondence sent to your attention on March 20, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. As part of this plan, all Part C results indicators are used in the determination process. The results indicators include:

- Indicator 2: Provision of Services in the Natural Environment;
- Indicator 3: Child Outcomes;
- Indicator 4: Family Outcomes;
- Indicator 5: Child Find Birth to One; and
- Indicator 6: Child Find Birth to Three.

As part of the results-driven accountability system, the DSE/EIS has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. Please see the *Part C Child Outcomes Baselines and Targets for Local Determinations* document. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The attached baselines for local





Dr. Barbara Brookmyer  
March 26, 2015  
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determinations of Maryland's LITPs will not be included in the Maryland's Annual Performance Report (APR) to the Office of Special Education Programs (OSEP). For federal reporting, the OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children 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.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Frederick County ITP to improve results for infants, toddlers, and preschool age children 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/BMM/cc  
Attachments

c: Lillian M Lowery  
Jack R. Smith  
Monica Grant  
Branch Chiefs



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

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

March 26, 2015

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

*Congratulations!*

Dear Dr. Wilson: *Janet*

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local Infants and Toddlers Program using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local Infants and Toddler's Program performance in meeting the State's targets for Federal Fiscal Year (FFY) 2013 (2013-2014). Attached please find the *FFY 2013 Determination Overview* that identifies the Part C Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria*, and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 Annual Data Table on SPP/APR Part C Indicators* provides a three-year data analysis and required actions for the Garrett County Infants and Toddlers Program (ITP). Based on the FFY 2013 data, as well as information obtained through monitoring and complaint investigations, the Garrett County ITP has achieved the determination status of **"Meets Requirements."**

In correspondence sent to your attention on March 20, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. As part of this plan, all Part C results indicators are used in the determination process. The results indicators include:

- Indicator 2: Provision of Services in the Natural Environment;
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Dr. Janet Wilson  
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The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children 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.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Garrett County ITP to improve results for infants, toddlers, and preschool age children 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/BMM/cc  
Attachments

c: Lillian M Lowery  
Jack R. Smith  
Jennifer Kotulak  
Lisa Melendrez  
Branch Chiefs

**Garrett County Infants and Toddlers Program**  
**Annual Data on Part C State Performance Plan (SPP) Priority Indicators**  
**for the Period July 1, 2013 – June 30, 2014**

Part C Annual SPP Performance Report									
SPP/APR Indicators			FFY 2013			Action Required	Previous Results		
Results Indicator	Compliance Indicator		State Target	Local Results	Target Met		FFY 2012	FFY 2011	
2	Infants and Toddlers with IFSPs who receive services in natural environments		92.00%	100%	Met	Data meet the State's target. No required action.	100%	100%	
3A	Birth - 4 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	64.23%	100%	Met		100%	83.30%	
		2. Exits within age expectations	65.12%	94.29%	Met		85.19%	72.70%	
3B	Birth - 4 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	69.08%	100%	Met		100%	100%	
		2. Exits within age expectations	61.42%	94.29%	Met		88.89%	72.70%	
3C	Birth - 4 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	72.98%	100%	Met		100%	87.50%	
		2. Exits within age expectations	56.92%	91.43%	Met		81.48%	63.60%	
4A	Families who report EIS helped them know their rights		81.00%	100%	Met	Data meet the State's target. No required action.	100%	96.30%	
4B	Families who report EIS helped them communicate their child's needs		79.00%	100%	Met	Data meet the State's target. No required action.	100%	100%	
4C	Families who report EIS helped them help their children develop and learn		89.00%	100%	Met	Data meet the State's target. No required action.	100%	100%	
5	Children birth to one served as a percentage of the population birth to one		1.50%	3.56%	Met	Data meet the State's target. No required action.	3.07%	0.35%	
6	Children birth to three served as a percentage of the population birth to 3		3.00%	3.97%	Met	Data meet the State's target. No required action.	4.08%	2.31%	



Part C Annual SPP Performance Report								
SPP/APR Indicators			FFY 2013			Action Required	Previous Results	
Results Indicator		Compliance Indicator	State Target	Local Results	Target Met		FFY 2012	FFY 2011
1		Timely Delivery of IFSP Services	100%	100%	Met	Compliant. No required action.	100%	100%
7		Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral	100%	100%	Met	Compliant. No required action.	100%	100%
8A		Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8B		Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8C		Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
		Correction of Noncompliance	100%	100%	Met	Compliant. No required action.	100%	100%

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

**FFY 2013 Determination Overview**

**Part C & Part B**

**July 1, 2013 – June 30, 2014**

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability on Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2015.

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

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

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org> no later than June 1, 2015.

The following Part C indicators are included in assigning determinations:

<b>Results</b>	<b>Compliance</b>
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
4B. Family Survey – Effectively communicate their children's needs	
4C. Family Survey – Help their children	



develop and learn	
5. Child Find 0-1	
6. Child Find 0-3	
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

<b>Process</b>	<b>Compliance</b>
5A. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day;	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity
5B. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day; and	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5C. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements.	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	11. Initial Evaluation Timeline
8A. Preschool Parent Survey; or	12. Part C to B Transition
8B. School Age Parent Survey.	13. Secondary Transition
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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



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

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

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

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

## **Framework for Assistance and Intervention**

### **Needs Assistance**

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

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

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



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

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

### Needs Intervention

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

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

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

- Integrated Monitoring Activities;
  - Fiscal Management;
  - Data Processes and Results;
  - Improvement, Correction, Incentives, and Sanctions;
  - Effective Dispute Resolution; and
  - Directed Targeted Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of their system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- MSDE prescribing the use of discretionary funds;
- Identification of a local school system as a high risk grantee if a local school system is in the category of Needs Intervention for 2 years;
- Required quarterly reporting on status of correction of noncompliance

#### Needs Substantial Intervention

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

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

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



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

*Part C Child Outcomes Baselines and Targets for Local Determinations*  
*Federal Fiscal Year (FFY) 2013-2018*  
*State Fiscal Year (SFY) 2014-2019*

As part of the results-driven accountability system, the Division of Special Education/Early Intervention Services' (DSE/EIS) has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The percentage increases in targets above are consistent with the DSE/EIS Strategic Plan: *Moving Maryland Forward* and with the Annual Performance Report (APR) submitted to the Office of Special Education Programs (OSEP) on February 1, 2015. Baseline and Target Data for FFY 2013 to FFY 2018 are as follows:

Child Outcome Indicator	Summary Statement*	Baseline	Target	Target	Target	Target	Target
		FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	FFY 2018
		SFY 2014	SFY 2015	SFY 2016	SFY 2017	SFY 2018	SFY 2019
Positive Social Emotional Skills	1	64.23%	64.23%	65.23%	66.23%	67.23%	68.23%
	2	65.12%	65.12%	65.62%	66.12%	66.62%	67.12%
Acquisition and Use of Knowledge & Skills	1	69.08%	69.08%	70.08%	71.08%	72.08%	73.08%
	2	61.42%	61.42%	61.92%	62.42%	62.92%	63.42%
Use of Appropriate Behavior to Meet Their Needs	1	72.98%	72.98%	73.98%	74.98%	75.98%	76.98%
	2	56.92%	56.92%	57.42%	57.92%	58.42%	58.92%

\*Summary Statement #1 – Of those children who entered the program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they exited the program. Summary Statement #2 – The percent of children who were functioning within age expectations in each Outcome by the time they exited the program.

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

Number of Results Indicators Required to Meet Requirements (of 11 Total Indicators) <i>Natural Environments, Child Find, Child Outcomes, and Family Outcomes</i>						
FFY <SFY> (Determination Year)	Four (4)	Five (5)	Six (6)	Seven (7)		
2013 <2013-2014> (2015)						
2014 <2014-2015> (2016)						
2015 <2015-2016> (2017)						
2016 <2016-2017> (2018)						
2017 <2017-2018> (2019)						
2018 <2018-2019> (2020)						

DSE/EIS Strategic Plan Moving Maryland Forward Action Imperatives

**Early Childhood**



Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

Part C FFY 2013 Local Determination Scoring Criteria						
Determination Year	FFY12 2012-2013 March 2014	FFY13 2013-2014 March 2015	FFY14 2014-2015 March 2016	FFY15 2015-2016 March 2017	FFY16 2016-2017 March 2018	FFY17 2017-2018 March 2019
Early Childhood Results	LITP met State targets for at least four results indicators (2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least four results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least five results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least six results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)
	Data for Natural Environments (Indicator 2) data is not significantly (≤ 81.0%) the target	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.
	LITP demonstrated substantial compliance in at least five compliance indicators (1, 7, 8a, 8b, 8c, & 14)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)
Compliance (All targets are 100%)	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.
	LITP demonstrated full compliance (100%) in at least two compliance indicators	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)
	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification
	N/A	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.

March 25, 2015

Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

<b>Local Determination Criteria</b>	Use current Local Determination Criteria and Scoring Rubric	<ul style="list-style-type: none"> <li>• Two of Two Results Indicator bands; and</li> <li>• Four of Five Compliance Indicator bands</li> </ul>	Meets Requirements
	Use current Local Determination Criteria and Scoring Rubric	<ul style="list-style-type: none"> <li>• One of Two Results Indicator bands; and</li> <li>• Three of Five Compliance Indicator bands</li> </ul>	Needs Assistance
	Use current Local Determination Criteria and Scoring Rubric	<ul style="list-style-type: none"> <li>• Zero of Two Results Indicator bands; and</li> <li>• One of Five Compliance Indicator bands</li> </ul>	Needs Intervention
	Use current Local Determination Criteria and Scoring Rubric	<ul style="list-style-type: none"> <li>• LITP demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification;</li> <li>• LITP failure to substantially comply has affected the core requirements, such as delivery of services to students with disabilities or to provide effective general supervision and oversight; or</li> <li>• LITP informed the State that it is unwilling to comply with the core requirements.</li> </ul>	Need Substantial Intervention

\*Programs with 3 or less children in Non-NE settings may be excluded. Indicator numbers correspond to State Performance Plan (SPP). Please see the SPP for more detail.





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

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

March 26, 2015

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

Dear Mrs. Canavan:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local Infants and Toddlers Program using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local Infants and Toddler's Program performance in meeting the State's targets for Federal Fiscal Year (FFY) 2013 (2013-2014). Attached please find the *FFY 2013 Determination Overview* that identifies the Part C Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria*, and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 Annual Data Table on SPP/APR Part C Indicators* provides a three-year data analysis and required actions for the Harford County Infants and Toddlers Program (ITP). Based on the FFY 2013 data, as well as information obtained through monitoring and complaint investigations, the Harford County ITP has achieved the determination status of "**Meets Requirements.**"

In correspondence sent to your attention on March 20, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. As part of this plan, all Part C results indicators are used in the determination process. The results indicators include:

- Indicator 2: Provision of Services in the Natural Environment;
- Indicator 3: Child Outcomes;
- Indicator 4: Family Outcomes;
- Indicator 5: Child Find Birth to One; and
- Indicator 6: Child Find Birth to Three.

As part of the results-driven accountability system, the DSE/EIS has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. Please see the *Part C Child Outcomes Baselines and Targets for Local Determinations* document. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The attached baselines for local

Mrs. Barbara P. Canavan  
March 26, 2015  
Page Two

determinations of Maryland's LITPs will not be included in the Maryland's Annual Performance Report (APR) to the Office of Special Education Programs (OSEP). For federal reporting, the OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children 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.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Harford County ITP to improve results for infants, toddlers, and preschool age children 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/BMM/cc  
Attachments

c: Lillian M Lowery  
Jack R. Smith  
Susan Austin  
Nicol Elliott  
Branch Chiefs



**Harford County Infants and Toddlers Program**  
**Annual Data on Part C State Performance Plan (SPP) Priority Indicators**  
**for the Period July 1, 2013 – June 30, 2014**

Part C Annual SPP Performance Report									
SPP/APR Indicators				FFY 2013			Action Required	Previous Results	
Results Indicator	Compliance Indicator			State Target	Local Results	Target Met		FFY 2012	FFY 2011
2	Infants and Toddlers with IFSPs who receive services in natural environments			92.00%	99.70%	Met	Data meet the State's target. No required action.	99.50%	99.10%
3A	Birth - 4 Outcomes: Use of social – emotional skills	1. Exits with substantial growth		64.23%	67.99%	Met		74.29%	73.40%
		2. Exits within age expectations		65.12%	55.66%	Not Met		58.46%	57.30%
3B	Birth - 4 Outcomes: Use of knowledge and skills	1. Exits with substantial growth		69.08%	73.06%	Met		74.52%	74.60%
		2. Exits within age expectations		61.42%	53.52%	Not Met		58.85%	56.40%
3C	Birth - 4 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth		72.98%	70.79%	Not Met		76.50%	65.70%
		2. Exits within age expectations		56.92%	51.99%	Not Met		56.54%	63.80%
4A	Families who report EIS helped them know their rights			81.00%	92.70%	Met	Data meet the State's target. No required action.	91.00%	91.80%
4B	Families who report EIS helped them communicate their child's needs			79.00%	92.30%	Met	Data meet the State's target. No required action.	91.00%	94.10%
4C	Families who report EIS helped them help their children develop and learn			89.00%	91.90%	Met	Data meet the State's target. No required action.	93.70%	93.40%
5	Children birth to one served as a percentage of the population birth to one			1.50%	1.25%	Not Met	Target not met. Improvement Plan required.	1.62%	1.51%
6	Children birth to three served as a percentage of the population birth to 3			3.00%	4.46%	Met	Data meet the State's target. No required action.	4.57%	3.83%

Part C Annual SPP Performance Report							
SPP/APR Indicators		FFY 2013			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2012	FFY 2011
1	Timely Delivery of IFSP Services	100%	90.00%	Not Met	Correction of noncompliance must occur.	91.10%	90.50%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral	100%	98.30%	Not Met	Correction of noncompliance must occur.	90.60%	98.30%
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	94.50%
	Correction of Noncompliance	100%	100%	Met	Compliant. No required action.	100%	100%



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

**FFY 2013 Determination Overview**

**Part C & Part B**

**July 1, 2013 – June 30, 2014**

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability on Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2015.

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

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

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org> no later than June 1, 2015.

The following Part C indicators are included in assigning determinations:

<b>Results</b>	<b>Compliance</b>
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
4B. Family Survey – Effectively communicate their children's needs	
4C. Family Survey – Help their children	



develop and learn	
5. Child Find 0-1	
6. Child Find 0-3	
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

<b>Process</b>	<b>Compliance</b>
5A. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day;	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity
5B. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day; and	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5C. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements.	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	11. Initial Evaluation Timeline
8A. Preschool Parent Survey; or	12. Part C to B Transition
8B. School Age Parent Survey.	13. Secondary Transition
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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



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

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

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

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

## **Framework for Assistance and Intervention**

### **Needs Assistance**

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

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

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



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

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

### Needs Intervention

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

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

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



- Integrated Monitoring Activities;
  - Fiscal Management;
  - Data Processes and Results;
  - Improvement, Correction, Incentives, and Sanctions;
  - Effective Dispute Resolution; and
  - Directed Targeted Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of their system of general supervision, needs and resources;
  - Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
  - MSDE prescribing the use of discretionary funds;
  - Identification of a local school system as a high risk grantee if a local school system is in the category of Needs Intervention for 2 years;
  - Required quarterly reporting on status of correction of noncompliance

#### Needs Substantial Intervention

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

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

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

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

*Part C Child Outcomes Baselines and Targets for Local Determinations*  
*Federal Fiscal Year (FFY) 2013-2018*  
*State Fiscal Year (SFY) 2014-2019*

As part of the results-driven accountability system, the Division of Special Education/Early Intervention Services' (DSE/EIS) has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The percentage increases in targets above are consistent with the DSE/EIS Strategic Plan: *Moving Maryland Forward* and with the Annual Performance Report (APR) submitted to the Office of Special Education Programs (OSEP) on February 1, 2015. Baseline and Target Data for FFY 2013 to FFY 2018 are as follows:

Child Outcome Indicator	Summary Statement*	Baseline	Target	Target	Target	Target	Target
		FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	Target
		SFY 2014	SFY 2015	SFY 2016	SFY 2017	SFY 2018	SFY 2019
Positive Social Emotional Skills	1	64.23%	64.23%	65.23%	66.23%	67.23%	68.23%
	2	65.12%	65.12%	65.62%	66.12%	66.62%	67.12%
Acquisition and Use of Knowledge & Skills	1	69.08%	69.08%	70.08%	71.08%	72.08%	73.08%
	2	61.42%	61.42%	61.92%	62.42%	62.92%	63.42%
Use of Appropriate Behavior to Meet Their Needs	1	72.98%	72.98%	73.98%	74.98%	75.98%	76.98%
	2	56.92%	56.92%	57.42%	57.92%	58.42%	58.92%

\*Summary Statement #1 – Of those children who entered the program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they exited the program. Summary Statement #2 – The percent of children who were functioning within age expectations in each Outcome by the time they exited the program.



