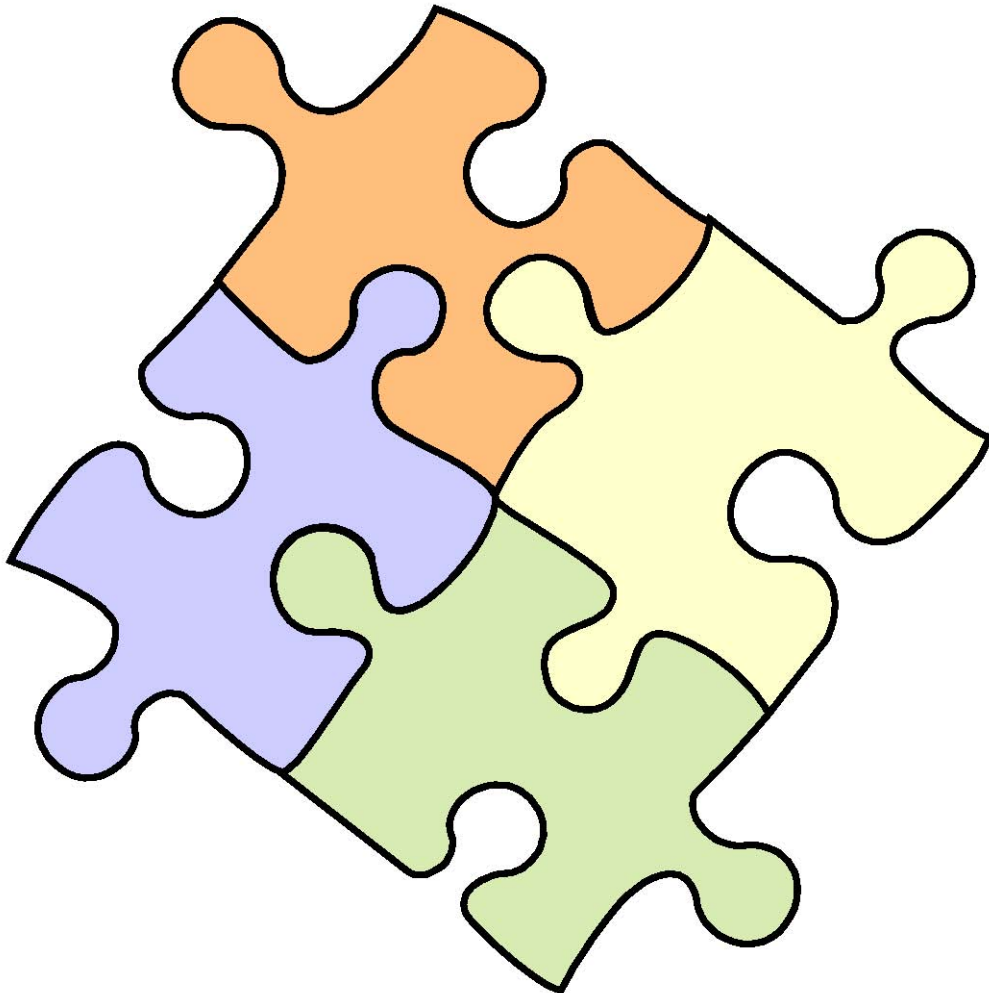


**FFY 2012 (2012-2013)
Annual Performance Report (APR)**



Maryland State Department of Education
Division of Special Education/Early Intervention Services
April 28, 2014

FFY 2012 (2012-2013) Annual Performance Report (APR)

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MARYLAND'S FFY 2012 (2012 – 2013) STATE PERFORMANCE PLAN/ANNUAL PERFORMANCE REPORT

Overview of Development of the FFY 2012 State Performance Plan and Annual Performance Report

This document is the Maryland State Department of Education (MSDE) FFY 2012 (2012 – 2013) Annual Performance Report (APR). The APR provides the data and required information, in accordance with the Part B SPP/APR Instruction Sheet provided by the Office of Special Education Programs (OSEP) as an attachment to Memorandum 14-02, dated October 30, 2013.

The MSDE identified staff from across the five branches within the Division of Special Education/Early Intervention Services (DSE/EIS) to form internal Division teams that corresponded to the 18 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 the cluster areas identified by the OSEP. The DSE/EIS obtained broad stakeholder input on revisions to the SPP and development of the APR, including information on progress or slippage for each indicator. Draft information and data relative to revising the SPP and developing the APR included the following stakeholder groups for input:

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

On September 19, 2013, information was shared with the members of the SESAC, about the overall SPP/APR process, State determination by the OSEP, and the DSE/EIS's local school system determinations. On October 23, 2013, local directors of special education, local preschool coordinators, other strategic partners, such as the Parents' Place of Maryland, local assistant superintendent's of instruction received an overview of the DSE/EIS Strategic Plan, *Moving Maryland Forward*, that aligns the Individuals with Disabilities Education Act (IDEA) Part C and Part B SPP indicator targets to four (4) Action Imperatives: Early Childhood, Professional Learning, Access, Equity and Progress, and Secondary Transition.

Broad stakeholder input regarding progress, slippage, and improvement activities was gathered at an open public meeting of the SESAC November 21, 2013 and January 16, 2014, and at an open public meeting of the SICC on December 5, 2013. At those meetings, data were shared concerning the current status of SPP/APR Indicators. At the SESAC meeting on November 21, 2013, information was shared for input on the following Indicators:

- Indicator 4A Suspension and Expulsion;
- Indicator 4B Suspension and Expulsion by Race/Ethnicity and Disability;
- Indicator 5 Least Restrictive Environment (LRE);
- Indicator 6 Preschool LRE;
- Indicator 7 Preschool Outcomes;
- Indicator 8 Parent Involvement;
- Indicator 9 Disproportionality (Identification/ Race/Ethnicity);
- Indicator 10 Disproportionality (Identification/ Race/Ethnicity/Disability Category);
- Indicator 18 Resolutions;
- Indicator 19 Mediations; and

- Indicator 20 State Reported Data.

On December 5, 2013, at an open public meeting of the SICC, broad stakeholder input regarding progress, slippage, and improvement activities was gathered relative to the following preschool indicators:

- Indicator 6 Preschool LRE;
- Indicator 7 Preschool Outcomes;
- Indicator 8 Parent Involvement;
- Indicator 12 Transition from Part C to Part B Preschool

At a meeting of the State's Birth through 21 leaders, including local directors of Infants and Toddlers Programs, local preschool coordinators, and local directors of special education on January 9, 2014, the MSDE, Assistant State Superintendent for the DSE/EIS provided preliminary results for the IDEA Part C and Part B FFY 2012 APR.

