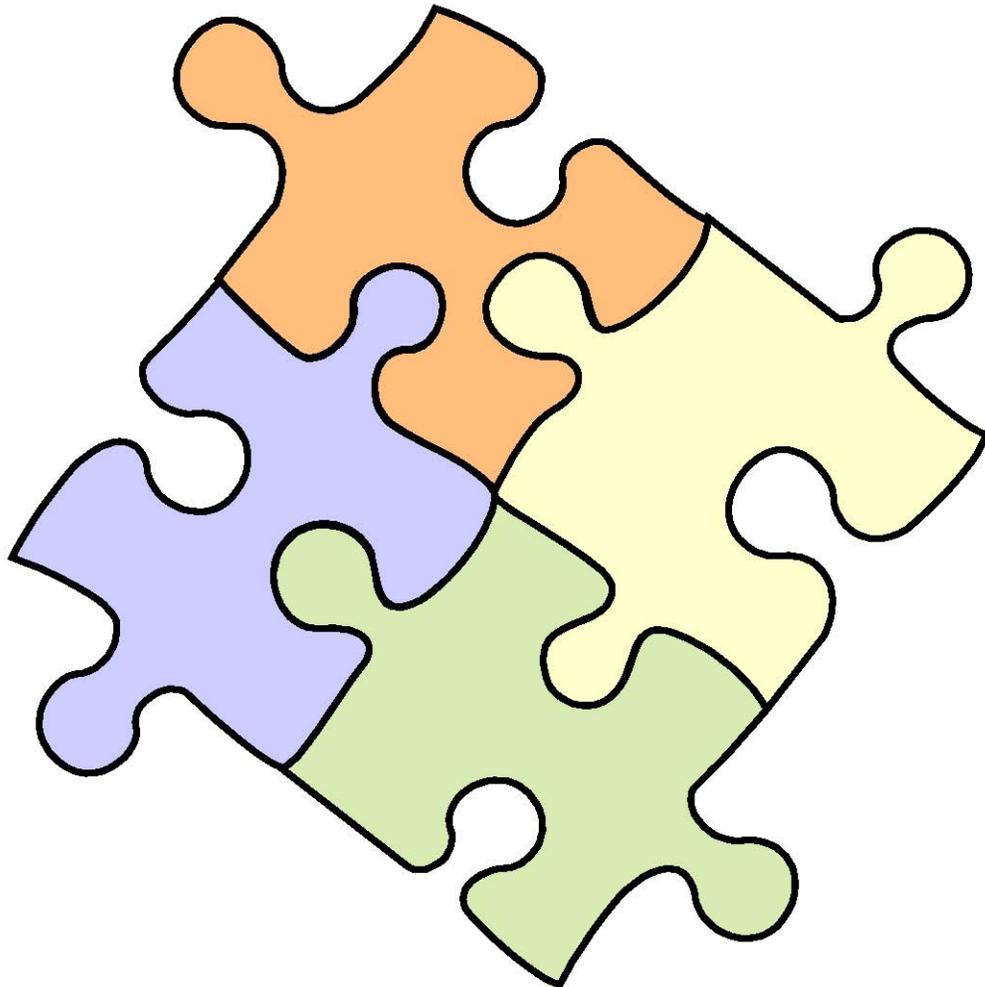


FFY 2011 (2011-2012) Annual Performance Report (APR)



Maryland State Department of Education
Division of Special Education/Early Intervention Services
Revised May 17, 2013

FFY 2011 (2011-2012) Annual Performance Report (APR)

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MARYLAND'S FFY 2011 (2011 – 2012) STATE PERFORMANCE PLAN/ANNUAL PERFORMANCE REPORT

Overview of Development of the FFY 2011 State Performance Plan and Annual Performance Report

The attached documents are the Maryland State Department of Education's (MSDE) FFY 2011 (2011 – 2012) State Performance Plan/Annual Performance Report (SPP/APR). The APR provides the data and information required in accordance with the Part B SPP/APR Instruction Sheet provided by the Office of Special Education Programs (OSEP) dated December 12, 2012.

The MSDE identified staff from across the six branches within the Division of Special Education/Early Intervention Services (hereafter referred to as the Division) and formed internal Division teams that correspond to the 20 Part B Indicators. Each team gathered, analyzed, interpreted data, and reviewed available information about potential issues related to policies, procedures, and practices that may influence or explain the data across cluster areas identified by the OSEP. The APR includes information on progress or slippage for each indicator. Draft information and data from the APR for each Indicator were developed for presentation to the following stakeholder groups:

- Special Education State Advisory Committee (SESAC)
- Local Directors of Special Education
- State Interagency Coordinating Council (SICC) [Indicators 6, 7, 8, and 12]

The FFY 2011 SPP/APR will be available on the MSDE website within 120 days of the submission and disseminated to all local school systems and public agencies in the State, to members of the SESAC, and to all local Special Education Citizens' Advisory Committees (SECACs). The FFY 2011 SPP/APR will also be made available to various media, consistent with the MSDE dissemination of other written material. Upon the OSEP approval of the FFY 2011 SPP/APR, copies will be sent to local superintendents of schools, local directors of special education in each local school system and public agency, the SESAC members, and the Parents' Place of Maryland, Inc.

The MSDE has developed a website with our partners at the Johns Hopkins University Center for Technology in Education (JHU/CTE) that includes statewide and local performance data on all applicable indicators. The website can be accessed at <http://mdideareport.org> or <http://www.marylandpublicschools.org>. In addition to the complete SPP/APR, the website includes State and local results for all applicable indicators and tools for comparing local performance in relation to the State targets. The public may see progress and slippage through a combination of tables and graphs populated on the website. This site also includes the OSEP's annual State determination, and the MSDE's annual local school system determinations.

On October 10, 2012 the preliminary SPP/APR data regarding the activities for each indicator and progress and/or slippage were presented at the annual Fall Special Education Leadership Conference in a presentation entitled, "The State of the State." Attendees at this conference included the Individuals with Disabilities Education Act (IDEA) Part B local directors of special education, the IDEA Part C local lead agencies, members of the SESAC and the SICC, advocates, and parents. On December 18, 2012 local directors of special education, local preschool coordinators, and local Infants and Toddlers Program directors received a preliminary draft of the *FFY 2011 IDEA Part B Indicators - At-A-Glance* document. This resource provides a quick synopsis of each indicator as compared to the Indicator's established or prescribed target.

Stakeholder input regarding revision and implementation of the SPP/APR were gathered on September 20, 2012, December 4, 2012, and January 17, 2013 at public meetings of the SESAC. At those

meetings, data were shared concerning the current status of SPP/APR Indicators. On September 20, 2012, information was shared with the members of the SESAC, about the overall SPP/APR process, proposed revisions to the IDEA Part B Measurement Table, State determination by the OSEP, and the MSDE's local school system determinations. At the SESAC meeting on December 4, 2012, information was shared for input on Indicator 6 Preschool Least Restrictive Environment (LRE), Indicator 1 Graduation, Indicator 2 Dropout, Indicator 4A Suspension and Expulsion, Indicator 4B Suspension and Expulsion by Race/Ethnicity and Disability, Indicator 5 LRE, Indicator 7 Preschool Outcomes, Indicator 8 Parent Involvement, Indicator 11 Initial Evaluation, Indicator 12 Transition from Part C to Part B, and Indicator 13 Secondary Transition, Indicator 15 General Supervision, Indicator 18 Resolutions, Indicator 19 Mediations, and Indicator 20 State Reported Data. On January 3, 2013 information on Indicator 6 Preschool LRE, Indicator 7 Preschool Outcomes, Indicator 8 Preschool Parent Involvement, and Indicator 12 Transition from the IDEA Part C to the IDEA Part B was shared with the SICC. On January 17, 2013 information was shared and discussed with the SESAC for input on the remaining indicators: Indicator 3 Assessment, Indicator 9 Disproportionality (Identification/ Race/Ethnicity), Indicator 10 Disproportionality (Identification/ Race/Ethnicity and Disability Category), and Indicator 14 Post School Outcomes. Additionally, the results of the Mid-South Regional Resource Center (MSRRC) review of the draft FFY 2011 SPP/APR submission were shared.

The review and preparation of the FFY 2011 APR led to the discussion of the significant amount of acronyms used throughout the report. It was determined that providing a list of the acronyms used would be of great benefit to the reader. The acronyms list may be found immediately following this overview.

Maryland's FFY 2011 IDEA Part B APR contains actual target data and other responsive APR information for:

- **Indicator 6** (pages 6-11)
- **Indicator 1** (pages 12-16)
- **Indicator 2** (pages 17-18)
- **Indicator 3** (pages 19-31)
- **Indicator 4A** (pages 32-37)
- **Indicator 4B** (pages 38-42)
- **Indicator 5** (pages 43-46)
- **Indicator 7** (pages 47-52)
- **Indicator 8** (pages 53-60)
- **Indicator 9** (pages 61-64)
- **Indicator 10** (pages 65-69)
- **Indicator 11** (pages 70-74)
- **Indicator 12** (pages 75-79)
- **Indicator 13** (pages 80-81)
- **Indicator 14** (pages 82-87)

- **Indicator 15** (pages 88-98)
- **Indicator 18** (pages 99-100)
- **Indicator 19** (pages 101-102)
- **Indicator 20** (pages 103-108)

In accordance with FFY 2011 SPP/APR instructions, Indicators 16 and 17 were deleted from the SPP/APR as the data is reported by states under IDEA Section 618. In addition to information submitted in the SPP/APR, the following documents are attached to the end of the document:

- **Attachment 1** FFY 2011 Indicator 8 Parent Surveys (pages 109-117)
- **Attachment 2** FFY 2011 Indicator 15 Worksheet (pages 118-122)
- **Attachment 3** FFY 2011 Indicators 16-19, Table 7 Dispute Resolution (pages 123-125)
- **Attachment 4** FFY 2011 Indicator 20 Scoring Rubric (pages 126-128)

A revised copy of Maryland's FFY 2005-2012 State Performance Plan is also attached. The revisions, noted in red, include an updated overview, indicators, baselines, targets, measurements, improvement activities, timelines, and resources, as applicable.

As a follow-up to Maryland's FFY 2010 SPP/APR submission, the OSEP notified Maryland in a letter dated June 27, 2012 that Maryland determination was Meets Requirements. The OSEP's determination "is based on the totality of the State's data and information including the State's FFY 2010 APR and revised SPP, other State-reported data, and other publicly available information." Specific factors affecting the OSEP'S determination that Maryland meets requirements under IDEA section 616(d) included, "(1) Maryland provided valid and reliable FFY 2010 data reflecting the measurement for each indicator; and (2) Maryland reported high levels of compliance or correction for Indicators 4b, 9, 10, 11, 12, 13, 15, 16, 17, and 20."

Please contact Marcella Franczkowski, Assistant State Superintendent, Division of Special Education/Early Intervention Services at 410-767-0238 or at mfranczkowski@msde.state.md.us for information related to Maryland's SPP/APR.

Maryland State Department of Education Acronyms Defined

ACE	Adult Correction Education
AMO	Annual Measurable Objective
ASAPBINCLTOY	As Soon As Possible But In No Case Later Than One Year
ASES	Assessing Special Education Students
BTE	Bridge to Excellence
CAP	Corrective Action Plan
CCSSO	Council for Chief State School Officers
COMAR	Code of Maryland Regulations
CTE	Career and Technology Education
DAADS	Division of Accountability, Assessment, and Data Systems
DAC	Data Accountability Center
DCCR	Division of Career and College Readiness
DDA	Developmental Disabilities Administration
DECD	Division of Early Childhood Development
DJS	Department of Juvenile Services
DLLR	Department of Labor, Licensing and Regulations
DOI	Division of Instruction
DORS	Division of Rehabilitation Services
DSE/EIS	Division of Special Education/Early Intervention Services
ECAS	Early Childhood Accountability System
EIPA	Educational Interpreters Professional Assessment
EMCIR	Enhanced Monitoring for Continuous Improvement and Results
HALB	Hearing Aid Loan Bank
HSA	High School Assessment
IQUIS	Individualized Education Program (IEP) Quality Indicator Scale
ITC	Interagency Transition Council
JHU/CTE	Johns Hopkins University/Center for Technology in Education
LEA	Local Education Agency
LSS	Local School System
MATN	Maryland Assistive Technology Network
MCIR	Monitoring for Continuous Improvement and Results
MD-DOD	Maryland Department of Disabilities
MHA	Mental Hygiene Administration
MHEC	Maryland Higher Education Commission

MITP	Maryland Infants and Toddlers Program
MMSR	Maryland Model for School Readiness
MOIEP	Maryland Online IEP
MSA	Maryland School Assessment
MSB	Maryland School for the Blind
MSCP	Maryland School Completion Project
MSD	Maryland School for the Deaf
MSDE	Maryland State Department of Education
MSDE/JSE	Maryland State Department of Education/Juvenile Services Education
MSRRC	Mid-South Regional Resource Center
NCCRES	National Center for Culturally Responsive Education Systems
NCES	National Center for Educational Statistics
NCSEAM	National Center for Special Education Accountability Monitoring
NCWD	National Collaborative on Workforce and Disability
NDPC-SD	National Dropout Prevention Center for Students with Disabilities
NPSO	National Post-School Outcome Center
NSC	National Student Clearinghouse
NSTTAC	National Secondary Transition Technical Assistance Center
OAH	Office of Administrative Hearings
PA	Public Agency
PBIS	Positive Behavioral Interventions and Supports
PD	Professional Development
QAM	Quality Assurance and Monitoring Branch
SC	State Curriculum
SECAC	Special Education Citizens' Advisory Committee
SESAC	Special Education State Advisory Committee
SICC	State Interagency Coordinating Council
SSIS	Special Services Information System
WSS	Work Sampling System

Part B State Performance Plan (SPP) for 2005-2012**Overview of the State Performance Plan Development:**

Please refer to the Overview, pages 1-3.

Monitoring Priority: FAPE in the LRE**Indicator 6**

Percent of children aged 3 through 5 with IEPs attending a:

- A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and
- B. Separate special education class, separate school or residential facility.

(20 U.S.C. 1416(a)(3)(A))

Measurement:

- A. Percent = $[(\# \text{ of children aged 3 through 5 with IEPs attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program}) \div (\text{total } \# \text{ of children aged 3 through 5 with IEPs})] \times 100$.
- B. Percent = $[(\# \text{ of children aged 3 through 5 with IEPs attending a separate special education class, separate school or residential facility}) \div (\text{total } \# \text{ of children aged 3 through 5 with IEPs})] \times 100$.

Overview of Issue/Description of System or Process:

Maryland's Least Restrictive Environment (LRE) data is collected annually on the last Friday of October and reported in the Maryland Special Education/Early Intervention Services Census Data and Related Tables document. This document permits the local school systems and public agencies (LSSs/PAs) to review data, refer to past documents to analyze trends, and plan for improvement. For three (3) – five (5) year olds, the data are reported by each age group as well as in the aggregate.

The final year in which LSSs/PAs were permitted to submit the LRE data for 3-5 years olds using former Regular Early Childhood Program reporting categories (e.g., in an Early Childhood Setting at least 80% of the time; 40-79% of the time; less than 40% of the time) as well as the revised Regular Early Childhood reporting categories (in an EC program 10 or more hours a week/less than 10 hours a week, with the majority of Individualized Education Program (IEP) services delivered in the early childhood program or in another location) was in Federal Fiscal Year (FFY) 2010. The MSDE then cross walked the former LRE Regular Early Childhood Program reporting categories data to the revised LRE Regular Early Childhood Program reporting categories for the October 2011 Special Education Child Count. Effective July 1, 2012, each LSSs/PAs was required to report the LRE data for three (3) – five (5) year-olds using only the revised Regular Early Childhood Program reporting categories.

Baseline Data from FFY 2011:

Total 3-5 year olds*		EC Setting with Majority of Services in that Setting	Separate Class, School, Residential Setting	Total
13,114	Number	8,344	2,575	10,919**
	Percent	63.6%	19.6%	83.2%

*From October 2011 Special Education Child Count

**Remaining number of children not accounted for in above Table (2180) served in one of the following settings: Home (89); Service Provider Location (1,288); or Regular Early Childhood Setting with majority of services provided in another location (483).

Total 3 year olds*		EC Setting with Majority of Services in that Setting	Separate Class, School, Residential Setting	Total
3,274	Number	1,821	877	2,698**
	Percent	55.6%	26.8%	82.4%

*From October 2011 Special Education Child Count

**Remaining number of children not accounted for in above Table (570) served in one of the following settings: Home (15); Service Provider Location (350); or Regular Early Childhood Setting with majority of services provided in another location (211).

Total 4 year olds*		EC Setting with Majority of Services in that Setting	Separate Class, School, Residential Setting	Total
4,514	Number	2,626	988	3,614**
	Percent	58.2%	21.9%	80.1%

*From October 2011 Special Education Child Count

**Remaining number of children not accounted for in above Table (894) served in one of the following settings: Home (43); Service Provider Location (569); or Regular Early Childhood Setting with majority of services provided in another location (288).

Total 5 year olds*	EC Setting with Majority of Services in that Setting		Separate Class, School, Residential Setting	Total
5326	Number	3897	713	4610**
	Percent	73.2%	13.4%	86.6%

*From October 2011 Special Education Child Count

**Remaining number of children not accounted for in above Table (716) served in one of the following settings: Home (31); Service Provider Location (369); or Regular Early Childhood Setting with majority of services provided in another location (316).

Discussion of Baseline Data:

For three (3) through five (5) year olds, the data are reported by each age group as well as in the aggregate. The LRE data for students, ages three (3) through five (5) demonstrate improvement since the data were last reported. However, it is difficult to fully discern the actual level of improvement due to the changes in the Regular Early Childhood Program reporting categories since the last APR submission. The current Regular Early Childhood Program reporting categories differentiate between the participation of the child in a regular early childhood program and whether or not the majority of IEP services are delivered in the program or in another location. The former LRE Regular Early Childhood Program reporting categories did not make this distinction or take into consideration the location in which IEP services were delivered. With the new baseline data reflecting a composite of former and current LRE Regular Early Childhood Program reporting categories, the baseline data may need to be revised in FFY 2012. The current LRE Regular Early Childhood Program reporting categories should result in a more complete and accurate picture of the degree to which children’s IEP services are delivered within the context of a regular early childhood setting and contribute to more effective and targeted program improvement planning.

New LRE baseline data from the October 2011 Child Count (FFY 2011) indicate that 63.6% of students with disabilities ages three through five receive the majority of their specialized instruction and related services in early childhood general education settings. When disaggregated by age level, the data indicate the following percentages of children with disabilities who receive the majority of their specialized instruction and related services in these settings: 55.6% of three year-olds; 58.2% of four year-olds, and 73.2% of five year-olds.

For three (3) and four (4) year-old children, these data are consistent with the general availability of and access to inclusive community-based early childhood options. School attendance (kindergarten enrollment) is mandatory for children who are five (5) years of age on or before September 1 of each year. The general education public prekindergarten program targets as the priority 1 eligible population, children who are at-risk for school readiness based on socio-economic status. There are many more priority 1 eligible children at this time than there are available enrollment slots. Maryland continues to promote the establishment of public and private partnerships to support the provision of services in community- and school-based regular early childhood settings through a number of State initiatives, as indicated under Improvement Activities. Additionally, Maryland is committed to the implementation of a seamless, comprehensive birth (0) through five (5) system of coordinated services, with an emphasis on a continuum of natural and least restrictive environments in which children without disabilities and their families participate.

FFY	Measurable and Rigorous Target
2011 (2011-2012)	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.
2012 (2012-2013)	<p>A. 64.1% of children aged 3 through 5 with IEPs attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program.</p> <p>B. 19.1% of children aged 3 through 5 with IEPs attending a separate special education class, separate school or residential facility.</p>

Improvement Activities/Timelines/Resources (through 2012):

Improvement Activities	Timeline	Resources
<p>Revise and launch a web-based professional development module: <i>The Preschool through Kindergarten Natural and Least Restrictive Environments Decision-Making Module</i>. The module is intended for Extended IFSP and IEP Teams, Families and Community Partners to inform and assist with the process of determining the appropriate setting in which services can be implemented, with an emphasis on inclusive options.</p>	<p>January 2012 through June 2013</p>	<p>DSE/EIS staff Johns Hopkins University/Center for Technology in Education (JHU/CTE) staff</p>
<p>Year 2 Implementation of a birth through five discretionary grant program, <i>Building Bridges</i>, the goal of which is to support jurisdictions in building a local infrastructure that provides a seamless birth through five coordinated and comprehensive system of services, and to increase the continuum of early childhood settings that successfully meet the needs of children on an IFSP, Extended IFSP, or IEP, birth through five, as well as typically developing peers.</p>	<p>August 2012 through September 2013</p>	<p>DSE/EIS staff Local School Systems Local Infants and Toddlers Programs Public and Private Community Providers</p>

Improvement Activities	Timeline	Resources
<p>Implement activity 3.11 under Project 3 of Maryland’s Race-to-the-Top Early Learning Challenge Grant: increase the participation of three and four year-old children with disabilities in the NE/LRE through a coaching and mentoring professional development program for public and private community early childhood providers.</p>	<p>August 2012 through December 2015</p>	<p>DSE/EIS staff Johns Hopkins University/College of Education faculty Local School Systems Local Infants and Toddlers Programs</p>
<p>Participate in MSDE review of LSS BTE Annual Master Plan Updates to review objectives and activities designed for the participation of students with disabilities in appropriate early learning activities with nondisabled peers in environments conducive to learning.</p>	<p>Annually through June 30, 2014</p>	<p>DSE/EIS staff DSFSS staff LSS staff</p>
<p>Refine and enhance Preschool related data reports, predefined and custom, included as part of the <i>Maryland Scorecard</i>, a birth through 21 web-based data analysis resource, for use in improvement planning for preschool LRE.</p>	<p>July 2012 through June 2013</p>	<p>DSE/EIS staff JHU-CTE</p>
<p>Post local program preschool LRE best practices descriptions and related resources/products developed on Early Childhood Gateway website (Note: EC Gateway content is in the process of migrating to Maryland’s Birth through 21 website, <i>Maryland Learning Links</i>.)</p>	<p>Initiated March 2006 & Ongoing through June 30, 2014</p>	<p>DSE/EIS staff JHU-CTE</p>

Improvement Activities	Timeline	Resources
<p>Provide technical assistance and professional development resources and activities to local Family Support Services Coordinators in each LSS to build their capacity to support and strengthen family involvement in the LRE decision making process.</p>	<p>Ongoing through June 30, 2014</p>	<p>Family Support Services Coordinators DSE/EIS staff Local Preschool Partners</p>
<p>Technical assistance to LSSs and public agencies to identify and implement best practices to increase the provision of services in regular early childhood settings with nondisabled peers.</p>	<p>Ongoing through June 30, 2014</p>	<p>DSE/EIS staff</p>

Part B State Annual Performance Report (APR) for FFY 2011

Overview of the Annual Performance Report Development:

Please refer to the Overview, pages 1-3.

Monitoring Priority: FAPE in the LRE

Indicator 1: Percent of youth with IEPs graduating from high school with a regular diploma.

Measurement: States must report using the adjusted cohort graduation rate required under the ESEA.

FFY	Measurable and Rigorous Target
FFY 2011 Using 2010-2011 school year data	90% of youth with IEPs will graduate from high school with a regular diploma.

Actual Target Data for FFY 2011:

Measurement	Number	Percentage
4 Year Adjusted Cohort Rate	3,768/6,661	56.57%

Actual Target Data for FFY 2011: A total of 3,768 students with IEPs out of a possible 6,661 graduated with a regular diploma. This is a 4 year adjusted cohort graduation rate of 56.57%, reported on November 13, 2012. This compares to a 4 year adjusted cohort graduation rate of 85.69% for regular education students. This is a gap of 29.12%. The following definition is used by Maryland for the graduation rate:

Four Year Adjusted Cohort Graduation Rate = The four year adjusted cohort rate is the number of students who graduate in four years with a regular high school diploma divided by the number of students who form the adjusted cohort for the graduating class. From the beginning of the 9th grade, students who are entering that grade for the first time form a cohort that is subsequently “adjusted” by adding any student who transfers into the cohort later during the 9th grade year and the next three years and subtracting out any students who transfer out, emigrate to another county, or die during that same period. This definition is defined in federal regulation 34 C.F.R. §200.19(b)(1)(i)-(iv).

Maryland offers one diploma known as the Maryland High School Diploma. The requirements for a Maryland High School Diploma are applicable to all students, including youth with IEPs. The data provided for Indicator 1 of the SPP/APR is taken from the Maryland Report Card. The 2011

Graduation Rate is based on the same National Center for Educational Statistics (NCES) calculation formula that Maryland Public Schools have used since NCLB requirements were first implemented.

To be awarded a diploma, a student shall be enrolled in a Maryland public school system and have earned a minimum of 21 credits that include the following:

Subject Area	Specific Credit Requirement
English	4 credits
Mathematics	3 credits 1 credit in algebra/data analysis 1 credit in geometry
Science	3 credits 1 credit in biology 2 credits that must include laboratory experience
Social Studies	3 credits 1 credit in U.S. history 1 credit in world history 1 credit in local, state, national government

The alignment of the high school course credit with the Core Learning Goals requires each student to take courses designed for a High School Assessment (HSA) test. Students must take and achieve a passing score on the HSA for English, algebra/data analysis, biology and government.

Other Requirements

Subject Area	Specific Credit Requirements
Fine Arts	1 credit
Physical Education	½ Credit
Health	½ credit
Technology Education	1 credit
Other	2 credits of foreign language or 2 credits of advanced technology and 3 credits in electives or 4 credits in a State approved career and technology program and 1 credit in an elective

Students must also meet attendance, service learning and any local school system requirements.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2011

The data that is used for this report is taken from the Maryland Report Card, the official data reporting source for the Maryland State Department of Education. The graduation rate that Maryland has previously reported is called the Leaver Rate. However, federal law now requires that Maryland use an adjusted cohort graduation rate. The adjusted cohort graduation rate ensures that all students who entered 9th grade together are accounted for in the graduation rate at the end of four years. As explained above, the formula uses a four year cohort group to determine the graduation rate for students. This formula does not allow for students who do not fit into the cohort group. For example:

- Students who enter Maryland public schools in grades other than Grade 9
- Students who dropout and then return to earn their high school diploma
- Students who have taken more than 4 years to graduate

Maryland experienced an improvement of 1.85% in the graduation of students with IEPs over the previous year (54.72%). Four school systems met the State performance standard for graduation of 90%. There was positive movement in 15 of 24 school systems.