**Maryland State Department of Education**  
**Division of Special Education/Early Intervention Services**  
**Maryland Infants and Toddlers Program**

Part C						
FFY 2013 Local Determination Scoring Criteria						
Determination Year	FFY12	FFY13	FFY14	FFY15	FFY16	FFY17
Data Year	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Determination	March 2014	March 2015	March 2016	March 2017	March 2018	March 2019
<b>Early Childhood Results</b>	LITP met State targets for at least four results indicators (2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least four results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least five results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least six results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)
	Data for Natural Environments (Indicator 2) data is not significantly ( $\leq 81.0\%$ ) the target	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*
	LITP demonstrated substantial compliance in at least five compliance indicators (1, 7, 8a, 8b, 8c, & 14)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)
<b>Compliance</b> (All targets are 100%)	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.
	LITP demonstrated full compliance (100%) in at least two compliance indicators	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)
	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification
	N/A	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.

March 25, 2015

Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

Local Determination Criteria	Use current Local Determination Criteria and Scoring Rubric	Meets Requirements
	<ul style="list-style-type: none"> <li>• Two of Two Results Indicator bands; and</li> <li>• Four of Five Compliance Indicator bands</li> </ul>	
	Use current Local Determination Criteria and Scoring Rubric	Needs Assistance
	<ul style="list-style-type: none"> <li>• One of Two Results Indicator bands; and</li> <li>• Three of Five Compliance Indicator bands</li> </ul>	
	Use current Local Determination Criteria and Scoring Rubric	Needs Intervention
	<ul style="list-style-type: none"> <li>• Zero of Two Results Indicator bands; and</li> <li>• One of Five Compliance Indicator bands</li> </ul>	
	Use current Local Determination Criteria and Scoring Rubric	Need Substantial Intervention
	<ul style="list-style-type: none"> <li>• LITP demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification;</li> <li>• LITP failure to substantially comply has affected the core requirements, such as delivery of services to students with disabilities or to provide effective general supervision and oversight; or</li> <li>• LITP informed the State that it is unwilling to comply with the core requirements.</li> </ul>	

\*Programs with 3 or less children in Non-NE settings may be excluded. Indicator numbers correspond to State Performance Plan (SPP). Please see the SPP for more detail.





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

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

March 26, 2015

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

Dear Dr. Foose:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local Infants and Toddlers Program using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local Infants and Toddler's Program performance in meeting the State's targets for Federal Fiscal Year (FFY) 2013 (2013-2014). Attached please find the *FFY 2013 Determination Overview* that identifies the Part C Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria*, and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 Annual Data Table on SPP/APR Part C Indicators* provides a three-year data analysis and required actions for the Howard County Infants and Toddlers Program (ITP). Based on the FFY 2013 data, as well as information obtained through monitoring and complaint investigations, the Howard County ITP has achieved the determination status of **"Meets Requirements."**

In correspondence sent to your attention on March 20, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. As part of this plan, all Part C results indicators are used in the determination process. The results indicators include:

- Indicator 2: Provision of Services in the Natural Environment;
- Indicator 3: Child Outcomes;
- Indicator 4: Family Outcomes;
- Indicator 5: Child Find Birth to One; and
- Indicator 6: Child Find Birth to Three.

As part of the results-driven accountability system, the DSE/EIS has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. Please see the *Part C Child Outcomes Baselines and Targets for Local Determinations* document. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The attached baselines for local

Dr. Renee A. Foose  
March 26, 2015  
Page Two

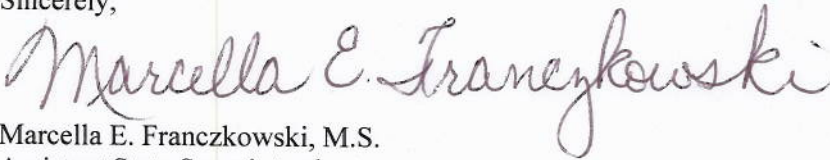
determinations of Maryland's LITPs will not be included in the Maryland's Annual Performance Report (APR) to the Office of Special Education Programs (OSEP). For federal reporting, the OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children 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.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Howard County ITP to improve results for infants, toddlers, and preschool age children 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/BMM/cc  
Attachments

c: Lillian M Lowery  
Jack R. Smith  
Patty Daley  
Jennifer Harwood  
Branch Chiefs



**Howard County Infants and Toddlers Program**  
**Annual Data on Part C State Performance Plan (SPP) Priority Indicators**  
**for the Period July 1, 2013 – June 30, 2014**

Part C Annual SPP Performance Report									
SPP/APR Indicators				FFY 2013			Action Required	Previous Results	
Results Indicator	Compliance Indicator			State Target	Local Results	Target Met		FFY 2012	FFY 2011
2	Infants and Toddlers with IFSPs who receive services in natural environments			92.00%	97.80%	Met	Data meet the State's target. No required action.	97.80%	99.30%
3A	Birth - 4 Outcomes: Use of social – emotional skills	1. Exits with substantial growth		64.23%	51.28%	Not Met		50.89%	59.90%
		2. Exits within age expectations		65.12%	59.92%	Not Met		57.54%	64.90%
3B	Birth - 4 Outcomes: Use of knowledge and skills	1. Exits with substantial growth		69.08%	61.67%	Not Met		52.91%	59.40%
		2. Exits within age expectations		61.42%	60.31%	Not Met		53.17%	63.70%
3C	Birth - 4 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth		72.98%	66.09%	Not Met		60.09%	61.20%
		2. Exits within age expectations		56.92%	49.24%	Not Met		48.00%	59.30%
4A	Families who report EIS helped them know their rights			81.00%	96.00%	Met	Data meet the State's target. No required action.	96.00%	95.80%
4B	Families who report EIS helped them communicate their child's needs			79.00%	93.90%	Met	Data meet the State's target. No required action.	94.60%	95.40%
4C	Families who report EIS helped them help their children develop and learn			89.00%	94.50%	Met	Data meet the State's target. No required action.	96.80%	97.30%
5	Children birth to one served as a percentage of the population birth to one			1.50%	1.13%	Not Met	Target not met. Improvement Plan required.	0.90%	1.48%
6	Children birth to three served as a percentage of the population birth to 3			3.00%	3.00%	Met	Data meet the State's target. No required action.	3.04%	2.91%

Part C Annual SPP Performance Report							
SPP/APR Indicators		FFY 2013			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2012	FFY 2011
1	Timely Delivery of IFSP Services	100%	100%	Met	Compliant. Verification activities indicate need for follow-up.	99.60%	99.50%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral	100%	99.47%	Not Met	Correction of noncompliance must occur.	99.70%	99.40%
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
	Correction of Noncompliance	100%	100%	Met	Compliant. No required action.	100%	100%



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

**FFY 2013 Determination Overview**

**Part C & Part B**

**July 1, 2013 – June 30, 2014**

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability on Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2015.

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

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

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org> no later than June 1, 2015.

The following Part C indicators are included in assigning determinations:

<b>Results</b>	<b>Compliance</b>
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
4B. Family Survey – Effectively communicate their children's needs	
4C. Family Survey – Help their children	



develop and learn	
5. Child Find 0-1	
6. Child Find 0-3	
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

<b>Process</b>	<b>Compliance</b>
5A. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day;	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity
5B. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day; and	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5C. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements.	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	11. Initial Evaluation Timeline
8A. Preschool Parent Survey; or	12. Part C to B Transition
8B. School Age Parent Survey.	13. Secondary Transition
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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



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

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

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

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

## **Framework for Assistance and Intervention**

### Needs Assistance

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

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

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



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

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

### Needs Intervention

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

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

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



- Integrated Monitoring Activities;
  - Fiscal Management;
  - Data Processes and Results;
  - Improvement, Correction, Incentives, and Sanctions;
  - Effective Dispute Resolution; and
  - Directed Targeted Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of their system of general supervision, needs and resources;
  - Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
  - MSDE prescribing the use of discretionary funds;
  - Identification of a local school system as a high risk grantee if a local school system is in the category of Needs Intervention for 2 years;
  - Required quarterly reporting on status of correction of noncompliance

#### Needs Substantial Intervention

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

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

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

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

*Part C Child Outcomes Baselines and Targets for Local Determinations*  
*Federal Fiscal Year (FFY) 2013-2018*  
*State Fiscal Year (SFY) 2014-2019*

As part of the results-driven accountability system, the Division of Special Education/Early Intervention Services' (DSE/EIS) has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The percentage increases in targets above are consistent with the DSE/EIS Strategic Plan: *Moving Maryland Forward* and with the Annual Performance Report (APR) submitted to the Office of Special Education Programs (OSEP) on February 1, 2015. Baseline and Target Data for FFY 2013 to FFY 2018 are as follows:

Child Outcome Indicator	Summary Statement*	Baseline	Target	Target	Target	Target	Target
		FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	Target
		SFY 2014	SFY 2015	SFY 2016	SFY 2017	SFY 2018	SFY 2019
Positive Social Emotional Skills	1	64.23%	64.23%	65.23%	66.23%	67.23%	68.23%
	2	65.12%	65.12%	65.62%	66.12%	66.62%	67.12%
Acquisition and Use of Knowledge & Skills	1	69.08%	69.08%	70.08%	71.08%	72.08%	73.08%
	2	61.42%	61.42%	61.92%	62.42%	62.92%	63.42%
Use of Appropriate Behavior to Meet Their Needs	1	72.98%	72.98%	73.98%	74.98%	75.98%	76.98%
	2	56.92%	56.92%	57.42%	57.92%	58.42%	58.92%

\*Summary Statement #1 – Of those children who entered the program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they exited the program. Summary Statement #2 – The percent of children who were functioning within age expectations in each Outcome by the time they exited the program.



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

Number of Results Indicators Required to Meet Requirements (of 11 Total Indicators) <i>Natural Environments, Child Find, Child Outcomes, and Family Outcomes</i>						
FFY <SFY> (Determination Year)	Four (4)	Five (5)	Six (6)	Seven (7)		
2013 <2013-2014> (2015)						
2014 <2014-2015> (2016)						
2015 <2015-2016> (2017)						
2016 <2016-2017> (2018)						
2017 <2017-2018> (2019)						
2018 <2018-2019> (2020)						

DSE/EIS Strategic Plan Moving Maryland Forward Action Imperatives

**Early Childhood**



Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

Part C FFY 2013 Local Determination Scoring Criteria						
Determination Year	FFY12	FFY13	FFY14	FFY15	FFY16	FFY17
Data Year	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Determination	March 2014	March 2015	March 2016	March 2017	March 2018	March 2019
Early Childhood Results	LITP met State targets for at least four results indicators (2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least four results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least five results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least six results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)
	Data for Natural Environments (Indicator 2) data is not significantly ( $\leq 81.0\%$ ) the target	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*
	LITP demonstrated substantial compliance in at least five compliance indicators (1, 7, 8a, 8b, 8c, & 14)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)
Compliance (All targets are 100%)	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.
	LITP demonstrated full compliance (100%) in at least two compliance indicators	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)
	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification
	N/A	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.

March 25, 2015





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

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

March 26, 2015

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

*Congratulations!*

Dear Dr. Couch:

*Karen*

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local Infants and Toddlers Program using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local Infants and Toddler's Program performance in meeting the State's targets for Federal Fiscal Year (FFY) 2013 (2013-2014). Attached please find the *FFY 2013 Determination Overview* that identifies the Part C Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria*, and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 Annual Data Table on SPP/APR Part C Indicators* provides a three-year data analysis and required actions for the Kent County Infants and Toddlers Program (ITP). Based on the FFY 2013 data, as well as information obtained through monitoring and complaint investigations, the Kent County ITP has achieved the determination status of **"Meets Requirements."**

In correspondence sent to your attention on March 20, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. As part of this plan, all Part C results indicators are used in the determination process. The results indicators include:

- Indicator 2: Provision of Services in the Natural Environment;
- Indicator 3: Child Outcomes;
- Indicator 4: Family Outcomes;
- Indicator 5: Child Find Birth to One; and
- Indicator 6: Child Find Birth to Three.

As part of the results-driven accountability system, the DSE/EIS has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. Please see the *Part C Child Outcomes Baselines and Targets for Local Determinations* document. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The attached baselines for local

Dr. Karen M. Couch  
March 26, 2015  
Page Two

determinations of Maryland's LITPs will not be included in the Maryland's Annual Performance Report (APR) to the Office of Special Education Programs (OSEP). For federal reporting, the OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children 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.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Kent County ITP to improve results for infants, toddlers, and preschool age children 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/BMM/cc  
Attachments

c: Lillian M Lowery  
Jack R. Smith  
Wendy Keen  
Branch Chiefs



**Kent County Infants and Toddlers Program**  
**Annual Data on Part C State Performance Plan (SPP) Priority Indicators**  
**for the Period July 1, 2013 – June 30, 2014**

Part C Annual SPP Performance Report									
SPP/APR Indicators				FFY 2013		Action Required	Previous Results		
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met	FFY 2012		FFY 2011		
2	Infants and Toddlers with IFSPs who receive services in natural environments	92.00%	100%	Met		Data meet the State's target. No required action.	100%	100%	
3A	Birth - 4 Outcomes: Use of social – emotional skills	64.23%	66.67%	Met			100%	100%	
	1. Exits with substantial growth								
3B	2. Exits within age expectations	65.12%	66.67%	Met			100%	75.00%	
	Birth - 4 Outcomes: Use of knowledge and skills	69.08%	0.00%	Not Met			NA	100%	
3C	1. Exits with substantial growth								
	2. Exits within age expectations	61.42%	50.00%	Not Met			100%	75.00%	
4A	Birth - 4 Outcomes: Use of appropriate behaviors	72.98%	66.67%	Not Met			100%	100%	
	1. Exits with substantial growth								
4B	2. Exits within age expectations	56.92%	83.33%	Met			100%	100%	
	Families who report EIS helped them know their rights	81.00%	N/A				NA	100%	
4C	Families who report EIS helped them communicate their child's needs	79.00%	N/A				NA	100%	
	Families who report EIS helped them help their children develop and learn	89.00%	N/A				NA	100%	
5	Children birth to one served as a percentage of the population birth to one	1.50%	2.27%	Met		Data meet the State's target. No required action.	0.00%	1.04%	
6	Children birth to three served as a percentage of the population birth to 3	3.00%	1.31%	Not Met		Target not met. Improvement Plan required.	0.70%	1.53%	

Part C Annual SPP Performance Report							
SPP/APR Indicators		FFY 2013			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2012	FFY 2011
1	Timely Delivery of IFSP Services	100%	100%	Met	Compliant. No required action.	100%	100%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral	100%	100%	Met	Compliant. No required action.	100%	100%
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
	Correction of Noncompliance	100%	100%	Met	Compliant. No required action.	100%	100%



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

**FFY 2013 Determination Overview**

**Part C & Part B**

**July 1, 2013 – June 30, 2014**

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability on Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2015.

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

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

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org> no later than June 1, 2015.

The following Part C indicators are included in assigning determinations:

<b>Results</b>	<b>Compliance</b>
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
4B. Family Survey – Effectively communicate their children's needs	
4C. Family Survey – Help their children	



develop and learn	
5. Child Find 0-1	
6. Child Find 0-3	
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

<b>Process</b>	<b>Compliance</b>
5A. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day;	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity
5B. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day; and	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5C. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements.	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	11. Initial Evaluation Timeline
8A. Preschool Parent Survey; or	12. Part C to B Transition
8B. School Age Parent Survey.	13. Secondary Transition
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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



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

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

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

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

## **Framework for Assistance and Intervention**

### **Needs Assistance**

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

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

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

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

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

### Needs Intervention

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

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

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



- o Integrated Monitoring Activities;
  - o Fiscal Management;
  - o Data Processes and Results;
  - o Improvement, Correction, Incentives, and Sanctions;
  - o Effective Dispute Resolution; and
  - o 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).

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

*Part C Child Outcomes Baselines and Targets for Local Determinations*  
*Federal Fiscal Year (FFY) 2013-2018*  
*State Fiscal Year (SFY) 2014-2019*

As part of the results-driven accountability system, the Division of Special Education/Early Intervention Services' (DSE/EIS) has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The percentage increases in targets above are consistent with the DSE/EIS Strategic Plan: *Moving Maryland Forward* and with the Annual Performance Report (APR) submitted to the Office of Special Education Programs (OSEP) on February 1, 2015. Baseline and Target Data for FFY 2013 to FFY 2018 are as follows:

Child Outcome Indicator	Summary Statement*	Baseline	Target	Target	Target	Target	Target
		FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	FFY 2018
		SFY 2014	SFY 2015	SFY 2016	SFY 2017	SFY 2018	SFY 2019
Positive Social Emotional Skills	1	64.23%	64.23%	65.23%	66.23%	67.23%	68.23%
	2	65.12%	65.12%	65.62%	66.12%	66.62%	67.12%
Acquisition and Use of Knowledge & Skills	1	69.08%	69.08%	70.08%	71.08%	72.08%	73.08%
	2	61.42%	61.42%	61.92%	62.42%	62.92%	63.42%
Use of Appropriate Behavior to Meet Their Needs	1	72.98%	72.98%	73.98%	74.98%	75.98%	76.98%
	2	56.92%	56.92%	57.42%	57.92%	58.42%	58.92%

\*Summary Statement #1 – Of those children who entered the program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they exited the program. Summary Statement #2 – The percent of children who were functioning within age expectations in each Outcome by the time they exited the program.