On January 16, 2014, at an open meeting of the SESAC, the SESAC provided input relative to progress, slippage, and improvement activities relative to the following indicators:

- Indicator 1 Graduation;
- Indicator 2 Dropout;
- Indicator 3 Assessment;
- Indicator 11 Initial Evaluation;
- Indicator 12 Transition from Part C to Part B Preschool;
- Indicator 13 Secondary Transition;
- Indicator 14 Post School Outcomes; and
- Indicator 15 General Supervision.

The DSE/EIS has developed the State's Birth through 21 SPP/APR website in collaboration with our strategic partners at the Johns Hopkins University Center for Technology in Education (JHU/CTE). A complete copy of Maryland's SPP is available on the Maryland's Birth through 21 SPP/APR website. This website may be accessed from the home page of the MSDE website at <http://www.marylandpublicschools.org>. The public may also access Maryland's Birth through 21 SPP/APR website at <http://mdideareport.org>. The website includes State and local performance and compliance data on all applicable indicators. It also includes tools for comparing local performance in relationship to other Local Education Agencies (LEAs) and 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 DSE/EIS's annual local school system determinations. The DSE/EIS will make FFY 2012 local determinations in March 2014.

The DSE/EIS will publically report to the public on the State's progress and/or slippage in meeting the SPP measurable and rigorous targets, and the performance of each Local Education Agency (LEA) on the targets in the SPP on the MSDE website within 120 days of the submission to the OSEP. At that time it will also be disseminated to all local school systems and public agencies in the State, to members of the SESAC, and to each local school system's Special Education Citizens' Advisory Committees (SECACs), and be made available to various media, consistent with the MSDE policy for dissemination of other written material. Upon receipt of the State's FFY 2012 federal Part B determination status, the DSE/EIS will send a copy of the FFY 2012 APR 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.

Maryland's FFY 2012 IDEA Part B APR contains actual target data and other responsive APR information for:

- **Indicator 1** (pages 6-10)

- **Indicator 2** (pages 11-12)
- **Indicator 3** (pages 13-24)
- **Indicator 4A** (pages 25-30)
- **Indicator 4B** (pages 31-36)
- **Indicator 5** (pages 37-40)
- **Indicator 6** (pages 41-44)
- **Indicator 7** (pages 45-50)
- **Indicator 8** (pages 51-58)
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- **Indicator 11** (pages 66-71)
- **Indicator 12** (pages 72-76)
- **Indicator 13** (pages 77-79)
- **Indicator 14** (pages 80-85)
- **Indicator 15** (pages 86-95)
- **Indicator 18** (pages 96-97)
- **Indicator 19** (pages 98-99)
- **Indicator 20** (pages 100-105)

In addition to information submitted in the APR, the following documents are attached to the end of the document:

- **Attachment 1** FFY 2012 Indicator 8 Parent Surveys (pages 106-114)
- **Attachment 2** FFY 2012 Indicators 16-19, Table 7 Dispute Resolution (page 115-117)
- **Attachment 3** FFY 2012 Indicator 20 Scoring Rubric (pages 118-121)

As a follow-up to Maryland's FFY 2011 SPP/APR submission, the OSEP notified Maryland in a letter dated July 1, 2013 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 2011 APR and revised SPP, other State-reported data, and other publicly available information."

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 FFY 2012 IDEA Part B 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 of 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
DCAA	Division of Curriculum, Assessment, and Accountability ¹
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
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

¹ A new Division within the MSDE that includes the previous Divisions of Instruction and Accountability, Assessment, and Data Systems.

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
PL	Professional Learning
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 Annual Performance Report (APR) for FFY 2012

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.

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

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

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

The data provided for Indicator 1 of the SPP/APR is taken from the Maryland Report Card, Maryland’s official ESEA data reporting source for the Maryland State Department of Education that aligns with Maryland’s Consolidated State Performance Report (CSPR). The Maryland Report Card may be accessed at <http://mdreportcard.org/>. The graduation rate targets are the same as the annual graduation rate targets under Title I of the ESEA.

Actual Target Data for FFY 2012: 57.41% (3,724/6,487) x100 Target Not Met

Using the required 2011-2012 Four-Year Adjusted Cohort Rate, 3,724 youth with IEPs out of a possible 6,487 graduated with a regular diploma. This is a 4 year adjusted cohort graduation rate of 57.41%. This compares to a 4 year adjusted cohort graduation rate of 86.36% for regular education students. This data reflects a 28.95 percentage point gap between the graduation rate of non-disabled peers and youth with disabilities who received services in accordance with an Individualized Education Program (IEP).

Measurement	Number	Percentage
Four-Year Adjusted Cohort Rate	3,724/6,487	57.41%
Leaver Rate	4,280/5,985	71.51%

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). The four-year adjusted cohort graduation rate also strictly adheres to section 111(b)(2)(C)(vi) of the Elementary and Secondary Education Act (ESEA), which defines graduation rate as the “percentage of students who graduate from secondary school with a regular diploma in the standard number of years.”

Leaver Rate = The graduation rate Maryland previously reported is called the “Leaver Rate.” The Leaver Rate is defined as the percentage of students who received a Maryland High School Diploma during the reported school year. The Leaver Rate is an estimated cohort rate. It is calculated by dividing the number of high school graduates by the sum of the dropouts for grades 9 through 12, respectively, in consecutive years, plus the number of high school graduates.

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. To be awarded a diploma, a student, including a youth with an IEP, shall be enrolled in a Maryland public school and have earned a minimum of 21 credits that include the following:

Subject Area	Specific Credit Requirement
English	4 credits
Math	3 credits ✓ 1 in Algebra/Data Analysis ✓ 1 in Geometry ✓ 1 additional Mathematics credit
Science	3 credits ✓ 1 in Biology ✓ 2 that must include laboratory experience in any or all of the following areas: earth science, life science, physical science
Social Studies	3 credits ✓ US History ✓ World History ✓ Local, State, and National Government
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 American Sign Language or 2 credits of advanced technology education and 3 credits in electives OR 4 credits by successfully completing a State-approved career & technology program and 1 credit in an elective
Students must also meet attendance, service-learning, and any local school system requirements	

In addition, all students, including youth with IEPs, must complete the following High School Assessments requirements:

Algebra/Data Analysis, English 10, and Biology

Students who entered grade 9 in the fall of 2005 and later (COMAR 13A.03.02.09) must obtain either a passing score on Algebra/Data Analysis, English 10, and Biology or obtain an overall combined score of 1208 or 1602 (see below). Students who meet specific criteria may use the Bridge Plan for Academic Validation to meet the passing requirement. For more information about the Bridge Plan for Academic Validation, please see questions 20 and 21 (pages 10-11) in the High School Graduation Requirements Questions and Answers at http://hsaexam.org/img/HS_Grad_Q_A.pdf.

Government

Students who entered 9th grade in the 2012-13 school year are not required to pass the Government High School Assessment for graduation, but may use it if they pursue a combined score to satisfy the graduation requirements. Students have two options. Students may achieve either a combined score of:

- 1602 for English, Algebra/Data Analysis, Biology, **and** Government; or
- 1208 for English, Algebra/Data Analysis, and Biology.