Other Statewide factors that result in improving graduation rates:

- The promotion rates of 9th grade students have continued to improve since 2006.
- The amount of instructional time lost to suspensions has decreased.
- The number of students completing Career and Technical Education (CTE) programs is increasing. In FFY 2011, using 2010 – 2011 school year data, 23.5 % of students with IEPs who graduated did so by successfully completing a CTE program.

In 2008, the U. S. Department of Education directed each state to use a cohort graduation rate for reporting purposes beginning in 2011 and for accountability purposes in 2012. Maryland law requires the state to use the cohort graduation rate for School Progress determination in 2011. The Maryland State Board of Education approved standards for the cohort graduation rate in 2011. Graduation rate is the “other academic indicator” used to determine School Progress for high schools. The four year cohort graduation rate for all students, including students with disabilities, is 81.5%. The FFY 2012 State target has been revised as indicated below:

FFY	Measurable and Rigorous Target
<p>2012 (using 2011-2012 school year data)</p>	<p>81.5% of youth with IEPs will graduate from high school with a regular diploma.</p>

Discussion of Improvement Activities (applicable to Indicators 1, 2, 13, & 14):

Collaboration with the Division of Rehabilitation Services

The Division of Special Education/Early Intervention Services, hereafter referred to as the Division, collaborated with the Division of Rehabilitation Services (DORS) on the development of a referral protocol during FFY 2008. The protocol ensures that the appropriate students are referred for services. The protocol was disseminated in FFY 2009 and is reviewed annually.

Results:

- The Referral Protocol was completed in September, 2009.
- LSS staff received professional development on the use of the Protocol.
- Both local school system school staff and DORS transition counselors report improved referral process in FFY2011.

Discretionary Grants

The use of discretionary grants, awarded by the Division, has allowed local school systems to develop and implement interventions, strategies, and programs that lead to improved results for students. These grants have been based on successful practices and are research based. Many have incorporated the Guideposts for Success as developed by the National Collaborative on Workforce and Disability (NCWD). The following Guideposts were incorporated most often: Work Based Learning and Youth Development/Leadership. The discretionary grants were used to develop programs to increase school completion, decrease student dropout and prepare students for employment.

The Maryland Seamless Transition Collaborative was continued in FFY 2011. Eleven local school systems participated in the project. Two additional grants were awarded through collaboration between

the MSDE DORS and the Division. The eleven collaborative grants were for a minimum of three (3) years. The collaborative grants are being used to develop seamless transition models.

Results/Findings

- Participation in a community employment opportunity while in school better prepares a young adult for the world of work.
- Employment should take place during the summer. It is less disruptive to the students' schedule.
- Intensive case management leads to better outcomes

Collaboration with Career and Technical Education

- By improving the collaboration with the Division of Career and College Readiness (DCCR), formerly known as the Division of Career Technology and Adult Learning, Career and Technology Education (CTE), the Division, and the Division of Student, Family, and School Services (DSFSS), School Counseling Office, the MSDE anticipates an increase in the graduation rate as a result of better planning of appropriate courses of study that will assist students in attaining their postsecondary goals.
- The Division and the DCCR established a workgroup in January 2007. The focus is on students with disabilities in the CTE Program. The workgroup is co-chaired by the Division's Transition Specialist and the DCCR Regional Coordinator. The membership is comprised of local school system directors of special education, local CTE directors, local transition coordinators, local CTE special education support teachers, representatives from the Maryland Higher Education Commission (MHEC) and the Division of Rehabilitation Services (DORS), and local school counselors.
- In FFY 2011, the percentage of seniors who graduated with a Career and Technology Program Completer was 23.5% as compared to 20.05% in FFY 2010. This is an increase of 3.45%. Acknowledging this increase the workgroup has determined that the following areas of concentration are still appropriate:
 1. Professional development on differentiated instruction for Career and Technical Education teachers
 2. The CTE orientation for local transition coordinators, and special education teachers'
 3. Hold an annual meeting to discuss and promote best practices in supporting students with disabilities in the CTE.

The workgroup continues to meet on a regular basis. The emphasis is to share information and strategies that will increase the number of students with IEPs successfully completing a Career and Technology Program.

Bridge to Excellence Master Plan

Participation in the review of local school system "Bridge to Excellence Annual Master Plans" continues to be a useful tool for learning what interventions are being used to increase the graduation rate of students with disabilities. Based upon the recommendation of the review panel, technical assistance is provided to the local school systems that will address Indicators 1, 2, and 13, leading to successful outcomes in Indicator 14.

Interagency Transition Council

Participation in the quarterly meetings of the Interagency Transition Council provides the Division information on participating agency activities, policies, and procedures that will impact the transition of students to their stated postsecondary outcomes. Current information is shared with local school systems to aid in transition planning for students.

APR Template – Part B

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012:

Improvement Activity (applies to Indicator 1 & 2)	Timelines	Resources	Justification
<p>Collaborate with the Developmental Disabilities Administration (DDA), Department of Disabilities, and the Division of Rehabilitation Services in providing a conference that will address Transition Planning for Students and their Families</p> <p>NEW</p>	<p>November, 2012 and ongoing through June 30, 2013</p>	<p>DSE/EIS Staff, DDA Staff, DoD staff, DORS Staff. Other service providers</p>	<p>This program is intended to improve the outcomes of students with disabilities. Information will be provided that will assist students and families to make informed decisions.</p>

Part B State Annual Performance Report (APR) for FFY 2011

Overview of the Annual Performance Report Development:

Please refer to the Overview, pages 1-3.

Monitoring Priority: FAPE in the LRE

Indicator 2: Percent of youth with IEPs dropping out of high school.

(20U.S.C. 1416 (a)(3)(A))

Measurement: States must report a percentage using the number of youth with IEP (ages 14 – 21) who exited special education due to dropping out in the numerator and the number of all youth with IEPs who left high school (ages 14 -21) in the denominator.

FFY	Measurable and Rigorous Target
FFY 2011 Using 2010-2011 school year data	The dropout rate of students with IEPs will be 3.27% or less.

Actual Target Data for FY 2011: 5.41% Target Not Met

The OSEP allowed states to either use Section 618 exiting data or the data source previously reported. In the FFY 2010 APR, using 2009-2010 school year data, the Division reported annual dropout rate data. The annual dropout rate is the percentage of students dropping out of school in grades 9 through 12 in a single year. The number and percentage of students who leave school for any reason, except death, before graduation or completion of a Maryland approved educational program and who are not known to enroll in another school or state-approved program during the current school year. The year is defined as July through June and includes students dropping out over the summer and students dropping out of evening high school and other alternative programs.

The dropout rate is computed by dividing the number of dropouts by the total number of students in grades 9 – 12 served by the school. **Note:** students who re-enter school during the same year in which they dropped out of school are not counted as dropouts.

A total of 1,706 students with IEPs dropped out of high school, grade 9 through 12. It was reported in the Maryland Report Card that 31,553 students with IEPs attended high school in during the 2010-2011 school year. This is a dropout rate of 5.41%. The data provided for Indicator 2 is taken from the Maryland Report Card. This is the official reporting source for Maryland Public Schools. The Maryland Report card can be found at <http://mdreportcard.org>

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FY2011:The ongoing Improvement Activities described in Indicator 1 are also applicable to Indicators 2, 13, and 14.

The following activities in the area of Career and Technology Education (CTE) have result in improved school completion for students with IEPs:

For the FFY 2011 reporting, using 2010-2011 school year data, the percentage of seniors with IEPs who graduated with a Career and Technology Program Completer was 23.5%. This was an increase of 3% over the FFY 2010 data, using 2009-2010 school year data.

One school system has blended the CTE and special education funding to develop an employment preparation program. The program includes preparation for the National Safety Certification test. During this school year five (5) students are now employed in community based internships. A presentation on the program was done for a statewide group of directors of Career and Technology Education and the LSS transition coordinators.

Professional development in the area of differentiated instruction continues for Career and Technology teachers. The following activities have led to increasing the number of students with IEPs completing their education.

- Increase in the number of students with disabilities participating in Career and Technology Education. In FFY 2011, there were 5099 students with disabilities who graduated and of that total, 1210 completed a Career and Technology program.
- Three local school systems have blended Special Education and Career and Technology monies to support additional academic support staff for students participating in Career and Technology education. This is an increase of one school system.
- One county has instituted career mentoring for all students. This approach provided weekly contact between teacher/mentors and students that research has proven to be an effective tool in keeping students engaged.

The Division continues the provision of technical assistance related to identifying youth with IEPs “at risk” for dropping out. With the assistance of the NDPC-SD an “at risk” calculator has been developed and will be used by local school systems when identifying students for interventions by local school systems.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012:

Improvement Activity	Timelines	Resources	Justification
Collaborate with the Developmental Disabilities Administration (DDA), Department of Disabilities, and the Division of Rehabilitation Services in providing a conference that will address Transition Planning for Students and their Families NEW	November, 2012 and ongoing through June 30, 2013	DSE/EIS Staff, DDA Staff, DoD staff, DORS Staff. Other service providers	This program is intended to improve the outcomes of students with disabilities. Information will be provided that will assist students and families to make informed decisions.

Part B State Annual Performance Report (APR) for FFY 2011

Overview of the State Performance Plan Development:

Please refer to the Overview, pages 1-3.

Monitoring Priority: FAPE in the LRE

Indicator 3: Participation and performance of children with IEPs on statewide assessments:

- A. Percent of the districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AMO targets for the disability subgroup.
- B. Participation rate for children with IEPs.
- C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.

(20 U.S.C. 1416 (a)(3)(A))

Measurement:

- A.2. AMO percent = $[(\# \text{ of districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AMO targets for the disability subgroup}) \div (\text{total } \# \text{ of districts that have a disability subgroup that meets the State's minimum "n" size})] \times 100$.
- B. Participation rate percent = $[(\# \text{ of children with IEPs participating in an assessment}) \div (\text{total } \# \text{ of children with IEPs enrolled during the testing window, calculated separately for reading and math})]$. The participation rate is based on all children with IEPs, including both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.
- C. Proficiency rate percent = $[(\# \text{ of children with IEPs scoring at or above proficient against grade level, modified and alternate academic achievement standards}) \div (\text{total } \# \text{ of children with IEPs who received a valid score and for whom a proficiency level was assigned, and, calculated separately for reading and math})]$. The proficiency rate includes both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.

On Thursday, January 8, 2009, during the OSEP SPP TA Conference Call, participants were informed that "EDFacts States" were not required to attach a copy of Table 6 with the APR. Maryland is an EDFacts State. The EDFacts file includes the number of children with disabilities who were provided accommodations in order to participate in Statewide assessments.

On May 29, 2012, the U.S. Department of Education announced that Maryland was one of eight new states that have been granted flexibility from some of the long-standing requirements of No Child Left Behind. Under the ruling, Maryland will be able to focus on rewarding those schools making improvement and distribute resources to help all schools move forward. The State's flexibility plan runs parallel with Maryland's Race to the Top project, and its efforts to strengthen educator evaluation and incorporation of student growth measures into that process.

The reader may wish to refer to Maryland's revised FFY 2005-2012 State Performance Plan when reviewing the information included in Maryland's FFY 2011 Annual Performance Report. The documents are available at: <http://www.marylandpublicschools.org> or <http://mdideareport.org>.

The State's link to FFY 2011 publicly-reported assessment results can be found at: <http://www.marylandpublicschools.org>, <http://mdreportcard.org>, or <http://mdk12.org>.

FFY	Measurable and Rigorous Target																											
FFY 2011	<p>A. 50% of the State's local school systems will meet AMO for the subgroup of students with disabilities.</p> <p>B. 95% of students with disabilities will participate in the Statewide assessment system.</p> <p>C. Student with disabilities will meet the content area AMO as follows:</p> <table border="1" data-bbox="618 499 1278 846"> <thead> <tr> <th>Grade</th> <th>Mathematics AMO</th> <th>Reading AMO</th> </tr> </thead> <tbody> <tr> <td>3</td> <td>85.65%</td> <td>83.64%</td> </tr> <tr> <td>4</td> <td>85.57%</td> <td>88.45%</td> </tr> <tr> <td>5</td> <td>82.38%</td> <td>85.68%</td> </tr> <tr> <td>6</td> <td>79.36%</td> <td>86.50%</td> </tr> <tr> <td>7</td> <td>78.49%</td> <td>85.75%</td> </tr> <tr> <td>8</td> <td>77.91%</td> <td>84.45%</td> </tr> <tr> <td>10</td> <td></td> <td>79.50%</td> </tr> <tr> <td>12</td> <td>73.67%</td> <td></td> </tr> </tbody> </table>	Grade	Mathematics AMO	Reading AMO	3	85.65%	83.64%	4	85.57%	88.45%	5	82.38%	85.68%	6	79.36%	86.50%	7	78.49%	85.75%	8	77.91%	84.45%	10		79.50%	12	73.67%	
Grade	Mathematics AMO	Reading AMO																										
3	85.65%	83.64%																										
4	85.57%	88.45%																										
5	82.38%	85.68%																										
6	79.36%	86.50%																										
7	78.49%	85.75%																										
8	77.91%	84.45%																										
10		79.50%																										
12	73.67%																											

Public Reporting

The MSDE makes available and reports on the assessment of children with disabilities with the same frequency and detail as it reports on the assessment of children without disabilities, including:

1. The number of children with disabilities participating in regular assessments (MSA, HSA) [34 CFR §300.160(f)(1)];
2. The number of children with disabilities, if any, participating in alternate assessments based on grade-level academic achievement standards (Mod-MSA, Mod-HSA) [34 CFR §300.160(f)(2)];
3. The number of children with disabilities, if any, participating in alternate assessments based on alternate academic achievement standards (Alt-MSA) [34 CFR §300.160(f)(3)]; and
4. A comparison of the achievement of all children, including children with disabilities, the performance results of children with disabilities on regular assessments, alternate assessments based on grade-level academic achievement standards [34 CFR §300.160(f)(5)].

The MSDE does not administer alternate assessments based on modified academic achievement standards [34 CFR §300.160(f)(4)]. The Maryland Report Card at <http://mdreportcard.org> reports performance data by State, county, and school. The Maryland School Improvement website at www.mdk12.org also reports performance data by county and school. The MSDE implements necessary limits on the data reported on both websites in accordance with FERPA guidelines. The changes to the websites were designed to maximize the information provided to the public while also protecting the privacy of small identifiable groups of students.

APR Template – Part B

MARYLAND

State

3A Percent of the districts with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AMO targets for the disability subgroup.

Actual Target Data for FFY 2011:

As a result of being granted an ESEA Flexibility Waiver, Maryland is to use Option 3A2 = AMO percent = [(# of districts with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AMO targets for the disability subgroup) divided by the (total # of districts that have a disability subgroup that meets the State’s minimum “n” size)] times 100. For FFY 2011, 48% (12/25) of the State’s local school systems met the State’s AMO targets in both mathematics and reading for the disability subgroup. For mathematics, 19/25 or 76% of the local school systems met the State’s AMO target for the disability subgroup and 14/25 or 56% of the local school systems met the State’s AMO reading target for the disability subgroup.

FFY 2011	Met AMO For Students With Disabilities in Mathematics	Met AMO For Students With Disabilities in Reading	Met AMO For Students With Disabilities in both Mathematics and Reading
Number and Percent of Local School Systems	19/25 = 76%	14/25 = 56%	12/25 = 48%

3B Participation rate for children with IEPs.

Actual Target Data for FFY 2011:

The FFY 2011 participation rate in Mathematics for Maryland was 99.05% and is above the target of > 95% for each assessed grade, in each content area. The FFY 2011 participation rate for reading is 99.17%. Maryland has again exceeded the target set for Indicator 3B.

It should be noted that a difference exists in the number of students identified as having an IEP for Mathematics and for Reading. This difference occurs at the high school level where the Mathematics and Reading assessments are actual end-of-course assessments for the subjects Algebra Data Analysis (Mathematics) and English 10 (Reading), respectively. The data for high school are collected at the end of 12th grade for students. Within our approved program, the time between the 8th grade and high school assessments can be as many as three to five years, during which time the Special Education status of students can change.

Beginning on the next page are the FFY 2011 data tables for mathematics and reading participation.

APR Template – Part B

MARYLAND
State

Statewide Assessment 2010–2011		Mathematics Assessment Participation								
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Algebra EoC	Total	
									#	%
a.	Children with IEPs	7336	7661	7741	7717	7558	7545	6840	52398	12.1%
b.	IEPs in Regular Assessment w/ No Accommodations	1233	991	741	601	554	544	2157	6821	13.0%
c.	IEPs in Regular Assessment with Accommodations	4795	4834	4913	4803	4618	4400	1484	29847	57.0%
d.	IEPs in Alternate Assessment against Grade-level Standards	747	1192	1506	1564	1621	1752	2415	10797	20.6%
e.	IEPs in Alternate Assessment against Alternate Standards	525	607	537	664	654	704	727	4418	8.4%
f.	Overall (b+c+d+e) Participation and Percentage	7300 99.5%	7624 99.5%	7697 99.4%	7632 98.9%	7447 98.5%	7400 98.1%	6783 99.2%	51883	99.05%
Children included in 'a' but not included in the other counts above.										
Non-participants		36	37	44	85	111	145	57	515	0.98%

Statewide Assessment 2010–2011		Reading Assessment Participation								
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	English EoC	Total	
									#	%
a.	Children with IEPs	7344	7663	7749	7719	7570	7550	6615	52210	11.96%
b.	IEPs in Regular Assessment with No Accommodations	1274	1024	792	666	638	627	2109	7130	13.66%
c.	IEPs in Regular Assessment with Accommodations	4647	4734	4824	4775	4634	4501	1399	29514	56.53%
d.	IEPs in Alternate Assessment against Grade-level Standards	864	1262	1566	1542	1557	1601	2322	10714	20.52%
e.	IEPs in Alternate Assessment against Alternate Standards	525	607	537	664	654	704	727	4418	8.46%
f.	Overall (b+c+d+e) Participation and Percentage	7310 99.5%	7627 99.5%	7719 99.6%	7647 99.1%	7483 98.9%	7433 98.5%	6557 99.1%	51776	99.17%
Children included in 'a' but not included in the other counts above.										
Non-participants		34	36	30	72	87	117	58	434	0.83%

APR Template – Part B

MARYLAND
State

3C Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.

Actual Target Data for FFY 2011:

Although Maryland did not meet the target for the special education subgroup in all grades for mathematics and reading, the following progress was seen: progress was made in all grades for mathematics except for grades 4, 5, and 8; progress was made in all grades for reading except for grades 5 and 6.

In mathematics, the proficiency rate observed for FFY 2011 is 53.84%. In reading, the proficiency rate observed for FFY 2011 is 60.38%

Since the Maryland targets for performance for students with disabilities on statewide assessments are identical for all students and student subgroups, there are no anticipated changes in Annual Measurable Objectives, Adequate Yearly Progress guidelines, or standards for participation rates.

It should be noted that a difference exists in the number of students identified as having an IEP for Mathematics and for Reading. This difference occurs at the high school level where the Mathematics and Reading assessments are actual end-of-course assessments for the subjects Algebra Data Analysis (Mathematics) and English 10 (Reading), respectively. The data for high school are collected at the end of 12th grade for students. Within our approved program, the time between the 8th grade and high school assessments can be as many as three to five years, during which time the Special Education status of students can change.

The table below includes Ca, Cb, Cc, Cd, Ce, and Overall Percentage for Proficiency (Cf).

Statewide Assessment FFY 2010-2011		Mathematics Proficiency								
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Algebra EoC	Total #	
										#
a.	Children with IEPs	7336	7661	7741	7717	7558	7545	6840	52398	12.10%
b. and c.	IEPs in Regular Assessment With & Without Accommodations	3887	4059	3494	3051	2487	1837	2015	20830	56.81%
	See Above	Maryland does not disaggregate performance levels of children using accommodations from those children not using accommodations								
d.	IEPs in Alternate Assessment against Grade-level Standards	294	457	743	527	671	393	666	3746	34.69%
e.	IEPs in Alternate Assessment against Alternate Standards	468	547	486	599	597	634	625	3634	82.25%
f.	Overall (b+c+d+e) Proficiency Percentage	4649 63.37%	5063 66.09%	4723 61.01%	4177 54.13%	3755 49.68%	2864 37.96%	3306 48.33%	28210	53.84%
Children included in "a" but not included in the other counts above.										
	Non-participants	36	37	44	85	111	145	57	515	0.98%

APR Template – Part B

MARYLAND
State

Statewide Assessment FFY 2010-2011		Reading Proficiency								
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	English EOC	Total #	
										#
a.	Children with IEPs	7344	7663	7749	7719	7570	7550	6615	52210	11.96%
b. and c.	IEPs in Regular Assessment With & Without Accommodations	4241	4327	4367	3183	2825	2616	1932	23491	64.14%
	See Above	Maryland does not disaggregate performance levels of children using accommodations from those children not using accommodations								
d.	IEPs in Alternate Assessment against Grade-level Standards	364	596	731	664	494	681	830	4310	40.23%
e.	IEPs in Alternate Assessment against Alternate Standards	487	554	502	616	614	647	649	3723	84.27%
f.	Overall (b+c+d+e) Proficiency Percentage	5092 69.34%	5477 71.47%	5600 72.27%	4463 57.82%	3933 51.96%	3944 52.24%	3411 51.56%	31524	60.38%
Children included in "a" but not included in the other counts above.										
Non-participants		34	36	30	72	87	117	58	434	0.83%

Grade Level	Mathematics				Reading			
	Base line FFY 2004	FFY 2010	FFY 2011	Target FFY 2011	Base line FFY 2004	FFY 2010	FFY 2011	Target FFY 2011
3	51.2%	62.7%	63.37%↑	85.65%	52.7%	68.0%	69.34%↑	83.64%
4	48.8%	67.0%	66.09%↑	85.57%	57.1%	71.5%	71.47%↑	88.45%
5	38.8%	57.6%	61.01%↑	82.38%	46.6%	70.3%	72.27%↑	85.68%
6	25.7%	54.1%	54.13% ↑	79.36%	36.1%	59.4%	57.82%↑	86.50%
7	22.6%	48.7%	49.68%↑	78.49%	32.2%	57.3%	51.96%↑	85.75%
8	21.7%	34.9%	37.96%↑	77.91%	31.3%	55.1%	52.24%↑	84.45%
Grade 10/ EOC	23.4% Algebra/ Data Analysis	48.6%	48.33% ↑	73.67%	22.3% English	49.8%	51.56%↑	79.50%

Up arrows indicate growth over the baseline year's performance by grade level for students with disabilities. The table compares two (2) years of proficiency data. Proficiency includes those students with IEPs performing at the Proficient and Advanced levels, combined.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2011:

Indicator 3A

Under the ESEA Flexibility Waiver, Maryland was instructed to use Option 3A2 of the Part B State Performance Plan (SPP) and Annual Performance Report (APR) Measurement table. The instructions within that table pertaining to Indicator 3A state, "States with an approved ESEA flexibility request that included a waiver of determining AYP should choose data source and measurement 3A.2. AMO percent = [(# of districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AMO targets for the disability subgroup) divided by the (total # of districts that have a disability subgroup that meets the State's minimum "n" size)] times 100. For the 2011 – 2012 year for the State there are 12 districts that are shown as Met, which includes the SEED school. The Option 3A2 AMO is $(12/25) * 100$, which is 48.0%.

Indicator 3B

The participation of the special education subgroup in statewide assessments continues to exceed the 95% target for all tested grade levels – grades 3 through 8 and grade 10/end-of-course assessments. The overall participation rate for FY 2011 in Mathematics in Maryland was 99.05% and in Reading was 99.17%. All Maryland students with disabilities participated in the Maryland School Assessment (MSA), the Alternate MSA (Alt-MSA), the modified Maryland School Assessment (Mod-MSA) or the modified High School Assessment (Mod-HSA) except for a small number of nonparticipants. Maryland does not administer out of grade level assessments. Maryland implemented the Modified High School Assessments (Mod-HSA) in 2008. The Mod-MSA in reading and mathematics for grades 6-8 was first administered in spring 2009. In the spring of 2010, the Mod-MSA in reading and mathematics for grades 3-5 was administered for the first time.

Indicator 3C

Although Maryland did not meet the target for the special education subgroup in all grades for mathematics and reading, the following progress was seen: progress was made in all grades for mathematics except for grade 4, and Algebra/Data Analysis EOC. Progress was made in all grades for reading except for grades 6, 7, and 8. In Algebra/Data Analysis and in grade 4 reading, the slippage was minimal.

The special education subgroup is making progress in local school systems across the State, as evidenced by the data above for Indicator 3C. However, the rate of improvement is not advancing at the same rate as the increasing Annual Measurable Objectives.

The FFY 2004 through FFY 2010 Proficiency Percentages table displays the overall percentages of children with IEPs that achieved proficient/advanced, by grade levels and content areas, from FFY 2004 through FFY 2010 (although intermediate years have been dropped due to table size). It is important to note, in every grade assessed, the special education subgroup has shown significant progress since the baseline year of FFY 2004.

The slippage seen in math in grade 4, and Algebra/Data Analysis EOC and in reading in grades 6, 7, and 8 could be a result of a number of factors. First, several Maryland counties have noted an increase in the transience of their students, particularly on the Eastern Shore and in Southern Maryland. This transience disrupts the continuity of a child's learning, which in turn effects academic achievement.

Also, two large local school systems in Maryland also have some of its lowest performing schools. The number of students with disabilities within these two local school systems constitutes more than 25 % of the total number of students with disabilities in the State. Given this, the performance of students with disabilities within these two local school systems significantly impacts Maryland's performance overall. Additionally, these local school systems experience high staff turn-over in leadership and in classroom teachers.

There were 994 student specific findings of noncompliance reported in the B 15 worksheet that were based on Indicator 3 related requirements. Of these 964 were closed within the one year timeline. The 30 not corrected within the timeline were corrected before the date of this report.