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

Number of Results Indicators Required to Meet Requirements (of 11 Total Indicators) <i>Natural Environments, Child Find, Child Outcomes, and Family Outcomes</i>						
FFY <SFY> (Determination Year)	Four (4)	Five (5)	Six (6)	Seven (7)		
2013 <2013-2014> (2015)						
2014 <2014-2015> (2016)						
2015 <2015-2016> (2017)						
2016 <2016-2017> (2018)						
2017 <2017-2018> (2019)						
2018 <2018-2019> (2020)						

DSE/EIS Strategic Plan Moving Maryland Forward Action Imperatives

Early Childhood



Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

Part C FFY 2013 Local Determination Scoring Criteria						
Determination Year	FFY12	FFY13	FFY14	FFY15	FFY16	FFY17
Data Year	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Determination	March 2014	March 2015	March 2016	March 2017	March 2018	March 2019
Early Childhood Results	LITP met State targets for at least four results indicators (2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least four results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least five results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least six results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)
	Data for Natural Environments (Indicator 2) data is not significantly ( $\leq 81.0\%$ ) the target	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*
	LITP demonstrated substantial compliance in at least five compliance indicators (1, 7, 8a, 8b, 8c, & 14)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)
Compliance (All targets are 100%)	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.
	LITP demonstrated full compliance (100%) in at least two compliance indicators	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)
	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification
	N/A	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.



Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

<b>Local Determination Criteria</b>	Use current Local Determination Criteria and Scoring Rubric	<ul style="list-style-type: none"> <li>• Two of Two Results Indicator bands; and</li> <li>• Four of Five Compliance Indicator bands</li> </ul>	Meets Requirements
	Use current Local Determination Criteria and Scoring Rubric	<ul style="list-style-type: none"> <li>• One of Two Results Indicator bands; and</li> <li>• Three of Five Compliance Indicator bands</li> </ul>	Needs Assistance
	Use current Local Determination Criteria and Scoring Rubric	<ul style="list-style-type: none"> <li>• Zero of Two Results Indicator bands; and</li> <li>• One of Five Compliance Indicator bands</li> </ul>	Needs Intervention
	Use current Local Determination Criteria and Scoring Rubric	<ul style="list-style-type: none"> <li>• LITP demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification;</li> <li>• LITP failure to substantially comply has affected the core requirements, such as delivery of services to students with disabilities or to provide effective general supervision and oversight; or</li> <li>• LITP informed the State that it is unwilling to comply with the core requirements.</li> </ul>	Need Substantial Intervention

\*Programs with 3 or less children in Non-NE settings may be excluded. Indicator numbers correspond to State Performance Plan (SPP). Please see the SPP for more detail.



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

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March 26, 2015

Ms. Uma S. Ahluwalia, Director  
Montgomery County Department of Health  
and Human Services  
401 Hungerford Drive, 5th Floor  
Rockville, MD 20850

Dear Ms. Ahluwalia:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local Infants and Toddlers Program using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local Infants and Toddler's Program performance in meeting the State's targets for Federal Fiscal Year (FFY) 2013 (2013-2014). Attached please find the *FFY 2013 Determination Overview* that identifies the Part C Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria*, and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 Annual Data Table on SPP/APR Part C Indicators* provides a three-year data analysis and required actions for the Montgomery County Infants and Toddlers Program (ITP). Based on the FFY 2013 data, as well as information obtained through monitoring and complaint investigations, the Montgomery County ITP has achieved the determination status of **"Meets Requirements."**

In correspondence sent to your attention on March 20, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. As part of this plan, all Part C results indicators are used in the determination process. The results indicators include:

- Indicator 2: Provision of Services in the Natural Environment;
- Indicator 3: Child Outcomes;
- Indicator 4: Family Outcomes;
- Indicator 5: Child Find Birth to One; and
- Indicator 6: Child Find Birth to Three.

As part of the results-driven accountability system, the DSE/EIS has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. Please see the *Part C Child Outcomes Baselines and Targets for Local Determinations* document. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The attached baselines for local





Ms. Uma S. Ahluwalia  
March 26, 2015  
Page Two

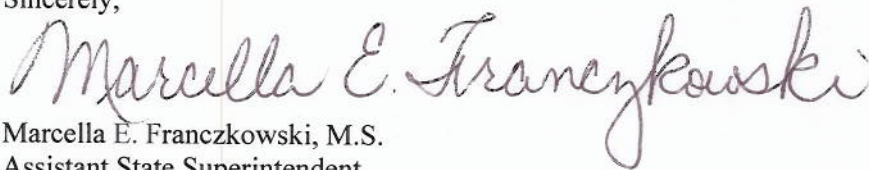
determinations of Maryland's LITPs will not be included in the Maryland's Annual Performance Report (APR) to the Office of Special Education Programs (OSEP). For federal reporting, the OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children 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.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Montgomery County ITP to improve results for infants, toddlers, and preschool age children 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/BMM/cc  
Attachments

c: Lillian M Lowery  
Jack R. Smith  
Gwendolyn J. Mason  
Natasha Ramberg  
Branch Chiefs

**Montgomery County Infants and Toddlers Program**  
**Annual Data on Part C State Performance Plan (SPP) Priority Indicators**  
**for the Period July 1, 2013 – June 30, 2014**

Part C Annual SPP Performance Report							
SPP/APR Indicators		FFY 2013			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2012	FFY 2011
2	Infants and Toddlers with IFSPs who receive services in natural environments	92.00%	95.90%	Met	Data meet the State's target. No required action.	95.70%	95.40%
3A	Birth - 4 Outcomes: Use of social – emotional skills	64.23%	59.84%	Not Met		61.40%	60.70%
	1. Exits with substantial growth						
	2. Exits within age expectations	65.12%	72.12%	Met		69.58%	70.70%
3B	Birth - 4 Outcomes: Use of knowledge and skills	69.08%	74.74%	Met		75.60%	74.20%
	1. Exits with substantial growth						
	2. Exits within age expectations	61.42%	69.66%	Met		65.41%	66.10%
3C	Birth - 4 Outcomes: Use of appropriate behaviors	72.98%	74.42%	Met		74.50%	72.90%
	1. Exits with substantial growth						
	2. Exits within age expectations	56.92%	62.69%	Met		64.99%	71.20%
4A	Families who report EIS helped them know their rights	81.00%	95.20%	Met	Data meet the State's target. No required action.	94.60%	96.00%
4B	Families who report EIS helped them communicate their child's needs	79.00%	95.70%	Met	Data meet the State's target. No required action.	94.70%	95.80%
4C	Families who report EIS helped them help their children develop and learn	89.00%	97.00%	Met	Data meet the State's target. No required action.	95.30%	95.80%
5	Children birth to one served as a percentage of the population birth to one	1.500%	2.24%	Met	Data meet the State's target. No required action.	1.83%	1.60%
6	Children birth to three served as a percentage of the population birth to 3	3.00%	4.38%	Met	Data meet the State's target. No required action.	4.10%	4.19%



Part C Annual SPP Performance Report							
SPP/APR Indicators		FFY 2013			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2012	FFY 2011
1	Timely Delivery of IFSP Services	100%	98.75%	Not Met	Correction of noncompliance must occur.	98.7%	99.50%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral	100%	100%	Met	Compliant. Verification activities indicate need for follow-up.	99.90%	99.60%
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
	Correction of Noncompliance	100%	100%	Met	Compliant. No required action.	100%	100%

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

**FFY 2013 Determination Overview**

**Part C & Part B**

**July 1, 2013 – June 30, 2014**

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability on Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2015.

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

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

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org> no later than June 1, 2015.

The following Part C indicators are included in assigning determinations:

<b>Results</b>	<b>Compliance</b>
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
4B. Family Survey – Effectively communicate their children's needs	
4C. Family Survey – Help their children	



develop and learn	
5. Child Find 0-1	
6. Child Find 0-3	
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

<b>Process</b>	<b>Compliance</b>
5A. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day;	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity
5B. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day; and	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5C. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements.	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	11. Initial Evaluation Timeline
8A. Preschool Parent Survey; or	12. Part C to B Transition
8B. School Age Parent Survey.	13. Secondary Transition
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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



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

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

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

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

## **Framework for Assistance and Intervention**

### **Needs Assistance**

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

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

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



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

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

### Needs Intervention

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

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

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

- o Integrated Monitoring Activities;
  - o Fiscal Management;
  - o Data Processes and Results;
  - o Improvement, Correction, Incentives, and Sanctions;
  - o Effective Dispute Resolution; and
  - o 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).



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

*Part C Child Outcomes Baselines and Targets for Local Determinations*  
*Federal Fiscal Year (FFY) 2013-2018*  
*State Fiscal Year (SFY) 2014-2019*

As part of the results-driven accountability system, the Division of Special Education/Early Intervention Services' (DSE/EIS) has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The percentage increases in targets above are consistent with the DSE/EIS Strategic Plan: *Moving Maryland Forward* and with the Annual Performance Report (APR) submitted to the Office of Special Education Programs (OSEP) on February 1, 2015. Baseline and Target Data for FFY 2013 to FFY 2018 are as follows:

Child Outcome Indicator	Summary Statement*	Baseline	Target	Target	Target	Target	Target
		FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	Target
		SFY 2014	SFY 2015	SFY 2016	SFY 2017	SFY 2018	SFY 2019
Positive Social Emotional Skills	1	64.23%	64.23%	65.23%	66.23%	67.23%	68.23%
	2	65.12%	65.12%	65.62%	66.12%	66.62%	67.12%
Acquisition and Use of Knowledge & Skills	1	69.08%	69.08%	70.08%	71.08%	72.08%	73.08%
	2	61.42%	61.42%	61.92%	62.42%	62.92%	63.42%
Use of Appropriate Behavior to Meet Their Needs	1	72.98%	72.98%	73.98%	74.98%	75.98%	76.98%
	2	56.92%	56.92%	57.42%	57.92%	58.42%	58.92%

\*Summary Statement #1 – Of those children who entered the program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they exited the program. Summary Statement #2 – The percent of children who were functioning within age expectations in each Outcome by the time they exited the program.

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

Number of Results Indicators Required to Meet Requirements (of 11 Total Indicators) <i>Natural Environments, Child Find, Child Outcomes, and Family Outcomes</i>						
FFY <SFY> (Determination Year)	Four (4)	Five (5)	Six (6)	Seven (7)		
2013 <2013-2014> (2015)						
2014 <2014-2015> (2016)						
2015 <2015-2016> (2017)						
2016 <2016-2017> (2018)						
2017 <2017-2018> (2019)						
2018 <2018-2019> (2020)						

DSE/EIS Strategic Plan Moving Maryland Forward Action Imperatives

Early Childhood



Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

Part C FFY 2013 Local Determination Scoring Criteria						
Determination Year	FFY12	FFY13	FFY14	FFY15	FFY16	FFY17
Data Year	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Determination	March 2014	March 2015	March 2016	March 2017	March 2018	March 2019
Early Childhood Results	LITP met State targets for at least four results indicators (2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least four results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least five results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least six results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)
	Data for Natural Environments (Indicator 2) data is not significantly ( $\leq 81.0\%$ ) the target	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*
	LITP demonstrated substantial compliance in at least five compliance indicators (1, 7, 8a, 8b, 8c, & 14)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)
Compliance (All targets are 100%)	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.
	LITP demonstrated full compliance (100%) in at least two compliance indicators	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)
	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification
	N/A	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.

March 25, 2015

Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

<b>Local Determination Criteria</b>	Use current Local Determination Criteria and Scoring Rubric	<ul style="list-style-type: none"> <li>• Two of Two Results Indicator bands; and</li> <li>• Four of Five Compliance Indicator bands</li> </ul>	Meets Requirements
	Use current Local Determination Criteria and Scoring Rubric	<ul style="list-style-type: none"> <li>• One of Two Results Indicator bands; and</li> <li>• Three of Five Compliance Indicator bands</li> </ul>	Needs Assistance
	Use current Local Determination Criteria and Scoring Rubric	<ul style="list-style-type: none"> <li>• Zero of Two Results Indicator bands; and</li> <li>• One of Five Compliance Indicator bands</li> </ul>	Needs Intervention
	Use current Local Determination Criteria and Scoring Rubric	<ul style="list-style-type: none"> <li>• LITP demonstrated <b>continued failure</b> to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification;</li> <li>• LITP failure to substantially comply has affected the core requirements, such as delivery of services to students with disabilities or to provide effective general supervision and oversight; or</li> <li>• LITP informed the State that it is unwilling to comply with the core requirements.</li> </ul>	Need Substantial Intervention

\*Programs with 3 or less children in Non-NE settings may be excluded. Indicator numbers correspond to State Performance Plan (SPP). Please see the SPP for more detail.





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

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

March 26, 2015

Mrs. Pamela B. Creekmur, RN  
Health Officer  
Prince George's County  
1701 McCormick Drive, Suite 200  
Largo, MD 20774

Dear Mrs. Creekmur:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local Infants and Toddlers Program using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local Infants and Toddler's Program performance in meeting the State's targets for Federal Fiscal Year (FFY) 2013 (2013-2014). Attached please find the *FFY 2013 Determination Overview* that identifies the Part C Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria*, and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 Annual Data Table on SPP/APR Part C Indicators* provides a three-year data analysis and required actions for the Prince George's County Infants and Toddlers Program (ITP). Based on the FFY 2013 data, as well as information obtained through monitoring and complaint investigations, the Prince George's County ITP has achieved the determination status of **"Meets Requirements."**

In correspondence sent to your attention on March 20, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. As part of this plan, all Part C results indicators are used in the determination process. The results indicators include:

- Indicator 2: Provision of Services in the Natural Environment;
- Indicator 3: Child Outcomes;
- Indicator 4: Family Outcomes;
- Indicator 5: Child Find Birth to One; and
- Indicator 6: Child Find Birth to Three.

As part of the results-driven accountability system, the DSE/EIS has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. Please see the *Part C Child Outcomes Baselines and Targets for Local Determinations* document. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The attached baselines for local

Mrs. Pamela B. Creekmur  
March 26, 2015  
Page Two

determinations of Maryland's LITPs will not be included in the Maryland's Annual Performance Report (APR) to the Office of Special Education Programs (OSEP). For federal reporting, the OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children 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.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Prince George's County ITP to improve results for infants, toddlers, and preschool age children 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/BMM/cc  
Attachments

c: Lillian M Lowery  
Jack R. Smith  
Sharon Leyden  
Branch Chiefs



**Prince George's County Infants and Toddlers Program**  
**Annual Data on Part C State Performance Plan (SPP) Priority Indicators**  
**for the Period July 1, 2013 – June 30, 2014**

Part C Annual SPP Performance Report							
SPP/APR Indicators			FFY 2013		Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2012	FFY 2011
2	Infants and Toddlers with IFSPs who receive services in natural environments	92.00%	99.60%	Met	Data meet the State's target. No required action.	98.90%	95.70%
3A	Birth - 4 Outcomes: Use of social – emotional skills	64.23%	69.89%	Met		70.43%	68.00%
		65.12%	61.25%	Not Met		61.66%	58.00%
3B	Birth - 4 Outcomes: Use of knowledge and skills	69.08%	68.54%	Not Met		73.19%	71.20%
		61.42%	59.22%	Not Met		54.47%	46.60%
3C	Birth - 4 Outcomes: Use of appropriate behaviors	72.98%	80.68%	Met		78.35%	72.90%
		56.92%	54.86%	Not Met		56.07%	54.80%
4A	Families who report EIS helped them know their rights	81.00%	94.10%	Met	Data meet the State's target. No required action.	96.60%	95.90%
4B	Families who report EIS helped them communicate their child's needs	79.00%	95.00%	Met	Data meet the State's target. No required action.	96.20%	95.90%
4C	Families who report EIS helped them help their children develop and learn	89.00	95.10%	Met	Data meet the State's target. No required action.	96.10%	96.90%
5	Children birth to one served as a percentage of the population birth to one	1.50%	1.29%	Not Met	Target not met. Improvement Plan required.	1.23%	1.15%
6	Children birth to three served as a percentage of the population birth to 3	3.00%	2.73%	Not Met	Target not met. Improvement Plan required.	2.79%	2.41%

Part C Annual SPP Performance Report							
SPP/APR Indicators		FFY 2013			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2012	FFY 2011
1	Timely Delivery of IFSP Services	100%	95.89%	Not Met	Correction of noncompliance must occur.	91.70%	96.90%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral	100%	100%	Met	Compliant. No required action.	100%	99.80%
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	91.90%	98.70%
	Correction of Noncompliance	100%	100%	Met	Compliant. No required action.	100%	100%



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

**FFY 2013 Determination Overview**

**Part C & Part B**

**July 1, 2013 – June 30, 2014**

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability on Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2015.