Students entering 9th grade in the 2013-2014 school year and beyond must either pass the Government High School Assessment or include the Government High School Assessment score to meet a combined score of 1602.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2012:

Maryland experienced an improvement of 0.85 percentage points in the four-year adjusted cohort graduation rate of youth with IEPs over the previous year (56.57%). One local school system exceeded the State target for graduation of 87.50%. There was positive movement in 12 of the 24 school systems.

Other Statewide factors that result in improving graduation rates:

- The promotion rate of 9th grade students with disabilities increased by 1.2 percentage points.
- 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 2012, using 2011 – 2012 school year data, 21.6% (1124/5192) of youth with IEPs who graduated also successfully completing a CTE program, and 5.4% (280/5192) met both University and CTE requirements.

Discussion of Improvement Activities (applicable to Indicators 1, 2, 13, & 14):**Division of Special Education/Early Intervention Services (DSE/EIS) Strategic Plan**

In an effort to improve results for students with disabilities and their families, and to narrow the achievement gap between students with disabilities and their non-disabled peers, the Division convened a Statewide Task Force to craft a 5-year Strategic Plan with four (4) Action Imperatives that focus on the following critical areas: Early Childhood; Professional Learning; Access, Equity and Progress, and Secondary Transition. The Secondary Transition Action Imperative will have an impact on school completion and post-school outcomes. The goal of the Secondary Transition Action Imperative is to increase the implementation of evidence-based transition programs and services in order to increase the number youth with disabilities who are actively engaged in post-secondary education, technical and career training, and employment after exiting secondary schools.

Collaboration with the Division of Rehabilitation Services

The DSE/EIS 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:

- LSS staff received professional learning on the use of the Protocol.
- Both local school system school staff and DORS transition counselors report an improved referral process in FFY2012.

Discretionary Funds

The use of federal discretionary funds, awarded by the Division, has allowed local school systems to develop and implement interventions, strategies, and services that lead to improved results for students with disabilities. The discretionary funds are used to develop services to increase school completion, decrease student dropout and prepare students for employment. The awarded discretionary funds must be used for successful evidence-based practices. Many have incorporated the Guideposts for Success as developed by the National Collaborative on Workforce and Disability (NCWD). The Guideposts incorporated most often include: Work Based Learning and Youth Development/Leadership.

The Maryland Seamless Transition Collaborative was continued in FFY 2012. Eleven local school systems participated in the project. Two additional grants were awarded through collaboration between the 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), Career and Technology Education (CTE), the Division, and the Division of Student, Family, and School Services (DSFSS), School Counseling Office, the MSDE looks forward to a continued 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. There is a continued focus on students with disabilities in the CTE Programs. 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 DORS, and local school counselors.
- In addition to reporting the number and percentage of youth who graduated with a Maryland High School Diploma, the MSDE also reports on High School Program Completion. For the FFY 2012 report, using 2011-2012 school year data, the percentage of youth with IEPs who graduated with a Maryland High School Diploma and also met the requirements for a CTE Program Completer was 21.6 percent. This is a 1.9 percentage point slippage from 23.5% reported in FFY 2011 using 2010-2011 school year data. Acknowledging this slippage, the workgroup has determined that the following areas of concentration are still appropriate:
 1. Professional learning on differentiated instruction for the CTE teachers.
 2. The CTE orientation for local transition coordinators and special education teachers.
 3. Convene an annual meeting with the CTE supervisors in collaboration with the DCCR to discuss and promote best practices in supporting students with disabilities in the CTE Programs.

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 CTE 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 identifying the interventions used by local school systems 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.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2013: Not Applicable

Part B State Annual Performance Report (APR) for FFY 2012

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.

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

Measurement: States must report a percentage using the number of youth with IEPs (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 2012 (using 2011-2012 school year data)	The dropout rate of students with disabilities will be 3.27% or less.

**Actual Target Data for FFY 2012, using 2011-2012 school year data: 1,829/31,143 x100 = 5.87%
Target Not Met**

In past years the Office of Special Education Programs (OSEP) allowed states either use Section 618 exiting data or the data source previously reported. The MSDE, DSE/EIS previously reported the State Annual Dropout Rate. 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. Students who re-enter school during the same year in which they dropped out of school are not counted as dropouts. Using the MSDE 2011-2012 school year Annual Dropout Rate data, the DSE/EIS reports an Annual Dropout Rate of 5.87% (1,829/31,143 X 100) This data is from the Maryland Report Card, the official reporting source for Maryland Public Schools. The Maryland Report Card can be found at <http://mdreportcard.org>

The measurement for Indicator 2, using Section 618 Exit Data of youth with disabilities, measures the number of youth with IEPs (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. The denominator includes the following exiting categories: (a) graduated with a regular high school diploma, (b) received a certificate, (c) reached maximum age, (d) dropped out, or (e) died. This measurement yields an exit percentage of 27.29% (1,995/7,310) X 100).

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for (Insert FFY):

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:

- One school system has blended the CTE and special education funding to develop an employment preparation program.
- Professional learning 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 CTE Programs. In the FFY 2012, (2012-2013 school year), 5192 students with disabilities graduated with a Maryland High School Diploma. Of that total, 1124 or 21.64% $[(1124/5192) \times 100]$ were also CTE Program Completers.
- 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 DSE/EIS 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 2013: Not Applicable

Part B State Annual Performance Report (APR) for FFY 2012

Overview of the Annual Performance Report 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 AYP/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. (choose either A.1 or A.2)

A.1 AYP percent = [(# of districts with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AYP 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.

A.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.

B. Participation rate percent = [(# of children with IEPs participating in the assessment) divided by the (total # 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 = [(# of children with IEPs scoring at or above proficient against grade level, modified and alternate academic achievement standards) divided by the (total # 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.

FFY	Measurable and Rigorous Target									
FFY 2012	<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" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Grade</th> <th>Mathematics AMO</th> <th>Reading AMO</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">3</td> <td style="text-align: center;">95.22%</td> <td style="text-align: center;">94.55%</td> </tr> <tr> <td style="text-align: center;">4</td> <td style="text-align: center;">95.19%</td> <td style="text-align: center;">96.15%</td> </tr> </tbody> </table>	Grade	Mathematics AMO	Reading AMO	3	95.22%	94.55%	4	95.19%	96.15%
Grade	Mathematics AMO	Reading AMO								
3	95.22%	94.55%								
4	95.19%	96.15%								

		5	94.13%	95.23%	
		6	93.12%	95.50%	
		7	92.83%	95.25%	
		8	92.64%	94.82%	
		10		79.50	
		High School	91.22%	93.17%	

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 2012 Annual Performance Report. The State's link to publicly-reported assessment results can be found at: <http://mdreportcard.org>.