Additional improvement activities are being incorporated to improve academic performance. These activities are described below:

- In an effort to improve the achievement of students with disabilities, the Division has implemented significant measures on a statewide level, which are noted below. The Division participates in a cross-Divisional Breakthrough Center team within the Department, which is funded by Race to the Top dollars. This team works with the State's lowest performing schools in two districts, including the underperforming district mentioned above. Efforts focus on using student data to make informed decisions about instruction at the central office level, at the school level, and in the classroom. While, this cross-Divisional Team has focused its efforts to this point on low achieving middle schools, it has also broadened its scope to include the elementary schools that feed into the middle schools.
- As part of the State's ESEA Flexibility, Maryland was asked to identify those schools with a significant gap between "All Students" and the lowest performing subgroup (s). In the majoring of these 41 identified Focus Schools, the lowest performing subgroup is the special education subgroup. Local leaders will choose from a set of strategies designed to meet the needs of those students, to strengthen the achievement of those schools, and to reduce the achievement gap.
- In 2010, the Department convened an Accommodations Committee consisting of stakeholders from across the State to review and make recommendations for revising the Maryland Accommodations Manual in Fall of 2011. The Division and DAADS co-chair this committee. Representatives from the Division and DAADS are participants on the Council for Chief State Superintendent Offices (CCSSO), Assessing Special Education Students (ASES) Committee; Accommodations Workgroup in reviewing the National Accommodations Manual. Information obtained from the workgroup was used to assist Maryland in revising the Maryland Accommodations Manual. The Maryland Accommodations manual was released on July 2, 2012. The Division and DAADS conducted training in June 2012.
- Alt-MSA artifact development took place in 2010-2011 for the 2011-2012 school year. A total of 84 artifacts were developed by the Alt-MSA vendor in collaboration with the MSDE Content Staff for the 2011-2012 school year. Supporting Documentation, including lessons, ideas for adaptations, and how to link to functional skills was included with the release of the artifacts. Updates provided to supporting instructional documentation in Spring 2012.
- The Division set the stage for standards-based reform during the 2009 Special Education Leadership Conference. Marla Holbrook, National Consultant, was invited to be the guest speaker. She provided special education leadership from across the State with information designed to lay the groundwork for applying standards to the development of IEP goals. Marla Holbrook has since been hired as a consultant with the Division to develop professional development modules for the LSSs to access on the Maryland State website in order to provide a consistent uniformed training on writing standards-based IEPs across the State. Work with the Division has been completed on refining the modules as we begin the process of adopting the Common Core Standards. The modules are scheduled for release in Spring 2013.

- In Fall 2010, Maryland began a pilot of the Maryland IEP Quality Indicator Scale (IQUIS), a rubric designed to evaluate the quality of the IEPs that are written in Maryland. Through the results of the evaluation of Maryland's IEPs, targeted professional development can be focused on the needs of local school systems, local schools and individual teachers with the goal of improving the quality of those IEPs and to improve the achievement of students with disabilities. At the end of the pilot program, results from the five (5) participating local school system were evaluated and trends identified in order for those local school systems to target professional development to areas of need. Revisions to the IQUIS document, based on feedback from pilot participants, MSDE Quality Assurance and Monitoring staff and interested stakeholders, were made in Winter 2011-2012. Finally, a professional development pilot was conducted in one of the IQUIS pilot counties to determine the effect of procedural facilitators built into the Maryland Online IEP tool on the quality of IEP written. Teacher who participated in the IQUIS pilot were asked to develop IEPs during the 2011-2012 school year using the procedural facilitators, or Wizards. Post PD data indicated a small improvement in the quality of the substantive (compliance) components of those IEP and a more significant increase in the substantive (quality) components. Currently, the IQUIS is being revised to enhance the substantive, or quality, components.
- During the 2010 legislative session, Education Article 8-408 was amended to require the MSDE to establish standards in braille reading, writing, and computation for blind and visually impaired students in PreK through grade 12 to improve academic achievement. The MSDE established a Braille Standards Task Force to complete this work. The Task Force met six times during the 2010-2011 school year and three times during the 2011-2012 school year to develop braille standards for Mathematics. The Task Force met seven times during the 2011-2012 school year to develop braille standards for English/Language Arts. Standards for both content areas were presented to the State Board of Education September, 2012.

Ongoing Improvement Activities

- Online Alt-MSA Professional Development modules were developed and released in 2009 with updated sections added on including students with the most significant cognitive disabilities. The modules take the best practices of successful alternate assessment teachers and make them accessible to all teachers in the State. Through video, the training introduces real special educators and their students in narrative case studies. Through audio, video and narrative text, these modules demonstrate how to select Mastery Objectives for students, create lesson plans and develop assessment tasks for a wide range of grade and functional levels. The four modules include an overview of the Alt-MSA and alternative assessment strategies, and individual modules are devoted to the content areas of science, reading and mathematics. Also, the modules provide valuable tools, such as links to downloadable lesson plans, artifacts, templates and other resources that teachers can use to implement instructional and assessment strategies with their students. Modules are presented in yearly Alt-MSA training.
- Professional development and technical assistance is provided to Assessment Facilitators for Students with Disabilities, who disseminated the training information and provide supports to applicable school-based personnel related to the administration of the Mod-HSA. Professional Development materials were developed to provide training participants an understanding of the eligibility requirements for students with disabilities' participation in the Mod-HSA. Ongoing technical assistance regarding Mod-HSAs for students with disabilities will continue to be provided to local school systems and nonpublic school representatives.
- Maryland continued its support for its systematic co-teaching initiative through the State Personnel Development Grant III and cross divisional collaboration with the Breakthrough Center, Statewide System of Support. This co-teaching effort emphasizes capacity building at the local school system and school level for both general and special education administrators and teachers. In addition, co-teaching provides the opportunity for students with disabilities to not only have greater access to the general education curriculum, but to have instruction provided by highly qualified content area teachers in the least restrictive environment. Professional development regarding the use of formative assessments to identify learner needs, using data to

inform instructional planning and delivery, applying universal design for learning principles in instructional planning, delivery and assessment, and differentiated instruction was provided to both general and special educators to enhance instructional delivery for improved student achievement. Resources, tools and professional development were made available statewide through our special education portal, Maryland Learning Links.

- Provide technical assistance and professional development to local school systems (LSSs) and nonpublic schools on instruction and assessment in reading, mathematics and science as found in the State curriculum. Continue monthly Alt-MSA and Assessment Facilitator meetings (a representative from each local school system attends) to provide guidance and support in the assessment process.
- To improve the achievement of students with disabilities, ongoing technical assistance is provided to local school systems regarding the eligibility requirements for participation in the Alternate and Modified Assessments.
- The Division, in collaboration with DAADS and the Assessment Facilitators for Students with Disabilities, develops the Reading and Mathematics Intervention Program List to provide local school systems with frequently used interventions in the field. The list is to supplement reading or mathematics intervention programs that are currently used in local school systems.
- Update Content Guidance Documents for Alt-MSA to support the comprehensive understanding of Maryland Content Standards in reading, mathematics and science.
- The Division continues to monitor IEPs for students who were determined eligible for participation in the administration of the Mod-HSA and the Alt-MSA to verify that the appropriate procedures were followed in the determination process.
- The Division continues to monitor the administration of the Maryland Assessment Program by observing various test administration conditions and environments, test security violations, and the provision of accommodations. This monitoring is a collaborative effort across Divisions in the Department. Accommodations recommended for use for students with disabilities in the State of Maryland are evaluated annually through a collaborative process resulting in the revision and reissuance of the Accommodations Manual as required.
- The Division continues to work collaboratively with other Divisions in the Department to ensure students with visual impairments participate in State assessments. This process is accomplished through cross Divisional collaboration to ensure that State assessments are not biased, are provided in specialized formats of braille and large print, and appropriate accommodations are implemented. The Division updated the Technical Assistance Bulletin, “Frequently Asked Questions for Students with Visual Impairments.” Technical assistance and professional development activities are also provided to LSSs to improve student results.
- The Division continues to participate in the MSDE review of local school system Bridge to Excellence (BTE) Annual Master Plan Updates to verify that objectives and activities designed to improve the performance of students with disabilities that will lead to achieving AMO, AYP and established targets are included.
- The Division continues to advise local school systems and Special Placement Schools of actions taken by the State Board of Education and Department relative to Statewide Assessments.
- The Division continues to provide professional development (face-to face and online modules) to local school systems and public agencies (PA) on instructional strategies, instructional delivery models, and the Maryland Common Core State Curriculum.
- The Division continues to provide technical assistance to local school systems regarding the instruction and achievement of the special education subgroup. The Division awards

discretionary grants that promotes evidence-based practices and support local school systems to improve the achievement of students with disabilities.

- The Division continues to expand the web-based statewide IEP system currently to increase the development of quality IEP goals and objectives based on the student's present levels of academic achievement and functional performance, and that are aligned with the SC indicators. Currently, 17 of 25 local school systems use the online IEP. Various other public agencies use the Maryland Online IEP, as well.
- Modified Assessment and alternate assessment tools have been added to the web-based statewide IEP system to assist IEP Teams in appropriately identifying students for participation in modified or alternate assessments. The Alt-MSA tool has an accompanying power point presentation to assist teams in appropriately using the tool.
- The Division continues to collaborate with the National Accessible Instructional Materials Center through the Center of Applied Special Technology (CAST) to improve the delivery of accessible instructional materials for all students with disabilities.
- The Division continues to enhance the www.md.k12 website with information and resources regarding children and youth with IFSPs and IEPs.
- The Division continues to participate in national and State research and policy organizations to ensure current information is available and accessible related to instructional strategies that improve performance for children with IEPs.
- The Division continues to participate in the national NCLB/IDEA Partnership to facilitate development of Title I and Special Education initiatives to accelerate student subgroup performance, including students with disabilities and students in the FARMs subgroup designation.
- The Division continues to annually review and revise the Alt-MSA Handbook and Condition Code Packet, and provide technical assistance to local school systems and nonpublic schools.
- The Division will continue to promote the ongoing use of State developed on-line High School Assessment (HSA) courses to support students with disabilities in passing the algebra/data analysis, English 10 and biology end-of-course exams.
- The division continues to provide professional development for Educational Interpreters who serve in local school systems within the State. Two workshops are held annually to enhance instructional delivery and improve access to the general education curriculum for students who are deaf or hard of hearing. Training and preparation for educational interpreters to complete the national Educational Interpreters Professional Assessment (EIPA) is also provided.
- The Division continues to support the Maryland Hearing Aid Loan Bank Program (HALB), which provides hearing aids on a temporary basis to infants and toddlers, birth to 3 years old, with confirmed hearing loss. The Program was established to create a bridge between early identification and early intervention for infants and toddlers with hearing loss and their families. The HALB program ensures that children under the age of three have access to maximum auditory input during the most critical period of language development. In June 2011 the Maryland State General Assembly passed 2011 Senate Bill 754, establishing a Permanent Hearing Aid Loan Bank Program. The HALB Program has assisted over 245 families across the state of Maryland since 2003.
- Through the Maryland Assistive Technology Network Online (MATN Online), the Division continues to provide professional development and technical assistance to members of the MATN and other stakeholders through MATN Fall and Spring Institutes, posting of AT

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professional development activities, and other resource postings in order to support the consideration, selection, and use of Assistive Technology by educational personnel for use by students with disabilities.

- The Division will continue to provide further guidance to local school systems on Maryland’s “Tiered Instructional Approach to Support Achievement for All Students - Maryland’s Response to Intervention Framework”
- The Division continues to review/revise the <http://mdideareport.org> for reporting assessment and other local school system data to enhance readability.
- The Division annually reviews and revises the SPP public website <http://mdideareport.org> as required by the DEA. Indicator 3 information includes statewide performance and student participation data by grade level and content area for each local school system.
- The Division in collaboration with the Division of Instruction will continue to provide further guidance to local school systems regarding “A Route for Every Learner: Universal Design for Learning as a Framework for Supporting Learning and Improving Achievement for All Learners in Maryland, Prekindergarten Through Higher Education.”

Revisions, with Justification, to Improvement Activities/Targets/Timelines/Resources for FFY 2012:

Improvement Activities	Timelines	Resources	Justification
Begin professional development pilot to supplement IQUIS-MD, a rubric designed to evaluate the quality of IEPs written in Maryland. COMPELETED	Fall 2011- March 2012	DSE/EIS staff CTE staff	To evaluate the quality of professional development surrounding the quality of IEPs written in Maryland in order to improve achievement of students with disabilities.
Convene an Accommodations Committee consisting of stakeholders from across the State to update the Maryland Accommodations Manual in alignment with the National Accommodations Manual. COMPLETED	Spring 2012 Release date of updated manual	DSE/EIS, DAADS	To provide invaluable guidance to assist IEP teams with the selecting appropriate accommodations for students with disabilities.

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Improvement Activities	Timelines	Resources	Justification
<p>Provide special education leadership and school teams' information related to understanding the development and implementation of standards-based IEPs.</p>	<p>September 2009 to June 2013 REVISED</p>	<p>DSE/EIS, DAA, Marla Holbrook, Consultant.</p>	<p>Develop professional development modules to provide a consistent uniformed training on writing standards-based IEPs across the State. The modules will be aligned to the SC and bridged to the Common Core Standards and will be accessible on the MSDE website. Scheduled release date of modules/facilitator guides/training extended.</p>
<p>Alt-MSA artifact development with supporting documentation to include lessons, ideas for adaptations, and how to link to functional skills.</p>	<p>August 2010 to September 2013</p>	<p>DSE/EIS staff, DAADS staff, DCI staff</p>	<p>To provide guidance on aligned Alt-MSA artifacts to the state curriculum. Updates as needed. Timeline extended.</p>

Part B State Annual Performance Report (APR) for FFY 2011

Overview of the Annual Performance Report Development:

Please refer to the Overview, pages 1-3.

Monitoring Priority: FAPE in the LRE

Indicator 4A: Rates of suspension and expulsion:

Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs

(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

Measurement:

Percent = [(# of districts that have a significant discrepancy in the rates of suspensions and expulsions for greater than 10 days in a school year of children with IEPs) divided by the (# of districts in the State)] times 100.

Include State’s definition of “significant discrepancy.”

FFY	Measurable and Rigorous Target
FFY 2011 (using 2010-2011 data)	No more than two (2) or 8.3% of the local school systems will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for all students with disabilities compared with all non-disabled students.

Overview of Issue/Description of System or Process:

Maryland identifies local school systems with significant discrepancy by comparing the rates of suspensions greater than ten days in a school year for children with IEPs in each local school system with the rates for nondisabled students in the same local school system.

MSDE utilizes a *Comparative Discrepancy Ratio* to calculate significant discrepancy. The *Comparative Discrepancy Ratio* is modeled after a *Risk Ratio* which is the ratio between two rates of outcomes. If the *Comparative Discrepancy Ratio* is greater than 2.0, the local school system is considered to be significantly discrepant.

In addition to meeting the *Comparative Discrepancy Ratio* of 2.0 or above the local school systems must meet the criteria for the minimum ‘n’ size. The minimum “n” size for all local school systems is 30. Significant discrepancy calculations were made for districts that had at least 30 children with disabilities suspended for greater than ten days. Twenty local school systems were excluded from the calculation as a result of not meeting the minimum “n” size.

Definition of Significant Discrepancy and Identification of Comparison Methodology

Significant discrepancy is defined as having a Comparative Discrepancy Ratio of 2.0 or greater when comparing the rate of suspension of students with disabilities for greater than ten days to the rate of suspension of nondisabled students for greater than ten days.

Actual Target Data for FFY 2011 (using 2010-2011 data)

Number and Percent of Local School Systems with Significant Discrepancies						
	FFY 2010 (2010-2011)		FFY 2009 (2009-2010)		FFY 2008 (2008-2009)	
	#	%	#	%	#	%
Single Suspension of Greater than 10 Days	4	16%	2	8.3%	1	4.1%
Multiple Suspensions Summing to Greater than 10 Days (2 LSSs excluded due to “n” size)	4	16%	4	16%	3	12.5%

The local school systems in the tables above include all local school systems identified as significantly discrepant for suspension of students with disabilities compared to nondisabled students. Four local school systems were identified as significantly discrepant in both multiple suspensions summing to greater than 10 days and single suspension events of greater than ten days.

Local School Systems with Significant Discrepancy in Rates for Suspension and Expulsion

Year	Total Number of Local School Systems	Number of Local School Systems that have Significant Discrepancies	Percent
FFY 2011 (using 2010-2011 data)	24	4	16.7%

Review of Policies, Procedures, and Practices (completed in FFY 2011 using 2010-2011 data): *If any LEAs are identified with significant discrepancies:*

For each of the four (4) local school systems the State identified as having a significant discrepancy in the rate of suspension and expulsions of greater than 10 days in a school year for students with disabilities, the State reviewed the local school systems’ policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure that the policies, procedures, and practices comply with IDEA. In addition, staff members from the Division’s Office of Monitoring for Continuous Improvement and Results reviewed the records of randomly selected students with disabilities suspended for greater than 10 days in the four (4) identified local school systems to determine if procedural violations have occurred.

Results from the State’s review of policies procedures and practices of four LSSs identified with a significant discrepancy indicated **that all four LSSs had compliant policies, procedures and practices in place. Therefore, no changes to policies, procedures and practices were required.** A review of individual student records in those LSSs indicates compliance with the requirements of IDEA in three of the four (4) local school systems that had been identified with a significant discrepancy. The one local school system that continues to be noncompliant was under a consent order that began on May 4, 2000 with MSDE oversight since 2004. On April 19, 2010, the U.S. District Court of Maryland approved the Settlement Agreement entered into by MSDE, the local school system and Maryland

Disability Law Center. The Settlement Agreement became effective July 1, 2010 and was in effect until September 15, 2012. A total of 38 student specific findings of noncompliance were identified in this local school system during FFY 2010 and all findings were corrected within one school year. There were also 12 student specific findings identified in two other local school systems that were not discrepant in their rates of suspension. 11 of these findings of noncompliance were corrected within one year. The other was corrected beyond a year.

Beyond the review required by 34 CFR §300.170(b) and as part of the State's system of general supervision, the State conducts ongoing reviews of policies and procedures throughout the state to ensure compliance with disciplinary procedures.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2011:

MSDE completed all activities with the exception of those marked annually or ongoing.

MSDE's data for the number of local school systems with discrepancies in the rates of suspensions of greater than ten days for students with disabilities compared to nondisabled students has remained consistent over the last three years. Over the last three years the same four local school systems have been discrepant in either single events of suspension of more than ten days, multiple events of suspension summing to greater than ten days or both. All four of the local school systems continue to make improvement and all have involved staff from other divisions within the school system, particularly the Student Services Division to assist in decreasing the rate of suspensions of greater than ten days for students with disabilities.

Additionally in two of the local school systems there will be training provided in the area of data collection and management.

The following are examples of activities that had a measurable impact on reducing discrepancies in the rate of the suspension and expulsion of students with disabilities:

- Professional development trainings in Positive Behavioral Interventions and Supports (PBIS), cultural competency, social skills, group and individual student support systems, behavior intervention plans, and differentiated instruction were provided to local school system personnel by nationally recognized experts, and State and local specialists.
- Supporting the expansion of PBIS in local school systems and in 19 nonpublic schools serving students with disabilities. There are over 500 PBIS schools in Maryland.
- Funding and monitoring the impact of Part B IDEA discretionary grants targeted to reducing the suspension of students with disabilities.
- Providing materials developed by the National Center for Culturally Responsive Education Systems (NCCRESt) and the National Institute for Urban School Improvement to 24 local school systems to assist them in their review and revision of policies, procedures, and practices.
- Providing a comprehensive document entitled "*Maryland Special Education Disproportionality Report 2010-2011*" to all local school systems that included disaggregated suspension/expulsion data for its local school system.
- Providing technical assistance to local school systems regarding disaggregation of data, data-analysis at the classroom, school, and system level, monitoring suspension data, and decision-making and improvement planning.

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All activities above will continue in response to the positive result of an overall decrease in the number and percentage of students with disabilities suspended for more than 10 days in local school systems.

Correction of FFY 2010 Findings of Noncompliance

1. Number of findings of noncompliance the State made during FFY 2010 (the period from July 1, 2010 through June 30, 2011) using 2009-2010 data	1
2. Number of FFY 2010 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	1
3. Number of FFY 2010 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

Correction of FFY 2010 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2010 findings not timely corrected (same as the number from (3) above)	0
5. Number of FFY 2010 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	0
6. Number of FFY 2010 findings <u>not</u> yet verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected:

N/A

Verification of Correction (either timely or subsequent):

The LSS identified in FFY 2010 as being noncompliant with requirements related to the suspension of students with disabilities was required to revise the noncompliant policies, procedures and practices. The MSDE reviewed the revised policies, procedures and practices to verify the correction of noncompliance consistent with OSEP Memorandum 09-02 and found the LSS to be compliant with the requirements related to suspension of students with disabilities.

Correction of Remaining FFY 2009 Findings of Noncompliance (if applicable):

For FFY 2008 findings for which the State has not yet verified correction, explain what the State has done to identify the root cause(s) of continuing noncompliance, and what the State is doing about the continued lack of compliance, including, as appropriate, enforcement actions taken against an LEA that continues to show noncompliance.

7. Number of remaining FFY 2009 findings (identified in July 1, 2009 – June 30, 2010 using 2008-2009 data), noted in OSEP’s June 1, 2012 FFY 2010 APR response table for this indicator	1
8. Number of remaining FFY 2009 findings the State has verified as corrected	1
9. Number of remaining FFY 2009 findings the State has NOT verified as corrected [(1) minus (2)]	0

Correction of Any Remaining Findings of Noncompliance from FFY 2008 or Earlier (if applicable):

Two local school systems were identified with noncompliance from FFY 2008 or earlier.

One local school system was identified in FFY 2008 with noncompliance of related requirements in the area of discipline and the suspension of students with disabilities. During this time period, technical assistance was provided to review progress, provide information, and conduct a mid-CAP review. Specifically, assistance focused on the development of the corrective action by clarifying requirements, reviewing individualized education program team processes, data accuracy, and the provision of a free appropriate public education after day ten. This local school system is now compliant with related requirements in the area of discipline and the suspension of students with disabilities.

One local school system had been a school system under the May 4, 2000 Consent Order for the disciplinary removal of students with disabilities greater than ten school days with MSDE oversight since 2004. **This local school system has corrected noncompliance regarding its policies, procedures related to the suspension of students with disabilities. However, MSDE has continued to make findings regarding the implementation of requirements through the review of individual student records. The State has taken the following actions to identify the root cause(s) of continuing noncompliance and enforcement actions taken:**

- The local school system's SFY 2011 and 2012 Local Application for Federal Funds are subject to Special Conditions –
 - MSDE staff has continued an increased level of on-site and off-site monitoring activities;
 - The local school system is required to submit progress reports on a quarterly basis that provides data and a summary of the corrective action plan activities;
 - The local school system must continue to work cooperatively with MSDE staff and actively seek available sources of technical assistance and management assistance for improvement and the correction of noncompliance identified through monitoring, Letters of Findings and other applicable requirements; and
 - The local school system must continue to develop, implement, review and revise the MSDE directed corrective action plan to ensure correction of noncompliance as soon as possible but in no case later than one year; and
 - The local school system is required to correct all student specific, school-based and systemic noncompliance identified through MSDE's general supervisory responsibilities.
- If noncompliance persists in the area of discipline and the suspension of students with disabilities in this local school system and is not corrected by the annual date of the corrective action plan, MSDE will impose additional sanctions consistent with guidance from the United States Department of Education, Office of Special Education Programs and in accordance with COMAR 13A.05.02.07, as circumstances dictate.

If not corrected, special conditions will be applied to future grants under IDEA and federal funds will be directed to remedy the noncompliance.

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Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):

Statement from the Response Table	State's Response
<p>The State must report on the correction of noncompliance that the State identified in FFY 2010 based on FFY 2009 data as a result of the review it conducted pursuant to 34 CFR §300.170(b)</p>	<p>The LSS identified in FFY 2010 as being noncompliant with requirements related to the suspension of students with disabilities was required to revise the noncompliant policies, procedures and practices. The MSDE reviewed the revised policies, procedures and practices to verify the correction of noncompliance consistent with OSEP Memorandum 09-02 and found the LSS to be compliant with the requirements related to suspension of students with disabilities.</p>
<p>The State must report that it has verified that each LSS with noncompliance is correctly implementing the specific regulatory requirements</p>	<p>Random reviews of records of students with disabilities suspended for greater than ten days were conducted in the LSS with noncompliance. Data is collected to ensure correct implementation of regulatory requirements. Student specific findings were identified and the LSS was required to correct individual findings of noncompliance.</p>
<p>The State must report that it has verified that each local school system with noncompliance has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the local school system, consistent with OSEP Memorandum 09-02</p>	<p>The MSDE conducted a review of the record of each student in which noncompliance was identified (Prong 1) to ensure noncompliance had been corrected. The MSDE reviewed records from an additional data set to ensure continued compliance with regulatory requirements (Prong 2), consistent with OSEP Memorandum 09-02.</p>
<p>The State must describe the specific actions that were taken to verify the correction.</p>	<p>The MSDE conducted a review of the record of each student in which noncompliance was identified to ensure noncompliance had been corrected. Results of the review verify that each individual case of noncompliance was corrected within one year of identification. The MSDE conducted a random review of an additional set of records from a different data set (Prong 2) consistent with OSEP Memorandum 09-02, to ensure continued compliance with the implementation of the requirements.</p>

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012(if applicable): **None at this time.**

Part B State Annual Performance Report (APR) for FFY 2011

Overview of the Annual Performance Report Development:

Please refer to the Overview, pages 1-3.

Monitoring Priority: FAPE in the LRE

Indicator 4B: Rates of suspension and expulsion:

Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

Measurement:

Percent = [(# of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards) divided by the (# of districts in the State)] times 100.

Definition of Significant Discrepancy and Methodology

The Maryland State Department of Education (MSDE) utilized a *Rate Ratio* to compare the district-level suspension/expulsion rates for children with disabilities from each racial/ethnic group to the suspension/expulsion rate for all children without disabilities in that same district. The *Rate Ratio* is an acceptable method for determining significant discrepancy and is explained in detail on pages 70-71 of the Data Accountability Center document entitled *Measuring Significant Discrepancy: an Indicator B4 Technical Assistance Guide*, dated March 16, 2012. If the *Rate Ratio* is greater than 2.0, the local school system is considered to be significantly discrepant.