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

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

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org> no later than June 1, 2015.

The following Part C indicators are included in assigning determinations:

<b>Results</b>	<b>Compliance</b>
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
4B. Family Survey – Effectively communicate their children's needs	
4C. Family Survey – Help their children	



develop and learn	
5. Child Find 0-1	
6. Child Find 0-3	
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

<b>Process</b>	<b>Compliance</b>
5A. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day;	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity
5B. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day; and	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5C. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements.	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	11. Initial Evaluation Timeline
8A. Preschool Parent Survey; or	12. Part C to B Transition
8B. School Age Parent Survey.	13. Secondary Transition
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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



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

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

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

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

## **Framework for Assistance and Intervention**

### Needs Assistance

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

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

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



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

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

### Needs Intervention

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

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

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



- o Integrated Monitoring Activities;
  - o Fiscal Management;
  - o Data Processes and Results;
  - o Improvement, Correction, Incentives, and Sanctions;
  - o Effective Dispute Resolution; and
  - o 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).

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

*Part C Child Outcomes Baselines and Targets for Local Determinations*  
*Federal Fiscal Year (FFY) 2013-2018*  
*State Fiscal Year (SFY) 2014-2019*

As part of the results-driven accountability system, the Division of Special Education/Early Intervention Services' (DSE/EIS) has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The percentage increases in targets above are consistent with the DSE/EIS Strategic Plan: *Moving Maryland Forward* and with the Annual Performance Report (APR) submitted to the Office of Special Education Programs (OSEP) on February 1, 2015. Baseline and Target Data for FFY 2013 to FFY 2018 are as follows:

Child Outcome Indicator	Summary Statement*	Baseline	Target	Target	Target	Target	Target
		FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	Target
		SFY 2014	SFY 2015	SFY 2016	SFY 2017	SFY 2018	SFY 2019
Positive Social Emotional Skills	1	64.23%	64.23%	65.23%	66.23%	67.23%	68.23%
	2	65.12%	65.12%	65.62%	66.12%	66.62%	67.12%
Acquisition and Use of Knowledge & Skills	1	69.08%	69.08%	70.08%	71.08%	72.08%	73.08%
	2	61.42%	61.42%	61.92%	62.42%	62.92%	63.42%
Use of Appropriate Behavior to Meet Their Needs	1	72.98%	72.98%	73.98%	74.98%	75.98%	76.98%
	2	56.92%	56.92%	57.42%	57.92%	58.42%	58.92%

\*Summary Statement #1 – Of those children who entered the program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they exited the program. Summary Statement #2 – The percent of children who were functioning within age expectations in each Outcome by the time they exited the program.



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

Number of Results Indicators Required to Meet Requirements (of 11 Total Indicators) <i>Natural Environments, Child Find, Child Outcomes, and Family Outcomes</i>						
FFY <SFY> (Determination Year)	Four (4)	Five (5)	Six (6)	Seven (7)		
2013 <2013-2014> (2015)						
2014 <2014-2015> (2016)						
2015 <2015-2016> (2017)						
2016 <2016-2017> (2018)						
2017 <2017-2018> (2019)						
2018 <2018-2019> (2020)						

DSE/EIS Strategic Plan Moving Maryland Forward Action Imperatives

**Early Childhood**

Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

Part C FFY 2013 Local Determination Scoring Criteria						
Determination Year	FFY12	FFY13	FFY14	FFY15	FFY16	FFY17
Data Year	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Determination	March 2014	March 2015	March 2016	March 2017	March 2018	March 2019
Early Childhood Results	LITP met State targets for at least four results indicators (2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least four results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least five results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least six results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)
	Data for Natural Environments (Indicator 2) data is not significantly ( $\leq 81.0\%$ ) the target	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.
Compliance (All targets are 100%)	LITP demonstrated substantial compliance in at least five compliance indicators (1, 7, 8a, 8b, 8c, & 14)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)
	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.
	LITP demonstrated full compliance (100%) in at least two compliance indicators	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)
	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification
	N/A	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.

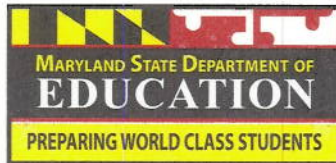
March 25, 2015



Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

Local Determination Criteria	Use current Local Determination Criteria and Scoring Rubric	Meets Requirements
	<ul style="list-style-type: none"> <li>Two of Two Results Indicator bands; and</li> <li>Four of Five Compliance Indicator bands</li> </ul>	
	Use current Local Determination Criteria and Scoring Rubric	Needs Assistance
	<ul style="list-style-type: none"> <li>One of Two Results Indicator bands; and</li> <li>Three of Five Compliance Indicator bands</li> </ul>	
	Use current Local Determination Criteria and Scoring Rubric	Needs Intervention
	<ul style="list-style-type: none"> <li>Zero of Two Results Indicator bands; and</li> <li>One of Five Compliance Indicator bands</li> </ul>	
	Use current Local Determination Criteria and Scoring Rubric	Need Substantial Intervention
	<ul style="list-style-type: none"> <li>LITP demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification;</li> <li>LITP failure to substantially comply has affected the core requirements, such as delivery of services to students with disabilities or to provide effective general supervision and oversight; or</li> <li>LITP informed the State that it is unwilling to comply with the core requirements.</li> </ul>	

\*Programs with 3 or less children in Non-NE settings may be excluded. Indicator numbers correspond to State Performance Plan (SPP). Please see the SPP for more detail.



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

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March 26, 2015

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

Dear Dr. Williamson:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local Infants and Toddlers Program using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local Infants and Toddler's Program performance in meeting the State's targets for Federal Fiscal Year (FFY) 2013 (2013-2014). Attached please find the *FFY 2013 Determination Overview* that identifies the Part C Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria*, and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 Annual Data Table on SPP/APR Part C Indicators* provides a three-year data analysis and required actions for the Queen Anne's County Infants and Toddlers Program (ITP). Based on the FFY 2013 data, as well as information obtained through monitoring and complaint investigations, the Queen Anne's County ITP has achieved the determination status of "**Meets Requirements.**"

In correspondence sent to your attention on March 20, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. As part of this plan, all Part C results indicators are used in the determination process. The results indicators include:

- Indicator 2: Provision of Services in the Natural Environment;
- Indicator 3: Child Outcomes;
- Indicator 4: Family Outcomes;
- Indicator 5: Child Find Birth to One; and
- Indicator 6: Child Find Birth to Three.

As part of the results-driven accountability system, the DSE/EIS has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. Please see the *Part C Child Outcomes Baselines and Targets for Local Determinations* document. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The attached baselines for local



Dr. Carol A. Williamson  
March 26, 2015  
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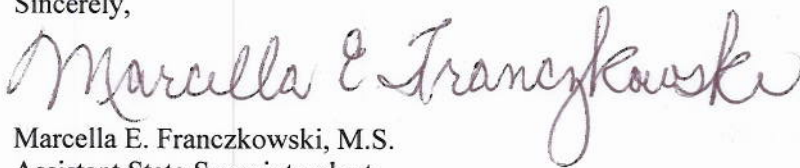
determinations of Maryland's LITPs will not be included in the Maryland's Annual Performance Report (APR) to the Office of Special Education Programs (OSEP). For federal reporting, the OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children 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.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Queen Anne's County ITP to improve results for infants, toddlers, and preschool age children 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 dark ink, reading "Marcella E. Franczkowski". The signature is fluid and cursive, with the first name "Marcella" being larger and more prominent than the last name "Franczkowski".

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

MEF/BMM/cc  
Attachments

c: Lillian M Lowery  
Jack R. Smith  
Diane McGowan  
Wes Campbell  
Branch Chiefs

**Queen Anne's County Infants and Toddlers Program**  
**Annual Data on Part C State Performance Plan (SPP) Priority Indicators**  
**for the Period July 1, 2013 – June 30, 2014**

Part C Annual SPP Performance Report									
SPP/APR Indicators				FFY 2013		Action Required	Previous Results		
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met	FFY 2012		FFY 2011		
2	Infants and Toddlers with IFSPs who receive services in natural environments	92.00%	100%	Met		Data meet the State's target. No required action.	98.10%	100%	
3A	Birth - 4 Outcomes: Use of social – emotional skills	64.23%	30.00%	Not Met			61.11%	50.00%	
		65.12%	76.74%	Met			78.57%	63.60%	
3B	Birth - 4 Outcomes: Use of knowledge and skills	69.08%	53.85%	Not Met			52.63%	33.30%	
		61.42%	76.74%	Met			71.43%	48.50%	
3C	Birth - 4 Outcomes: Use of appropriate behaviors	72.98%	77.78%	Met			61.29%	56.50%	
		56.92%	72.09%	Met			61.90%	63.60%	
4A	Families who report EIS helped them know their rights	81.00%	86.80%	Met		Data meet the State's target. No required action.	100%	100%	
4B	Families who report EIS helped them communicate their child's needs	79.00%	88.90%	Met		Data meet the State's target. No required action.	94.90%	97.60%	
4C	Families who report EIS helped them help their children develop and learn	89.00%	89.70%	Met		Data meet the State's target. No required action.	94.40%	100%	
5	Children birth to one served as a percentage of the population birth to one	1.50%	1.45%	Not Met		Target not met. Improvement Plan required.	1.53%	1.73%	
6	Children birth to three served as a percentage of the population birth to 3	3.00%	3.46%	Met		Data meet the State's target. No required action.	3.49%	4.21%	



Part C Annual SPP Performance Report							
SPP/APR Indicators		FFY 2013			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2012	FFY 2011
1	Timely Delivery of IFSP Services	100%	100%	Met	Compliant. No required action.	100%	100%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral	100%	100%	Met	Compliant. No required action.	100%	100%
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
	Correction of Noncompliance	100%	100%	Met	Compliant. No required action.	100%	100%

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

**FFY 2013 Determination Overview**

**Part C & Part B**

**July 1, 2013 – June 30, 2014**

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability on Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2015.

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

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

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org> no later than June 1, 2015.

The following Part C indicators are included in assigning determinations:

<b>Results</b>	<b>Compliance</b>
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
4B. Family Survey – Effectively communicate their children's needs	
4C. Family Survey – Help their children	



develop and learn	
5. Child Find 0-1	
6. Child Find 0-3	
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

<b>Process</b>	<b>Compliance</b>
5A. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day;	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity
5B. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day; and	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5C. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements.	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	11. Initial Evaluation Timeline
8A. Preschool Parent Survey; or	12. Part C to B Transition
8B. School Age Parent Survey.	13. Secondary Transition
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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



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

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

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

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

## **Framework for Assistance and Intervention**

### Needs Assistance

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

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

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



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

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

### Needs Intervention

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

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

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

- Integrated Monitoring Activities;
  - Fiscal Management;
  - Data Processes and Results;
  - Improvement, Correction, Incentives, and Sanctions;
  - Effective Dispute Resolution; and
  - Directed Targeted Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of their system of general supervision, needs and resources;
  - Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
  - MSDE prescribing the use of discretionary funds;
  - Identification of a local school system as a high risk grantee if a local school system is in the category of Needs Intervention for 2 years;
  - Required quarterly reporting on status of correction of noncompliance

#### Needs Substantial Intervention

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

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

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



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

*Part C Child Outcomes Baselines and Targets for Local Determinations*  
*Federal Fiscal Year (FFY) 2013-2018*  
*State Fiscal Year (SFY) 2014-2019*

As part of the results-driven accountability system, the Division of Special Education/Early Intervention Services' (DSE/EIS) has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The percentage increases in targets above are consistent with the DSE/EIS Strategic Plan: *Moving Maryland Forward* and with the Annual Performance Report (APR) submitted to the Office of Special Education Programs (OSEP) on February 1, 2015. Baseline and Target Data for FFY 2013 to FFY 2018 are as follows:

Child Outcome Indicator	Summary Statement*	Baseline	Target	Target	Target	Target	Target
		FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	Target
		SFY 2014	SFY 2015	SFY 2016	SFY 2017	SFY 2018	SFY 2019
Positive Social Emotional Skills	1	64.23%	64.23%	65.23%	66.23%	67.23%	68.23%
	2	65.12%	65.12%	65.62%	66.12%	66.62%	67.12%
Acquisition and Use of Knowledge & Skills	1	69.08%	69.08%	70.08%	71.08%	72.08%	73.08%
	2	61.42%	61.42%	61.92%	62.42%	62.92%	63.42%
Use of Appropriate Behavior to Meet Their Needs	1	72.98%	72.98%	73.98%	74.98%	75.98%	76.98%
	2	56.92%	56.92%	57.42%	57.92%	58.42%	58.92%

\*Summary Statement #1 – Of those children who entered the program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they exited the program. Summary Statement #2 – The percent of children who were functioning within age expectations in each Outcome by the time they exited the program.

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

Number of Results Indicators Required to Meet Requirements (of 11 Total Indicators) <i>Natural Environments, Child Find, Child Outcomes, and Family Outcomes</i>						
FFY <SFY> (Determination Year)	Four (4)	Five (5)	Six (6)	Seven (7)		
2013 <2013-2014> (2015)						
2014 <2014-2015> (2016)						
2015 <2015-2016> (2017)						
2016 <2016-2017> (2018)						
2017 <2017-2018> (2019)						
2018 <2018-2019> (2020)						

DSE/EIS Strategic Plan Moving Maryland Forward Action Imperatives

**Early Childhood**



Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

Part C FFY 2013 Local Determination Scoring Criteria						
Determination Year	FFY12	FFY13	FFY14	FFY15	FFY16	FFY17
Data Year	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Determination	March 2014	March 2015	March 2016	March 2017	March 2018	March 2019
Early Childhood Results	LITP met State targets for at least four results indicators (2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least four results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least five results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least six results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)
	Data for Natural Environments (Indicator 2) data is not significantly ( $\leq 81.0\%$ ) the target	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*
	LITP demonstrated substantial compliance in at least five compliance indicators (1, 7, 8a, 8b, 8c, & 14)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)
Compliance (All targets are 100%)	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.
	LITP demonstrated full compliance (100%) in at least two compliance indicators	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)
	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification
	N/A	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.

March 25, 2015

Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

Local Determination Criteria	Use current Local Determination Criteria and Scoring Rubric	Meets Requirements
	<ul style="list-style-type: none"> <li>• Two of Two Results Indicator bands; and</li> <li>• Four of Five Compliance Indicator bands</li> </ul>	
	Use current Local Determination Criteria and Scoring Rubric	Needs Assistance
	<ul style="list-style-type: none"> <li>• One of Two Results Indicator bands; and</li> <li>• Three of Five Compliance Indicator bands</li> </ul>	
	Use current Local Determination Criteria and Scoring Rubric	Needs Intervention
	<ul style="list-style-type: none"> <li>• Zero of Two Results Indicator bands; and</li> <li>• One of Five Compliance Indicator bands</li> </ul>	
	Use current Local Determination Criteria and Scoring Rubric	Need Substantial Intervention
	<ul style="list-style-type: none"> <li>• LITP demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification;</li> <li>• LITP failure to substantially comply has affected the core requirements, such as delivery of services to students with disabilities or to provide effective general supervision and oversight; or</li> <li>• LITP informed the State that it is unwilling to comply with the core requirements.</li> </ul>	

\*Programs with 3 or less children in Non-NE settings may be excluded. Indicator numbers correspond to State Performance Plan (SPP). Please see the SPP for more detail.





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

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

March 26, 2015

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

Dear Mr. Smith:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local Infants and Toddlers Program using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local Infants and Toddler's Program performance in meeting the State's targets for Federal Fiscal Year (FFY) 2013 (2013-2014). Attached please find the *FFY 2013 Determination Overview* that identifies the Part C Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria*, and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 Annual Data Table on SPP/APR Part C Indicators* provides a three-year data analysis and required actions for the St. Mary's County Infants and Toddlers Program (ITP). Based on the FFY 2013 data, as well as information obtained through monitoring and complaint investigations, the St. Mary's County ITP has achieved the determination status of **"Meets Requirements."**

In correspondence sent to your attention on March 20, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. As part of this plan, all Part C results indicators are used in the determination process. The results indicators include:

- Indicator 2: Provision of Services in the Natural Environment;
- Indicator 3: Child Outcomes;
- Indicator 4: Family Outcomes;
- Indicator 5: Child Find Birth to One; and
- Indicator 6: Child Find Birth to Three.