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:

- The number of children with disabilities participating in regular assessments, and the number of those children who were provided accommodations (that did not result in an invalid score) in order to participate in those assessments (MSA, HSA) [34 CFR §300.160(f)(1)];
- The number of children with disabilities, if any, participating in alternate assessments based on grade-level academic achievement standards (Mod-HSA) [34 CFR §300.160(f)(2)];
- 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)(4)]; and
- 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 and alternate assessments based on alternate 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)(3)]. 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.

Actual Target Data for FFY 2012:**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 for FFY 2012 3A.2: 2/25 8% Target Not Met**

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 2012, 8% (2/25) of the State’s local school systems met the State’s AMO targets in both Mathematics and Reading for the disability subgroup. Four (4) of the State’s 25 local school systems (16 %) met the State’s AMO targets for Reading and two (2) of the 25 local school systems (8%) met the State’s AMO targets for Mathematics.

3B Participation rate for children with IEPs.**Actual Target Data for FFY 2012 3B: 98.86% Participation Rate for Mathematics; and 99.1% Participation Rate for Reading. Exceeded State Target**

The FFY 2012 participation rate in Mathematics for Maryland was 98.86% and is above the target of > 95% for each assessed grade, in each content area. The FFY 2012 participation rate for Reading is 99.1%. Maryland has again exceeded the target set for Indicator 3B. All children with IEPs, in all grades assessed, including children not participating in assessments and those not enrolled for a full academic year are included.

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 English 10 and Algebra Data Analysis, 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 2012 data tables for Mathematics and Reading participation.

APR Template – Part B (4)

MARYLAND
State

Statewide Assessment 2012– 2013		Mathematics Assessment Participation								
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Algebra EoC	Total	
									#	%
a.	Children with IEPs	7324	7819	7856	7639	7656	7318	6962	52574	12.05%
b.	IEPs in Regular Assessment w/ No Accommodations	2075	1838	1548	1503	1388	1191	2203	11746	22.34%
c.	IEPs in Regular Assessment with Accommodations	4618	5362	5622	5495	5412	5356	1520	33385	63.50%
d.	IEPs in Alternate Assessment against Grade-level Standards	0	0	0	0	0	0	2407	2407	4.58%
e.	IEPs in Alternate Assessment against Alternate Standards	574	560	634	552	735	624	756	4435	8.44%
f.	Overall (b+c+d+e) Participation and Percentage	7267 99.2%	7760 99.3%	7804 99.3%	7550 98.8%	7535 98.4%	7171 98.0%	6886 98.9%	51973 98.9%	98.86%
Children included in 'a' but not included in the other counts above.										
Non-participants		57	59	52	89	121	147	76	601	1.14%

Statewide Assessment 2012–2013		Reading Assessment Participation								
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	English EoC	Total	
									#	%
a.	Children with IEPs	7331	7824	7861	7637	7664	7314	6667	52298	11.89%
b.	IEPs in Regular Assessment w/ No Accommodations	2082	1856	1571	1519	1406	1215	2110	11759	22.48%
c.	IEPs in Regular Assessment with Accommodations	4623	5363	5621	5499	5409	5369	1570	33454	63.97%
d.	IEPs in Alternate Assessment against Grade-level Standards	0	0	0	0	0	0	2152	2152	4.11%
e.	IEPs in Alternate Assessment against Alternate Standards	574	560	634	552	735	624	756	4435	8.48%
f.	Overall (b+c+d+e) Participation and Percentage	7279 99.3%	7779 99.4%	7826 99.6%	7570 99.1%	7550 98.5%	7208 98.6%	6588 98.8%	51800 99.1%	99.1%
Children included in 'a' but not included in the other counts above.										
Non-participants		52	45	35	67	114	106	79	498	0.95%

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

Actual Target Data for FFY 2012: Targets Not Met

Maryland did not meet the target for the special education subgroup in all grades for Mathematics and Reading. The data includes all children with IEPs, at the time of testing, in all grades assessed, including children not participating in assessments and those not enrolled for a full academic year.

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 English 10 and Algebra Data Analysis, 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 2012-20113		Mathematics Proficiency								
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Algebra EoC	Total #	
										#
a.	Children with IEPs	7324	7819	7856	7639	7656	7318	6962	52574	12.05%
b. and c.	IEPs in Regular Assessment With & Without Accommodations	3354	4296	3266	2825	2316	1611	2126	19794	43.86%
	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	0	0	0	0	0	0	651	651	27.05%
e.	IEPs in Alternate Assessment against Alternate Standards	464	473	509	457	630	527	576	3636	77.66%
f.	Overall (b+c+d+e) Proficiency Percentage	3818 52.13%	4769 61.0%	3775 48.1%	3282 43.0%	2946 38.5%	2138 29.2%	3353 48.2%	24081	45.80%
Children included in "a" but not included in the other counts above.										
	Non-participants	57	59	52	89	121	147	76	601	1.14%

APR Template – Part B (4)

MARYLAND
State

Statewide Assessment FFY 2012-2013		Reading Proficiency								
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	English EoC	Total #	
									#	%
a.	Children with IEPs	7331	7824	7861	7637	7664	7314	6667	52298	11.89%
b. and c.	IEPs in Regular Assessment With & Without Accommodations	4017	4729	4584	3459	3458	2709	1972	24928	55.15%
	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	0	0	0	0	0	0	723	723	33.60%
e.	IEPs in Alternate Assessment against Alternate Standards	497	503	554	495	677	554	598	3878	81.89%
f.	Overall (b+c+d+e) Proficiency Percentage	4514 61.6%	5232 66.9%	5138 65.4%	3954 51.8%	4135 54.0%	3263 44.6%	3293 49.4%	29529	56.46%
Children included in "a" but not included in the other counts above.										
Non-participants		52	45	35	67	114	106	79	498	0.95%

Grade Level	Mathematics				Reading			
	Baseline FFY 2004	FFY 2011	FFY 2012	Target FFY 2012	Baseline FFY 2004	FFY 2011	FFY 2012	Target FFY 2012
3	51.2%	63.37%	52.13%	95.22%	52.7%	69.34%	61.57%	94.55%
4	48.8%	66.09%	60.99%	95.19%	57.1%	71.47%	66.87%	96.15%
5	38.8%	61.01%	48.05%	94.13%	46.6%	72.27%	65.36%	95.23%
6	25.7%	54.13%	42.96%	93.12%	36.1%	57.82%	51.77%	95.50%
7	22.6%	49.68%	38.48%	92.83%	32.2%	51.96%	53.95%	95.25%
8	21.7%	37.96%	29.22%	92.64%	31.3%	52.24%	44.61%	94.82%
Grade 10/ EOC	23.4% Algebra/ Data Analysis	48.33%	48.16%	91.22%	22.3% English	51.56%	49.39%	93.17%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2012:**Indicator 3A**

For FFY 2012, two (2) local school systems (8%) met the State's Mathematics and Reading AMO targets. The Option 3A2 AMO is $[(2/25) \times 100]$, which is 8.0%. In FFY 2011, 12/25 (48%) local school systems met the State's AMO Mathematics and Reading targets. This is a slippage of 40 percentage points.