In addition to meeting the *Rate Ratio* of 2.0 or above, the local school systems must meet the criteria for the minimum “n” size. MSDE utilizes a minimum “n” size of 30 for all local school systems. Significant discrepancy calculations were made for local school systems that had at least 30 children with disabilities in a particular race/ethnic group suspended for greater than ten days. There were 20 local school systems excluded from the calculation of rates as a result of not meeting the minimum “n” size.

FFY	Measurable and Rigorous Target
FFY 2011 (using 2010-2011 data)	0% of districts have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

Actual Target Data for FFY 2011 (using 2010-2011 data)

4B(a). Local School Systems with Significant Discrepancy, by Race or Ethnicity*, in Rates of Suspension and Expulsion:

Year	Total Number of Local School Systems**	Number of Local School Systems that have Significant Discrepancies by Race or Ethnicity	Percent**
FFY 2011 (using 2010-2011 data)	24	4	16%

MSDE reviewed the data for each local school system regarding suspensions of students with disabilities for greater than ten days compared to students without disabilities. The Rate Ratio calculation was used to determine if there was a significant discrepancy by race or ethnicity in the rates of suspensions and expulsions of students with disabilities. Through this data review a significant discrepancy was identified for African American students with disabilities in four local school systems.

4B(b). Local School Systems with Significant Discrepancy, by Race or Ethnicity, in Rates of Suspensions and Expulsions; and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

Year	Total Number of Local School Systems*	Number of Local School Systems that have Significant Discrepancies, by Race or Ethnicity, and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Percent**
FFY 2011 (using 2010-2011 data)	24	0	0%

Review of Policies, Procedures, and Practices

Local school systems that meet the criteria for significant discrepancy, by race or ethnicity in rates of suspensions and expulsions are required to complete and submit to MSDE a self-review. The self-review includes a review of policies, procedures and practices related to suspensions and expulsions, development and implementation of IEPs, the use of positive behavioral interventions and supports and the application of procedural safeguards to ensure that policies, procedures, and practices comply with requirements. MSDE reviews the submitted information, and, if needed, requests additional information or conducts a follow up visit to the local school system.

Results of the MSDE’s review of this information which was submitted by four local school systems, indicates that each of the local school systems continue to have policies, procedures, and practices that comply with the requirements regarding the development and implementation of the IEPs, the

use of positive behavioral interventions and supports, and procedural safeguards, to ensure compliance with the IDEA, pursuant to 34 CFR §300.170(b). Therefore, no changes to policies, procedures, and practices were required. Each of the four local school systems have policies regarding the use of positive behavioral interventions and supports. The one local school system in a U. S. District Court Settlement Agreement had been identified in FFY 2010 (using 2009-2010 data) as being discrepant and of not consistently implementing policies and procedures, particularly those related to positive behavioral interventions and supports.

MSDE staff conducted quarterly meetings with this local school system. Suspension data was reviewed by the local school system on a weekly basis and discussed at these quarterly meetings. Specific schools identified as having high numbers of suspensions were flagged and one or more of the following strategies were put in place:

- Student Support Liaisons worked with school leaders to ensure that schools developed and enacted comprehensive plans to address discipline. Strategies including optimizing staff deployment to address behavior during student transition periods, community conferencing, peer mediation, and character development were utilized in these plans.
- The local school system Increased focus on students with multiple suspensions to ensure that adequate supports were in place for students using the FBA/BIP team process.
- Central Office expanded the capacity of schools to provide resources (both internally and with the support of school system partnerships) that would aid in providing alternatives to suspensions. These would include community conferencing, peer mediation, restorative justice, etc.
- The local school system was required to develop and implement a suspension task force to address system wide issues. In addition, the local school system contracted with the Maryland Coalition for Inclusive Education (MCIE) and received technical assistance and professional development to improve behavioral interventions, including functional behavioral assessments, behavior intervention plans and positive behavioral supports.

As a result of the above stated activities, this local school system was compliant with the implementation of requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2010:

The following are improvement activities that are being utilized:

- The State reviews local school system policies procedures and practices related to the development and implementation of IEPs and the use of positive behavioral interventions and supports, and procedural safeguards. These monitoring activities are conducted in each local school system as part of a four year comprehensive monitoring activity. This review is conducted annually for each local school system that reports a significant discrepancy by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs.
- Local school systems conduct self-reviews of individual student records for students with disabilities in a specific racial or ethnic group in which a significant discrepancy has been identified to ensure appropriate development and implementation of the IEP.
- The State provides technical assistance to local school systems with the revision of local school system policies, procedures and practices when necessary.
- The State assists local school systems in identifying and implementing best practices relative to reducing/eliminating disproportionate suspension of students with disabilities regardless of race/ethnicity.

Correction of FFY 2010 Findings of Noncompliance

1. Number of findings of noncompliance the State made during FFY 2010 (the period from July 1, 2010 through June 30, 2011) using 2009-2010 data	1
2. Number of FFY 2010 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	1
3. Number of FFY 2010 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

Correction of FFY 2010 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2010 findings not timely corrected (same as the number from (3) above)	0
5. Number of FFY 2010 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	0
6. Number of FFY 2010 findings <u>not</u> yet verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected: *N/A*

Verification of Correction (either timely or subsequent):

The LSS identified in FFY 2010 as being noncompliant with requirements related to the suspension of students with disabilities was required to revise the noncompliant policies, procedures and practices and to ensure positive behavioral intervention and supports were in place and implemented with fidelity. The MSDE reviewed the revised policies, procedures and practices and found the LSS to be compliant with the requirements related to suspension of students with disabilities and the use of positive behavioral interventions and supports. Individual student records were reviewed to ensure implementation of the policies and procedures. MSDE identified individual records as noncompliant. The LSS submitted documentation to MSDE indicating correction of noncompliance with each individual student record. (Prong 1) MSDE conducted a review of a second set of records from a second data set to ensure compliance (Prong 2), consistent with OSEP Memorandum 09-02. These records were compliant.

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):

Statement from the Response Table	State’s Response
The State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.	One local school system identified as noncompliant in FFY 2009 based on FFY 2008 data has corrected noncompliance. The MSDE reviewed the revised policies, procedures and practices and found the LSS to be compliant with the requirements related to suspension of students with disabilities and the use of positive behavioral interventions and supports.

<p>The State has corrected each individual case of noncompliance.</p>	<p>The MSDE conducted a review of the record of each student in which noncompliance was identified to ensure noncompliance had been corrected. Individual student records were reviewed to ensure implementation of the policies and procedures. The LSS submitted documentation to MSDE indicating correction of noncompliance with each individual student record. (Prong 1) MSDE conducted a review of a second set of records from a second data set to ensure compliance (Prong 2), consistent with OSEP Memorandum 09-02.</p>
<p>The State is correctly implementing the specific regulatory requirements.</p>	<p>MSDE reviews policies procedures and practices of local school systems that have a significant discrepancy in the rates of suspension to ensure compliance. The MSDE verifies compliance with the implementation of regulatory requirements by collecting data relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. Individual student records were reviewed to ensure implementation of the policies and procedures. The LSS submitted documentation to MSDE indicating correction of noncompliance with each individual student record. (Prong 1) MSDE conducted a review of a second set of records from a second data set to ensure compliance (Prong 2), consistent with OSEP Memorandum 09-02.</p>
<p>The State must describe the specific actions that were taken to verify the correction.</p>	<p>Individual student records were reviewed to ensure implementation of the policies and procedures. MSDE identified individual records as noncompliant. The LSS submitted documentation to MSDE indicating correction of noncompliance with each individual student record. (Prong 1) MSDE conducted a review of a second set of records from a second data set to ensure continued compliance (Prong 2), consistent with OSEP Memorandum 09-02. These records were compliant.</p>

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012(if applicable): **None at this time.**

Part B State Annual Performance Report (APR) for FFY 2011

Overview of the Annual Performance Report Development:

Please refer to the Overview, pages 1-3.

Monitoring Priority: FAPE in the LRE

Indicator 5: Percent of children with IEPs aged 6 through 21 served:

- A. Inside the regular class 80% or more of the day;
- B. Inside the regular class less than 40% of the day; and
- C. In separate schools, residential facilities, or homebound/hospital placements.

(20 U.S.C. 1416(a)(3)(A))

Measurement:

- A. Percent = [(# of children with IEPs served inside the regular class 80% or more of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.
- B. Percent = [(# of children with IEPs served inside the regular class less than 40% of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.
- C. Percent = [(# of children with IEPs served in separate schools, residential facilities, or homebound/hospital placements) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.

FFY	Measurable and Rigorous Target
FFY 2011 (2011-2012)	5A 62.61% of students with disabilities, ages 6-21, are served Inside the regular class 80% or more of the day; 5B 15.36% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day; and 5C 6.32% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements.

Actual Target Data for FFY 2011:

Total Number of Students with Disabilities, Aged 6 - 21	Indicator	State Target	October 2011		FFY 2011 State Target Status
			State Population 90,449		
			Number	Actual Percentage	
Inside Regular Education 80% or More of the Day	5A	62.61%	60,706	67.12%	Met
Inside Regular Education < 40% of the Day	5B	15.36%	12,355	13.66%	Met
Separate Facilities	5C	6.32%	6,344	7.01%	Not Met

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The least restrictive environment (LRE) data for this APR are based on Maryland's 618 annual child count collected the last Friday in October 2011 and reported in the *2011 Maryland Special Education/ Early Intervention Services Census Data and Related Tables* document. The document is posted on the MSDE website under the Division of Accountability, Assessment, and Data Systems Staff and Student Publications. The data in this report are published and are considered to be reliable and valid for the purpose of reviewing LRE in Maryland. The data have been reviewed with the Special Education State Advisory Committee (SESAC) for input.

The MSDE reports to the public on LRE indicator progress and/or slippage in meeting State targets for each local school system on the first page of the MSDE public report on the SPP website:

<http://mdideareport.org>. The data are displayed beginning with FFY 2004.

The FFY 2009 response table to the MSDE stated that, "OSEP appreciates the State's efforts to improve performance and looks forward to the State's data demonstrating improvement in performance in the FFY 2011 APR." No specific suggestions for future reporting were made. In a review of the data, although one sub-indicator (5C) was not met, it does show improvement over time, as demonstrated in the trend data chart below.

Trend Data

Indicator 5A by Percent									
	2004	2005	2006	2007	2008	2009	2010	2011	2012
State Target		57.75	60.11	60.61	61.11	61.61	62.11	62.61	63.11
State Results	57.25	59.90	61.64	62.35	63.99	64.80	66.14	67.12	

Each local school system not meeting the State's target has demonstrated improvement since FFY 2005 by increasing the percentage served in this category.

Indicator 5B by Percent									
	2004	2005	2006	2007	2008	2009	2010	2011	2012
State Target		17.47	16.61	16.36	16.11	15.86	15.61	15.36	15.11
State Results	17.72	16.86	16.21	15.82	15.10	14.55	14.04	13.66	

Each local school system not meeting the State's target has demonstrated improvement since FFY 2005 by decreasing the percentage served in this category.

Indicator 5C by Percent									
	2004	2005	2006	2007	2008	2009	2010	2011	2012
State Target		7.67	7.42	7.17	6.92	6.67	6.42	6.32	6.22
State Results	7.92	7.89	7.90	7.80	7.59	7.37	7.12	7.01	

Of the local school systems not meeting the State's target, the percentage missed ranged from 0.18% to 2.78%.

Correction of Noncompliance

Under monitoring activities on the FFY 2011 B-15 worksheet, there were 55 monitoring findings of student specific noncompliance (findings made in FFY 2010) in two school systems and 5 findings identified under dispute resolution. All were corrected within timelines. On the same worksheet, under "Other Areas of Noncompliance", the MSDE has labeled one of the indicator/cluster areas, "LRE related requirements – includes PWN (prior written notice)." In this category there were an additional 79 findings of noncompliance in 9 school systems/public agencies as a result of monitoring activities and 113 findings from dispute resolution. All but one was corrected within timelines; the outstanding noncompliance was corrected outside of the one year timeline. All of these findings were based on related requirements for LRE including requirements for prior written notice.

Verification procedures are conducted within one year from the date of the written finding and include the review of policies and procedures, student records, other related documentation, and subsequent updated data, as appropriate to the finding. The MSDE verified correction in these public agencies in accordance with MSDE's 2-prong verification procedures described in Indicator 15.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2011:

The MSDE has made progress in all Indicator 5 subsets. Each subset of the indicator has made growth over time and maintains a positive trend. Even the Indicator 5C, that has not met the State's target, has shown growth since the first State Performance Plan. The development and implementation of the Maryland Online IEP (MOIEP), along with its supporting 'wizard', has improved LRE decision making processes used by IEP teams and ensures compliance with LRE regulatory requirements. Past improvement efforts that have positively affected the State's data were due to publically posting public agency data, requiring accommodations applied during testing to be used during instruction, reviewing and revising the State's funding mechanism, providing training and free access to materials about co-teaching and including students with disabilities in regular environments.

Three major initiatives are employed by the MSDE to advance placement in the LRE. The three are the distribution of funds to LSSs in the form of competitive grants that have the ultimate goal of improving LRE data; innovations that result in sustainable co-teaching practices; and, specially designed programs that are targeted to the State's weakest results area, Indicator 5C data.

Public/Private Partnerships

The MSDE supports the philosophy that students with disabilities belong with their nondisabled peers to the maximum extent appropriate, but recognizes the continuum of services exists for a reason. There are some student needs that cannot be met within the regular school environment and necessitate other placements such as public and private facilities. In response to the LRE State's initiative, these facilities are developing outreach services to meet the unique needs of particular students. State grants have been provided to locate and staff special education facility classrooms in public schools for students currently in these facilities and divert other students from special school placements. The grants also provide opportunities for students currently in residential placements to receive services in less restrictive day placements by providing short-term, crises intervention; counseling; and behavior intervention and management personnel. As a result of this effort, IEP teams in these LSS have more fluid service delivery options to provide students with disabilities needed services in less restrictive environments. In the majority of these programs, there are opportunities for students with disabilities to be educated with their nondisabled peers.

Co-Teaching

A major initiative to improve LRE is the State's efforts to establish a Maryland Co-Teaching Network and in designing and implementing *Maryland's Co-Teaching Framework*. This framework was developed as a component of one of the Solutions incorporated in the third *Maryland State Improvement Grant* to improve outcomes for children and youth with disabilities in the LRE. The grant is funded by OSEP. The Solution's purpose is to support collaboration for the development of an interactive network of administrators and teachers that builds capacity for system's change. The use of the framework; the provision of high quality staff development related to co-teaching and the implementation of evidenced-based practices; and the development of online web-based components all focus on enhanced opportunities for students with disabilities to be successful in the LRE. The MSDE supports the initiative at the system, school and school team levels to stimulate the development, initiation and implementation of effective practices. Under shared ownership with other divisions within the MSDE, the framework has been established and ongoing data collection and analysis has been sustained to inform decision-making and guide the content for professional development, support and web-based component development. Analysis of the data over time using measured framework outcomes will continue to be used to predict and validate dual benefits regarding placement and academic achievement. The web-based components

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on <http://marylandlearninglinks.org> will continue to be enhanced to support sustainability beyond the funding cycle of the grant.

Competitive Grants

In FFY 2011, there were five competitive grants awarded by the State to improve the education of students with disabilities in the LRE. There are also numerous other grants such as supplementary aids and services, providing parent support, improving results for students with emotional disabilities, improving academic performance, and those focused on improving student behavior that all have a positive impact on LRE data. These have been successful over time.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012 [If applicable]: N/A

Part B State Annual Performance Report (APR) for FFY 2011

Overview of the State Performance Plan Development:

Please refer to the Overview, pages 1-3.

Monitoring Priority: FAPE in the LRE

Indicator 7: Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved:

- Positive social-emotional skills (including social relationships);
- Acquisition and
- Use of knowledge and skills (including early language/ communication and early literacy); and Use of appropriate behaviors to meet their needs.

(20 U.S.C. 1416 (a)(3)(A))

Measurement:

Outcomes:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

Progress categories for A, B and C:

- a. Percent of preschool children who did not improve functioning = [(# of preschool children who did not improve functioning) divided by (# of preschool children with IEPs assessed)] times 100.
- b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = [(# of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.
- c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = [(# of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it) divided by (# of preschool children with IEPs assessed)] times 100.
- d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = [(# of preschool children who improved functioning to reach a level comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.
- e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = [(# of preschool children who maintained functioning at a level comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.

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Summary Statements for Each of the Three Outcomes (use for FFY 2008-2009 reporting):

Summary Statement 1: Of those preschool children who entered the preschool program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.

Summary Statement 2: The percent of children who were functioning within age expectations in Outcome A by the time they exited the program.

Target Data and Actual Target Data for FFY 2011:

Targets and Actual Data for Preschool Children Exiting in FFY 2011 (2011-12)

Summary Statements	Targets FFY 2011 (% of children)	Actual FFY 2011 (% of children)	Actual FFY 2010 (% of children)
Outcome A: Positive social-emotional skills (including social relationships)			
1. Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	66.8%	69.2%	68.9%
2. The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	72.0%	69.53%	67.5%
Outcome B: Acquisition and use of knowledge and skills (including early language/communication and early literacy)			
1. Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	67.1%	70.4%	69.5%
2. The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	58.2%	60.38%	55.2%
Outcome C: Use of appropriate behaviors to meet their needs			
1. Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	62.2%	65.52%	63.9%
2. The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	64.7%	67.0%	63.6%

Progress Data for Preschool Children FFY 2011

A. Positive social-emotional skills (including social relationships):	Number of children	FFY 2011 % of children	FFY 2010 % of children
a. Percent of children who did not improve functioning	454	13.35%	12.6%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	286	8.41%	9.8%

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c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	296	8.71%	9.9%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	1353	39.79%	39.9%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	1011	29.74%	27.6%
Total	N = 3400	100%	
B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):	Number of children	FFY 2011 % of children	FFY 2010 % of children
a. Percent of children who did not improve functioning	403	11.85%	12.5%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	456	13.41 %	14.2%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	488	14.35%	18.1%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	1555	45.74 %	42.9%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	498	14.65%	12.2%
Total	N= 3400	100%	
C. Use of appropriate behaviors to meet their needs:	Number of children	FFY 2011 % of children	FFY 2010 % of children
a. Percent of children who did not improve functioning	466	13.71 %	13.5%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	385	11.32%	13.3%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	271	7.97%	9.6%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	1346	39.59%	37.9%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	932	27.41%	25.6%
Total	N = 3400	100%	

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2011:Improvement Activities targeting quality of data:

The FFY 2011 data reflect improvement for all summary statements across the three child outcomes, with State targets “Met” for 5 out of the 6 summary statements. Although the target for indicator 7.A.2 was not met, there was an improvement of just over 2 percentage points from FFY 10. Of continuing concern in regards to the levels of progress, however, are the essentially unchanged percentages of children reported as “*children who did not improve functioning*” across all three outcomes. Completing accurate and reliable ratings of performance on age-appropriate indicators in the Work Sampling System (WSS), the instrument that is cross walked in ECAS to the three broad child outcomes, was the primary focus of the Preschool MMSR professional development modules developed during FFY 2009, and delivered both in FFY 2010 and FFY 11. While this focused PD contributed to overall improvement in the data reported through the two summary statements for each outcome, the impact on the levels of progress reporting raises questions about the selected assessment instruments ability to reflect relatively small incremental progress for children who may have multiple and complex needs as well as for children whose development is atypical in one or more areas, such as children falling along the Autism Spectrum Disorder continuum.

At the local program level, eight out of twenty-four LSSs met all State targets as compared with five local programs for FFY 10. ECAS data for eleven jurisdictions (eight in FFY 10) were determined to be acceptable (70% or greater) in comparison with reported enrollment numbers of children with IEPs based on age or grade level (K) for the same time period. Representativeness of the data remains a challenge in FFY 11, however, with four out of twenty-four LSSs (nine in FFY 10) continuing to demonstrate significant discrepancies between the number of children for whom Progress at Exit was reported, and the number of children with IEPs enrolled in kindergarten and the number of children 5 years of age with IEPs reported for the same time period, bringing the validity of their “Met/Not Met” status into question. The MSDE will continue to provide targeted technical assistance to these LSSs to address the discrepancy between ECAS and other enrollment data in order to ensure that data for all preschool children are collected at Entry and Exit. Data must be valid, reliable, and representative of the preschool population receiving services through an IEP before being used as a measure of program effectiveness, and serving to inform improvements in policies, procedures and practices on a statewide as well as local program basis.

Division staff in partnership with Johns Hopkins University/Center for Technology in Education (JHU/CTE) staff developed and refined a professional development module that was provided through both face-to-face training sessions and a web-based format. The module content focused on improving the quality of data collected, approaches to analyzing the data, and a framework for applying the results of the data analysis to local program improvement planning. The face-to-face module was customized for each local jurisdiction and public agency program in which it was delivered, and included other data sources in addition to the most current local child outcomes data.

Additional data entry and reporting enhancements were incorporated into the online Early Childhood Accountability System (ECAS) database in FFY 2011. One of the added enhancements was designed to automatically “push-in” or add children with initial IEPs from the State 618 data collection system into ECAS, along with an age appropriate ratings checklist, followed by an email notification to the local ECAS contact person that a “new” child was in need of a Status-at-Entry measure. This enhancement, in addition to a report added in the previous reporting year identifying children in need of a Progress-at-Exit assessment, was intended as a mechanism for capturing all children receiving preschool special education services for at least six months at both the Entry and Exit points, and to improve statewide and local program representativeness of the data, both of which are viewed as essential to conducting informed program improvement planning efforts and implementation of related activities.

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On site grant application planning meetings were held with each local jurisdiction from April through May 2012, with grant submissions due to MSDE by July 2, 2012. During FFY 2011, the LSSs and PAs continued to receive training on the Preschool MMSR modules developed in FFY 09 as well as the module on data analysis/program improvement planning developed and refined in FFY 10. The content of the modules focused on: accuracy and consistency of performance ratings on the Work Sampling System (WSS) for 3 and 4 year old children served under an IEP as well as an Extended IFSP; development of individual child IEP goals and objectives/ IFSP outcomes that are aligned with expectations for school readiness (Maryland State Curriculum); and identification and implementation of appropriate curricular and instructional modifications and accommodations that support access to the general curriculum across early childhood settings. Evaluation results from training delivered on the four modules during indicated that local preschool program coordinators, teachers and related services personnel felt the content met their identified professional development needs, including increasing an understanding of typically developing child expectations, and assuring accurate performance level ratings based on observation of children's performance over time.

SPP/APR Data for Indicators 7A, 7B and 7C School Year 2011 - 2012												
	Social-Emotional				Knowledge and Skills				Appropriate Behaviors			
	7.A.1	Met/ Not Met	7.A.2	Met/ Not Met	7.B.1	Met/ Not Met	7.B.2	Met/ Not Met	7.C.1	Met/ Not Met	7.C.2	Met/ Not Met
State Target	66.8%		72.0%		67.1%		58.2%		62.2%		64.7%	
State Actual	69.02 %	Met	69.53%	Not Met	70.40%	Met	60.38%	Met	65.52%	Met	67.0%	Met
Total # Exit	Total K with an IEP*				ECAS % of K population with IEP				Total 5 year olds with an IEP*		ECAS % of 5 year old population with IEP	
Source: ECAS	*Source: October 2010 Special Education Census Report											
3400	5896				57.7%				5325		63.8%	

Improvement Activities designed to improve the quality of programs and services in order to improve children's outcomes:

The Maryland State Department of Education was awarded a Race-to-the-Top Early Learning Challenge Grant in December 2011. A major initiative of the RTTT-ELC grant is the revision of existing formative assessments (36-72 months), the development of new formative assessments (birth to 36 months), and a revised kindergarten entry assessment, that will align with the State adopted Common Core Standard (Comprehensive Assessment System/CAS). Beginning with the implementation of the CAS in the 2014-2015 school year, the Work Sampling System (WSS) will no longer be utilized as either a measure of school readiness on a statewide basis or as a means of monitoring child progress by local programs. The design of the CAS, which will replace the WSS, will incorporate principles of universal design, and provide for multiple means of measuring performance that are developmentally appropriate. In addition, assessment items will provide for measuring developmental levels that fall below typical-age expectations so that an accurate picture of a child's performance can be reflected, and incremental levels of progress measured. The revised system will also feature a trans-media technology platform for assessment administration, and will include linkages to the reporting database and online resources for instructional interventions. This initiative is being implemented by the MSDE Division of Early Childhood Development

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(DECD), the designated lead within the MSDE for the RTTT-ELC grant, in partnership with the DSE/EIS and the Johns Hopkins University/Center for Technology in Education (JHU/CTE). CAS is intended for all children, and as such, ECAS will no longer be a stand-alone system. It will be integrated into the CAS and will provide for ongoing monitoring of individual child progress as well as annually reporting on the three child outcomes for children with disabilities, ages three through five. Extensive professional development that will include general and special educators and other community based public and a private provider in the same sessions is currently in the planning stage. Implementation of the CAS on a statewide basis is scheduled for the fall of 2015. In the meantime, child outcomes data will continue to be collected and reporting using the WSS and the ECAS.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012: N/A

Part B State Annual Performance Report (APR) for FFY 2011

Overview of the Annual Performance Report Development:

Please refer to the Overview, pages 1-3.

Monitoring Priority: FAPE in the LRE

Indicator 8: Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

(20 U.S.C. 1416(a)(3)(A))

Measurement:
Percent = [(# of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities) divided by the (total # of respondent parents of children with disabilities)] times 100.

FFY	Measurable and Rigorous Target
FFY 2011 (2011-2012)	<p>36% of the parents of school-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.</p> <p>39% of the parents of preschool-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.</p>

Actual Target Data for FFY 2011:

Target	Actual Number	Actual Percentage	Target Status
School Age – 36%	8,391	42%	Exceeded Target
Preschool – 39%	1,557	49%	Exceeded Target

The MSDE conducted a census survey of a total of 104,053 parents of children and youth receiving special education services. Of the total number of surveys (104,053), 91,829 were sent to parents of school-aged (6 through 21 years of age) children and youth receiving special education services and 12,224 parents of preschool (3 through 5 years of age) children receiving special education services. Each survey packet contained both English and Spanish versions. Results are based on the surveys returned by 8,391 (8,391 responses—8,053 English and 338 Spanish) parents of school-aged children (10%) and 1,557 (1,557 responses—1,464 English and 93 Spanish) parents of preschool children (13%). Overall 9,948 of 104,053 (10.4%) of all surveys were returned. Overall, there was a 10.4% response rate which was comprised of 13% for parents of preschoolers and 10% for the parents of school-age children.