As part of the results-driven accountability system, the DSE/EIS has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. Please see the *Part C Child Outcomes Baselines and Targets for Local Determinations* document. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The attached baselines for local

Mr. James Scott Smith  
March 26, 2015  
Page Two


determinations of Maryland's LITPs will not be included in the Maryland's Annual Performance Report (APR) to the Office of Special Education Programs (OSEP). For federal reporting, the OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children 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.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the St. Mary's County ITP to improve results for infants, toddlers, and preschool age children 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/BMM/cc  
Attachments

c: Lillian M Lowery  
Jack R. Smith  
Melissa Charbonnet  
Debbie Crosby  
Branch Chiefs



**St. Mary's County Infants and Toddlers Program**  
**Annual Data on Part C State Performance Plan (SPP) Priority Indicators**  
**for the Period July 1, 2013 – June 30, 2014**

Part C Annual SPP Performance Report									
SPP/APR Indicators			FFY 2013			Action Required	Previous Results		
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met	FFY 2012		FFY 2011		
2	Infants and Toddlers with IFSPs who receive services in natural environments	92.00%	100%	Met		Data meet the State’s target. No required action.	100%	100%	
3A	Birth - 4 Outcomes: Use of social – emotional skills	64.23%	65.15%	Met			60.00%	70.90%	
		65.12%	66.98%	Met			64.00%	69.10%	
3B	Birth - 4 Outcomes: Use of knowledge and skills	69.08%	60.56%	Not Met			73.21%	76.30%	
		61.42%	60.38%	Not Met			64.00%	59.80%	
3C	Birth - 4 Outcomes: Use of appropriate behaviors	72.98%	75.00%	Met			68.75%	73.20%	
		56.92%	52.83%	Not Met			60.00%	63.90%	
4A	Families who report EIS helped them know their rights	81.00%	95.30%	Met		Data meet the State’s target. No required action.	94.90%	93.70%	
4B	Families who report EIS helped them communicate their child’s needs	79.00%	95.20%	Met		Data meet the State’s target. No required action.	94.80%	91.00%	
4C	Families who report EIS helped them help their children develop and learn	89.00%	93.10%	Met		Data meet the State’s target. No required action.	94.90%	93.30%	
5	Children birth to one served as a percentage of the population birth to one	1.50%	0.96%	Not Met		Target not met. Improvement Plan required.	1.27%	1.23%	
6	Children birth to three served as a percentage of the population birth to 3	3.00%	3.01%	Met		Data meet the State’s target. No required action.	2.38%	2.58%	

Part C Annual SPP Performance Report							
SPP/APR Indicators		FFY 2013			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2012	FFY 2011
1	Timely Delivery of IFSP Services	100%	97.40%	Not Met	Correction of noncompliance must occur.	96.40%	95.50%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral	100%	100%	Met	Compliant. No required action.	100%	100%
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
	Correction of Noncompliance	100%	100%	Met	Compliant. No required action.	100%	100%



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

**FFY 2013 Determination Overview**

**Part C & Part B**

**July 1, 2013 – June 30, 2014**

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability on Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2015.

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

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

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org> no later than June 1, 2015.

The following Part C indicators are included in assigning determinations:

<b>Results</b>	<b>Compliance</b>
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
4B. Family Survey – Effectively communicate their children's needs	
4C. Family Survey – Help their children	



develop and learn	
5. Child Find 0-1	
6. Child Find 0-3	
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

<b>Process</b>	<b>Compliance</b>
5A. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day;	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity
5B. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day; and	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5C. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements.	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	11. Initial Evaluation Timeline
8A. Preschool Parent Survey; or	12. Part C to B Transition
8B. School Age Parent Survey.	13. Secondary Transition
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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



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

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

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

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

## **Framework for Assistance and Intervention**

### Needs Assistance

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

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

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

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

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

### Needs Intervention

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

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

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



- o Integrated Monitoring Activities;
  - o Fiscal Management;
  - o Data Processes and Results;
  - o Improvement, Correction, Incentives, and Sanctions;
  - o Effective Dispute Resolution; and
  - o 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).

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

*Part C Child Outcomes Baselines and Targets for Local Determinations*  
*Federal Fiscal Year (FFY) 2013-2018*  
*State Fiscal Year (SFY) 2014-2019*

As part of the results-driven accountability system, the Division of Special Education/Early Intervention Services' (DSE/EIS) has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The percentage increases in targets above are consistent with the DSE/EIS Strategic Plan: *Moving Maryland Forward* and with the Annual Performance Report (APR) submitted to the Office of Special Education Programs (OSEP) on February 1, 2015. Baseline and Target Data for FFY 2013 to FFY 2018 are as follows:

Child Outcome Indicator	Summary Statement*	Baseline	Target	Target	Target	Target	Target
		FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	FFY 2018
		SFY 2014	SFY 2015	SFY 2016	SFY 2017	SFY 2018	SFY 2019
Positive Social Emotional Skills	1	64.23%	64.23%	65.23%	66.23%	67.23%	68.23%
	2	65.12%	65.12%	65.62%	66.12%	66.62%	67.12%
Acquisition and Use of Knowledge & Skills	1	69.08%	69.08%	70.08%	71.08%	72.08%	73.08%
	2	61.42%	61.42%	61.92%	62.42%	62.92%	63.42%
Use of Appropriate Behavior to Meet Their Needs	1	72.98%	72.98%	73.98%	74.98%	75.98%	76.98%
	2	56.92%	56.92%	57.42%	57.92%	58.42%	58.92%

\*Summary Statement #1 – Of those children who entered the program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they exited the program. Summary Statement #2 – The percent of children who were functioning within age expectations in each Outcome by the time they exited the program.



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

Number of Results Indicators Required to Meet Requirements (of 11 Total Indicators) <i>Natural Environments, Child Find, Child Outcomes, and Family Outcomes</i>						
FFY <SFY> (Determination Year)	Four (4)	Five (5)	Six (6)	Seven (7)		
2013 <2013-2014> (2015)						
2014 <2014-2015> (2016)						
2015 <2015-2016> (2017)						
2016 <2016-2017> (2018)						
2017 <2017-2018> (2019)						
2018 <2018-2019> (2020)						

DSE/EIS Strategic Plan Moving Maryland Forward Action Imperatives

Early Childhood

**Maryland State Department of Education**  
**Division of Special Education/Early Intervention Services**  
**Maryland Infants and Toddlers Program**

Part C						
FFY 2013 Local Determination Scoring Criteria						
Determination Year	FFY12	FFY13	FFY14	FFY15	FFY16	FFY17
Data Year	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Determination	March 2014	March 2015	March 2016	March 2017	March 2018	March 2019
Early Childhood Results	LITP met State targets for at least four results indicators (2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least four results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least five results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least six results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)
	Data for Natural Environments (Indicator 2) data is not significantly ( $\leq 81.0\%$ ) the target	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*
	LITP demonstrated substantial compliance in at least five compliance indicators (1, 7, 8a, 8b, 8c, & 14)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)
Compliance (All targets are 100%)	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.
	LITP demonstrated full compliance (100%) in at least two compliance indicators	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)
	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification
	N/A	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.

March 25, 2015



Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

Local Determination Criteria	Use current Local Determination Criteria and Scoring Rubric	Meets Requirements
	<ul style="list-style-type: none"> <li>• Two of Two Results Indicator bands; and</li> <li>• Four of Five Compliance Indicator bands</li> </ul>	
	Use current Local Determination Criteria and Scoring Rubric	Needs Assistance
	<ul style="list-style-type: none"> <li>• One of Two Results Indicator bands; and</li> <li>• Three of Five Compliance Indicator bands</li> </ul>	
	Use current Local Determination Criteria and Scoring Rubric	Needs Intervention
	<ul style="list-style-type: none"> <li>• Zero of Two Results Indicator bands; and</li> <li>• One of Five Compliance Indicator bands</li> </ul>	
	Use current Local Determination Criteria and Scoring Rubric	Need Substantial Intervention
	<ul style="list-style-type: none"> <li>• LITP demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification;</li> <li>• LITP failure to substantially comply has affected the core requirements, such as delivery of services to students with disabilities or to provide effective general supervision and oversight; or</li> <li>• LITP informed the State that it is unwilling to comply with the core requirements.</li> </ul>	

\*Programs with 3 or less children in Non-NE settings may be excluded. Indicator numbers correspond to State Performance Plan (SPP). Please see the SPP for more detail.



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

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

March 25, 2015

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

Dear Dr. Gaddis:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local Infants and Toddlers Program using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local Infants and Toddler's Program performance in meeting the State's targets for Federal Fiscal Year (FFY) 2013 (2013-2014). Attached please find the *FFY 2013 Determination Overview* that identifies the Part C Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria*, and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 Annual Data Table on SPP/APR Part C Indicators* provides a three-year data analysis and required actions for the Somerset County Infants and Toddlers Program (ITP). Based on the FFY 2013 data, as well as information obtained through monitoring and complaint investigations, the Somerset County ITP has achieved the determination status of **"Needs Intervention."**

This sudden change in local determination status from "Meets Requirements" in FFY 2012 to "Needs Intervention" in FFY 2013 resulted from data below the state target in seven (7) of eight (8) results indicators and data less than 95% in three (3) of five (5) compliance indicators. In addition, no family survey responses were received from families who received services in the Somerset County ITP. A determination status of "Needs Intervention" requires that the Somerset County ITP and the DSE/EIS jointly develop, implement, and evaluate a comprehensive action plan that identifies targeted assistance, support, and resources. The Somerset County ITP staff will be required to meet with the DSE/EIS personnel to identify the specific actions, assistance, and jointly develop a plan to assist the Somerset County ITP to "Meet Requirements." Dr. Brian Morrison, Program Director, Maryland Infants and Toddlers Program, will be contacting Dr. Lynette Johnson, Special Education Supervisor to identify a date and time for this meeting.

In correspondence sent to your attention on March 20, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. As part of this plan, all Part C results indicators are used in the determination process. The results indicators include:

- Indicator 2: Provision of Services in the Natural Environment;
- Indicator 3: Child Outcomes;
- Indicator 4: Family Outcomes;
- Indicator 5: Child Find Birth to One; and
- Indicator 6: Child Find Birth to Three.



Dr. John B. Gaddis  
March 25, 2015  
Page Two

As part of the results-driven accountability system, the DSE/EIS has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. Please see the *Part C Child Outcomes Baselines and Targets for Local Determinations* document. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The attached baselines for local determinations of Maryland's LITPs will not be included in the Maryland's Annual Performance Report (APR) to the Office of Special Education Programs (OSEP). For federal reporting, the OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children 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.

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

Sincerely,



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

MF/BMM/cc  
Attachments

c: Lillian M Lowery  
Jack R. Smith  
Lynette Johnson  
Branch Chiefs

**Somerset County Infants and Toddlers Program**  
**Annual Data on Part C State Performance Plan (SPP) Priority Indicators**  
**for the Period July 1, 2013 – June 30, 2014**

Part C Annual SPP Performance Report									
SPP/APR Indicators				FFY 2013		Action Required	Previous Results		
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met	FFY 2012		FFY 2011		
2	Infants and Toddlers with IFSPs who receive services in natural environments	92.00%	100%	Met	Data meet the State's target. No required action.	100%	100%		
3A	Birth - 4 Outcomes: Use of social – emotional skills	64.23%	50.00%	Not Met		100%	50.00%		
		65.12%	20.00%	Not Met		100%	80.00%		
3B	Birth - 4 Outcomes: Use of knowledge and skills	69.08%	25.00%	Not Met		100%	33.30%		
		61.42%	20.00%	Not Met		100%	40.00%		
3C	Birth - 4 Outcomes: Use of appropriate behaviors	72.98%	50.00%	Not Met		100%	50.00%		
		56.92%	20.00%	Not Met		100%	80.00%		
4A	Families who report EIS helped them know their rights	81.00%	N/A	Not Met	No family surveys received. Improvement Plan required.	NA	100%		
4B	Families who report EIS helped them communicate their child's needs	79.00%	N/A	Not Met	No family surveys received. Improvement Plan required.	NA	100%		
4C	Families who report EIS helped them help their children develop and learn	89.00%	N/A	Not Met	No family surveys received. Improvement Plan required.	NA	100%		
5	Children birth to one served as a percentage of the population birth to one	1.50%	1.15%	Not Met	Target not met. Improvement Plan required.	0.86%	0.00%		
6	Children birth to three served as a percentage of the population birth to 3	3.00%	2.08%	Not Met	Target not met. Improvement Plan required.	1.52%	0.90%		



Part C Annual SPP Performance Report							
SPP/APR Indicators		FFY 2013			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2012	FFY 2011
1	Timely Delivery of IFSP Services	100%	88.89%	Not Met	Correction of noncompliance must occur.	100%	87.50%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral	100%	100%	Met	Compliant. No required action.	100%	100%
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	87.50%	Not Met	Correction of noncompliance must occur.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	75.00%	Not Met	Correction of noncompliance must occur.	100%	100%
	Correction of Noncompliance	100%	100%	Met	Compliant. No required action.	100%	100%

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

**FFY 2013 Determination Overview**

**Part C & Part B**

**July 1, 2013 – June 30, 2014**

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability on Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2015.

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

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

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org> no later than June 1, 2015.

The following Part C indicators are included in assigning determinations:

Results	Compliance
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
4B. Family Survey – Effectively communicate their children's needs	
4C. Family Survey – Help their children	



develop and learn	
5. Child Find 0-1	
6. Child Find 0-3	
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

<b>Process</b>	<b>Compliance</b>
5A. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day;	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity
5B. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day; and	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5C. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements.	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	11. Initial Evaluation Timeline
8A. Preschool Parent Survey; or	12. Part C to B Transition
8B. School Age Parent Survey.	13. Secondary Transition
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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



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

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

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

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

## **Framework for Assistance and Intervention**

### Needs Assistance

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

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

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



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

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

### Needs Intervention

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

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

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

- Integrated Monitoring Activities;
  - Fiscal Management;
  - Data Processes and Results;
  - Improvement, Correction, Incentives, and Sanctions;
  - Effective Dispute Resolution; and
  - Directed Targeted Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of their system of general supervision, needs and resources;
  - Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
  - MSDE prescribing the use of discretionary funds;
  - Identification of a local school system as a high risk grantee if a local school system is in the category of Needs Intervention for 2 years;
  - Required quarterly reporting on status of correction of noncompliance

#### Needs Substantial Intervention

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

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

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



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

*Part C Child Outcomes Baselines and Targets for Local Determinations*  
*Federal Fiscal Year (FFY) 2013-2018*  
*State Fiscal Year (SFY) 2014-2019*

As part of the results-driven accountability system, the Division of Special Education/Early Intervention Services' (DSE/EIS) has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The percentage increases in targets above are consistent with the DSE/EIS Strategic Plan: *Moving Maryland Forward* and with the Annual Performance Report (APR) submitted to the Office of Special Education Programs (OSEP) on February 1, 2015. Baseline and Target Data for FFY 2013 to FFY 2018 are as follows:

Child Outcome Indicator	Summary Statement*	Baseline	Target	Target	Target	Target	Target
		FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	FFY 2018
		SFY 2014	SFY 2015	SFY 2016	SFY 2017	SFY 2018	SFY 2019
Positive Social Emotional Skills	1	64.23%	64.23%	65.23%	66.23%	67.23%	68.23%
	2	65.12%	65.12%	65.62%	66.12%	66.62%	67.12%
Acquisition and Use of Knowledge & Skills	1	69.08%	69.08%	70.08%	71.08%	72.08%	73.08%
	2	61.42%	61.42%	61.92%	62.42%	62.92%	63.42%
Use of Appropriate Behavior to Meet Their Needs	1	72.98%	72.98%	73.98%	74.98%	75.98%	76.98%
	2	56.92%	56.92%	57.42%	57.92%	58.42%	58.92%

\*Summary Statement #1 – Of those children who entered the program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they exited the program. Summary Statement #2 – The percent of children who were functioning within age expectations in each Outcome by the time they exited the program.

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

Number of Results Indicators Required to Meet Requirements (of 11 Total Indicators) <i>Natural Environments, Child Find, Child Outcomes, and Family Outcomes</i>						
FFY <SFY> (Determination Year)	Four (4)	Five (5)	Six (6)	Seven (7)		
2013 <2013-2014> (2015)						
2014 <2014-2015> (2016)						
2015 <2015-2016> (2017)						
2016 <2016-2017> (2018)						
2017 <2017-2018> (2019)						
2018 <2018-2019> (2020)						

DSE/EIS Strategic Plan Moving Maryland Forward Action Imperatives

Early Childhood



Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

Part C						
FFY 2013 Local Determination Scoring Criteria						
Determination Year	FFY12	FFY13	FFY14	FFY15	FFY16	FFY17
Data Year	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Determination	March 2014	March 2015	March 2016	March 2017	March 2018	March 2019
Early Childhood Results	LITP met State targets for at least four results indicators (2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least four results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least five results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least six results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)
	Data for Natural Environments (Indicator 2) data is not significantly ( $\leq 81.0\%$ ) the target	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.
Compliance (All targets are 100%)	LITP demonstrated substantial compliance in at least five compliance indicators (1, 7, 8a, 8b, 8c, & 14)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)
	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.
	LITP demonstrated full compliance (100%) in at least two compliance indicators	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)
	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification
	N/A	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.