The 2012-2013 school year was a year of transition in Maryland. Maryland teachers began implementing the Maryland College and Career Ready Standards (based on the Common Core Standards) with full implementation slated for the 2013-2014 school year. While the new standards are being implemented, the new assessment, the Partnership for Assessment of Readiness for College and Career (PARCC), aligned to the Maryland College and Career Ready Standards will not be administered until FFY 2014, the 2014-2015 school year. This misalignment between what is being taught and what is being assessed had an effect on Maryland's MSA scores in FFY 2012, the 2012-2013 school year.

Additionally, Maryland does not administer out of grade level assessments and the 2012 Maryland General Assembly did not fund the Modified Maryland State Assessment (Mod-MSA) except at the high school level (Mod-HSA). This may have impacted approximately 3,746 students who took the Mod-MSA in Mathematics and approximately 4,210 students who took the Mod-MSA in Reading in FFY 2011.

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 2012 in Mathematics in Maryland was 98.86% and in Reading was 99.05%. All Maryland students with disabilities participated in the Maryland School Assessment (MSA), the Alternate MSA (Alt-MSA), the High School Assessments (HSAs) or the modified High School Assessments (Mod-HSA) except for a small number of nonparticipants.

Indicator 3C

Maryland did not meet the Mathematics or Reading targets for the special education subgroup in all grades for Mathematics and Reading proficiency.

The FFY 2004 through FFY 2012 Proficiency Percentages table displays the overall percentages of children with IEPs that achieved the proficient/advanced target, by grade levels and content areas, from FFY 2004 through FFY 2012 (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. However, the rate of improvement in this subgroup is not advancing at the same rate as the ever-increasing Annual Measurable Outcome.

Maryland did not make the Grade Level targets for FFY 2012 in Reading and Mathematics and experienced slippage in all grades as compared to FFY 2011 achievement scores, with the exception of Grade 7 Reading, which saw an improvement of 2 percentage points, and Algebra/Data Analysis, which remained relatively unchanged (48.33% proficiency in FFY 2011 as compared to 48.16% proficiency in FFY 2012).

Two of Maryland's largest school systems are also the site of some Maryland's lowest performing schools. The number of students with disabilities within these two local schools systems constitutes almost 30% 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

overall performance. Additionally, these local school systems experience high turnover in school leadership and in classroom teachers, which also impacts student achievement.

Timely Correction of FFY 2011 Findings of Noncompliance (corrected within one year from identification of the noncompliance):

1. Number of findings of noncompliance the State identified in FFY 2011 (the period from July 1, 2011 through June 30, 2012)	285
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)	285
3. Number of findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

FFY 2011 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance and/or Not Corrected):

4. Number of FFY 2011 findings not timely corrected (same as the number from (3) above)	0
5. Number of FFY 2011 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	0
6. Number of FFY 2011 findings <u>not</u> yet verified as corrected [(4) minus (5)]	0

The DSE/EIS used on-site or desk audit methods to verify correction of noncompliance. Verification of correction of noncompliance is a two prong process. First (Prong 1), the DSE/EIS verified 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 period of time, a random selection of records are reviewed to determine if the specific regulatory requirement(s) is correctly implemented in those records.

Ongoing Improvement Activities

- In an effort to improve results for students with disabilities and their families, and to narrow the achievement gap between students with disabilities and their non-disabled peers, the DSE/EIS convened a Statewide Task Force to craft a 5-year Strategic Plan with four (4) Action Imperatives that focus on the following critical areas: Early Childhood; Professional Learning; Access, Equity and Progress, and Secondary Transition. The Professional Learning and Access, Equity and Progress Action Imperatives will have an impact on achievement outcomes for students with disabilities. The goal of the Access, Equity and Progress imperative is to increase access to instruction based on the Maryland College and Career Ready Standards (based on the Common Core Standards) and to improve academic achievement and functional outcomes. The overarching goal of the Professional Learning Action Imperative is to implement a Statewide system of differentiated tiers of professional learning and support to produce effective teachers of students with disabilities, related service providers, and para-educators.
- Maryland has begun work on two large federally-funded projects. The Maryland State Personnel Improvement Grant (SPDG) focuses on four initiatives: 1) data-informed decision making; 2) the application of principles of Implementation Science; 3) increased use of evidence-based elementary math instruction based on the Maryland College Career Ready Standards; and 4) increased parent involvement in order to improve student achievement in Mathematics. Maryland is also one (1) of four (4) school sites in the nation to participate in the School Wide Integrated

Framework for School Transformation (SWIFT). The SWIFT provides a framework for: 1) establishing quality instruction based on UDL and PBIS; 2) installing a Multi-tiered System of Support; 3) developing cultural responsiveness; 4) promoting family and community partnerships; and 5) establishing a strong integrated State, local and school leadership structure in order to all students to participate in the least restrictive environment.

- The DSE/EIS in collaboration with the Division of Curriculum, Assessment, and Accountability (DCAA) continue to provide 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.” In addition, the Maryland State Board of Education adopted regulations to require all local school systems in Maryland to incorporate the principles of UDL in curriculum, instruction and assessment in order to provide access to the curriculum to all learners. Finally, a Statewide UDL Implementation Network has been created in order to give local school system personnel the opportunity to share best practice around the implementation of the UDL in the classroom with others.
- The DSE/EIS participates in a cross-divisional Breakthrough Center team within the Department, which is currently funded by Race to the Top dollars. This team works with the State’s lowest performing schools in two underperforming local school systems 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 the highest performing subgroup and the lowest performing subgroup(s). In 37 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. Strategies identified through the federal grants mentioned above (SPDG and SWIFT) will be shared with Focus School leadership when the Focus School Network meets. Identified topics include Implementation Science and Data Informed Decision Making.
- 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 the Fall of 2011. The DSE/EIS and the DCAA co-chair this committee. Representatives from the DSE/EIS and the DCAA are participants on the Council of Chief State School Officers (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 DSE/EIS and the DCAA conducted professional learning within local school systems in June 2012.
- The updated the Content Guidance Documents for Alt-MSA to support the comprehensive understanding of Maryland College and Career Ready Standards in reading, mathematics and science.
- The development of the Alt-MSA artifacts occurred in FFY 2011 and enhancements were made in FFY 2012. A total of 84 artifacts were developed by the Alt-MSA vendor in collaboration with the MSDE Content Staff. Supporting Documentation, including lessons, ideas for adaptations, and how to link to functional skills was included with the release of the artifacts. Updates were provided to support instructional documentation in the Spring of 2012. Starting in 2012, in preparation for the transition to the Maryland College and Career Ready Standards, the DSE/EIS

is collaborating with content experts from the MSDE and the alternate assessment vendor, conducted an alignment study between the Alt-MSA Mastery Objectives (MOs) Bank and the Maryland College and Career Ready Standards. All MOs not aligned were removed from the bank for the 2012-2013 school year. All content guidance documents were developed, along with artifacts.