For the 2011-2012 school year, questions were administered via paper and web surveys. Separate surveys were used for parents with children in preschool versus parents of school-age children. The MSDE provided the vendor with a list of all schools within each county by preschool and school-age populations. The MSDE also provided the vendor the number of nonpublic schools in which local school systems have placed students with disabilities, in order to receive a FAPE. In addition, four special schools were included in the FFY 2011 parent survey: The SEED School of Maryland, a public residential school for at-risk students; Maryland School for the Blind and the two campuses of the Maryland School for the Deaf (Columbia and Frederick). School lists were generated for each local school system and special school.

In addition, each survey shipment included a letter of explanation that detailed the purpose of the survey and provided contact information for the MSDE project officers and a member of the vendor staff. Each survey packet contained one survey, an introductory letter to parents, a Frequently Asked Questions (FAQ) Flyer about the survey, and a business reply envelope to return the completed survey directly to the vendor. The packages were addressed to the Parent/Guardian of a specific child. Each survey packet contained both English and Spanish versions. All surveys were mailed in early May 2012. Surveys were returned directly to the ICF Macro Team's offices via business reply mail. As each survey was received, it was processed, counted, and prepared for scanning.

The indicator is calculated based on parental responses to a series of questions administered via a paper/pencil and web survey. As with previous iterations of this survey, the questions on the survey are those recommended by the National Center for Special Education Accountability Monitoring (NCSEAM), and include 25 core questions followed by six (6) demographic questions. (The preschool questionnaire included 7 demographic questions). Separate surveys are used for parents with children in preschool versus parents of school-age children. Rasch analysis, using the weights (i.e., anchors) suggested by the NCSEAM, is used to calculate the value of the OSEP Indicator 8. For the current data collection period, an additional comment field was added to the end of the web survey for both English and Spanish, as well as to the end of the English paper surveys for parents to provide their feedback regarding the special education services their child received in the 2011-2012 school year.

Upon the recommendation from the NCSEAM, the data were calculated using a Rasch measurement framework. Measurements on the Part B rating scales are minimum measures that meet the standard for school facilitation of parent involvement. Applying this standard, the percent reported is the percent of parents whose responses are at or above 600.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2011

Responses from Parents of Preschool-Aged Children Receiving Special Education

Overall 763 of 1,557 (49%) of parents of preschool-aged children reported that schools facilitated parent involvement as a means of improving services and results for children with disabilities. The FFY 2010 survey also indicated 49% of parents of preschool-aged children reported that schools facilitated parent involvement as a means of improving services and results for children with disabilities. This is a zero percentage point change over FFY 2010 but remains a six percentage point increase over FFY 2009.

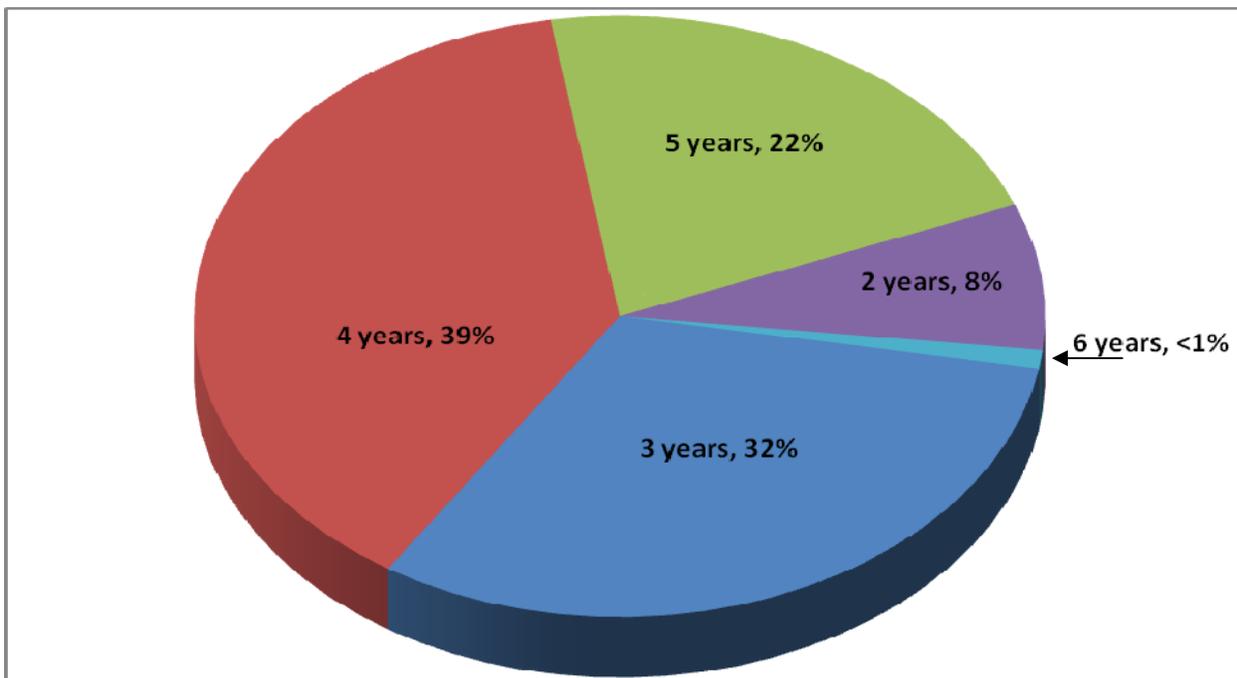
Nearly all respondents (99%) were from Maryland; with the exception of a limited number of responses from Delaware and Pennsylvania as well as a small percentage that failed to indicate their state of residence. The number of responses provides enough data for reliable statewide estimates.

Distributions for the other demographics are shown in Figures 1 to 3.

These reveal the following:

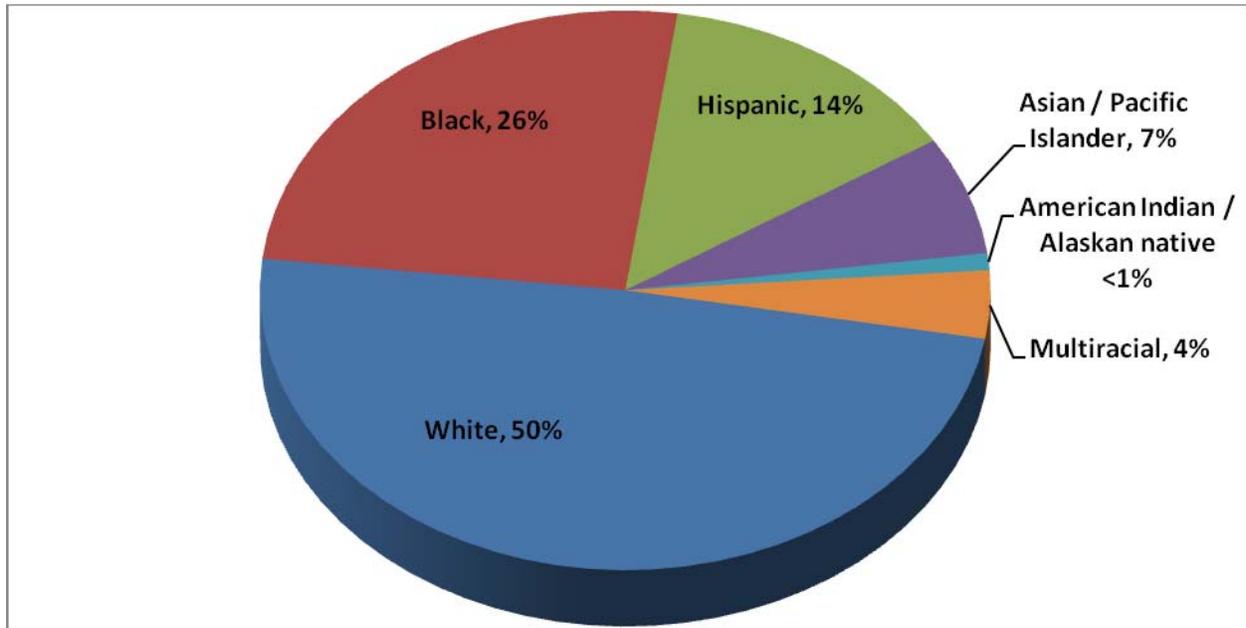
- Ninety-three percent of the respondents were parents of preschoolers, 3, 4 or 5 years of age (Figure 1).
- Half (50%) of the respondents were White, about one-fourth (26%) were Black or African American, 14% Hispanic and 7% Asian and 4% identified themselves as multiracial (Figure 2).
- The four most frequently cited exceptionalities/disabilities (speech or language impairment, developmental delay, autism, and multiple disabilities) account for more than 90 percent of the exceptionalities/disabilities cited (Figure 3).

Figure 1: Distribution by Age of Preschoolers



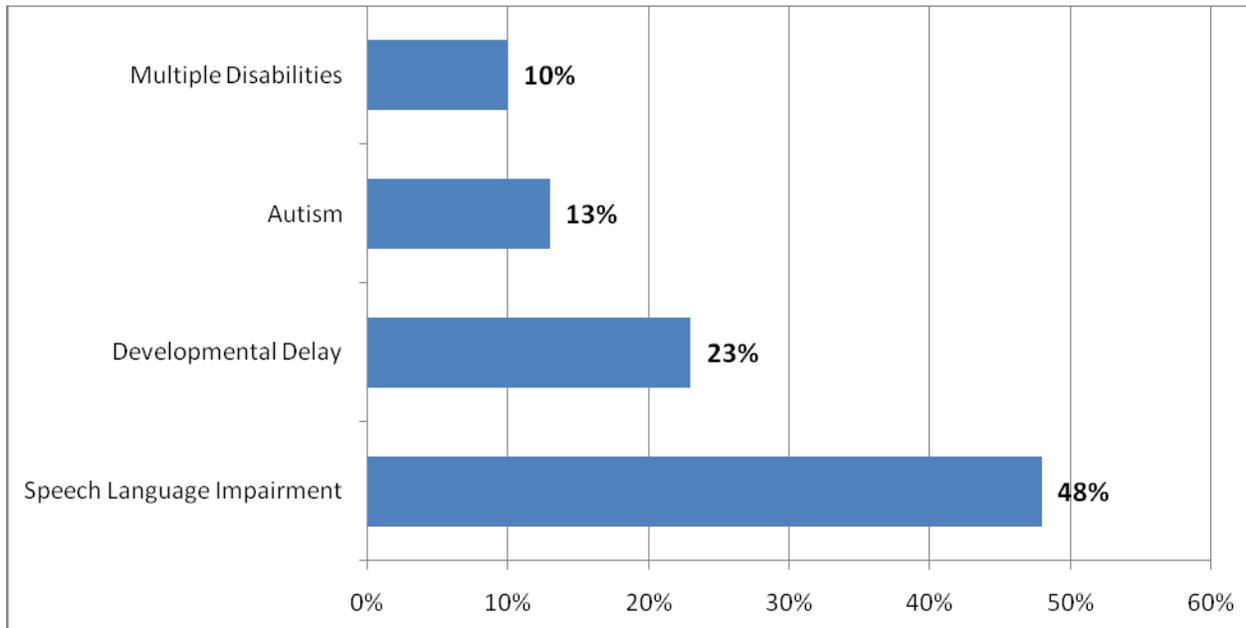
Note: Does not equal 100% because of rounding.

Figure 2: Distribution of Respondents by Race of Child



Note: Does not equal 100% because of rounding.

Figure 3: Distribution of Preschoolers by Top Four Exceptionalities/Disabilities Cited



In FFY 2011, 93% of the respondents, by age of the child, were parents of children 3, 4 and 5 years of age, as compared to FFY 2010, when 96% of the respondents by age of the child were 3, 4 and 5 years of age. The percentage of respondents who are Black or African American increased over the previous

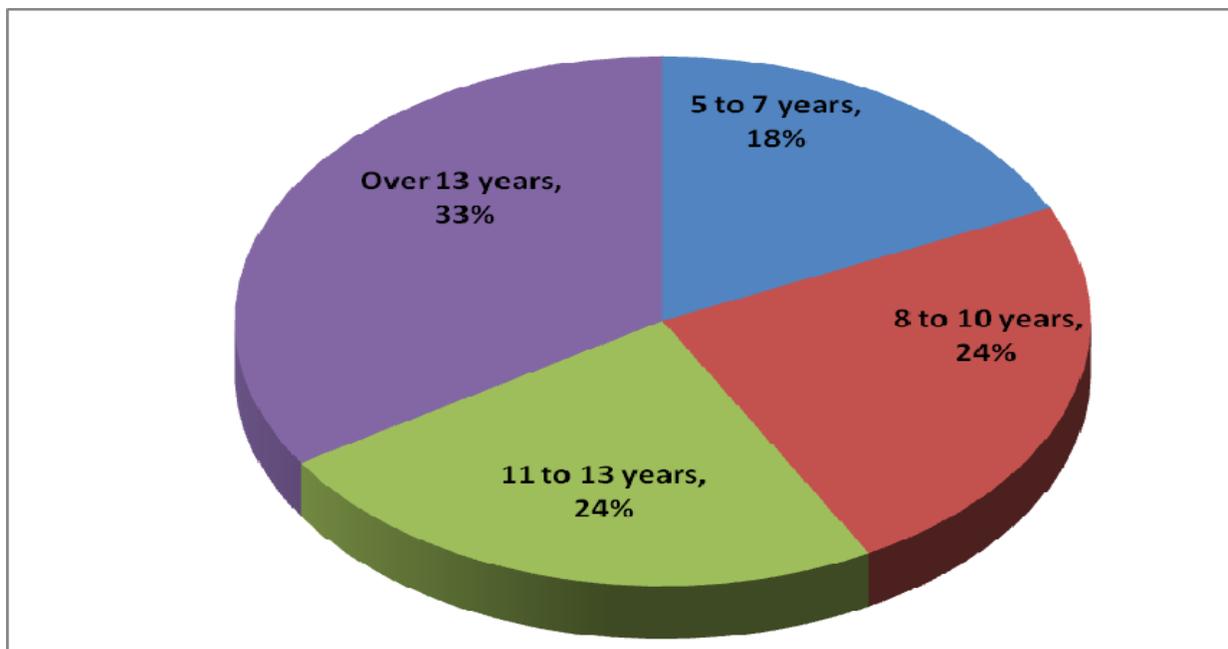
year (26% versus 20%) as did the Asian (7% versus 5%), and Hispanic (14% versus 8%) populations. The percentage of White respondents decreased from 57% to 50%. There was also a decrease in the percent of respondents who identified themselves as multi-racial (4% versus 8%). A comparison of FFY 2011 and FFY 2010 distribution of respondents continued to identify the largest percentage of respondents were parents of children identified with a speech or language impairment (48% versus 46%). Also the parents of children with a developmental delay were similarly represented (23% versus 22%). FFY 2011 found autism remains the third highest distribution (13% versus 12%) while children identified with multiple disabilities continues to rank as the fourth highest distribution of respondents by disability remaining constant at 10%.

Responses from Parents of School-Aged Children Receiving Special Education

Overall 3,524 of 8,391 (42%) of parents of school-aged children reported that schools facilitated parent involvement as means of improving services and results for children with disabilities. This is two (2) percentage points higher than reported in FFY 2010 (40%). Nearly all respondents (99%) were from Maryland; with the exception of a limited number of responses from Delaware and Pennsylvania as well as a small percentage that failed to indicate their state of residence.

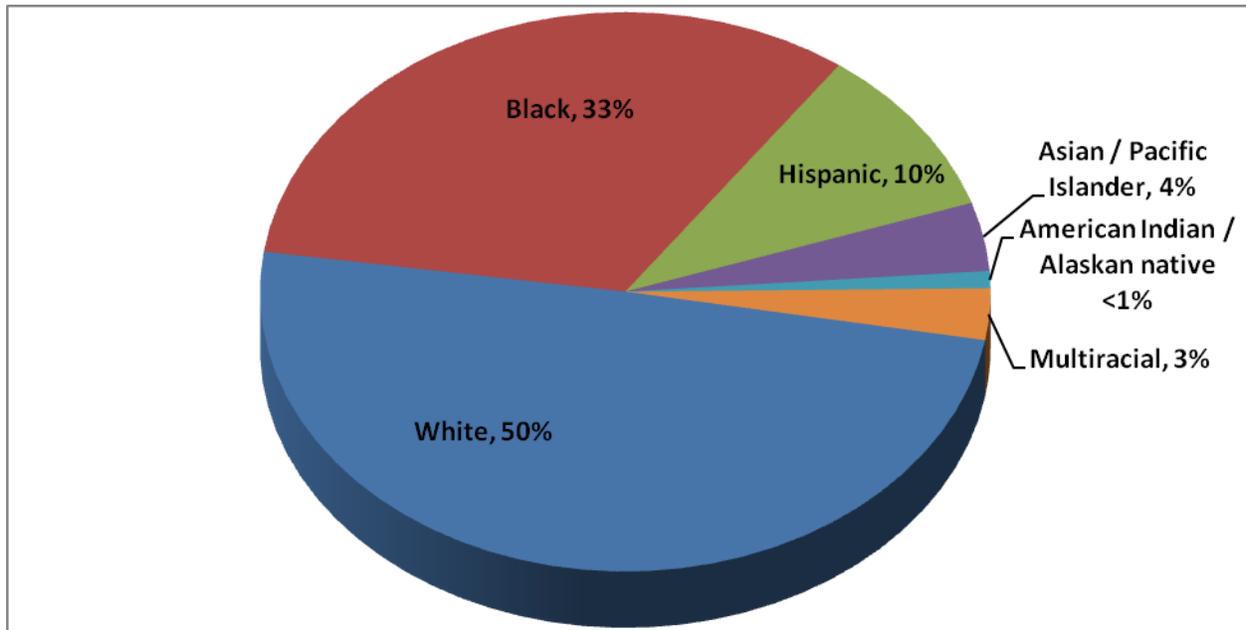
Figures 4-6 display the demographics for these school-age children of parents responding to the survey. Figure 4 displays the distribution of the children by age during that school year. Just under half (42 percent) of these are 10 or younger. The majority (61 percent) were referred to Early Intervention or Special Education between the ages of one and five. Half (50 percent) are White and about one-third (33 percent) are Black or African American (Figure 5). The four most frequently cited disabilities account for 95 percent of the disabilities cited (Figure 6).

Figure 4: Distribution by Age of School-age Children



Note: Does not equal 100% because of nonresponses

Figure 5: Distribution of Respondents by Race of Child



Note: Does not equal 100% because of nonresponse.

Figure 6: Distribution of School-age Children by Top Four Exceptionalities/Disabilities Cited

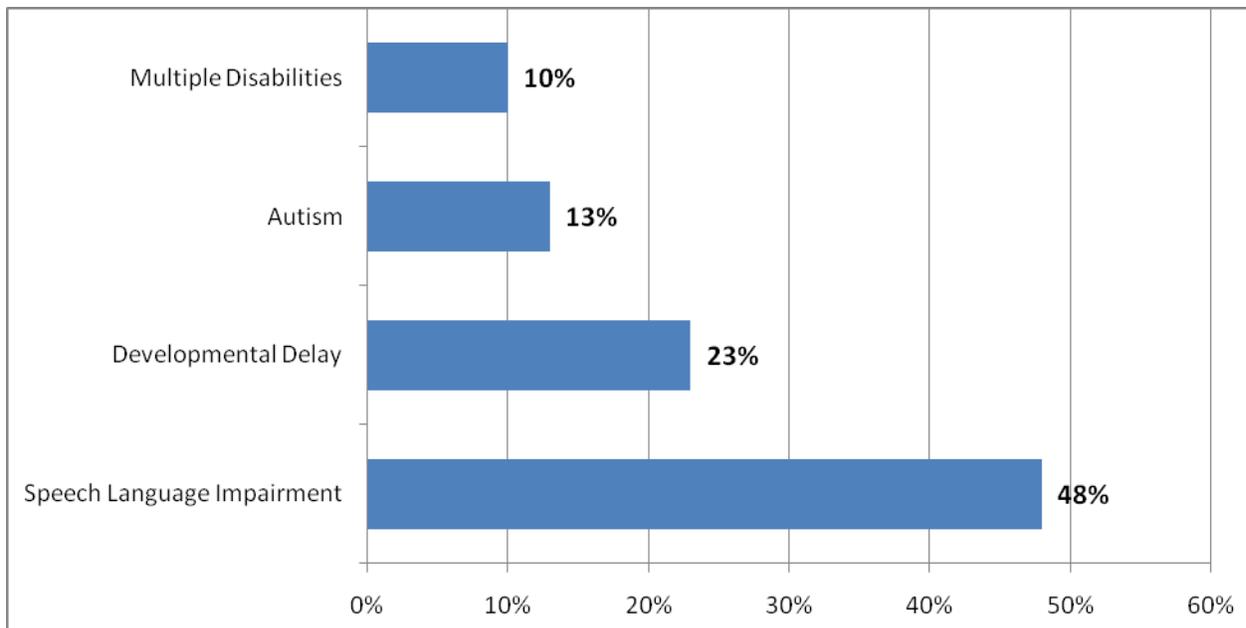
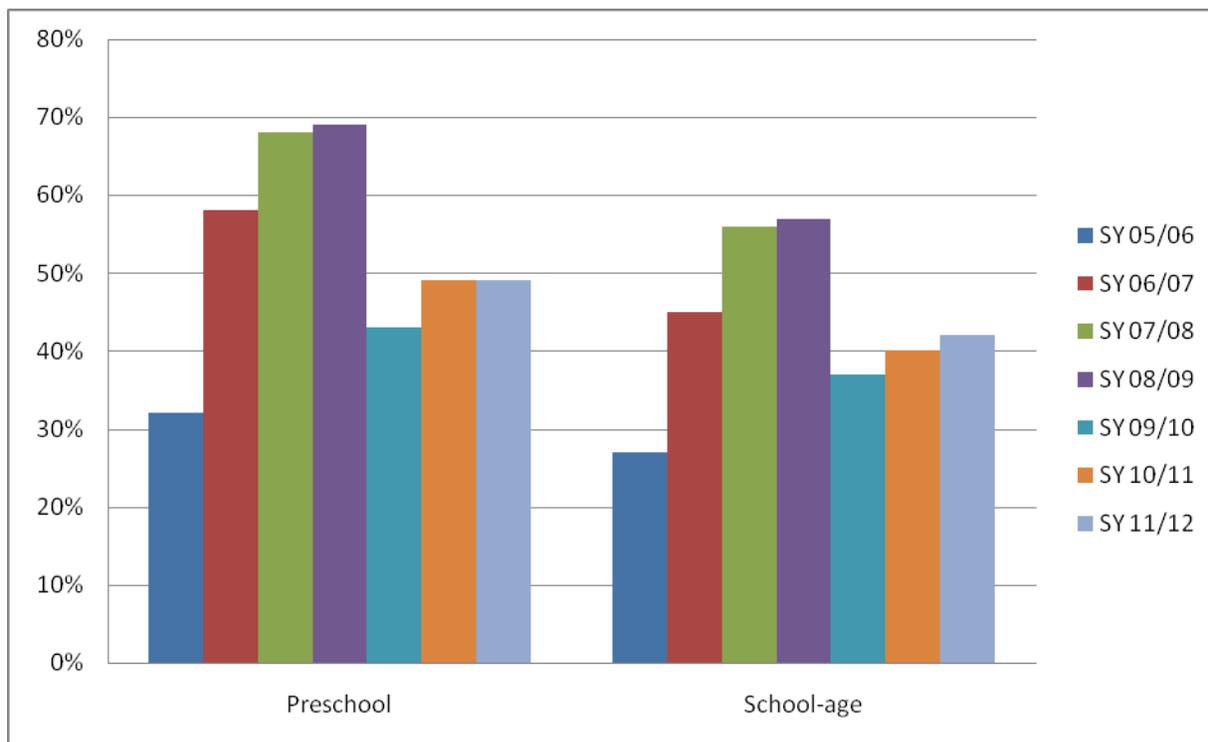


Figure 7 presents data comparing the values on OSEP Indicator #8 for school years 2005/2006, 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011, and 2011/2012.

Figure 7: OSEP Indicator #8, School Year 2005-2006, 2006-2007, 2007-2008, 2008-2009, 2009-2010, and 2010-2011 Preschool and School-Age Children



Improvement Activities

The MSDE completed all activities with the exception of those marked annually or ongoing.

Overall, the number and percentage of students with disabilities, ages three through 21 years of age receiving special education, by race and ethnicity reported in the October 28, 2011 child count identified their race and ethnicity as 41,399 (40.5%) White, 43,124 (42.2%) Black/African American, and 11,385 (11.1%) Hispanic. Respondents to the two surveys represented a total of 9,948 respondents. A total of 4,950 (50%) were identified as White, 3,180 (32%) as Black/African American, 1,018 (10%) as Hispanic, and 312 (3%) as Multiracial. There was an increase in the number of Black/African American respondents to the survey over FFY 2010 response rates (32% in FFY 2011 vs. 27% in FFY 2010). The respondents were substantially representative of the population while white was overrepresented by 6% for preschool and 10% for school age Black/African American was underrepresented 7% preschool and 10% school age. Hispanic and multi-racial respondents were representative of the population for both preschool and school age. As a part of its Maryland State Improvement Grant III (Performance Measure 5), Maryland provides professional development for Family Support Coordinators across the State and had developed online resources and learning opportunities for families of children and youth with disabilities.

At Special Education State Advisory Committee (SESAC) Meetings the SESAC members have reviewed Parent Survey Results for 2011-2012 to problem solve how to increase parent participation. The 2011-2012 Parent Survey Results were distributed to local directors of special education at the Division’s Annual Special Education Leadership Conference, October 10 – 12, 2012. Local Parent Survey results

are used by each local school system to complete their self-assessment. Local directors of special education, local preschool coordinators, and SEASC members were informed that a Parent Survey Task Force, comprised of pertinent stakeholders, including local directors of special education, local preschool coordinators, SESAC members, parents, and advocates would be developed to review the parent survey and to make recommendations for strategies to improve the parent response rate.

The Special Education State Advisory Committee (SESAC) will continue to collaborate with local Special Education Citizens' Advisory Committees (SECACs) to identify ways to improve the response rate of Black/African-Americans and to review policies, procedures and practices that address parental involvement. The Division and the SESAC will also continue to meet with the vendor to review the results from the rating scale to examine ways to continue to increase the response rate and to consider adjustments.