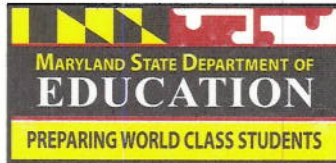
March 25, 2015

Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

<b>Local Determination Criteria</b>	Use current Local Determination Criteria and Scoring Rubric	<ul style="list-style-type: none"> <li>• Two of Two Results Indicator bands; and</li> <li>• Four of Five Compliance Indicator bands</li> </ul>	<b>Meets Requirements</b>
	Use current Local Determination Criteria and Scoring Rubric	<ul style="list-style-type: none"> <li>• One of Two Results Indicator bands; and</li> <li>• Three of Five Compliance Indicator bands</li> </ul>	<b>Needs Assistance</b>
	Use current Local Determination Criteria and Scoring Rubric	<ul style="list-style-type: none"> <li>• Zero of Two Results Indicator bands; and</li> <li>• One of Five Compliance Indicator bands</li> </ul>	<b>Needs Intervention</b>
	Use current Local Determination Criteria and Scoring Rubric	<ul style="list-style-type: none"> <li>• LITP demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification;</li> <li>• LITP failure to substantially comply has affected the core requirements, such as delivery of services to students with disabilities or to provide effective general supervision and oversight; or</li> <li>• LITP informed the State that it is unwilling to comply with the core requirements.</li> </ul>	<b>Need Substantial Intervention</b>

\*Programs with 3 or less children in Non-NE settings may be excluded. Indicator numbers correspond to State Performance Plan (SPP). Please see the SPP for more detail.





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

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

March 26, 2015

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

Dear Mrs. Griffith:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local Infants and Toddlers Program using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local Infants and Toddler's Program performance in meeting the State's targets for Federal Fiscal Year (FFY) 2013 (2013-2014). Attached please find the *FFY 2013 Determination Overview* that identifies the Part C Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria*, and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 Annual Data Table on SPP/APR Part C Indicators* provides a three-year data analysis and required actions for the Talbot County Infants and Toddlers Program (ITP). Based on the FFY 2013 data, as well as information obtained through monitoring and complaint investigations, the Talbot County ITP has achieved the determination status of "**Meets Requirements.**"

In correspondence sent to your attention on March 20, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. As part of this plan, all Part C results indicators are used in the determination process. The results indicators include:

- Indicator 2: Provision of Services in the Natural Environment;
- Indicator 3: Child Outcomes;
- Indicator 4: Family Outcomes;
- Indicator 5: Child Find Birth to One; and
- Indicator 6: Child Find Birth to Three.

As part of the results-driven accountability system, the DSE/EIS has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. Please see the *Part C Child Outcomes Baselines and Targets for Local Determinations* document. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The attached baselines for local

Mrs. Kelly L. Griffith  
March 26, 2015  
Page Two

determinations of Maryland's LITPs will not be included in the Maryland's Annual Performance Report (APR) to the Office of Special Education Programs (OSEP). For federal reporting, the OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children 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.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Talbot County ITP to improve results for infants, toddlers, and preschool age children 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 dark ink, reading "Marcella E. Franczkowski". The signature is fluid and cursive, with a large, sweeping flourish at the end.

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

MEF/BMM/cc  
Attachments

c: Lillian M Lowery  
Jack R. Smith  
Kristin Mentges  
Michelle Steelman  
Branch Chiefs



**Talbot County Infants and Toddlers Program**  
**Annual Data on Part C State Performance Plan (SPP) Priority Indicators**  
**for the Period July 1, 2013 – June 30, 2014**

Part C Annual SPP Performance Report									
SPP/APR Indicators				FFY 2013			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met	FFY 2012	FFY 2011			
2	Infants and Toddlers with IFSPs who receive services in natural environments		92.00%	100%	Met	Data meet the State’s target. No required action.	100%	100%	
3A	Birth - 4 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	64.23%	52.38%	Not Met		80.00%	100%	
		2. Exits within age expectations	65.12%	56.25%	Not Met		68.75%	79.20%	
3B	Birth - 4 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	69.08%	59.09%	Not Met		71.43%	100%	
		2. Exits within age expectations	61.42%	53.13%	Not Met		81.25%	79.20%	
3C	Birth - 4 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	72.98%	76.92%	Met		91.67%	100%	
		2. Exits within age expectations	56.92%	56.25%	Not Met		75.00%	82.60%	
4A	Families who report EIS helped them know their rights		81.00%	100%	Met	Data meet the State’s target. No required action.	NA	100%	
4B	Families who report EIS helped them communicate their child’s needs		79.00%	100%	Met	Data meet the State’s target. No required action.	NA	100%	
4C	Families who report EIS helped them help their children develop and learn		89.00%	100%	Met	Data meet the State’s target. No required action.	NA	100%	
5	Children birth to one served as a percentage of the population birth to one		1.50%	3.19%	Met	Data meet the State’s target. No required action.	1.75%	1.65%	
6	Children birth to three served as a percentage of the population birth to 3		3.00%	4.19%	Met	Data meet the State’s target. No required action.	3.07%	3.32%	

Part C Annual SPP Performance Report							
SPP/APR Indicators		FFY 2013			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2012	FFY 2011
1	Timely Delivery of IFSP Services	100%	100%	Met	Compliant. No required action.	100%	100%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral	100%	100%	Met	Compliant. No required action.	100%	100%
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
	Correction of Noncompliance	100%	100%	Met	Compliant. No required action.	100%	100%



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

**FFY 2013 Determination Overview**

**Part C & Part B**

**July 1, 2013 – June 30, 2014**

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability on Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2015.

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

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

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org> no later than June 1, 2015.

The following Part C indicators are included in assigning determinations:

<b>Results</b>	<b>Compliance</b>
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
4B. Family Survey – Effectively communicate their children's needs	
4C. Family Survey – Help their children	



develop and learn	
5. Child Find 0-1	
6. Child Find 0-3	
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

<b>Process</b>	<b>Compliance</b>
5A. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day;	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity
5B. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day; and	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5C. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements.	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	11. Initial Evaluation Timeline
8A. Preschool Parent Survey; or	12. Part C to B Transition
8B. School Age Parent Survey.	13. Secondary Transition
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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



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

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

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

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

## **Framework for Assistance and Intervention**

### Needs Assistance

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

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

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

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

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

### Needs Intervention

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

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

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



- o Integrated Monitoring Activities;
  - o Fiscal Management;
  - o Data Processes and Results;
  - o Improvement, Correction, Incentives, and Sanctions;
  - o Effective Dispute Resolution; and
  - o 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).

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

*Part C Child Outcomes Baselines and Targets for Local Determinations*  
*Federal Fiscal Year (FFY) 2013-2018*  
*State Fiscal Year (SFY) 2014-2019*

As part of the results-driven accountability system, the Division of Special Education/Early Intervention Services' (DSE/EIS) has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The percentage increases in targets above are consistent with the DSE/EIS Strategic Plan: *Moving Maryland Forward* and with the Annual Performance Report (APR) submitted to the Office of Special Education Programs (OSEP) on February 1, 2015. Baseline and Target Data for FFY 2013 to FFY 2018 are as follows:

Child Outcome Indicator	Summary Statement*	Baseline	Target	Target	Target	Target	Target
		FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	FFY 2018
		SFY 2014	SFY 2015	SFY 2016	SFY 2017	SFY 2018	SFY 2019
Positive Social Emotional Skills	1	64.23%	64.23%	65.23%	66.23%	67.23%	68.23%
	2	65.12%	65.12%	65.62%	66.12%	66.62%	67.12%
Acquisition and Use of Knowledge & Skills	1	69.08%	69.08%	70.08%	71.08%	72.08%	73.08%
	2	61.42%	61.42%	61.92%	62.42%	62.92%	63.42%
Use of Appropriate Behavior to Meet Their Needs	1	72.98%	72.98%	73.98%	74.98%	75.98%	76.98%
	2	56.92%	56.92%	57.42%	57.92%	58.42%	58.92%

\*Summary Statement #1 – Of those children who entered the program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they exited the program. Summary Statement #2 – The percent of children who were functioning within age expectations in each Outcome by the time they exited the program.



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

Number of Results Indicators Required to Meet Requirements (of 11 Total Indicators) <i>Natural Environments, Child Find, Child Outcomes, and Family Outcomes</i>						
FFY <SFY> (Determination Year)	Four (4)	Five (5)	Six (6)	Seven (7)		
2013 <2013-2014> (2015)						
2014 <2014-2015> (2016)						
2015 <2015-2016> (2017)						
2016 <2016-2017> (2018)						
2017 <2017-2018> (2019)						
2018 <2018-2019> (2020)						

DSE/EIS Strategic Plan Moving Maryland Forward Action Imperatives

Early Childhood

**Maryland State Department of Education**  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

Part C FFY 2013 Local Determination Scoring Criteria						
Determination Year	FFY12	FFY13	FFY14	FFY15	FFY16	FFY17
Data Year	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Determination	March 2014	March 2015	March 2016	March 2017	March 2018	March 2019
<b>Early Childhood Results</b>	LITP met State targets for at least four results indicators (2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least four results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least five results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least six results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)
	Data for Natural Environments (Indicator 2) data is not significantly ( $\leq 81.0\%$ ) the target	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*
	LITP demonstrated substantial compliance in at least five compliance indicators (1, 7, 8a, 8b, 8c, & 14)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)
<b>Compliance</b> (All targets are 100%)	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.
	LITP demonstrated full compliance (100%) in at least two compliance indicators	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)
	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification
	N/A	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.

March 25, 2015



Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

Local Determination Criteria	Use current Local Determination Criteria and Scoring Rubric	Meets Requirements
	<ul style="list-style-type: none"> <li>• Two of Two Results Indicator bands; and</li> <li>• Four of Five Compliance Indicator bands</li> </ul>	
	Use current Local Determination Criteria and Scoring Rubric	Needs Assistance
	<ul style="list-style-type: none"> <li>• One of Two Results Indicator bands; and</li> <li>• Three of Five Compliance Indicator bands</li> </ul>	
	Use current Local Determination Criteria and Scoring Rubric	Needs Intervention
	<ul style="list-style-type: none"> <li>• Zero of Two Results Indicator bands; and</li> <li>• One of Five Compliance Indicator bands</li> </ul>	
	Use current Local Determination Criteria and Scoring Rubric	Need Substantial Intervention
	<ul style="list-style-type: none"> <li>• LITP demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification;</li> <li>• LITP failure to substantially comply has affected the core requirements, such as delivery of services to students with disabilities or to provide effective general supervision and oversight; or</li> <li>• LITP informed the State that it is unwilling to comply with the core requirements.</li> </ul>	

\*Programs with 3 or less children in Non-NE settings may be excluded. Indicator numbers correspond to State Performance Plan (SPP). Please see the SPP for more detail.



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

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

March 26, 2015

Dr. Clayton M. Wilcox  
Superintendent  
Washington County Board of Education  
10435 Downsview Pike  
Hagerstown, MD 21740

Dear Dr. Wilcox:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local Infants and Toddlers Program using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local Infants and Toddler's Program performance in meeting the State's targets for Federal Fiscal Year (FFY) 2013 (2013-2014). Attached please find the *FFY 2013 Determination Overview* that identifies the Part C Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria*, and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 Annual Data Table on SPP/APR Part C Indicators* provides a three-year data analysis and required actions for the Washington County Infants and Toddlers Program (ITP). Based on the FFY 2013 data, as well as information obtained through monitoring and complaint investigations, the Washington County ITP has achieved the determination status of **"Meets Requirements."**

In correspondence sent to your attention on March 20, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. As part of this plan, all Part C results indicators are used in the determination process. The results indicators include:

- Indicator 2: Provision of Services in the Natural Environment;
- Indicator 3: Child Outcomes;
- Indicator 4: Family Outcomes;
- Indicator 5: Child Find Birth to One; and
- Indicator 6: Child Find Birth to Three.

As part of the results-driven accountability system, the DSE/EIS has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. Please see the *Part C Child Outcomes Baselines and Targets for Local Determinations* document. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The attached baselines for local



Dr. Clayton M. Wilcox  
March 26, 2015  
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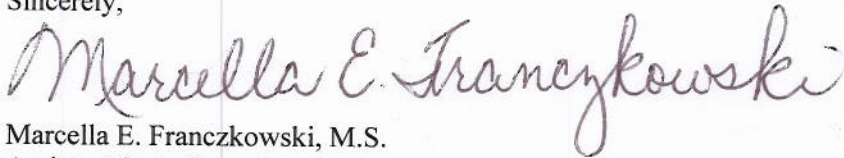
determinations of Maryland's LITPs will not be included in the Maryland's Annual Performance Report (APR) to the Office of Special Education Programs (OSEP). For federal reporting, the OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children 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.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Washington ITP to improve results for infants, toddlers, and preschool age children 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/BMM/cc  
Attachments

c: Lillian M Lowery  
Jack R. Smith  
Jeff Gladhill  
Mariam Robins  
Branch Chiefs

**Washington County Infants and Toddlers Program**  
**Annual Data on Part C State Performance Plan (SPP) Priority Indicators**  
**for the Period July 1, 2013 – June 30, 2014**

Part C Annual SPP Performance Report									
SPP/APR Indicators		FFY 2013			Action Required		Previous Results		
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met			FFY 2012	FFY 2011	
2	Infants and Toddlers with IFSPs who receive services in natural environments	92.00%	98.90%	Met	Data meet the State's target. No required action.		97.20%	98.60%	
3A	Birth - 4 Outcomes: Use of social – emotional skills	64.23%	77.42%	Met			81.69%	82.00%	
	1. Exits with substantial growth 2. Exits within age expectations	65.12%	79.69%	Met			78.45%	70.90%	
3B	Birth - 4 Outcomes: Use of knowledge and skills	69.08%	73.91%	Met			87.01%	76.80%	
	1. Exits with substantial growth 2. Exits within age expectations	61.42%	75.00%	Met			81.03%	70.90%	
3C	Birth - 4 Outcomes: Use of appropriate behaviors	72.98%	80.53%	Met			83.96%	73.60%	
	1. Exits with substantial growth 2. Exits within age expectations	56.92%	58.69%	Met			61.86%	57.00%	
4A	Families who report EIS helped them know their rights	81.00%	93.50%	Met	Data meet the State's target. No required action.		94.50%	93.30%	
4B	Families who report EIS helped them communicate their child's needs	79.00%	93.10%	Met	Data meet the State's target. No required action.		94.10%	93.30%	
4C	Families who report EIS helped them help their children develop and learn	89.00%	91.90%	Met	Data meet the State's target. No required action.		92.20%	94.10%	
5	Children birth to one served as a percentage of the population birth to one	1.50%	1.68%	Met	Data meet the State's target. No required action.		2.21%	1.62%	
6	Children birth to three served as a percentage of the population birth to 3	3.00%	3.43%	Met	Data meet the State's target. No required action.		3.51%	2.80%	



Part C Annual SPP Performance Report							
SPP/APR Indicators		FFY 2013			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2012	FFY 2011
1	Timely Delivery of IFSP Services	100%	100%	Met	Compliant. Verification activities indicate need for follow-up.	99.10%	100%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral	100%	100%	Met	Compliant. No required action.	100%	100%
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
	Correction of Noncompliance	100%	100%	Met	Compliant. No required action.	100%	100%

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

**FFY 2013 Determination Overview**

**Part C & Part B**

**July 1, 2013 – June 30, 2014**

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability on Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2015.

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

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

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org> no later than June 1, 2015.

The following Part C indicators are included in assigning determinations:

<b>Results</b>	<b>Compliance</b>
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
4B. Family Survey – Effectively communicate their children's needs	
4C. Family Survey – Help their children	



develop and learn	
5. Child Find 0-1	
6. Child Find 0-3	
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

<b>Process</b>	<b>Compliance</b>
5A. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day;	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity
5B. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day; and	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5C. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements.	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	11. Initial Evaluation Timeline
8A. Preschool Parent Survey; or	12. Part C to B Transition
8B. School Age Parent Survey.	13. Secondary Transition
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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



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

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

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

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

## **Framework for Assistance and Intervention**

### Needs Assistance

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

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

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



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

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

### Needs Intervention

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

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

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

- Integrated Monitoring Activities;
  - Fiscal Management;
  - Data Processes and Results;
  - Improvement, Correction, Incentives, and Sanctions;
  - Effective Dispute Resolution; and
  - Directed Targeted Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of their system of general supervision, needs and resources;
  - Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
  - MSDE prescribing the use of discretionary funds;
  - Identification of a local school system as a high risk grantee if a local school system is in the category of Needs Intervention for 2 years;
  - Required quarterly reporting on status of correction of noncompliance

#### Needs Substantial Intervention

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

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

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



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

*Part C Child Outcomes Baselines and Targets for Local Determinations*  
*Federal Fiscal Year (FFY) 2013-2018*  
*State Fiscal Year (SFY) 2014-2019*

As part of the results-driven accountability system, the Division of Special Education/Early Intervention Services' (DSE/EIS) has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The percentage increases in targets above are consistent with the DSE/EIS Strategic Plan: *Moving Maryland Forward* and with the Annual Performance Report (APR) submitted to the Office of Special Education Programs (OSEP) on February 1, 2015. Baseline and Target Data for FFY 2013 to FFY 2018 are as follows:

Child Outcome Indicator	Summary Statement*	Baseline	Target	Target	Target	Target	Target
		FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	FFY 2018
		SFY 2014	SFY 2015	SFY 2016	SFY 2017	SFY 2018	SFY 2019
Positive Social Emotional Skills	1	64.23%	64.23%	65.23%	66.23%	67.23%	68.23%
	2	65.12%	65.12%	65.62%	66.12%	66.62%	67.12%
Acquisition and Use of Knowledge & Skills	1	69.08%	69.08%	70.08%	71.08%	72.08%	73.08%
	2	61.42%	61.42%	61.92%	62.42%	62.92%	63.42%
Use of Appropriate Behavior to Meet Their Needs	1	72.98%	72.98%	73.98%	74.98%	75.98%	76.98%
	2	56.92%	56.92%	57.42%	57.92%	58.42%	58.92%

\*Summary Statement #1 – Of those children who entered the program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they exited the program. Summary Statement #2 – The percent of children who were functioning within age expectations in each Outcome by the time they exited the program.