- Online Alt-MSA professional learning 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 learning and technical assistance is provided to Assessment Facilitators for Students with Disabilities, who disseminate the training information and provide supports to applicable school-based personnel related to the administration of the Mod-HSA. Professional learning materials were developed to provide training participants an understanding of the eligibility requirements for the 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.
- The DSE/EIS provides technical assistance, professional learning, and resource materials to local school systems and nonpublic schools on instruction and assessment in reading, mathematics and science as found in the Maryland College and Career Ready Standards. 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 and in the transition to the Maryland College and Career Ready Standards.
- 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 at the high school level. In addition, the DSE/EIS 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 DSE/EIS 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 DSE/EIS 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 on the implementation of the alternate assessment.
- The DSE/EIS continues to work collaboratively with other Divisions in the Department to ensure students with visual impairments to have equal access in order to 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 DSE/EIS updated the Technical Assistance Bulletin, "Frequently Asked Questions for Students with Visual Impairments." Technical assistance and professional learning activities are also provided to local school systems to improve student results.

- The DSE/EIS 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 and established targets are included.
- The DSE/EIS 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 DSE/EIS continues to provide professional learning (face-to face and online modules) to local school systems and public agencies on instructional strategies, instructional delivery models, and the Maryland Common Core State Curriculum.
- The DSE/EIS continues to provide grant monies and supportive technical assistance to local school systems regarding the instruction and achievement of the special education subgroup. The DSE/EIS awards discretionary funds to promote evidence-based practices and support local school systems to improve the achievement of students with disabilities based on locally identified areas of need.
- The DSE/EIS 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 Maryland College and Career Ready Standards. Currently, 17 of 25 local school systems use the online IEP. Various other public agencies also use the Maryland Online IEP.
- Previously crafted professional learning modules to provide a consistent uniformed training on writing standards-based IEPs across the State are being updated. The modules are being refining to reflect the Maryland College and Career Ready Standards. This work is being done in collaboration with the Maryland Coalition for Inclusive Education (MCIE).
- The DSE/EIS continues to work on revising and enhancing IQUIS-MD, a rubric designed to evaluate the quality of IEPs written in Maryland.
- 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 DSE/EIS 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 DSE/EIS 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 achievement for children with IEPs.
- The DSE/EIS 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 FARM subgroup designation.

- The DSE/EIS 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 DSE/EIS continues to provide professional learning 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 DSE/EIS 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. The HALB Program has assisted over 490 families across the state of Maryland since 2003.
- Through the Maryland Assistive Technology Network Online (MATN Online), the DSE/EIS continues to provide professional learning and technical assistance to members of the MATN and other stakeholders through MATN Fall and Spring Institutes, posting of Assistive Technology professional learning 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 DSE/EIS will continue to provide guidance to local school systems on Maryland's "Tiered Instructional Approach to Support Achievement for All Students - Maryland's Response to Intervention Framework"
- The DSE/EIS continues to review/revise the <http://mdideareport.org> for reporting assessment and other local school system data to enhance readability.
- The DSE/EIS annually reviews and revises the SPP public website <http://mdideareport.org> as required by the IDEA. Indicator 3 information includes statewide performance and student participation data by grade level and content area for each local school system.
- The DSE/EIS continues to enhance the www.md.k12 website with information and resources regarding children and youth with disabilities.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2013: Not Applicable

Part B State Annual Performance Report (APR) for FFY 2012

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:

- A. 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; and

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

Measurement:

- A. Percent = [(# of districts that have a significant discrepancy in the rates of suspensions and expulsions for greater than 10 days in a school year for 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 2012 (using 2011-2012 data)	No more than one (1) or 4.1% 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:

Data collected under section 618 of the Individuals with Disabilities Education Act (IDEA), Report of Children with Disabilities Subject to Disciplinary Removal is used to identify local school systems with a 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. The 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, a local school system must meet the criteria for the minimum ‘n’ size. The minimum “n” size for all local school systems is 30 students with disabilities suspended or expelled for greater than 10 school days in a school year. Eight (8) of the 25 local school systems were excluded from the calculation of rates 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. Calculation for the Comparative Discrepancy Ratio is the local school system suspension/expulsion rate for children with disabilities divided by the local school system suspension/expulsion rate for children without disabilities.

Actual Target Data for FFY 2012 (Using 2011-2012 data): Four (4) of 16 % of the 25 local school systems had a significant discrepancy – Target Not Met

Number and Percent of Local School Systems with Significant Discrepancies						
	FFY 2012 (2011-2012)		FFY 2011 (2010-2011)		FFY 2010 (2009-2010)	
	#	%	#	%	#	%
Single Suspension of Greater than 10 Days	2	8.0%*	4	16.7%	2	8.3%
Multiple Suspensions Summing to Greater than 10 Days (2 LSSs excluded due to “n” size)	4	16.0%*	4	16.7%	4	16.7%

*The percentages are calculated based on 25 local school systems instead of 24.

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 multiple suspensions summing to greater than 10 days and two of those were also discrepant in single suspension events of greater than ten days. Maryland did not meet its target of no more than one local school system being discrepant in the rates of suspension for greater than ten days for students with disabilities compared to nondisabled students.

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 2012 (using 2011-2012 data)	25*	4	16.0%*

*The percentages are calculated based on 25 local school systems instead of 24.

Review of Policies, Procedures, and Practices *(completed in FFY 2012 using 2011-2012 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 DSE/EIS required the four (4) local school systems to submit their written policies, procedures, and practices relating to the discipline of students with disabilities, development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to the DSE/EIS for review to ensure that the policies, procedures, and practices comply with the IDEA. Through the review of policies, procedures, and practices, no noncompliance was identified. In addition, staff members from the Division’s Policy and Accountability Branch, Monitoring and Accountability Section 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 had occurred.

Results from the State’s review of policies procedures and practices, for the four (4) local school systems identified with a significant discrepancy, indicated that none of the four (4) local school systems needed to revise its policies, procedures, or practices. A review of individual student records in the four (4) local school systems demonstrated compliance with the requirements of the IDEA.