Correction of Related Requirements Noncompliance: N/A

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2012: N/A

Part B State Annual Performance Report (APR) for FFY 2011

Overview of the Annual Performance Report Development:

Please refer to the Overview, pages 1-3.

Monitoring Priority: Disproportionality

Indicator 9: Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

Measurement:

Percent = [(# of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification) divided by the (# of districts in the State)] times 100.

In analyzing data for this indicator, the State must:

The State used its Section 618 data, collected the last Friday in October, 2011, from each of the 24 local school systems, and reported in the 2011 *Maryland Special Education/Early Intervention Services Census Data and Related Tables*.

Definition of “Disproportionate Representation” and Methodology

Disproportionate representation is defined as having students in a particular racial/ethnic group (i.e., American Indian or Alaskan Native, Asian, Black or African American, Native Hawaiian or Pacific Islander, White, Hispanic, or Two or More Races) being at a considerably greater or lesser risk of being identified for special education and related services than all other racial/ethnic groups enrolled either in the local school system or in the State.

Maryland identifies disproportionate representation using a weighted risk ratio calculated according to the instructions provided in the IDEA publication, “Special Education: A Technical Assistance Guide.” <http://www.ideadata.org/docs/Disproportionality%20Technical%20Assistance%20Guide.pdf>

Over-representation: The Maryland State Department of Education (MSDE) identifies local school systems with a weighted risk ratio of 2.0 or above, in a particular racial/ethnic group, as disproportionate.

Identification of Disproportionate Representation: In addition to meeting the weighted risk ratio of 2.0 or above for over-representation, and the local school systems must meet the criteria for the minimum “n” size. MSDE utilizes a minimum “n” size of 30 for all local school systems.

Step One:

Using the criteria established above, the State determined that no local school system was identified as meeting the data threshold for disproportionate over-representation. Three local school systems were excluded from the calculation as a result of not meeting the minimum “n” size.

Step Two: Determining if Disproportionate Representation is the Result of Inappropriate Identification

The MSDE determines if the local school systems' disproportionate representation is the result of inappropriate identification by first reviewing the *Self-Assessment of Public Agency Performance on IDEA, Part B Indicators (Self-Assessment)*. In this document, local school systems report their data for Indicator 9. If the local school system reports disproportionate representation, it must review its policies and procedures to ensure compliance with the child find, evaluation, and eligibility requirements related to appropriate identification. In addition the local school is to review a sampling of records of students in the disproportionate race who are newly identified in FFY 2010 to ensure that appropriate identification procedures were used. The local school system is to submit to the MSDE both the policies and procedures and a summary report based on the record review. The MSDE then verifies that policies and procedures are appropriate and that these procedures were followed for the identification of students for special education.

Based on this analysis, 0% of the nine local school systems identified with a disproportionate representation of racial and ethnic groups in special education demonstrated that the disproportionate representation was the result of inappropriate identification.

FFY	Measurable and Rigorous Target
FFY 2011	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups receiving special education and related services that is the result of inappropriate identification.

Actual Target Data for FFY 2011: 0% Target Met

Districts with Disproportionate Representation of Racial and Ethnic Groups that was the Result of Inappropriate Identification

Year	Total Number of Districts	Number of Districts with Disproportionate Representation	Number of Districts with Disproportionate Representation of Racial and Ethnic Groups that was the Result of Inappropriate Identification	Percent of Districts
FFY 2011 (2011-2012)	24	0	0	0%

APR Template – Part B

MARYLAND
State

Correction of FFY 2010 Findings of Noncompliance (if State did not report 0%):

Level of compliance (actual target data) State reported for FFY 2010 for this indicator: 100%

1. Number of findings of noncompliance the State made during FFY 2010 (the period from July 1, 2010 through June 30, 2011)	N/A
2. Number of FFY 2010 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	N/A
3. Number of FFY 2010 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

Correction of FFY 2010 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2010 findings not timely corrected (same as the number from (3) above)	N/A
5. Number of FFY 2010 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	N/A
6. Number of FFY 2010 findings <u>not</u> yet verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected:

N/A

Verification of Correction (either timely or subsequent):

Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2010:

Correction of Remaining FFY 2009 Findings of Noncompliance (if applicable):

N/A

1. Number of remaining FFY 2008 findings noted in OSEP’s June 2010 FFY 2008 APR response table for this indicator	N/A
2. Number of remaining FFY 2008 findings the State has verified as corrected	N/A
3. Number of remaining FFY 2008 findings the State has not verified as corrected [(1) minus (2)]	0

Verification of Correction of Remaining FFY 2008 findings:

N/A

Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2008:

N/A

Correction of Any Remaining Findings of Noncompliance from FFY 2007 or Earlier (if applicable):
N/A

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2011:

Since FFY 2004, Maryland has maintained its target of zero percent of school systems having disproportionate representation of racial/ethnic groups in special education that is the result of inappropriate identification.

Local school systems were provided a comprehensive document entitled, *A Review of Disproportionality of Racial Groups in Special Education* to assist in the review of its policies, procedures and practices and ensure the following:

- Tiered academic and behavioral instructional approaches are implemented for students not demonstrating grade level content mastery;
- Referral, evaluation and identification procedures are appropriate;
- Data collection, review and analysis are in place;
- Parental involvement is encouraged; and
- Adequate staff awareness and training are provided.

In addition a review of records of newly identified students in the disproportionate race is required. Section 12 of the *Special Education Student Record Review* document is to be used for this purpose.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012 (if applicable): N/A

Part B State Annual Performance Report (APR) for FFY 2011

Overview of the Annual Performance Report Development:

Please refer to the Overview, pages 1-3.

Monitoring Priority: Disproportionality

Indicator 10: Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

Measurement:

Percent = [(# of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification) divided by the (# of districts in the State)] times 100.

In analyzing data for this indicator, the State must:

The State used its Section 618 data, collected the last Friday in October, 2010, from each of the 24 local school systems, and reported in the 2011 *Maryland Special Education/Early Intervention Services Census Data And Related Tables*.

Definition of “Disproportionate Representation” and Methodology

Disproportionate representation is defined as having students in a particular racial/ethnic group (i.e., Native American Indian, Asian, Black or African American, Native Hawaiian or Pacific Islander, White, Hispanic, or Two or More Races), as being at a considerably greater or lesser risk of being identified in a specific disability category (i.e., Intellectual Disability, Specific Learning Disability, Emotional Disability, Speech or Language Impairments, Autism and Other Health Impairment), than all other racial/ethnic groups enrolled either in the local school system or in the State.

Maryland identifies disproportionate representation using a weighted risk ratio calculated according to the instructions provided in the IDEA publication, “Special Education: A Technical Assistance Guide.” <http://www.ideadata.org/docs/Disproportionality%20Technical%20Assistance%20Guide.pdf>

Over-representation

The Maryland State Department of Education (MSDE) identifies local school systems with a weighted risk ratio of 2.0 or above for each racial/ethnic group, by disability, as disproportionate.

Identification of Disproportionate Representation

In addition to meeting the weighted risk ratio of 2.0 or above for over-representation, the local school systems must meet the criteria for the minimum “n” size. Consistent with OSEP’s revised guidance, MSDE utilizes a minimum “n” size of 30 for all local school systems.

Results Using Weighted Risk Ratio - Over-representation Data
(Data analysis only)

The following chart is based on Maryland’s 24 local school systems and represents the number of local school systems that are disproportionate in the over-representation of racial/ethnic groups, in specific disability categories, according to the weighted risk ratio:

	Intellectual Disability	Specific Learning Disabilities	Emotional Disability	Speech or Language Impairments	Autism	Other Health Impairments
<i>American Indian or Alaskan Native</i>						
# of LSS	0	0	0	0	0	0
% of LSS	0%	0%	0%	0%	0%	0%
<i>Asian</i>						
# of LSS	0	0	0	0	0	0
% of LSS	0%	0%	0%	0%	0%	0%
<i>Black or African American</i>						
# of LSS	6	6	7	0	0	1
% of LSS	25%	25%	28%	0%	0%	4%
<i>Native Hawaiian or Pacific Islander</i>						
# of LSS	0	0	0	0	0	0
% of LSS	0%	0%	0%	0%	0%	0%
<i>White</i>						
# of LSS	1	1	0	0	2	0
% of LSS	4%	4%	0%	0%	8%	4%
<i>Hispanic</i>						
# of LSS	0	0	0	0	0	0
% of LSS	0%	0%	0%	0%	0%	0%
<i>Two or More Races</i>						
# of LSS	0	0	0	0	0	0
% of LSS	0%	0%	0%	0%	0%	0%

Using the criteria established above, the State determined that sixteen local school systems were identified as meeting the data threshold for disproportionate representation of racial and ethnic groups in one or more specific disability category. Twenty local school systems were excluded from the calculation as a result of not meeting the minimum “n” size for a specific race/disability category. (Step One)

Step Two: Determining if Disproportionate Representation is the Result of Inappropriate Identification

The policies and procedures for appropriate identification from the sixteen local school systems were made available for review. MSDE Compliance monitors reviewed the policies and procedures and found the sixteen to be in compliance with the requirements of 34 CFR §300.111, §300.201, and §300.301 through § 300.311. In addition to reviewing policies and procedures, each of the sixteen local schools systems were required to conduct a review of records of each student newly identified in the disproportionate racial group/disability category during the 2011-2012 school year to ensure compliance with requirements related to child find, evaluation and eligibility. Based on the results of the record review and the review of policies and procedures the sixteen local school systems were compliant with the requirements of 34 CFR §300.111, §300.201, and §300.301 through § 300.311.

Based on this analysis, 0% of 24 local school systems were identified with a disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification.

Actual Target Data for FFY 2010:

FFY	Measurable and Rigorous Target
FFY 2011	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

Districts with Disproportionate Representation of Racial and Ethnic Groups in Specific Disability categories that was the Result of Inappropriate Identification

Year	Total Number of Districts	Number of Districts with Disproportionate Representation	Number of Districts with Disproportionate Representation of Racial and Ethnic Groups in specific disability categories that was the Result of Inappropriate Identification	Percent of Districts
FFY 2011 (2011-2012)	24	16	0	0%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2011:

Since FFY 2004, Maryland has maintained its target of zero percent of school systems having disproportionate representation of racial/ethnic groups in specific disability categories that is the result of inappropriate identification. Annually, each local school system is provided a comprehensive document entitled, *Maryland Special Education Disproportionate Representation Report* which includes disaggregated identification data by race and disability. Local school systems are expected to use the analysis of its data in planning for improvement and/or correction. Each local school system reporting disproportionate representation makes available its policies, procedures and practices for review by MSDE staff. In addition, local school systems are required to complete a record review of newly identified students in the disproportionate race and disability category to ensure that students are identified based on appropriate policies and procedures.

A document entitled *State Performance Plan Indicators 9 and 10: a Review of Disproportionate Representation of Racial Groups in Special Education* was developed by the MSDE. The purpose of the document is to assist local school systems to conduct an in-depth review of their policies and procedures and ensure the following:

- Tiered academic and behavioral instructional approaches are implemented for students not demonstrating grade level content mastery;
- Referral, evaluation and identification procedures are appropriate;
- Data collection, review and analysis are in place;
- Parental involvement is encouraged; and
- Adequate staff awareness and training are provided.

Correction of FFY 2010 Findings of Noncompliance (if State reported more than 0% compliance):
Level of compliance (actual target data) State reported for FFY 2010 for this indicator: 100%

1. Number of findings of noncompliance the State made during FFY 2010 (the period from July 1, 2010 through June 30, 2011)	0
2. Number of FFY 2010 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	0
3. Number of FFY 2010 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

Correction of FFY 2010 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2010 findings not timely corrected (same as the number from (3) above)	0
5. Number of FFY 2010 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	0
6. Number of FFY 2010 findings <u>not</u> yet verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected:
N/A

Verification of Correction (either timely or subsequent):
N/A

Describe of the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2010:
N/A

Correction of Remaining FFY 2009 Findings of Noncompliance (if applicable):

1. Number of remaining FFY 2009 findings noted in OSEP’s June 2012 FFY 2010 APR response table for this indicator.	0
2. Number of remaining FFY 2009 findings the State has verified as corrected.	N/A
3. Number of remaining FFY 2009 findings the State has not verified as corrected [(1) minus (2)].	0

Verification of Correction of Remaining FFY 2009 findings:
N/A

APR Template – Part B

MARYLAND
State

Describe of the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2009:

N/A

**Correction of Any Remaining Findings of Noncompliance from FFY 2008 or Earlier (if applicable):
Provide information regarding correction using the same Table format provided above.**

N/A

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):

N/A

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012 (if applicable): N/A

Part B State Annual Performance Report (APR) for FFY 2011

Overview of the Annual Performance Report Development:

Please refer to the Overview, pages 1-3.

Monitoring Priority: Effective General Supervision Part B / Child Find

Indicator 11: Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

a. # of children for whom parental consent to evaluate was received.
 b. # of children whose evaluations were completed within 60 days (or State-established timeline).
 Account for children included in a. but not included in b. Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.
 Percent = [(b) divided by (a)] times 100.

FFY	Measurable and Rigorous Target
FFY 2011 (2011-2012)	100% of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.

Actual Target Data for FFY 2011: 97.79% – Target Not Met

The MSDE requires local school systems and public agencies to report Indicator 11 data. FFY 2005 was the first year required. In FFY 2006, the MSDE clarified and improved procedures for collecting, reviewing, verifying data, reporting reasons for delay, and range of day data, for local school systems and public agencies. All local school systems and public agencies were also able to determine the number of acceptable reasons for delay, and for determining which evaluations were considered unacceptable and not completed within 60 days. The MSDE Excel spreadsheets calculates percentages through formulas that account for the acceptable reasons for delay based on the total number of evaluations completed within 60 days, as described in the OSEP Part B Indicator Support Grid.

The MSDE again revised the forms/Excel spreadsheets for the FFY 2007 (2007-2008) collection period to address discrete details in order to more closely examine reasons for delay, and the range of days beyond 60 calendar days, for each local school system and public agency. This information is annually utilized to assist local school systems or public agencies (LSS/PAs) in analyzing data and providing for technical assistance needs.

The MSDE improvement activities in FFY 2010 and FFY 2011 included the revision of a new Excel data collection form and improved instructions to accompany the form, along with technical assistance provided at regional data management meetings. The MSDE data management and program staff

worked closely with LSS/PAs staff to ensure the integrity of the data reported in FFY 2010 and FFY 2011. The data fields previously collected by the Excel spreadsheets are now being collected by the Special Services Information System (SSIS) data collection system quarterly. This has driven the required shift to student level data submissions quarterly to replace the Excel spreadsheets of aggregate data from the LSS/PAs. The new web based data submission for indicator 11 data was required as of November 1, 2011 for all LSS/PAs.

Children Evaluated Within 60 Days (or State-established timeline):

a. Number of children for whom parental consent to evaluate was received	19,734
b. Number of children whose evaluations were completed within 60 days (or State-established timeline)	19,297
c. Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State established-timeline) (Percent = [(b) divided by (a)] times 100)	97.79%

Measurement: 19734 divided by 19297 X 100 = 97.79%

Federal and State timeline exceptions include **311 students** distributed as stated below.

These eligibility determination exceptions were removed from the equation because determination will not be resolved due to the reasons stated below (altering the number of children for whom parental consent to evaluate was received. From 20,045 to 19,734)

- **121 students** whose parent repeatedly failed or refused to make child available [§300.301(d)(1)]
- **9 students** enrolled after the 60-calendar day timeframe had started and prior to determination by the previous public agency. Receiving LEA made sufficient progress to complete evaluation, and to a specific time to complete the evaluation (all conditions must be met) parent and LEA agreed [300.301(d)(2) and (e)]; and
- **181 students** were not able to be determined due to withdrawals, i.e., transfer (Student transferred out of the LSS where the evaluation was started and that LSS could no longer track them.), dropout; parent withdrew consent.

Public agencies also reported a total of 740 students as having "acceptable reasons for delay" beyond the 60 days from date of parental consent for evaluation. These three reasons for delay were added to numerator, the reasons included:

- **8 students** evaluations were not completed with 60 days due to inclement weather, acceptable only if school is not in session due to weather emergency;
- **23 students** whose School/Facility Closure due to LSS or School emergency; and
- **709 students** Parent and IEP team have a written agreement to extend timeline [COMAR 13A.05.01.04 (a)] (578).

Public agencies reported a total of **310 students** as having "unacceptable reasons for delay," which included:

- **95 students** paperwork error;
- **9 students** inconclusive testing results;
- **32 students** child not available (not parent failure)/child refusal);
- **48 students** had staffing issues; and
- **126 students** had other reason(s).

Indicate the range of days beyond the timeline and provide reasons for the delays:

In order to more closely analyze the root causes for delay, the Division collects data on the number of days beyond 60 days for delays considered acceptable reasons for delay (740) and unacceptable reasons for delay (310). A total of 1050 students were not evaluated within 60 days of parental consent for evaluation, the range of days for all reasons clustered as follows:

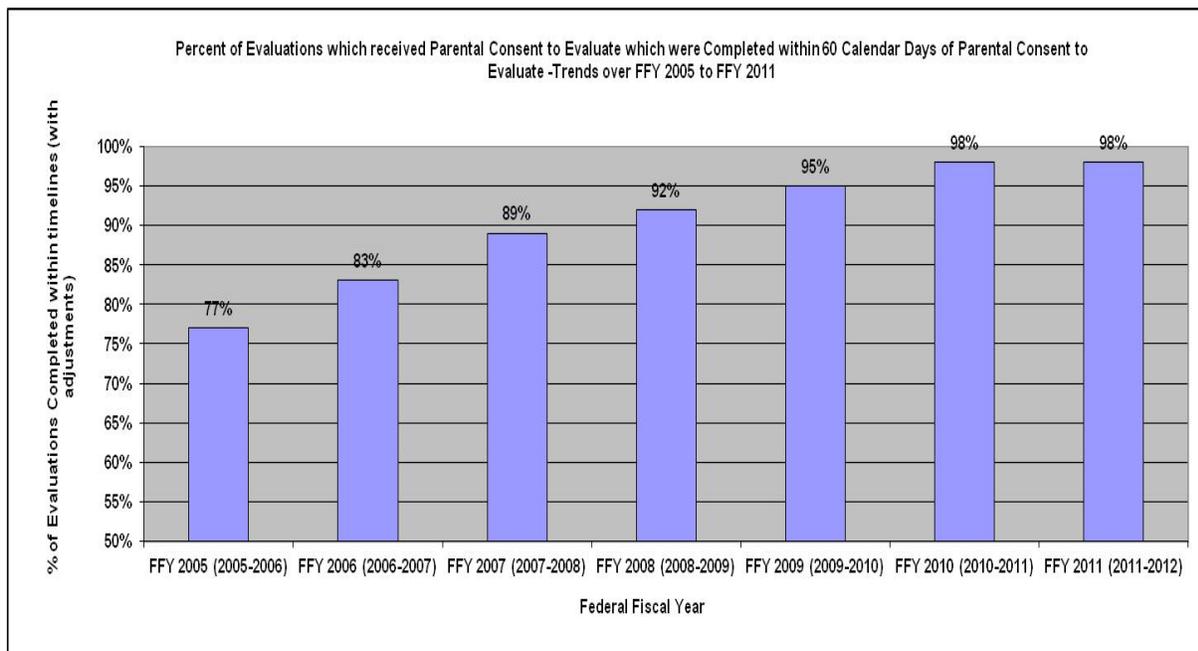
- 577 (54.96%) - 1 day to 15 days
- 398 (37.93%) - 16 to 45 days
- 75 (7.10%) - beyond 45 days

This information is used by the MSDE monitoring staff to assist public agencies in analyzing data and providing for technical assistance. The MSDE data management and program staff worked closely with local school system staff to ensure the integrity of the data reported in FFY 2011.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2011:

In FFY 2011, 97.79% of evaluations were completed within 60 days of parental consent to evaluate. Although the State’s target of 100% was not met, the data showed a gain of .08 percentage points from FFY 2010 (97.71%), a continued steady improvement.

As shown in the figure below, the MSDE’s progress narrowed the gap between the State target of 100% and actual data showing a 21 percentage point increase in compliance.



In FFY 2011 a comparison of local school systems and public agencies (LSS/PAs) shows, ten (10) LSS/PAs met the State’s target of 100% (the same as FFY 2010). In FFY 2009, eight (8) LSS/PAs met the State’s target of 100%. In FFY 2008, six (6) LSS/PAs met the State’s target of 100% and in FFY 2007, only one (1) LSS/PAs met the State’s target of 100%. In FFY 2006, no LSS/PAs met the State’s target of 100%. This trend demonstrates consistent progress in the number of LSS/PAs demonstrating 100%; and, the majority of those not meeting the target demonstrating a relatively high level of performance (data is ≥ 95%).

This is demonstrated graphically on the SPP public web site:

<http://mdideareport.org/CompareSpp.aspx?IndicatorID=25>

The State’s progress is due to the technical assistance and the determination of public agencies to identify strategies to oversee the proper implementation of the requirement by school staff. To do this, public agencies with identified noncompliance have used State discretionary grant funds to improve data collection and tracking methods.

The State has also changed data collection methodology. As of November 1, 2010, the MSDE began collecting data for Indicator 11 in the SSIS data collection. As of November 1, 2011, the data fields for Indicator 11 are required to be used by LSS/PAs. The MSDE expects that by November 1, 2012, the data for Indicator 11 will be collected entirely through the SSIS, making Excel spreadsheets no longer necessary. The State will verify the use of the new methodology by conducting a parallel data comparison between the Excel spreadsheets and the SSIS system reports.

Correction of FFY 2010 Findings of Noncompliance (if State reported less than 100% compliance):

Based on a desk-audit of the State’s FFY 2010 Indicator 11 data, there were 18 findings of noncompliance identified through the State’s monitoring system. There were an additional 5 findings identified through complaints. **Of the 23 findings, 22 were corrected in a timely manner, within one year of the date the LSS/PA is first notified in writing of the noncompliance, and the one (1) remaining finding was subsequently corrected.**

1. Number of findings of noncompliance the State made during FFY 2010 (the period from July 1, 2010 through June 30, 2011)	23
2. Number of FFY 2010 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	22
3. Number of FFY 2010 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	1

Correction of FFY 2010 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2010 findings not timely corrected (same as the number from (3) above)	1
5. Number of FFY 2010 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	1
6. Number of FFY 2010 findings <u>not</u> verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected:

Of the 23 FFY 2010 findings of noncompliance, 22 findings were corrected in a timely manner, within one year the date the LSS/PA is first notified in writing of the noncompliance, and the one remaining finding was subsequently corrected.

Verification of Correction of FFY 2010 noncompliance (either timely or subsequent):

The MSDE uses a two prong approach to verify correction. First, correction is verified in the records of the students where the noncompliance was first identified; then a second set of records are reviewed to determine if those records are compliant. If the results yield 100%, correction is verified. Correction must be made and verified within one year of the date the LSS/PA was first notified in writing of the noncompliance. Because Indicator 11 is a timeline requirement, the finding is verified by the MSDE as completed in the records of the students where the finding was first identified (Prong1). This is followed by a review of updated data and a random review of additional student records to determine correct implementation of the regulatory requirements (Prong 2). This process is consistent with OSEP Memo 09-02.

Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2009:

There are no outstanding findings of noncompliance from FFY 2009 or earlier.

1. Number of remaining FFY 2009 findings noted in OSEP’s June 2010 FFY 2008 APR response table for this indicator.	0
2. Number of remaining FFY 2009 findings the State has verified as corrected	0
3. Number of remaining FFY 2009 findings the State has NOT verified as corrected [(1) minus (2)]	0

Verification of Correction of Remaining FFY 2007 findings:

N/A

Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2007:

N/A

Correction of Any Remaining Findings of Noncompliance from FFY 2006 or Earlier (if applicable):

N/A

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):

Statement from the Response Table	State’s Response
Because the State reported less than 100% compliance for FFY 2011, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.	The MSDE conducts a random review of student records to verify the accuracy of the data. The MSDE conducted a review of the record of each student in which noncompliance was identified to ensure noncompliance had been corrected. The LSSs submitted documentation to the MSDE indicating correction of noncompliance with each individual student record (Prong 1). The MSDE conducted a review of a second set of records from a second data set to ensure compliance (Prong 2), consistent with OSEP Memorandum 09-02. The MSDE continues to provide strong technical assistance and support to all LSS/PAs to implement a system of general supervision to maintain a 100% compliance rate and to correct (complete) noncompliance as soon as it is detected.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012 (if applicable): None at this time

Part B State Annual Performance Report (APR) for FFY 2011

Overview of the Annual Performance Report Development:

Please refer to the Overview, pages 1-3.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 12: Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

- a. # of children who have been served in Part C and referred to Part for Part B eligibility determination.
- b. # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays.
- c. # of those found eligible who have an IEP developed and implemented by their third birthdays.
- d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied.
- e. # of children who were referred to Part C less than 90 days before their third birthdays.

Account for children included in a but not included in b, c, d, or e. Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed and the reasons for the delays.

Percent = [(c) divided by (a – b – d – e)] times 100.

FFY	Measurable and Rigorous Target
FFY 2011	100% of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.

Actual Target Data for FFY 2011: 99.89% Target Not Met

As of November 1, 2010, the MSDE began collecting data for Indicator 12 in the SSIS data collection. The data fields for Indicator 12 are currently available but not required. As of November 1, 2011 the fields were required. The MSDE expects that by November 1, 2012, the data for Indicator 12 will be collected entirely through the SSIS and the Excel spreadsheets will no longer be necessary.

APR Template – Part B

Actual State Data (Numbers)

a. # of children who have been served in Part C and referred to Part B for Part B eligibility determination.	2,138
b. # of those referred determined to be NOT eligible and whose eligibility was determined prior to third birthday	237
c. # of those found eligible who have an IEP developed and implemented by their third birthdays	1,877
d. # for whom parent refusals to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied.	22
e. # of children who were referred to Part C less than 90 days before their third birthdays	0
# in a but not in b, c, d, or e.	2
Percent of children referred by Part C prior to age 3 who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays Percent = $[(c) / (a-b-d-e)] * 100$	99.89%

Of the 2 children included in a, but not in b, c, d, or e, reasons for the IEP not being in effect on the 3rd birthday were: 1 school/facility closure, and 1 due to an unspecified other.