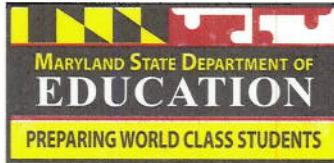


Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

Part C FFY 2013 Local Determination Scoring Criteria						
Determination Year	FFY12	FFY13	FFY14	FFY15	FFY16	FFY17
Data Year	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Determination	March 2014	March 2015	March 2016	March 2017	March 2018	March 2019
Early Childhood Results	LITP met State targets for at least four results indicators (2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least five results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least six results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)
	Data for Natural Environments (Indicator 2) data is not significantly ( $\leq 81.0\%$ ) the target	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.
	LITP demonstrated substantial compliance in at least five compliance indicators (1, 7, 8a, 8b, 8c, & 14)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)
Compliance (All targets are 100%)	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.
	LITP demonstrated full compliance (100%) in at least two compliance indicators	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)
	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification
	N/A	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.

March 25, 2015





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

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

March 26, 2015

Dr. John Frederickson  
Superintendent  
Wicomico County Board of Education  
P. O. Box 1538  
Salisbury, MD 21802

Dear Dr. Frederickson:

*John* *Congratulations!*

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local Infants and Toddlers Program using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local Infants and Toddler's Program performance in meeting the State's targets for Federal Fiscal Year (FFY) 2013 (2013-2014). Attached please find the *FFY 2013 Determination Overview* that identifies the Part C Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria*, and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 Annual Data Table on SPP/APR Part C Indicators* provides a three-year data analysis and required actions for the Wicomico County Infants and Toddlers Program (ITP). Based on the FFY 2013 data, as well as information obtained through monitoring and complaint investigations, the Wicomico County ITP has achieved the determination status of **"Meets Requirements."**

In correspondence sent to your attention on March 20, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. As part of this plan, all Part C results indicators are used in the determination process. The results indicators include:

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Dr. John Fredericksen  
March 26, 2015  
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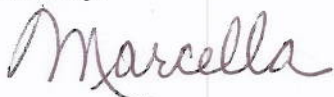
determinations of Maryland's LITPs will not be included in the Maryland's Annual Performance Report (APR) to the Office of Special Education Programs (OSEP). For federal reporting, the OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children 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.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Wicomico County ITP to improve results for infants, toddlers, and preschool age children 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/BMM/cc  
Attachments

c: Lillian M Lowery  
Jack R. Smith  
Bonnie L. Walston  
Patricia Adkins  
Branch Chiefs



**Wicomico County Infants and Toddlers Program**  
**Annual Data on Part C State Performance Plan (SPP) Priority Indicators**  
**for the Period July 1, 2013 – June 30, 2014**

Part C Annual SPP Performance Report									
SPP/APR Indicators				FFY 2013			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met	FFY 2012	FFY 2011			
2	Infants and Toddlers with IFSPs who receive services in natural environments	92.00%	100%	Met	Data meet the State's target. No required action.	100%	100%		
3A	Birth - 4 Outcomes: Use of social – emotional skills	64.23%	65.52%	Met		88.52%	84.10%		
		65.12%	70.53%	Met		72.50%	64.90%		
3B	Birth - 4 Outcomes: Use of knowledge and skills	69.08%	70.77%	Met		87.69%	84.10%		
		61.42%	58.95%	Not Met		69.14%	66.70%		
3C	Birth - 4 Outcomes: Use of appropriate behaviors	72.98%	71.01%	Not Met		82.81%	77.60%		
		56.92%	61.05%	Met		74.07%	66.70%		
4A	Families who report EIS helped them know their rights	81.00%	96.50%	Met	Data meet the State's target. No required action.	98.50%	93.40%		
4B	Families who report EIS helped them communicate their child's needs	79.00%	98.60%	Met	Data meet the State's target. No required action.	98.50%	91.30%		
4C	Families who report EIS helped them help their children develop and learn	89.00%	98.60%	Met	Data meet the State's target. No required action.	97.00%	96.00%		
5	Children birth to one served as a percentage of the population birth to one	1.50%	1.49%	Not Met	Target not met. Improvement Plan required.	0.79%	2.13%		
6	Children birth to three served as a percentage of the population birth to 3	3.00%	2.92%	Not Met	Target not met. Improvement Plan required.	2.77%	3.41%		

Part C Annual SPP Performance Report							
SPP/APR Indicators		FFY 2013			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2012	FFY 2011
1	Timely Delivery of IFSP Services	100%	100%	Met	Compliant. No required action.	100%	100%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral	100%	100%	Met	Compliant. No required action.	100%	100%
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
	Correction of Noncompliance	100%	100%	Met	Compliant. No required action.	100%	100%



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

**FFY 2013 Determination Overview**

**Part C & Part B**

**July 1, 2013 – June 30, 2014**

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability on Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2015.

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

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

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org> no later than June 1, 2015.

The following Part C indicators are included in assigning determinations:

<b>Results</b>	<b>Compliance</b>
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
4B. Family Survey – Effectively communicate their children's needs	
4C. Family Survey – Help their children	



develop and learn	
5. Child Find 0-1	
6. Child Find 0-3	
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

<b>Process</b>	<b>Compliance</b>
5A. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day;	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity
5B. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day; and	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5C. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements.	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	11. Initial Evaluation Timeline
8A. Preschool Parent Survey; or	12. Part C to B Transition
8B. School Age Parent Survey.	13. Secondary Transition
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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



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

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

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

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

## **Framework for Assistance and Intervention**

### Needs Assistance

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

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

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



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

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

### Needs Intervention

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

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

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



- Integrated Monitoring Activities;
  - Fiscal Management;
  - Data Processes and Results;
  - Improvement, Correction, Incentives, and Sanctions;
  - Effective Dispute Resolution; and
  - Directed Targeted Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of their system of general supervision, needs and resources;
  - Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
  - MSDE prescribing the use of discretionary funds;
  - Identification of a local school system as a high risk grantee if a local school system is in the category of Needs Intervention for 2 years;
  - Required quarterly reporting on status of correction of noncompliance

#### Needs Substantial Intervention

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

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

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

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

*Part C Child Outcomes Baselines and Targets for Local Determinations*  
*Federal Fiscal Year (FFY) 2013-2018*  
*State Fiscal Year (SFY) 2014-2019*

As part of the results-driven accountability system, the Division of Special Education/Early Intervention Services' (DSE/EIS) has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The percentage increases in targets above are consistent with the DSE/EIS Strategic Plan: *Moving Maryland Forward* and with the Annual Performance Report (APR) submitted to the Office of Special Education Programs (OSEP) on February 1, 2015. Baseline and Target Data for FFY 2013 to FFY 2018 are as follows:

Child Outcome Indicator	Summary Statement*	Baseline	Target	Target	Target	Target	Target
		FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	Target
		SFY 2014	SFY 2015	SFY 2016	SFY 2017	SFY 2018	SFY 2019
Positive Social Emotional Skills	1	64.23%	64.23%	65.23%	66.23%	67.23%	68.23%
	2	65.12%	65.12%	65.62%	66.12%	66.62%	67.12%
Acquisition and Use of Knowledge & Skills	1	69.08%	69.08%	70.08%	71.08%	72.08%	73.08%
	2	61.42%	61.42%	61.92%	62.42%	62.92%	63.42%
Use of Appropriate Behavior to Meet Their Needs	1	72.98%	72.98%	73.98%	74.98%	75.98%	76.98%
	2	56.92%	56.92%	57.42%	57.92%	58.42%	58.92%

\*Summary Statement #1 – Of those children who entered the program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they exited the program. Summary Statement #2 – The percent of children who were functioning within age expectations in each Outcome by the time they exited the program.



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

Number of Results Indicators Required to Meet Requirements (of 11 Total Indicators) <i>Natural Environments, Child Find, Child Outcomes, and Family Outcomes</i>						
FFY <SFY> (Determination Year)	Four (4)	Five (5)	Six (6)	Seven (7)		
2013 <2013-2014> (2015)						
2014 <2014-2015> (2016)						
2015 <2015-2016> (2017)						
2016 <2016-2017> (2018)						
2017 <2017-2018> (2019)						
2018 <2018-2019> (2020)						

DSE/EIS Strategic Plan Moving Maryland Forward Action Imperatives

**Early Childhood**



Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

FFY 2013 Local Determination Scoring Criteria						
Part C						
Determination Year	FFY12	FFY13	FFY14	FFY15	FFY16	FFY17
Data Year	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Determination	March 2014	March 2015	March 2016	March 2017	March 2018	March 2019
Early Childhood Results	LITP met State targets for at least four results indicators (2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least four results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least five results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least six results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)
	Data for Natural Environments (Indicator 2) data is not significantly ( $\leq 81.0\%$ ) the target	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.
	LITP demonstrated substantial compliance in at least five compliance indicators (1, 7, 8a, 8b, 8c, & 14)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)
Compliance (All targets are 100%)	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.
	LITP demonstrated full compliance (100%) in at least two compliance indicators	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)
	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification
	N/A	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.

March 25, 2015



Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

<b>Local Determination Criteria</b>	Use current Local Determination Criteria and Scoring Rubric	Meets Requirements	<ul style="list-style-type: none"> <li>Two of Two Results Indicator bands; and</li> <li>Four of Five Compliance Indicator bands</li> </ul>
	Use current Local Determination Criteria and Scoring Rubric	Needs Assistance	<ul style="list-style-type: none"> <li>One of Two Results Indicator bands; and</li> <li>Three of Five Compliance Indicator bands</li> </ul>
	Use current Local Determination Criteria and Scoring Rubric	Needs Intervention	<ul style="list-style-type: none"> <li>Zero of Two Results Indicator bands; and</li> <li>One of Five Compliance Indicator bands</li> </ul>
	Use current Local Determination Criteria and Scoring Rubric	Need Substantial Intervention	<ul style="list-style-type: none"> <li>LITP demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification;</li> <li>LITP failure to substantially comply has affected the core requirements, such as delivery of services to students with disabilities or to provide effective general supervision and oversight; or</li> <li>LITP informed the State that it is unwilling to comply with the core requirements.</li> </ul>

\*Programs with 3 or less children in Non-NE settings may be excluded. Indicator numbers correspond to State Performance Plan (SPP). Please see the SPP for more detail.



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

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

March 26, 2015

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

*Congratulations*

Dear Dr. Wilson: *Jerry*

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local Infants and Toddlers Program using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local Infants and Toddler's Program performance in meeting the State's targets for Federal Fiscal Year (FFY) 2013 (2013-2014). Attached please find the *FFY 2013 Determination Overview* that identifies the Part C Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria*, and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 Annual Data Table on SPP/APR Part C Indicators* provides a three-year data analysis and required actions for the Worcester County Infants and Toddlers Program (ITP). Based on the FFY 2013 data, as well as information obtained through monitoring and complaint investigations, the Worcester County ITP has achieved the determination status of "**Meets Requirements.**"

In correspondence sent to your attention on March 20, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. As part of this plan, all Part C results indicators are used in the determination process. The results indicators include:

- Indicator 2: Provision of Services in the Natural Environment;
- Indicator 3: Child Outcomes;
- Indicator 4: Family Outcomes;
- Indicator 5: Child Find Birth to One; and
- Indicator 6: Child Find Birth to Three.

As part of the results-driven accountability system, the DSE/EIS has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. Please see the *Part C Child Outcomes Baselines and Targets for Local Determinations* document. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The attached baselines for local



Dr. Jerry B. Wilson  
March 26, 2015  
Page Two

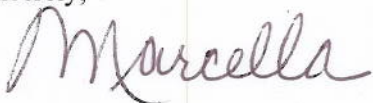
determinations of Maryland's LITPs will not be included in the Maryland's Annual Performance Report (APR) to the Office of Special Education Programs (OSEP). For federal reporting, the OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children 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.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Worcester County ITP to improve results for infants, toddlers, and preschool age children 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/BMM/cc  
Attachments

c: Lillian M Lowery  
Jack R. Smith  
Rae Record  
Kathy Simon  
Branch Chiefs

**Worcester County Infants and Toddlers Program**  
**Annual Data on Part C State Performance Plan (SPP) Priority Indicators**  
**for the Period July 1, 2013 – June 30, 2014**

Part C Annual SPP Performance Report									
SPP/APR Indicators		FFY 2013		Action Required		Previous Results			
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2012	FFY 2011		
2	Infants and Toddlers with IFSPs who receive services in natural environments	92.00%	100%	Met	Data meet the State's target. No required action.	100%	100%		
3A	Birth - 4 Outcomes: Use of social – emotional skills	64.23%	87.50%	Met		63.64%	62.50%		
	1. Exits with substantial growth								
	2. Exits within age expectations	65.12%	65.22%	Met		66.67%	77.40%		
3B	Birth - 4 Outcomes: Use of knowledge and skills	69.08%	78.95%	Met		72.73%	94.40%		
	1. Exits with substantial growth								
	2. Exits within age expectations	61.42%	52.17%	Not Met		61.11%	83.90%		
3C	Birth - 4 Outcomes: Use of appropriate behaviors	72.98%	70.00%	Not Met		50.00%	76.20%		
	1. Exits with substantial growth								
	2. Exits within age expectations	56.92%	65.22%	Met		44.44%	83.90%		
4A	Families who report EIS helped them know their rights	81.00%	95.80%	Met	Data meet the State's target. No required action.	83.30%	94.10%		
4B	Families who report EIS helped them communicate their child's needs	79.00%	91.30%	Met	Data meet the State's target. No required action.	86.40%	100%		
4C	Families who report EIS helped them help their children develop and learn	89.00%	100%	Met	Data meet the State's target. No required action.	86.40%	94.10%		
5	Children birth to one served as a percentage of the population birth to one	1.50%	1.04%	Not Met	Target not met. Improvement Plan required.	1.36%	1.40%		
6	Children birth to three served as a percentage of the population birth to 3	3.00%	2.23%	Not Met	Target not met. Improvement Plan required.	2.70%	2.92%		



Part C Annual SPP Performance Report							
SPP/APR Indicators		FFY 2013			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2012	FFY 2011
1	Timely Delivery of IFSP Services	100%	100%	Met	Compliant. No required action.	100%	100%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral	100%	100%	Met	Compliant. No required action.	100%	100%
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
	Correction of Noncompliance	100%	100%	Met	Compliant. No required action.	100%	100%

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

**FFY 2013 Determination Overview**

**Part C & Part B**

**July 1, 2013 – June 30, 2014**

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability on Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2015.

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

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

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org> no later than June 1, 2015.