Two (2) of the four (4) local school systems identified as having a significant discrepancy in the rate of suspension for students with disabilities for greater than ten days have been identified by the DSE/EIS for the Focused Intervention and Accountability Team (FIAT) tier of differentiated intervention. The DSE/EIS implemented a multi-tiered system of support. The first phase of the DSE/EIS Differentiated Framework of General Supervision uses the local school systems' data, the local determination status and results to assign each local school system to a tier of general supervision. The FIAT tier requires the local school superintendent to meet with the State Superintendent and the Assistant State Superintendent for the DSE/EIS to address the specific actions to be taken to correct longstanding poor performance and noncompliance. This process enables general education and special education representatives from both the MSDE and the local school system to work together to address the issue of suspension of students with disabilities.

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 2012:

MSDE continues to implement all activities. The 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 (4) 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 (4) of the local school systems continue to make improvement and all have involved staff from other divisions within the local school systems, particularly the local division of student services to assist in decreasing the rate of suspensions of greater than ten days for students with disabilities.

Additionally in two (2) of the local school systems, additional professional learning is being provided in the areas of data collection and classroom management.

The following are examples of improvement activities:

- Professional learning 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 the Part B IDEA discretionary funds to reduce 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 25 local school systems to assist them in their review and revision of policies, procedures, and practices, as appropriate.
- 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.

Correction of FFY 2011 Findings of Noncompliance

1. Number of findings of noncompliance the State made during FFY 2011 (the period from July 1, 2011 through June 30, 2012) using 2010-2011 data	1
2. Number of FFY 2011 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 2011 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

Correction of FFY 2011 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2011 findings not timely corrected (same as the number from (3) above)	0
5. Number of FFY 2011 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	0
6. Number of FFY 2011 findings <u>not</u> yet verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected: Not Applicable

Verification of Correction (either timely or subsequent):

The MSDE reviewed the local school systems policies, procedures, and practices regarding the disciplinary removal of students for greater than ten days. This review was part of the local school system’s cyclical comprehensive monitoring activities. As a result of this review the DSE/EIS verified that the local school system is correctly implementing the specific regulatory requirements base on a review of updated random sample of data collected through on-site monitoring. The local school system corrected individual cases of noncompliance consistent with OSEP Memo 09-02. The State’s verification of correction was conducted through an onsite review by the DSE/EIS of the local school system’s policies, procedures, and practices, a review of the individual records which were identified as noncompliant, and by reviewing additional student records from an updated data set of students suspended for greater than ten days. The State found all records to be compliant.

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

7. Number of remaining FFY 2010 findings (identified in July 1, 2010 – June 30, 2011 using 2009-2010 data), noted in OSEP’s June 1, 2013 FFY 2011 APR response table for this indicator	0
8. Number of remaining FFY 2010 findings the State has verified as corrected	0
9. Number of remaining FFY 2010 findings the State has NOT verified as corrected [(1) minus (2)]	0

Correction of Any Remaining Findings of Noncompliance from FFY 2009 or Earlier (if applicable):

One local school system was identified with noncompliance from FFY 2008 or earlier. This is the same local school system that was identified with continued noncompliance in FFY 2011.

This 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. On April 19, 2010, the U.S. District Court of Maryland approved the Settlement Agreement entered into by the 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. As of September 15, 2012, there is no longer a Settlement Agreement between the parties.

The MSDE reviewed the local school systems policies, procedures, and practices regarding the disciplinary removal of students with disabilities for greater than ten days. This review was part of the local school system’s cyclical comprehensive monitoring activities. As a result of this review the MSDE verified that the local school system is correctly implementing the specific regulatory requirements base on a review of updated data collected through on-site monitoring. The local school system has corrected individual cases of noncompliance consistent with OSEP Memo 09-02. The State’s verification of correction was conducted through an onsite review by the DSE/EIS of the local school system’s policies, procedures and practices, a review of the individual records which were identified as noncompliant and by reviewing additional student records from an updated data set of students with disabilities suspended for greater than ten days. The State found all records to be compliant.

The DSE/EIS continues to work collaboratively with this local school system through the Focused Intervention and Accountability Team (FIAT) process. As part of this process, the DSE/EIS reviews data and other disciplinary information with the local school system administrative personnel on a quarterly basis to ensure that compliance with requirements regarding the suspension of students with disabilities for greater than ten days is sustained.

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 2011 based on FFY 2010 data as a result of the review it conducted pursuant to 34 CFR §300.170(b)</p>	<p>One local school system identified as noncompliant in FFY 2011 based on FFY 2010 data has corrected the noncompliance. The State continues to support this LSS and its continuation of compliance through the FIAT process.</p>
<p>The State must report that it has verified that each LSS with noncompliance is correctly implementing the specific regulatory requirements</p>	<p>The State verified correction of noncompliance in this LSS consistent with OSEP Memo 09-02. On-site student record reviews are conducted and data is collected to ensure correct implementation of regulatory requirements.</p>
<p>The State must report that it has verified that each local school system with noncompliance</p>	<p>MSDE conducted a review of the record of each student in which noncompliance was identified and</p>

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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	an updated data set of records of students suspended for greater than ten days to ensure noncompliance had been corrected consistent with OSEP Memo 09-02.
The State must describe the specific actions that were taken to verify the correction.	Specific actions taken to verify correction are addressed within this report.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2013 (if applicable): Not Applicable

Part B State Annual Performance Report (APR) for FFY 2012

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 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) divided by the (# of districts in the State)] times 100.

Include State’s definition of “significant discrepancy.”

FFY	Measurable and Rigorous Target
FFY 2012 (using 2011-2012 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.

Definition of Significant Discrepancy and Methodology

The Division of Special Education/Early Intervention Services (DSE/EIS) 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. Calculation for the Rate Ratio is the local school system suspension/expulsion rate for children with disabilities divided by the local school system suspension/expulsion rate for children without disabilities.

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. The minimum “n” size for all local school systems is 30 students with disabilities in a particular race/ethnic group suspended or expelled for greater than 10 school days in a school year. 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 of 25 local school systems excluded from the calculation of rates as a result of not meeting the minimum “n” size.

Actual Target Data for FFY 2012 (Using 2011-2012 data): 0% Target Met

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 2012 (using 2011-2012 data)	25*	4	16%*

*The percentages were calculated based on 25 local school systems instead of 24.

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. In addition, one (1) of the four (4) local school systems was also identified as having a significant discrepancy in the rate of suspension of Hispanic students with disabilities.

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 2012 (using 2011-2012 data)	25*	0	0%

*The percentages were calculated based on 25 local school systems instead of 24.

Review of Policies, Procedures, and Practices

The DSE/EIS required the four (4) local school systems to submit their written policies, procedures, and practices relating to the discipline of students with disabilities, development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to the DSE/EIS for review to ensure that the policies, procedures, and practices comply with the IDEA. Through the review of policies, procedures, and practices, no noncompliance was identified. In addition, staff members from the Division's Policy and Accountability Branch, Monitoring and Accountability Section conducted a subsequent review of a random selection of student records from another data period to ensure policies and procedures were being followed (Prong 2). The student records reviewed were compliant with requirements.