Indicate the range of days beyond the third birthday and the reasons for the delays:

Local school systems and public agencies reported a total of 22 out of 1877, students, or 1.17%, whose eligibility determination or IEP development did not occur by the third birthday, as having "Acceptable Reasons for Delay. "Acceptable Reasons for Delay" include "Parent & IEP Team have a written agreement to extend the timeline"; and, "Parent repeatedly failed or refused to make child available." Unacceptable reasons for delay included: School/Facility Closure (1) and Other unspecified reason (1).

The range of days beyond the third birthday for eligibility determination or development and implementation of the IEP for all reasons cluster around the following ranges:

- 1 day to 15 days – 1 or 0.05%
- Beyond 45 days – 1 or 0.05%

Correction of FFY 2010 Findings of Noncompliance (if State reported less than 100% compliance in its FFY 2010 APR):

Based on a desk-audit of the State’s FFY 2010 Indicator 12 data, there were 2 findings of noncompliance identified through the State’s monitoring system. There were no findings identified through complaints. Both findings were corrected within one year.

1. Number of findings of noncompliance the State made during FFY 2010 (the period from July 1, 2010 through June 30, 2011)	2
2. Number of FFY 2010 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	2
3. Number of FFY 2010 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

Correction of FFY 2010 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2010 findings not timely corrected (same as the number from (3) above)	0
5. Number of FFY 2010 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	0
6. Number of FFY 2010 findings <u>not</u> verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected:
NA

Verification of Correction (either timely or subsequent):

The State uses a two prong approach to verify correction. First, correction is verified in the records of the students where the noncompliance was first identified; then, using an updated set of records within a specific time period, a second set of records are reviewed to determine if those records are compliant. If the results yield 100%, correction is verified. Correction must be made and verified within one year of the date the LSS/PA was first notified in writing of the noncompliance. This process is consistent with OSEP Memo 09-02.

Describe of the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2010:

When the MSDE issues a written finding of noncompliance to a LSS/PA, a corrective action plan (CAP) is required. The CAP is required to include actions and strategies designed by the LSS/PA to timely correct the area(s) of noncompliance. The first step in the corrective action plan is always to review policies and procedures to ensure compliance with requirements. Then, during the duration of the corrective action and prior to its completion, the MSDE will require the LSS/PA to collect data and conduct a random review of records to determine if correction of noncompliance has been achieved. During the period of correction the State monitors the progress of the LSS/PA. MSDE consultants visit the LSS/PA to determine if technical assistance is required, if policies and procures are being revised (if necessary), and participate in the review of records with the LSS/PA to determine progress.

APR Template – Part B

MARYLAND
State

To verify correction made for findings made in FFY 2010, based on annual Indicator 12 data, the State used the records of the students where the noncompliance was first identified (Prong 1 review) and its quarterly data system for updated data (Prong 2 review). LSS/PAs are also expected to determine the impact of the delayed evaluation on the child to determine if compensatory services are due.

Correction of Remaining FFY 2009 Findings of Noncompliance (if applicable)

There are no outstanding findings of noncompliance from FFY 2009 or earlier.

1. Number of remaining FFY 2009 findings noted in OSEP's June 2011 FFY 2010 APR response table for this indicator	0
2. Number of remaining FFY 2009 findings the State has verified as corrected	0
3. Number of remaining FFY 2009 findings the State has NOT verified as corrected [(1) minus (2)]	0

Verification of Correction of Remaining FFY 2009 findings:

NA

Describe of the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2009:

NA

Correction of Any Remaining Findings of Noncompliance from FFY 2008 or Earlier (if applicable)

Provide information regarding correction using the same format table provided above.

NA

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):

Statement from the Response Table	State's Response
When reporting on the correction of noncompliance, the State must report in the FFY 2010 APR, that it has verified each LEA with noncompliance reflected in the FFY 2009 data.	Although the data indicate that IEPs were not implemented by the child's third birthday for each child, the State has verified in each jurisdiction where the data are less than 100% that appropriate policies, procedures, and practices are correctly implemented to reach the 100% target. In the LSSs/PAs that demonstrated less than 100% compliance, the MSDE has verified that the IEP was properly developed and implemented, although late. The State then reviewed updated records to ensure adherence to the timeline for IEP implementation.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2011:

To provide ongoing technical assistance to local school systems, local Infants and Toddlers Programs (LITPs), and families the DSE/EIS engaged in the following activities:

- Joint Part C and Part B monitoring activities continued to be implemented across the Division; focused monitoring included random record reviews, review of data and other documentation, and interviews and discussion with staff regarding progress to date as well as ongoing challenges.
- Part C and Part B staff continued to work together to provide coordinated technical assistance, as identified through monitoring activities.
- Division data management and 619 program staff continued to work closely with local school system Part B data managers and preschool special education coordinators to ensure the integrity of the data reported for FFY 2011.
- The Division will continue to work with local school systems and local Infants and Toddlers Programs through focused monitoring activities to ensure compliance with this indicator.
- Statewide and local Early Childhood Transition data were reported publicly for all local school systems.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012: N/A

Part B State Annual Performance Report (APR) for FFY 2011

Overview of the Annual Performance Report Development:

Please refer to the Overview, pages 1-3.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 13: Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

Percent = [(# of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority) divided by the (# of youth with an IEP age 16 and above)] times 100.

Actual Target Data FFY 2011: The data for the SPP/APR Indicator 13 is from the State data system;

Year	Actual Target Data	Target (Compliance Indicator)
2009	86.1%	100%
2010	95.3%	100%
2011	97.5%	100%

The Local School Systems (LSS) report data on a quarterly and annual basis to the Division of Special Education/Early Intervention Services (DSE/EIS) for the SPP/APR Indicator 13. The National Secondary Transition Technical Assistance Center (NSTTAC) Indicator 13 Checklist was used as the framework in the development of the data reporting form.

As reported by Maryland’s LSS there were 19,502 students with IEPs age 16 and older in FFY 2011. Of the 19,502 students, 19,024 had IEPs that were 100% compliant for Indicator 13 (19,502/19,024) X100 = 97.5. **Target Not Met**

Discussion of Improvement Activities and Explanation of Progress or Slippage that occurred for FFY 2011: Maryland continues to progress in FFY 2011. Maryland had a compliance rate of 97.5%. This demonstrates an improvement of 2.6% percentage points over FFY 2010 data of 95.3%. 22 of the 24 local school systems were 100% compliant for FFY 2011.

Correction of Remaining FFY 2010 Findings of Noncompliance (if applicable):

There were eight school systems and one State Operated Program with 429 findings of noncompliance due for correction in FFY 2011. The rise in the number of corrective actions is due to the number of student specific findings of noncompliance. Of the 429 findings of noncompliance, all were corrected within one year

Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2010:

The MSDE uses a two prong approach to verify correction. First (Prong 1), in each jurisdiction where findings of noncompliance are made, the MSDE verifies that the records of the students where the noncompliance was first identified were corrected, unless the child is no longer within the jurisdiction or the parent has withdrawn consent. Then (Prong 2), using updated data from a specified a period of time, a random selection of records are reviewed to determine if the specific regulatory requirement(s) is correctly implemented in those records. Consistent with OSEP Memo 09-02, verification procedures must demonstrate the LSS/PA is properly implementing the regulatory requirement(s) at 100% during Prong 1 and 2 activities to close the corrective action and to have achieved correction.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012: N/A

Part B State Annual Performance Report (APR) for FFY 2011

Overview of the Annual Performance Report Development:

Please refer to the Overview, pages 1-3.

Monitoring Priority: Effective General Supervision / Effective Transition

Indicator 14: Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were:

- a. Enrolled in higher education within one year of leaving school.
- b. Enrolled in higher education or competitively employed within one year of leaving high school.
- c. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

- A. Percent enrolled in higher education [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education within one year of leaving high school) divided by the (#of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.
- B. Percent enrolled in higher education or competitively employed within one year of leaving high school + [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in high education or competitively employed within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.
- C. Percent enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment + [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment) divided by the (# of respondent youth who were no longer in secondary school and had IEPs at the time they left school)] times 100.

Response Rate:

Number of leavers in the State during school year 2010 - 2011	7283
Number of youth for whom data was exchanged	6263
Response Rate	85.99%

FFY	Measurable and Rigorous Target
<p>2011 (based on 2010 – 2011 data)</p>	<p>A = 50% enrolled in higher education</p> <p>B = 73% enrolled in higher education or competitively employed</p> <p>C = 82% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment</p>

Actual Targets:

FFY	Data
<p>2011 (based on 2010 – 2011 data)</p>	<p>A = 24.94% (1817) enrolled in higher education. Target not met</p> <p>B = 57.79% (4209) enrolled in higher education or competitively employed. Target not met</p> <p>C = 85.99 (6263) enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment Target met.</p>

Overview of Issues/Description of System or Process:

Maryland gathered census data. An administrative record exchange was used for data collection. The administrative record exchange provides data on the number of youth with disabilities no longer in secondary school and had an IEPs in effect at the time they left school (leavers) and were enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school. The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS), Division of Career and College Readiness (DCCR), The Division of Accountability and Assessment and Data Systems (DAADS), The University of Baltimore, The State Department of Labor, Licensing and Regulations (DLLR), the Developmental Disabilities Administration (DDA), and the National Student Clearinghouse (NSC) collaborated to gather the data for this report.

- DLLR provided data on the youth who were competitively employed.
- NSC provided data on the youth who have been enrolled for at least one term in higher education anywhere within the United States.
- DDA provided data on the number of youth served by the Governor’s Transitioning Youth Initiative. These youth are participating in individual community based supported employment, community based enclave employment, employment training that utilizes sheltered employment and workshop training.

The University of Baltimore, under a contract with the MSDE, gathered data from the DLLR. The University gathered data on all youth who exited school and who were:

- Competitively employed on a full or part-time basis within the geographic region that includes Maryland, Pennsylvania, Delaware, Virginia, and West Virginia.

The National Student Clearinghouse, under a contract with MSDE, gathered data on the youth enrolled in postsecondary education nationwide.

Data was collected using the MSDE Unique Student Identification Number. The data is disaggregated by school district, sex, and disability. The data from the DDA was the actual number of students who were determined eligible for services from DDA.

Data was collected on youth who exited during school year 2009-2010. These leavers are youth who left school by graduating with a regular high school diploma, exiting with a Maryland Certificate of Program Completion, aging out, left school early (i.e. dropped out).

*The response rate does not include youth who may be employed outside of the geographic region described above. It also does not include youth who are taking non-credit college courses or auditing college courses.

Data Calculations:

1	# of respondent leavers enrolled in higher education	1817
2	# of respondent leavers in competitive employment	2392
3	# of respondent leavers enrolled in some other postsecondary education or training	625
4	# of respondent leavers in some other employment [This number represents young adults who are participating in Supported Employment Programs provided by the Division of Rehabilitation Services (DORS) alone or in combination with the Developmental Disabilities Administration (DDA)]	1429

The individual formulas used to calculate the measurement percentages are as follows:

- A = 1 divided by total leavers* (1817/7283)
- B = 1 + 2 divided by total leavers (4209/7283)
- C = 1 + 2 + 3 + 4 divided by total leavers (6263/7283)

*The administrative record exchange provides data on the number of youth with disabilities no longer in secondary school and had an IEPs in effect at the time they left school (leavers) and were enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.

Measurement	Percentage
A. Percent enrolled in higher education [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education within one year of leaving high school) divided by the (#of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.	24.94%%
B. Percent enrolled in higher education or competitively employed within one year of leaving high school + [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in high education or competitively employed within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.	57.79%
C. Percent enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment + [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment) divided by the (# of respondent youth who were no longer in secondary school and had IEPs at the time they left school)] times 100.	85.99%

Discussion of Data and Data Comparison:

Class	Number of leavers	# of Young Adults for whom Data was Exchanged	% of Engagement
2009 – 2010	6887	4320	62.73%
2010 – 2011	7283	6263	85.99% This is an improvement of 23.69%

- There has been improvement in the collaboration between the Division of Rehabilitation Services (DORS), The Division of Special Education/Early Intervention Services (DSE/EIS) and the Local School Systems Transition Planning Teams.
- A Referral Protocol for DORS has been developed and fully implemented.
- More students with disabilities have completed Career and Technology Educational Programs as a graduation requirement.
- DSE/EIS received detailed data from the Division of Rehabilitation Services.

Statewide Postsecondary Education Data by Gender:

Gender	Number
Male	1089
Female	728
Total	1817

Statewide Postsecondary Education by Disability

Disability	Number Youth in Postsecondary Education
Intellectual Disability	20
Hearing Impaired	12
Deaf	14
Speech/Language Impaired	92
Visually Impaired	15
Emotional Disability	146
Orthopedically Impaired	9
Other Health Impairment	417
Specific Learning Disability	946
Multiple Disability	17
Deaf/ Blind	1
Traumatic Brain Injury	11
Autism	117

Statewide Postsecondary Employment Data by Gender:

Gender	Number
Male	1588
Female	804
Total	2392

Statewide Postsecondary Employment by Disability

Disability	Number Youth Employed
Intellectual Disability	120
Hearing Impaired	11
Deaf	1
Speech/Language Impaired	78
Visually Impaired	2
Emotional Disability	205
Orthopedically Impaired	2
Other Health Impairment	488
Specific Learning Disability	1365
Multiple Disability	36
Deaf/ Blind	0
Traumatic Brain Injury	11
Autism	73

Other Postsecondary Employment and/or Training

Type of Activity	Number Youth in Other Postsecondary Employment and/or Training
Employment Training	625
Supported Employment	1429
Apprenticeship	0

Not Engaged:

Maryland is not able to report an exact number of not engaged youth. This is due to the method used to gather the data. Maryland gathered census data. An administrative record exchange was used for data collection. The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS), Division of Career and College Readiness (DCCR), The Division of Accountability, Assessment and Data Systems (DAADS), The University of Baltimore, The State Department of Labor Licensing and Regulations (DLLR), the Developmental Disabilities Administration (DDA), and the National Student Clearinghouse (NSC) collaborated to gather the data for this report.

- DLLR provided data on the youth who were competitively employed.
- NSC provided data on the youth who have been enrolled for at least one term in higher education anywhere within the United States.
- DDA and DORS provided data on the number of youth served by the Governor's Transitioning Youth Initiative and the DORS community based employment programs. These youth are participating in individual community based supported employment, community based enclave employment, employment training that utilizes sheltered employment and workshop training.

Maryland was not able to gather data on 1020 youth who exited during the 2010-2011 school year. This is 14.01% of all youth who exited during that school year. These youth may not be engaged in any meaningful activity, or may be living and working in a state outside of the DLLR catchment region, or taking non-credit college courses, or auditing college courses.

Discussion of Slippage:

Maryland experienced an overall increase in both data collection and in student engagement. Maryland uses a record exchange to gather the data for Indicator 14. In FFY 2011, Maryland experienced a 23.26 percentage point increase in the response/record exchange rate of 85.99% compared to a rate of 62.73% in FFY 2010.

Maryland experienced a 4.42 percentage point slippage from 29.36 % (2022) of responders in FFY 2010 to 24.94% (1817) of responders in FFY 2011. The data for measurement A is from the National Student Clearinghouse (NSC) which provides data on all Maryland youth who have been enrolled for at least one term in higher education anywhere within the United States. The reason for this slippage will require further review to determine why fewer young adults with disabilities attend institutions of higher education within one year of leaving high school. The process for determining eligibility for disability services in institutions of higher education has been reported as a barrier to young adults seeking enrollment. As a result, the Department will be working with Maryland Department of Disabilities (MDOD) and the Maryland Higher Education Commission (MHEC) to explore possibilities for simplifying the disabilities determination process.

Another measure closely related to measurement A is the number of youth engaged in other postsecondary education or training reflected improvement as participation of youth in institutions of higher education declined. In FFY 2010, a total of 597 young adults with disabilities were engaged in other postsecondary education or training. In FFY 2011 this number increased by 4.69% for a total of 625.

Measurement B combines the number of youth in higher education (1817), as reported in measurement A, with the number of young adults with disabilities competitively employed (2392). This measurement reflects a 7.62 percentage point improvement for FFY 2011 of 57.79% (4209) from 50.17% (3455) in FFY 2010.

Although Maryland has not met its target for measurement A and experienced slippage, overall there was a substantially improvement in the total number of young adults with disabilities engaged in meaningful adult activities. Maryland exceeded the target for measurement C (82%) by 3.99 percentage points with 85.99% of young adults with disabilities enrolled in higher education, other postsecondary education or training, competitively employed or in some other employment.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012 [If applicable]

Improvement Activities	Timelines	Resources	Justification
The DSE/EIS is collaborating with Institutions of Higher Education to enable students with disabilities to more easily access disability services in postsecondary education. NEW	Beginning September 2012 through June 30, 2014	MDOD, MHEC, MSDE	The goal is to simplify the process of determining eligibility for disability services by strengthening the content of the Maryland Exit Document.

Part B State Annual Performance Report (APR) for FFY 2011

Overview of the Annual Performance Report Development:

Please refer to the Overview, pages 1-3.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 15: General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

(20 U.S.C. 1416 (a)(3)(B))

Measurement:

Percent of noncompliance corrected within one year of identification:

- a. # of findings of noncompliance.
- b. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = [(b) divided by (a)] times 100.

States are required to use the “Indicator 15 Worksheet” to report data for this indicator

(see Attachment).

FFY	Measurable and Rigorous Target
FFY 2011 (2011-2012)	100% of noncompliance corrected within one year of identification

Actual Target Data for FFY 2011: 98.13% Target Not Met

The MSDE identified 1824 findings of noncompliance. Of these 1789 were corrected and verified within one year of identification. The 98.08% represents an increase over the 97.51% reported in the FFY 2010 APR. Of the 35 not corrected within timelines, 34 were subsequently corrected prior to the submission of this report. Overall, these findings include findings of noncompliance identified through complaint investigations, due process hearings, and monitoring activities. System, school, and student specific corrections are reported in the data. This is directly related to an increase in the number of student specific findings.

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Indicator B Worksheet; also included as Attachment A

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2010 (7/1/10 to 6/30/11)	(a) # of Findings of noncompliance identified in FFY 2010 (7/1/10 to 6/30/11)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma.</p> <p>2. Percent of youth with IEPs dropping out of high school.</p> <p>14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school or training program, or both, within one year of leaving high school.</p>	<p>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other</p> <p>Dispute Resolution: Complaints, Hearings</p>			
<p>3. Participation and performance of children with disabilities on statewide assessments.</p> <p>7. Percent of preschool children with IEPs who demonstrated improved outcomes.</p>	<p>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other</p> <p>Dispute Resolution: Complaints, Hearings</p>	22	994	964
<p>4A. Percent of districts identified as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.</p> <p>4B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements</p>	<p>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other</p> <p>Dispute Resolution: Complaints, Hearings</p>	1	1	0

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Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2010 (7/1/10 to 6/30/11)	(a) # of Findings of noncompliance identified in FFY 2010 (7/1/10 to 6/30/11)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.				
5. Percent of children with IEPs aged 6 through 21 -educational placements.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	2	55	55
6. Percent of preschool children aged 3 through 5 – early childhood placement.	Dispute Resolution: Complaints, Hearings	4	5	5
8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings	6	13	13
9. Percent of districts with disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate identification.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Dispute Resolution: Complaints, Hearings			
11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	17	18	17
	Dispute Resolution: Complaints, Hearings	1	5	5

APR Template – Part B

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Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2010 (7/1/10 to 6/30/11)	(a) # of Findings of noncompliance identified in FFY 2010 (7/1/10 to 6/30/11)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	2	2	2
	Dispute Resolution: Complaints, Hearings			
13. Percent of youth aged 16 and above with IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition service needs.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	8	429	429
	Dispute Resolution: Complaints, Hearings	2	2	2
Other areas of noncompliance: General Supervision	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	13	32	31
	Dispute Resolution: Complaints, Hearings			
Other areas of noncompliance: FAPE in the LRE: IEP development/process, IEP implementation and prior written notice (noncompliance not related to Indicator 5)	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	9	79	78
	Dispute Resolution: Complaints, Hearings	15	113	113

APR Template – Part B

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2010 (7/1/10 to 6/30/11)	(a) # of Findings of noncompliance identified in FFY 2010 (7/1/10 to 6/30/11)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
Other areas of noncompliance: Discipline: Implementation of discipline related requirements (noncompliance not related to Indicator 4A or 4B)	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	6	50	49
	Dispute Resolution: Complaints, Hearings	3	11	11
Other areas of noncompliance: COMAR Behavior Intervention	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	2	2	2
	Dispute Resolution: Complaints, Hearings	3	3	3
Other areas of noncompliance: Records	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings	3	10	10
Sum the numbers down Column a and Column b			1,824	1,789
Percent of noncompliance corrected within one year of identification = (Column (b) sum divided by column (a) sum) times 100.			(b) / (a) X 100 =	98.08%

Describe the process for selecting LEAs for Monitoring:

The State’s process for selecting Local School Systems/Public Agencies (LSSs/PAs) for monitoring is based on the State’s system of general supervision under *Monitoring for Continuous Improvement and Results*. The State classifies its monitoring into four components, each having a specific purpose and timeline for implementation. The components of monitoring for continuous improvement are: a Self-Assessment Verification (review of annual data) conducted annually; Focused Monitoring (yearly, as needed); Comprehensive Monitoring (once every 6 years); and, Enhanced Monitoring for Continuous Improvement and Results (continuous).

The purpose of *Self-Assessment Verification* is to verify the accuracy of the annual compliance indicator data submitted to the MSDE by LSSs/PAs. Data reported as 100% is verified as accurately reported. For LSS/PAs reporting data less than 100% compliance, verification of correction of noncompliance is made whether at the system or student level, or both. The State reviews the accuracy of the data by examining student records, documentation of acceptable reasons for delay (i.e. Indicators 11 and 12), policy/procedure documents, as appropriate, and ensures that the indicator requirement has been completed for timeline violation; unless the student is no longer within the jurisdiction of the LSS/PA or the parent has withdrawn consent. This process is implemented in each LSS/PA in the State on an annual basis. The Self-Assessment process has been revised to make the process more efficient and will be implemented this during this school year (2012-2013).

Focused Monitoring is topical and based on patterns of noncompliance from the State's complaint and monitoring system, data, and other information that identifies an area of possible concern to the State. Specific areas may also be identified by the Assistant State Superintendent as a response to patterns of external or internal complaints, including those from the Special Education State Advisory Committee. The area of focus may be monitored in each LSS/PA, in selected LSS/PAs or just one LSS/PA. This is determined by the scope of the concern and quantitative and/or qualitative data that support such a review. Any LSS/PA is subject to a focused monitoring if the State determines a review is necessary. Historically, a minimum of one focused monitoring review activity has been implemented each year.

Comprehensive Monitoring is broad-based, cyclical, and designed to ensure implementation of special education regulations are implemented in accordance with the IDEA and the State's Code of Maryland Regulations (COMAR) requirements. Monitoring involves a review of policies, procedures and practices not related to indicators (these are reviewed under Self-Assessment Verification), student records, and general supervision practices. Comprehensive monitoring is scheduled for each LSS/PA at least once every six years or earlier, if needed. The State has an established monitoring schedule that serves to notify the LSS/PAs when such a monitoring will occur. At the end of each year, the schedule is reviewed to determine if any changes are necessary. Beginning with the 2013-2014 school year the time interval for cyclical monitoring will be changed to a shortened cycle.

Enhanced Monitoring for Continuous Improvement and Results (EMCIR) is implemented by the State when a LSS/PA has a documented history of sustained noncompliance. The EMCIR process involves intensive oversight and an increased level and frequency in on-site monitoring by the State during each year the LSS/PA is in such a status. Continuous MSDE monitoring and review under the EMCIR is to ensure progress is made toward correction; and, once correction has been achieved, that compliance is maintained over time. This process involves enforcements that are deemed appropriate to ensure progress toward correction of noncompliance and the target for compliance is met.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2011:

For this reporting period, the overall percentage of correction, 98.08%, is greater than the previous year's percentage of 97.51%. This is the result of increased and refined monitoring activities that have had an impact on the number and correction of noncompliance and the delay of verification by the State.

Improvement in the State's system of general supervision processes, data collection and use have resulted in an improved rate of timely correction of noncompliance since FFY 2004. The State continues to implement past improvement processes and procedures that have been integrated into the State's system of general supervision and are now part of daily practice. As a result, the State's system of general supervision is designed to identify and correct noncompliance in a manner that is consistent with the OSEP requirements, including OSEP Memo 09 – 02.

The State has implemented improvement activities during this reporting period that included increased technical assistance; general supervisory coordination meetings that focus on two LSSs with the greatest needs; worked with LSS/PAs to identify and correct noncompliance; and provided ongoing consultant training to increase inter-rater reliability. All of these activities have contributed to a more effective and

efficient State monitoring system. The one improvement activity with the greatest impact on improving rates of correction of noncompliance has been the State’s provision of technical assistance while LSS/PAs develop and conduct self-monitoring activities. This, more than any other strategy, has resulted in LSS/PAs taking a more proactive and productive approach to the identification and correction of noncompliance.

Timely Correction of FFY 2010 Findings of Noncompliance (corrected within one year from identification of the noncompliance):

1. Number of findings of noncompliance the State identified in FFY 2010 (the period from July 1, 2010 through June 30, 2011) (Sum of Column a on the Indicator B15 Worksheet)	1,824
2. Number of findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding) (Sum of Column b on the Indicator B15 Worksheet)	1,789
3. Number of findings <u>not</u> verified as corrected within one year [(1) minus (2)]	35

FFY 2010 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance and/or Not Corrected):

4. Number of FFY 2010 findings not timely corrected (same as the number from (3) above)	35
5. Number of FFY 2010 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	34
6. Number of FFY 2010 findings <u>not</u> yet verified as corrected [(4) minus (5)]	1

Actions Taken if Noncompliance Not Corrected

Failing correction after the first year of noncompliance, the State increased its level of technical assistance in the LSS/PA and has required a revised corrective action plan. The school system is required to report to the State according to specific timelines established in the corrective action plan. The LSS has been notified that funds may be directed if the data are not reported to the State in a timely manner.