The following Part C indicators are included in assigning determinations:

<b>Results</b>	<b>Compliance</b>
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
4B. Family Survey – Effectively communicate their children's needs	
4C. Family Survey – Help their children	



develop and learn	
5. Child Find 0-1	
6. Child Find 0-3	
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

<b>Process</b>	<b>Compliance</b>
5A. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day;	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity
5B. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day; and	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5C. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements.	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	11. Initial Evaluation Timeline
8A. Preschool Parent Survey; or	12. Part C to B Transition
8B. School Age Parent Survey.	13. Secondary Transition
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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



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

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

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

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

## **Framework for Assistance and Intervention**

### Needs Assistance

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

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

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



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

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

### Needs Intervention

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

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

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

- Integrated Monitoring Activities;
  - Fiscal Management;
  - Data Processes and Results;
  - Improvement, Correction, Incentives, and Sanctions;
  - Effective Dispute Resolution; and
  - Directed Targeted Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of their system of general supervision, needs and resources;
  - Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
  - MSDE prescribing the use of discretionary funds;
  - Identification of a local school system as a high risk grantee if a local school system is in the category of Needs Intervention for 2 years;
  - Required quarterly reporting on status of correction of noncompliance

#### Needs Substantial Intervention

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

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

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



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

*Part C Child Outcomes Baselines and Targets for Local Determinations*  
*Federal Fiscal Year (FFY) 2013-2018*  
*State Fiscal Year (SFY) 2014-2019*

As part of the results-driven accountability system, the Division of Special Education/Early Intervention Services' (DSE/EIS) has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The percentage increases in targets above are consistent with the DSE/EIS Strategic Plan: *Moving Maryland Forward* and with the Annual Performance Report (APR) submitted to the Office of Special Education Programs (OSEP) on February 1, 2015. Baseline and Target Data for FFY 2013 to FFY 2018 are as follows:

Child Outcome Indicator	Summary Statement*	Baseline	Target	Target	Target	Target	Target
		FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	Target
		SFY 2014	SFY 2015	SFY 2016	SFY 2017	SFY 2018	SFY 2019
Positive Social Emotional Skills	1	64.23%	64.23%	65.23%	66.23%	67.23%	68.23%
	2	65.12%	65.12%	65.62%	66.12%	66.62%	67.12%
Acquisition and Use of Knowledge & Skills	1	69.08%	69.08%	70.08%	71.08%	72.08%	73.08%
	2	61.42%	61.42%	61.92%	62.42%	62.92%	63.42%
Use of Appropriate Behavior to Meet Their Needs	1	72.98%	72.98%	73.98%	74.98%	75.98%	76.98%
	2	56.92%	56.92%	57.42%	57.92%	58.42%	58.92%

\*Summary Statement #1 – Of those children who entered the program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they exited the program. Summary Statement #2 – The percent of children who were functioning within age expectations in each Outcome by the time they exited the program.

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

**Number of Results Indicators Required to Meet Requirements (of 11 Total Indicators)**  
*Natural Environments, Child Find, Child Outcomes, and Family Outcomes*

FFY <SFY> (Determination Year)	Four (4)	Five (5)	Six (6)	Seven (7)
2013 <2013-2014> (2015)				
2014 <2014-2015> (2016)				
2015 <2015-2016> (2017)				
2016 <2016-2017> (2018)				
2017 <2017-2018> (2019)				
2018 <2018-2019> (2020)				

DSE/EIS Strategic Plan Moving Maryland Forward Action Imperatives

**Early Childhood**



**Maryland State Department of Education**  
**Division of Special Education/Early Intervention Services**  
**Maryland Infants and Toddlers Program**

**Part C**

**FFY 2013 Local Determination Scoring Criteria**

Determination Year	FFY12	FFY13	FFY14	FFY15	FFY16	FFY17
Data Year	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Determination	March 2014	March 2015	March 2016	March 2017	March 2018	March 2019
<b>Early Childhood Results</b>	LTP met State targets for at least four results indicators (2, 4a, 4b, 4c, 5, & 6)	LTP met State targets for at least four results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LTP met State targets for at least five results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LTP met State targets for at least six results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LTP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LTP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)
	Data for Natural Environments (Indicator 2) data is not significantly ( $\leq 81.0\%$ ) the target	LTP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LTP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LTP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LTP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.	LTP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*.
<b>Compliance</b> (all targets are 100%)	LTP demonstrated substantial compliance in at least five compliance indicators (1, 7, 8a, 8b, 8c, & 14)	LTP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LTP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LTP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LTP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LTP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)
	LTP is not below 85% in indicators 1, 7, 8a, 8b, or 8c.	LTP is not below 85% in indicators 1, 7, 8a, 8b, or 8c.	LTP is not below 90% in indicators 1, 7, 8a, 8b, or 8c.	LTP is not below 90% in indicators 1, 7, 8a, 8b, or 8c.	LTP is not below 90% in indicators 1, 7, 8a, 8b, or 8c.	LTP is not below 90% in indicators 1, 7, 8a, 8b, or 8c.
	LTP demonstrated full compliance (100%) in at least two compliance indicators	LTP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LTP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LTP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LTP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LTP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)
	LTP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LTP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LTP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LTP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LTP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LTP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification
	N/A	LTP submitted all data in a timely and accurate manner.	LTP submitted all data in a timely and accurate manner.	LTP submitted all data in a timely and accurate manner.	LTP submitted all data in a timely and accurate manner.	LTP submitted all data in a timely and accurate manner.

March 25, 2015

**Maryland State Department of Education**  
**Division of Special Education/Early Intervention Services**  
**Maryland Infants and Toddlers Program**

<b>Determination Criteria</b>	Use current Local Determination Criteria and Scoring Rubric	Meets Requirements
	Use current Local Determination Criteria and Scoring Rubric	Needs Assistance
	Use current Local Determination Criteria and Scoring Rubric	Needs Intervention
	Use current Local Determination Criteria and Scoring Rubric	Need Substantial Intervention

\*Programs with 3 or less children in Non-NE settings may be excluded. Indicator numbers correspond to State Performance Plan (SPP). Please see the SPP for more detail.





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

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

March 26, 2015

Dr. Leana Wen  
Health Commissioner  
Baltimore City  
1001 E. Fayette Street  
Baltimore, MD 21202

Dear Dr. Wen:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local Infants and Toddlers Program using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local Infants and Toddler's Program performance in meeting the State's targets for Federal Fiscal Year (FFY) 2013 (2013-2014). Attached please find the *FFY 2013 Determination Overview* that identifies the Part C Indicators used to assign a local determination, the *FFY 2013 Local Determination Scoring Criteria*, and the *Graduated Results-Driven Accountability Plan*. The attached *FFY 2013 Annual Data Table on SPP/APR Part C Indicators* provides a three-year data analysis and required actions for the Baltimore City Infants and Toddlers Program (BITP). Based on the FFY 2013 data, as well as information obtained through monitoring and complaint investigations, the BITP has achieved the determination status of **"Needs Assistance, Year Three."**

For the last three (3) consecutive years, the BITP has been assigned a determination status of "Needs Assistance." Historically, this represents inconsistent performance and a challenge to sustain targets met. This ongoing need for assistance requires that the BITP and the DSE/EIS jointly develop, implement, and evaluate a comprehensive action plan that identifies targeted assistance, support, and resources. The BITP staff will be required to meet with the DSE/EIS personnel to identify the necessary actions, technical assistance, and through a jointly developed a plan to assist the BITP to "Meet Requirements." Dr. Brian Morrison, Program Director, Maryland Infants and Toddlers Program, will be contacting Charles Baugh, Director of Early Intervention Services, BITP to identify a date and time for this meeting.

In correspondence sent to your attention on March 20, 2014, you were informed that beginning with the FFY 2013 local determinations, the DSE/EIS would implement a six-year graduated results-driven accountability plan. As part of this plan, all Part C results indicators are used in the determination process. The results indicators include:

- Indicator 2: Provision of Services in the Natural Environment;
- Indicator 3: Child Outcomes;
- Indicator 4: Family Outcomes;
- Indicator 5: Child Find Birth to One; and
- Indicator 6: Child Find Birth to Three.

As part of the results-driven accountability system, the DSE/EIS has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children



Dr. Leana Wen  
March 26, 2015  
Page Two

who receive services through an Extended IFSP. Please see the *Part C Child Outcomes Baselines and Targets for Local Determinations* document. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The attached baselines for local determinations of Maryland's LITPs will not be included in the Maryland's Annual Performance Report (APR) to the Office of Special Education Programs (OSEP). For federal reporting, the OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

The shift to a more balanced accountability approach does not relieve the DSE/EIS from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children 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.

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

Sincerely,



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



MF/BMM/cc  
Attachments

c: Lillian M Lowery  
Jack R. Smith  
Charles Baugh  
Branch Chiefs



**Baltimore City Infants and Toddlers Program**  
**Annual Data on Part C State Performance Plan (SPP) Priority Indicators**  
**for the Period July 1, 2013 – June 30, 2014**

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Results Indicator	Compliance Indicator		State Target	Local Results	Target Met			FFY 2012	FFY 2011
2	Infants and Toddlers with IFSPs who receive services in natural environments		92.00%	97.1%	Met	Data meet the State's target. No required action.		96.20%	97.50%
3A	Birth - 4 Outcomes: Use of social – emotional skills	1. Exits with substantial growth 2. Exits within age expectations	64.23%	53.02%	Not Met			57.71%	58.00%
3B	Birth - 4 Outcomes: Use of knowledge and skills	1. Exits with substantial growth 2. Exits within age expectations	65.12%	60.17%	Not Met			59.47%	55.30%
3C	Birth - 4 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	69.08%	44.41%	Not Met			44.98%	50.00%
		2. Exits within age expectations	61.42%	35.33%	Not Met			37.62%	40.70%
4A	Families who report EIS helped them know their rights	1. Exits with substantial growth 2. Exits within age expectations	72.98%	55.59%	Not Met			51.60%	57.10%
4B	Families who report EIS helped them communicate their child's needs		56.92%	42.17%	Not Met			38.16%	50.90%
4C	Families who report EIS helped them help their children develop and learn		81.0%	96.6%	Met	Data meet the State's target. No required action.		97.0%	96.30%
5	Children birth to one served as a percentage of the population birth to one		79.0%	96.5%	Met	Data meet the State's target. No required action.		96.90%	95.10%
6	Children birth to three served as a percentage of the population birth to 3		89.0%	96.3%	Met	Data meet the State's target. No required action.		98.00%	96.90%
1	Timely Delivery of IFSP Services		1.50%	1.60%	Met	Data meet the State's target. No required action.		1.78%	1.53%
			3.00%	3.22%	Met	Data meet the State's target. No required action.		3.09%	3.24%
			100%	91.87%	Not Met	Correction of noncompliance must		92.80%	94.90%

Part C Annual SPP Performance Report							
SPP /APR Indicators Results Indicator   Compliance Indicator		FFY 2013			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2012	FFY 2011
					occur.		
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral	100%	98.86%	Not Met	Correction of noncompliance must occur.	91.50%	96.40%
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Met	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	99.63%	Not Met	Correction of noncompliance must occur.	99.30%	100%
	Correction of Noncompliance	100%	100%	Met	Compliant. No required action.	100%	97.70%



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

**FFY 2013 Determination Overview**

**Part C & Part B**

**July 1, 2013 – June 30, 2014**

The Individuals with Disabilities Education Act (IDEA) is focused on state accountability on Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2015.

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

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

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org> no later than June 1, 2015.

The following Part C indicators are included in assigning determinations:

<b>Results</b>	<b>Compliance</b>
2. Primary Service Setting	1. Timely Services
3A. Positive Social – Emotional Skills	7. 45 Day Timeline
3B. Acquisition and Use of Knowledge and Skills	8A. Transition – Transition Outcomes
3C. Use of Appropriate Behaviors	8B. Transition – Notification to LSS
4A. Family Survey – Know their rights	8C. Transition – Timely Planning Meeting
4B. Family Survey – Effectively communicate their children's needs	
4C. Family Survey – Help their children	



develop and learn	
5. Child Find 0-1	
6. Child Find 0-3	
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The following Part B indicators are included in assigning determinations:

<b>Process</b>	<b>Compliance</b>
5A. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day;	4B. Suspension/Expulsion – Significant Discrepancy Disaggregated by Race/Ethnicity
5B. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day; and	9. Disproportionate Representation Disaggregated by Race/Ethnicity
5C. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements.	10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
4A. Suspension/Expulsion – Significant Discrepancy in Single or Multiple Suspensions/Expulsions > than 10 days.	11. Initial Evaluation Timeline
8A. Preschool Parent Survey; or	12. Part C to B Transition
8B. School Age Parent Survey.	13. Secondary Transition
<b>Correction of Noncompliance</b>	<b>Data and Submission of Reports</b>
Correction of Noncompliance	Timely and Accurate

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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



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

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

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

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

## **Framework for Assistance and Intervention**

### **Needs Assistance**

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

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

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



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

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

### Needs Intervention

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

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

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



- o Integrated Monitoring Activities;
  - o Fiscal Management;
  - o Data Processes and Results;
  - o Improvement, Correction, Incentives, and Sanctions;
  - o Effective Dispute Resolution; and
  - o 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).

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

*Part C Child Outcomes Baselines and Targets for Local Determinations*  
*Federal Fiscal Year (FFY) 2013-2018*  
*State Fiscal Year (SFY) 2014-2019*

As part of the results-driven accountability system, the Division of Special Education/Early Intervention Services' (DSE/EIS) has developed one set of baselines and targets that are inclusive of children who receive services from birth to three, as well as children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by local Infants and Toddlers Program (LITP) Directors and Preschool Coordinators through a stakeholder discussion held during the April 29, 2014 Professional Learning Institute. The percentage increases in targets above are consistent with the DSE/EIS Strategic Plan: *Moving Maryland Forward* and with the Annual Performance Report (APR) submitted to the Office of Special Education Programs (OSEP) on February 1, 2015. Baseline and Target Data for FFY 2013 to FFY 2018 are as follows:

Child Outcome Indicator	Summary Statement*	Baseline	Target	Target	Target	Target	Target
		FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	Target
		SFY 2014	SFY 2015	SFY 2016	SFY 2017	SFY 2018	SFY 2019
Positive Social Emotional Skills	1	64.23%	64.23%	65.23%	66.23%	67.23%	68.23%
	2	65.12%	65.12%	65.62%	66.12%	66.62%	67.12%
Acquisition and Use of Knowledge & Skills	1	69.08%	69.08%	70.08%	71.08%	72.08%	73.08%
	2	61.42%	61.42%	61.92%	62.42%	62.92%	63.42%
Use of Appropriate Behavior to Meet Their Needs	1	72.98%	72.98%	73.98%	74.98%	75.98%	76.98%
	2	56.92%	56.92%	57.42%	57.92%	58.42%	58.92%

\*Summary Statement #1 – Of those children who entered the program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they exited the program. Summary Statement #2 – The percent of children who were functioning within age expectations in each Outcome by the time they exited the program.



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

Number of Results Indicators Required to Meet Requirements (of 11 Total Indicators) <i>Natural Environments, Child Find, Child Outcomes, and Family Outcomes</i>						
FFY <SFY> (Determination Year)	Four (4)	Five (5)	Six (6)	Seven (7)		
2013 <2013-2014> (2015)						
2014 <2014-2015> (2016)						
2015 <2015-2016> (2017)						
2016 <2016-2017> (2018)						
2017 <2017-2018> (2019)						
2018 <2018-2019> (2020)						

DSE/EIS Strategic Plan Moving Maryland Forward Action Imperatives

Early Childhood



Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Maryland Infants and Toddlers Program

Part C FFY 2013 Local Determination Scoring Criteria						
Determination Year	FFY12	FFY13	FFY14	FFY15	FFY16	FFY17
Data Year	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Determination	March 2014	March 2015	March 2016	March 2017	March 2018	March 2019
Early Childhood Results	LITP met State targets for at least four results indicators (2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least five results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least six results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)	LITP met State targets for at least seven results indicators (3aSS1, 3aSS2, 3bSS1, 3bSS2, 3cSS1, 3cSS2, 4a, 4b, 4c, 5, & 6)
	Data for Natural Environments (Indicator 2) data is not significantly ( $\leq 81.0\%$ ) the target	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*	LITP met State target for Natural Environment (Indicator 2) birth to 3 & three through 4*
	LITP demonstrated substantial compliance in at least five compliance indicators (1, 7, 8a, 8b, 8c, & 14)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated substantial compliance in all compliance indicators (1, 7, 8a, 8b, & 8c)
Compliance (All targets are 100%)	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 85% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.	LITP is not below 90% in Indicators 1, 7, 8a, 8b, or 8c.
	LITP demonstrated full compliance (100%) in at least two compliance indicators	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)	LITP demonstrated full compliance (100%) in at least two compliance indicators (1, 7, 8a, 8b, & 8c)
	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification	LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year of notification
	N/A	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.	LITP submitted all data in a timely and accurate manner.

March 25, 2015



**Maryland State Department of Education**  
**Division of Special Education/Early Intervention Services**  
Maryland Infants and Toddlers Program

<b>Local Determination Criteria</b>	Use current Local Determination Criteria and Scoring Rubric	<ul style="list-style-type: none"> <li>Two of Two Results Indicator bands; and</li> <li>Four of Five Compliance Indicator bands</li> </ul>	Meets Requirements
	Use current Local Determination Criteria and Scoring Rubric	<ul style="list-style-type: none"> <li>One of Two Results Indicator bands; and</li> <li>Three of Five Compliance Indicator bands</li> </ul>	Needs Assistance
	Use current Local Determination Criteria and Scoring Rubric	<ul style="list-style-type: none"> <li>Zero of Two Results Indicator bands; and</li> <li>One of Five Compliance Indicator bands</li> </ul>	Needs Intervention
	Use current Local Determination Criteria and Scoring Rubric	<ul style="list-style-type: none"> <li>LITP demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification;</li> <li>LITP failure to substantially comply has affected the core requirements, such as delivery of services to students with disabilities or to provide effective general supervision and oversight; or</li> <li>LITP informed the State that it is unwilling to comply with the core requirements.</li> </ul>	<b>Need Substantial Intervention</b>

\*Programs with 3 or less children in Non-NE settings may be excluded. Indicator numbers correspond to State Performance Plan (SPP). Please see the SPP for more detail.