Verification of Correction for findings of noncompliance reported in the FFY 2011 APR (either timely or subsequent):

The MSDE verified the correction of findings of noncompliance made from July 1, 2010 through – June 30, 2011, as a result of implementation of its general supervision system. The system includes findings made during desk-audit or onsite monitoring activities, Self-Assessment/APR data review, record review, State complaints, or due process hearings. Upon making a finding of data-based, systemic, school, or individual student noncompliance, the LSS/PA is notified of the finding that includes the citation, the level of noncompliance identified and of the requirement for correction (100%) as soon as possible, but in no case later than one year from the date of the written notification by the State. Upon notification of noncompliance by the State, the LSS/PA must prepare a corrective plan. During the first year of correction activities, technical assistance is provided to the LSS/PA to: review and revise policies, procedures and practices (as needed); provide staff development; implement periodic reviews of student records to verify progress toward correction; and report on the results of corrective activities. Correction is evaluated at the student, school, or system level as required by the corrective action plan.

To verify correction of noncompliance identified through monitoring activities, the MSDE uses on-site or desk audit methods. Verification of correction of noncompliance is a two prong process. First (Prong 1), in each jurisdiction where findings of noncompliance are made, the MSDE verifies that the records of the students where the noncompliance was first identified were corrected, unless the child is no longer within the jurisdiction or the parent has withdrawn consent. Then (Prong 2), using updated data from a specified a period of time, a random selection of records are reviewed to determine if the specific regulatory requirement(s) is correctly implemented in those records. Consistent with OSEP Memo 09-02, verification procedures must demonstrate the LSS/PA is properly implementing the regulatory requirement(s) at 100% during Prong 1 and 2 activities to close the corrective action and to have achieved correction.

Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2010 (including any revisions to general supervision procedures, technical assistance provided and/or any enforcement actions that were taken):

An enhancement to comprehensive and focused monitoring systems that continued to be implemented during the reporting period required the LSS/PAs to conduct a self-review of student records prior to a State review. The locals used the data from this activity to self-identify and correct noncompliance, plan targeted staff development, and require staff to correct noncompliance in the records of additional similarly situated students. The MSDE verified a sample of the records first reviewed by the LSS/PA to ensure the same standard to determine compliance is applied. Then the MSDE applies Prong 2, reviewing an additional sample of records to ensure those records are also compliant.

When findings were issued, and prior to verification activities, the State provided technical assistance tailored to the identified area of noncompliance; first, the State ensured policies and procedures are consistent with the requirement; implementation procedures are reviewed; support for staff development is provided, as necessary; and student records and other documents are reviewed to ensure there is documented evidence of correction. As a part of the process, the MSDE worked with the LSS/PAs to identify root causes. Periodically data is monitored to ensure progress is being made. These practices, along with increased oversight and data collection, have enabled the State to improve its rate of correction.

To verify correction made for findings made in FFY 2010 based on annual Indicators 11, 12, and 13 data, the State used its quarterly data system. In LSS/PAs where the annual data indicate 100% compliance as reported by the LSS/PA in its *Self-Assessment* document submitted to the MSDE, the MSDE scheduled a *Self-Assessment Verification* review. The purpose of the review was to verify the data are accurate and can be used for making a determination status. For LSS/PAs that reported noncompliant data, the *Self-Assessment* is submitted with a corrective action plan. As the plan's activities are completed, the State verifies correction in each jurisdiction where findings of noncompliance were made using its two prong verification process. Each review must result in 100% compliance to be considered corrected.

Other areas of noncompliance, as identified through the State's comprehensive or focused monitoring, require verification of correction using the same two prong process. Depending on the status of progress toward correction, the MSDE may initiate additional correction activities. Such actions include: increased technical assistance, identification of root causes of the noncompliance, assistance in conducting correction activities, and assignment of an MSDE consultant to guide the process.

Actions Taken if Noncompliance Not Corrected

The MSDE initiated more intensive oversight if noncompliance is not corrected. This includes the identification of root causes of the noncompliance; assistance in the revision and preparation of the corrective actions; identifying a schedule for data collection; more frequent reporting to the MSDE; assignment of an MSDE consultant to oversee and report on correction activities; and LSS active participation in multiple meetings with the MSDE staff to ensure progress.

For this reporting period, as in past reporting periods, MSDE continues to apply enforcements and an intensive level of oversight and monitoring to the one local school system with a long standing record of noncompliance. The MSDE assigned four staff members to the school system on a regular basis. Three work at the Department and one is based within the school system. Their duties include working with the school staff, reviewing updated data, and monitoring. This team also ensures student specific corrections are made as the system works to ensure policies and procedures are implemented system-wide. An MSDE team, chaired by the Assistant State Superintendent, Division of Special Education/Early Intervention Services, meets regularly with State staff and others to review the school system's progress or slippage and recommend additional strategies, if needed. Enforcement actions also include required targeted use of funds.

Correction of Remaining FFY 2009 Findings of Noncompliance

If the State reported <100% for this indicator in its FFY 2010 APR and did not report that the remaining FFY 2009 findings were subsequently corrected, provide the information below:

1. Number of remaining FFY 2009 findings noted in OSEP's FFY 2009 APR response table for this indicator	1
2. Number of remaining FFY 2009 findings the State has verified as corrected	1
3. Number of remaining FFY 2009 findings the State has NOT verified as corrected [(1) minus (2)]	0

Correction of Remaining FFY 2008 Findings of Noncompliance

If the State reported <100% for this indicator in its FFY 2009 APR and did not report that the remaining FFY 2008 findings were subsequently corrected, provide the information below:

1. Number of remaining FFY 2008 findings noted in OSEP's FFY 2009 APR response table for this indicator	1
2. Number of remaining FFY 2008 findings the State has verified as corrected	1
3. Number of remaining FFY 2008 findings the State has NOT verified as corrected [(1) minus (2)]	0

Correction of Any Remaining Findings of Noncompliance from FFY 2007 or Earlier (if applicable):

Findings made in FFY 2006 and 2007 were closed and reported in previous APR documents. The table below reports on the correction of remaining noncompliance from FFY 2005:

1. Number of remaining FFY 2005 findings noted in OSEP's FFY 2006 APR response table for this indicator	2
2. Number of remaining FFY 2005 findings the State has verified as corrected (LRE)	1
3. Number of remaining FFY 2005 findings the State has NOT verified as corrected [(1) minus (2)] (Discipline)	1

The two areas of noncompliance from FFY 2005 relate to discipline and LRE. Both of these findings were both in one large LSS that, as of this reporting period, is still under a federal court Settlement Agreement (formerly a Consent Decree). During the time period of correction, designated MSDE staff meets with school system staff on a monthly basis. The State continues to conduct Enhanced Monitoring for Continuous Improvement and Results (EMCIR). Frequent reviews are conducted in both discipline and LRE to determine progress toward the target, prevent slippage and to ensure compliance becomes part of the everyday practices of the school system. The Assistant State Superintendent of the Division of Special Education/Early Intervention Services conducts regularly scheduled reviews of progress with an MSDE workgroup. Other enforcement activities continue in the form of intensive oversight that includes MSDE on-site staff and MSDE dedicated staff to provide technical assistance and conduct the enhanced and frequent monitoring reviews. The MSDE also requires frequent data reporting by the LSS to monitor the status of uncorrected noncompliance. As a result of these activities, one of the two areas of noncompliance (LRE) is closed.

Discipline: Based on the State's verification of data reported in 2007-2008 through 2010-2011, and results of the EMCIR activities, the school system has demonstrated a positive change from 46.6% to ≥ 95% compliance for requirements related to discipline for students who accumulated greater than 10 schools days of removal and 99% compliance for students removed for 10 consecutive days of removal. The LSS has implemented a system of internal monitoring as part of their general supervisory responsibility for reviewing individual student cases of disciplinary removal of greater than 10 school days for compliance with all requirements. If noncompliance is identified, central office staff contact appropriate school staff to correct the findings of noncompliance. The LSS has demonstrated the capacity to self-monitor for the implementation of discipline requirements through records reviews, data collection and analysis, and participation in system reforms. Although correction first reported in 2005 in the area of discipline continues to demonstrate progress (over 48 percentage points and > 95%), it is not at the 100% level necessary to close the corrective action. The MSDE will continue to provide technical assistance and oversight to close this correction action.

LRE: The data, as a result of monitoring and verification activities regarding LRE related requirements, demonstrate substantial improvement in compliance with related requirements since first reported in FFY 2005 as 89.64% to 99.11% for FFY 2010 as a result of continuous ongoing compliance review for the local school system under the Settlement Agreement completed and reported in February 2012. For FFY 2011, the review of related requirements, specifically aligned to least restrictive environment (LRE), were 100% compliant. Due to this school system's demonstrated capacity to self-monitor, and self-correct student specific findings in a timely manner, and to demonstrate 100% compliance, the corrective action for LRE requirements from FFY 2005 is closed. This achievement, for a local school system that has over 10,000 students with disabilities and a high turnover rate of staff, shows a high level of commitment and diligence. The MSDE will continue to monitor vigorously in this area to ensure 100% compliance is maintained.

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Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):

Statement from the Response Table	State's Response
The State must demonstrate in the FFY 2011 APR, that the remaining one finding of noncompliance identified in: <ul style="list-style-type: none"> • FFY 2008, that were not reported as corrected in the FFY 2009 APR were corrected. 	<ul style="list-style-type: none"> • This finding was verified as corrected.
The State must demonstrate in the FFY 2011 APR, that the remaining two findings of noncompliance identified in: <ul style="list-style-type: none"> • FFY 2005, that were not reported as corrected in the FFY 2009 APR were corrected. 	<ul style="list-style-type: none"> • The finding related to LRE has been closed. • The finding related to discipline is not closed.
In responding to Indicators 11, 12 and 13 in the FFY 2009 APR, the State must report on correction of noncompliance described in this table under those indicators.	Refer to specific indicator reports.
The State must use the Indicator 15 worksheet.	The indicator 15 worksheet is embedded in the Indicator response in this APR document and is submitted as an attachment to the APR.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012 (if applicable): N/A

Part B State Annual Performance Report (APR) for FFY 2010

Overview of the Annual Performance Report Development:

Please refer to the Overview, pages 1-3.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 18: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

(20 U.S.C. 1416(a)(3)(B))

Measurement: Percent = (3.1(a) divided by 3.1) times 100.

FFY	Measurable and Rigorous Target
FFY 2011 (2011 – 2012)	64 – 75% of all resolution meetings conducted will result in a settlement agreement

Actual Target Data for FFY 2011: 70.5% - Target Met.

MSDE reports that it has continued to meet this target. Of the 105 resolution meetings that were held, 74 resulted in a settlement agreement.

Please refer to attached Table 7.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2011:

MSDE has implemented the improvement activities identified in the State Performance Plan (SPP). MSDE continues to support the use of resolution meetings as an effective means of resolving disputes prior to a due process hearing. In order to support public agencies’ implementation of this process, MSDE has provided ongoing technical assistance to public agency personnel.

Technical Assistance Sources from which the State Received Assistance and What Actions the State took as a Result of that Technical Assistance:

Information obtained through technical assistance resources included the following:

- *IDEA Building the Legacy* website including resources, links, and topical briefs;
- OSEP National Accountability and Leadership Conferences;
- CADRE resources;
- Mid-South Regional Resource Center (MSRRC);

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- OSEP Technical Assistance (TA) calls;
- LRP conference calls that address legal issues in special education;
- LRP publications, including *Special Education Connection*; and
- Resources from other state agencies.

MSDE utilized the information available through these resources to support ongoing efforts to improve the due process hearing resolution process, to meet the required target, and improve results for students and families.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012: N/A

Part B State Annual Performance Report (APR) for FFY 2011

Overview of the Annual Performance Report Development:

Please refer to the Overview, pages 1-3.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 19: Percent of mediations held that resulted in mediation agreements.

(20 U.S.C. 1416(a)(3)(B))

Measurement: Percent = [(2.1(a)(i) + 2.1(b)(i)) divided by 2.1] times 100.

FFY	Measurable and Rigorous Target
FFY 2011 (2011 – 2012)	Maintain 75 – 85% rate of mediations that result in mediation agreements.

Actual Target Data for FFY 2011: 76.6% - Target Met

The MSDE reports that it has met this target. Of the 197 mediations that were held, 151 resulted in mediation agreements.

Please refer to attached Table 7.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2011:

The MSDE has implemented the improvement activities stated in the State Performance Plan (SPP). These include regular data review with Office of Administrative Hearings (OAH) staff, support for staff development and mediator training. The MSDE will continue to implement these activities in order to meet the target and support continued improvement.

The MSDE is also utilizing a mediation survey for participants in the mediation process. The information gathered from these surveys has been reviewed and continues to assist in identifying and addressing barriers that may impact the reaching of agreements.

The MSDE continues to promote the use of mediation while recognizing that not all mediations will result in a mediation agreement.

Technical Assistance Sources from which the State Received Assistance and What Actions the State took as a Result of that Technical Assistance:

The MSDE accessed the following technical assistance information:

- *IDEA Building the Legacy* website including resources, links, and topical briefs;
- OSEP National Accountability and Leadership Conferences;
- CADRE resources;
- Mid-South Regional Resource Center (MSRRC);
- OSEP Technical Assistance (TA) calls;
- LRP conference calls that address legal issues in special education;
- LRP publications, including *Special Education Connection*; and
- Resources from other state agencies.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012: N/A

Part B State Annual Performance Report (APR) for FFY 2011

Overview of the Annual Performance Report Development:

Please refer to the Overview, pages 1-3.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 20: State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

State reported data, including 618 data, State Performance Plan, and Annual Performance Reports, are:

- a. Submitted on or before due dates (February 1 for child count, including race and ethnicity; placement; November 1 for exiting, discipline, personnel and dispute resolution; and February 1 for Annual Performance Reports and assessment); and
- b. Accurate, including covering the correct year and following the correct measurement.

States are required to use the “Indicator 20 Scoring Rubric” for reporting data for this indicator (see Attachment 4).

FFY	Measurable and Rigorous Target
FFY 2011 (2010-2011)	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.

Actual Target Data for FFY 2011: 97.84% Target Not Met

The goal remains 100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates. Please refer to Attachment 4 – Indicator 20 Scoring Rubric.

Submission of 618 Data

Name of Report	Date Due	Date Submitted	Flags	Response to Flags
Table 1 Child Count EDFacts*	2/1/12	1/25/12	No data notes requested	NA
Table 2 Personnel EDFacts	11/7/12	10/19/12	NA	NA

Name of Report	Date Due	Date Submitted	Flags	Response to Flags
Table 3 least restrictive environment EDFacts*	2/1/12	1/25/12	No data notes requested	NA
Table 4 Exit EDFacts	11/7/12	10/19/12	NA	NA
Table 5 Discipline EDFacts	11/7/12	11/7/12	NA	NA
Table 6 Assessment EDFacts	12/19/12	NA	NA	NA
Table 7 Dispute Resolution DTS Form	11/7/12	11/7/12	NA	NA
Table 8 Maintenance of Effort/CEIS	5/1/12	4/27/12	Yes	Date Note submitted 6/1/12

Clarification was provided concerning Table 8, along with revised data submitted on 7/13/12. **The July resubmission caused the Table 8 data to be considered incomplete. The SEED School was excluded in the May submission but was included in the July revision. The MSDE included SEED School and will continue to include SEED School in all future Table 8 submissions.**

State Data System

The data system incorporates a variety of information from other MSDE offices. MSDE procedures for data collection are clearly delineated in MSDE data collection manuals to address the specific data collection and reporting requirements of the Department. This Division collaborates with staff members from the Division of Accountability, Assessment, and Data Systems, the Division of Instruction, and the Division of Student, Family and School Support to collect, disaggregate, analyze, report, and/or develop new data collections, as determined appropriate, to ensure data on students with disabilities required in accordance with IDEA are accurate, valid, and reliable.

Data on students with disabilities is located in different data collection sets. The access to newly collected disaggregate data on students with disabilities has allowed for the cross-referencing of data reports between different data sets. Presently relational links are being developed for the incorporation of Unique Student ID numbers that will allow cross-referencing between all data sets including:

- Maryland School Assessment (MSA) data relative to content areas, grade, and type of assessment in relationship to least restrictive environment data on students with disabilities. At present MSDE is testing the ability to match the Division’s Special Services Information System (SSIS) data collection on students with disabilities (which generates least restrictive environment data) with the MSA data collection system. The links are presently based on several logarithms and direct matches and student identifiers. Links are also being tested using Unique Student Identification number.
- Report of student participation and performance in statewide assessments under NCLB.

- Comparison of Section 618 data on students with disabilities exiting special education to general education data collections as compared to the number of students with disabilities exiting as high school graduates and dropouts. This process will be used to check the validity of data reported in Indicator 2.
- Linkage of data from the Maryland Infants and Toddlers Program data collection on children, birth to three years old, to Special Services Information System for students with disabilities, ages three through 21 years old. MSDE will also be able to link students with the extended IFSP option with students in Part B.

Department of Juvenile Services (DJS), Adult Correction Education (ACE), and Maryland State Department of Education Juvenile Services Education (MSDE/JSE) have overcome their security issues and have begun utilizing the Maryland Statewide Online IEP system.

The Special Services Information System presently functions as a centralized data submission for Section 618 data. Personnel data are collected annually in Excel spreadsheets. Section 618 data are submitted via a secure server file transfer of data from local school systems and public agencies, including Maryland State Department of Education Juvenile Services Education (MSDE/JSE), Department of Juvenile Services (DJS), Adult Corrections Education (ACE), Maryland School for the Blind (MSB), and Maryland School for the Deaf (MSD) who monitor and verify their data collection systems at the local level. Most public agency special education data collection elements are collected as a part of the daily information management for all students.

Seventeen local school systems and six public agencies utilizing the Maryland Statewide Online IEP system have data transmitted nightly to the Special Services Information System. Seven local school systems are utilizing vendor supported IEP development systems to aggregate data for electronic file transfers quarterly to an MSDE secure server for web-based data submission of the annual child count, census data, and exit data. Personnel data continue to be collected annually in Excel spreadsheets. Quarterly, MSDE collects child count, exit count, Indicators 11, 12, and 13 data from local school systems/public agencies.

Accuracy of the data is dependent upon the accuracy of the submitted school level data. Questions and discrepancies in the data are always verified by MSDE staff with the local school system/public agency. The local school system/public agency SSIS Data Manager corrects errors and resubmits the entire data file to MSDE to ensure that corrections are made in both the database and the error file. The new mdssis.org system allows two methods of data submission:

- Data submitted as one large file and then corrected and resubmitted; or
- Data submitted as a large file and error records are held in a suspense file until the local school system/public agency corrects the errors online. Once corrected records are accepted local school system/public agency can extract the corrected file and repopulate the local school system/public agency system with the corrected records.

Data on students with disabilities is submitted electronically from local school systems and public agencies. Each local school system/public agency is responsible for submitting data for each student using an electronic file transfer over a secure server website. Each of the data elements contained on the SSIS records are required and must be accurately maintained. The database consists of two types of records: the SSIS Student Record that contains student demographic information; and the SSIS Service Record that contains information about the services provided to the student. Twice a year local school systems and public agencies are required to submit an electronic file of SSIS data. These data submissions are for the last Friday of October Census Data, including the annual child count, and the June 30 Exit data. Local school system and public

agencies using the Maryland Statewide Online IEP system submit data on a nightly basis. Local directors of special education are responsible for supervising the accurate and timely entry of data. The data manager within each local school system/public agency is responsible for accurate and timely data submissions of records through an electronic file transfer into the MSDE secure server.

The following processes and procedures are in place to ensure reliability of the data system:

- The Special Services Information System secure server is available 24 hours a day for file submissions. The secure server is backed up nightly and replicated off-site. Files posted are reviewed and edited daily.
- Files are loaded into the database which resides on a secure network and is backed up nightly using Storage Area Network (SAN) Disk.
- Part B Data Managers and other MSDE staff are available to provide support when needed.
- The Special Services Information System Manual provides detailed information for local school systems and public agencies to build mechanisms within their systems for data accuracy.

MSDE runs edit reports of the files for the local school systems and public agencies to correct and resubmit their files to MSDE.

- Upon receipt of the Special Services Information System data, each record is edited to be certain that the record is complete and valid codes have been used.
- MSDE generates a report of the total count of active or exited students (October and June collections, respectively) for each local school system/public agency.
- Each local school system/public agency data manager receives a copy of the report for review and verification.

In the event that discrepancies are found, the local school system/public agency makes corrections and resubmits the entire file or utilizes the option to correct and resubmit error records. MSDE produces an updated summary report and returns this to the local school system/public agency for review and signature. During the annual child count collection, MSDE produces two additional reports for the Superintendent's signature. One report lists students who have Individual Education Programs developed more than 13 months prior to the last Friday of October. The second report lists the number of students who have not had a re-evaluation for more than three years. Local school systems and public agencies utilizing the Statewide Online IEP are able to administer data on a daily basis, therefore, error correction is more timely and manageable.

To ensure validity, the MSDE Special Services Information System manual provides data standardization for definitions and provides system edits similar to those suggested system edits provided by DAC. Validity of the data and consistency with OSEP data instructions is ensured throughout the data collection process by a number of practices and safeguards including edits built into the data collection system, such as data definition edits (what values are put in what fields), out-of-range edits, cross-field or relationship edits, and checks to ensure that all local school systems and public agencies submit data.

- MSDE regularly revises the Special Services Information System Manual according to State and/or Federal regulations. The Manual is distributed at Data Manager Meetings, placed on the MSDE web site, and is also sent to each local school system/public agency electronically.

- MSDE produces the Census Publication and Related Tables from the data system which contains multiple tables and is posted on the MSDE web site. An additional internal report produced is the 5% Analysis Report which highlights any local school system/public agency with 5% or more population increases or decreases.
- MSDE uses the DAC Verification Reports to flag large changes in the data. Data are disaggregated to determine which local school system/public agency is involved. When disaggregated data are suspect, MSDE contacts the local director of special education. Directors of special education and MSDE staff work together to validate the data. The local school system/public agency provides MSDE the reasons for large changes in data and that information is analyzed at MSDE and provided to DAC.

MSDE annually conducts an audit that compares Special Services Information System to Exit Data from each local school system/public agency. The students are matched using the student's Unique Student ID as the link between two data collections. MSDE requires local school systems and public agencies to explain/revise data following an analysis of the students who were described as exited in the Special Services Information System Exit Count, yet also reported as receiving services in the next Special Services Information System Child Count Data. After reviewing, the local school system/public agency is required to provide to MSDE a letter of summary analysis of findings for each category. All student records referenced in the detailed report provided to the local school system/public agency may be included in a random audit of these records.

MSDE reviews records to support 618 data collections. MSDE annually monitors student records for IEPs that were more than 13 months prior to the last Friday of October and for students who have not had a re-evaluation for more than three years. Sampling is not used for the child count. However, sampling may be used for monitoring purposes. Local school system/public agency data systems are student level systems and sampling may be required for audits and record reviews.

MSDE Division of Budget and Management routinely audits local school system/public agency data to determine whether; (1) students included on the State Aid for Special Education report are eligible; (2) applicable laws and regulations are complied with governing State Financial Assistance under Special Education Grant; and (3) accurate data are reported in claiming State funds.

The alignment between Department policy and the use of data is evident. MSDE has a history of providing accurate student level data on public school students, including students with disabilities. MSDE has provided accurate and timely data to OSEP and DAC and has responded within timelines to DAC's data validation process comparing significant year-to-year changes in data collections.

Each local school system/public agency reported all required special education data for FFY 2011 (July 1, 2011 – June 30, 2012). The submission dates were within the OSEP timeline requirements. MSDE will continue to provide technical assistance to local school systems and public agencies to facilitate timely and accurate data submission. The validity and reliability of student level data are high. MSDE uses validation rules to ensure that Special Services Information System child count data records are error free. Validations include: element level (e.g., dates within ranges), cross element level (e.g., grade X age relationship be consistent with acceptable age range for each grade), and agency level (e.g., duplications between or among agencies, types of internal validation routines).

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2011:

MSDE completed all activities with the exception of those marked revised. Data submissions for the Special Services Information System (SSIS) comes from local school systems and public agencies

and is received from two possible sources: Maryland’s Statewide Online IEP System (which provides data nightly); and vendor based IEP systems (which submit data to MSDE quarterly).

MSDE implemented Quarterly Data Collection for all local school systems and Public Agencies as of November 1, 2009. For local school systems that utilize the Maryland Online IEP System most of the required quarterly data uploads nightly to SSIS from OIEP. Those local school systems only have to report quarterly the Indicator data that is currently being collected on excel spreadsheets, Indicators 11, 12, and 13. Local school systems that utilize vendor systems report quarterly data via file submission and excel spreadsheets. The quarterly data are uploaded to the Maryland Scorecard where local school systems and MSDE staff can track the progress of Indicator data.

As of November 1, 2010 MSDE incorporated into the SSIS data collection all data needed for Indicators 11 and 12. MSDE continues to collect Indicators 11 and 12 using parallel data collection methods – Excel sheets and SSIS. When it has been verified that the two data collections match, the Excel sheets will be discontinued and the data will be collected electronically using the SSIS database only. Annually, local school systems and public agencies participate in the Office of Monitoring for Continuous Improvement and Results monitoring of data collection and reporting activities.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012:

[If applicable]

Improvement Activities	Timelines	Resources	Justification
Linkage of data from the Maryland Infants and Toddlers Program (MITP) data collection on children, birth to three years old, to SSIS for students with disabilities, ages three through 21 years old REVISED	June 2007 through February 2012	Data Collection staff/Data Managers SSIS Data Managers Directors of Special Education DES/EIS ECIE DSE/EIS Program Staff JHU/CTE DataLab USA	As of 7/1/2009 all students are required to have a unique ID. Unique ID numbers are crucial to the ability to link data sets. The DSE/EIS is working with the Division of Accountability, Assessments, and Data Systems (DAADS) to assure all children birth through 21 have a Unique ID number.
It is anticipated that MSDE will continue to use Excel forms to collect data on children served under Part C transitioning into Part B through FFY 2012 (2012-2013). REVISED	July 2006 through February 2012	Data Collection staff/Data Managers SSIS Data Managers Directors of Special Education DSE/EIS ECIE DSE/EIS Program Staff	As of 11/1/2010 MSDE began collecting data on Indicators 11 and 12 in SSIS. It is anticipated that the need for excel spreadsheets will continue for another year. The continued use of Excel Spreadsheets, in conjunction with data submissions, assists in the verification of data accuracy.