Results from the State's review of policies procedures and practices, for the four (4) local school systems identified with a significant discrepancy, indicated that none of the four (4) local school systems needed to revise its policies, procedures, or practices.

Additionally, two (2) of the four (4) local school systems identified as having a significant discrepancy in the rate of suspension for students with disabilities for greater than ten days have been identified by the DSE/EIS for the Focused Intervention and Accountability Team (FIAT) tier of differentiated intervention. The DSE/EIS implemented a multi-tiered system of support. The first phase of the DSE/EIS Differentiated Framework of General Supervision uses the local school systems' data, the local determination status and results to assign each local school system to a tier of general supervision. The FIAT tier requires the local school superintendent to meet with the State Superintendent and the Assistant State Superintendent for the DSE/EIS to address specific enforcement actions and improvement activities for implementation to correct longstanding poor performance and to sustain compliance. This process enables general education and special education representatives from both the MSDE and the local school system to work together to address the issue of suspension of students with disabilities.

Results of the DSE/EIS's review indicate that each of the four school systems have compliant 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 comply with requirements. Therefore, no changes to policies, procedures, and practices were required.

One local school system 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. This local school system revised its procedures related to the implementation of behavioral interventions and supports to ensure compliance with the IDEA.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2012:

The following are improvement activities are being implemented:

- The DSE/EIS 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 cyclical comprehensive monitoring activity and at least annually for each local school system whose data indicates 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.

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- The DSE/EIS provides technical assistance to local school systems with the revision of local school system policies, procedures and practices when necessary.
- The DSE/EIS assists local school systems in identifying and implementing best practices relative to reducing/eliminating significantly discrepant rates in the suspension of students with disabilities regardless of race/ethnicity.

Correction of FFY 2011 Findings of Noncompliance

1. Number of findings of noncompliance the State made during FFY 2011 (the period from July 1, 2011 through June 30, 2012) using 2010-2011 data	0
2. Number of FFY 2011 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 2011 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

Correction of FFY 2011 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2011 findings not timely corrected (same as the number from (3) above)	0
5. Number of FFY 2011 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	0
6. Number of FFY 2011 findings <u>not</u> yet verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected: Not Applicable

Verification of Correction (either timely or subsequent): Not Applicable

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	0

one-year timeline (“subsequent correction”)	
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 local school system identified in FFY 2010, using 2009-2010 data, 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 DSE/EIS reviewed the revised policies, procedures and practices and found the local school system 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. The DSE/EIS identified individual records as noncompliant. The local school system submitted documentation to the DSE/EIS indicating correction of noncompliance with each individual student record (Prong 1). The DSE/EIS conducted a review of an updated 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 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. This local school system revised its procedures related to the implementation of behavioral interventions and supports to ensure compliance with the IDEA. .
The State has corrected each individual case of noncompliance.	The DSE/EIS conducted a review of the records of each student in which noncompliance was identified to ensure noncompliance had been corrected. There were a total of 40 findings of student specific noncompliance within the local school system. All 40 findings were corrected.
The State is correctly implementing the specific regulatory requirements.	The DSE/EIS reviews policies procedures and practices of local school systems that have a significant discrepancy in the rates of suspension to ensure compliance. The DSE/EIS 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. This data is collected during on site student record reviews.

<p>The State must describe the specific actions that were taken to verify the correction.</p>	<p>The DSE/EIS conducted 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 for local school systems identified with a significant discrepancy. The DSE/EIS conducted a review of an updated set of records from a second data set of students with disabilities in particular racial/ethnic categories to ensure compliance (Prong 2), consistent with OSEP Memorandum 09-02.</p>
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Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2013 (if applicable): Not Applicable

Part B State Annual Performance Report (APR) for FFY 2012

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 2012 (2012-2013)	<p>5A 63.11% of students with disabilities, ages 6-21, are served Inside the regular class 80% or more of the day;</p> <p>5B 15.11% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day; and</p> <p>5C 6.22% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements.</p>

Actual Target Data for FFY 2012: Section 618 Table 3 Least Restrictive Environment EDFacts

Total Number of Students with Disabilities, Aged 6 - 21	Indicator	State Target	October 2012		FFY 2012 State Target Status
			SWD Population 90,367		
			Number	Actual Percentage	
Inside Regular Education 80% or More of the Day	5A	63.11%	61,421	67.97%	Met
Inside Regular Education < 40% of the Day	5B	15.11%	12,057	13.34%	Met
Separate Facilities	5C	6.22%	6,299	6.94%	Not Met

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	67.97

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	13.34

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	6.94

Of the local school systems not meeting the State’s target, the range by which the State target was not met ranged from 0.18% to 2.78%.

Correction of Noncompliance

Under monitoring activities on the FFY 2012 B-15 worksheet, there were 2 monitoring findings of student specific noncompliance (findings made in FFY 2011) in two school systems and 5 findings of noncompliance identified under dispute resolution. All were corrected within timelines. On the same worksheet, under “Other Areas of Noncompliance”, the DSE/EIS has labeled one of the indicator/cluster areas, “LRE related requirements – includes PWN (prior written notice).” In this category there were an additional 57 findings of noncompliance in 6 local school systems/public agencies as a result of monitoring activities and 99 findings from dispute resolution. All but 2 were 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 notification of a finding of noncompliance and include the review of policies and procedures, student records, other related documentation, and subsequent updated data, as appropriate to the finding. The DSE/EIS

verified correction in these local school systems and public agencies in accordance with the DSE/EIS's 2-prong verification procedures, consistent with OSEP Memorandum 09-02. First (Prong 1), the DSE/EIS verified 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 period of time, a random selection of records are reviewed to determine if the specific regulatory requirement(s) is correctly implemented in those records.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2012:

The DSE/EIS has made progress in all Indicator 5 subsets. Each subset of the indicator has made growth over time and maintains a positive trend. Even Indicator 5C, that has not met the State's target, has shown growth since the first Annual Performance Report. The development and implementation of the Maryland Online IEP (MOIEP), along with its supporting 'wizard', has improved the Least Restrictive Environment (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 professional learning and free access to materials about co-teaching and including students with disabilities in general education settings with nondisabled peers.

Maryland is also one (1) of four (4) school sites in the nation to participate in the School Wide Integrated Framework for School Transformation (SWIFT). The SWIFT provides a framework for: 1) establishing quality instruction based on UDL and PBIS; 2) installing a Multi-tiered System of Support; 3) developing cultural responsiveness; 4) promoting family and community partnerships; and 5) establishing a strong integrated State, local and school leadership structure in order to all students to participate in the least restrictive environment. SWIFT is working with four (4) local school systems. SWIFT works with State, local school system, and school leadership to implement evidence-based practices that will work to improve achievement and functional outcomes for students with disabilities in regular classrooms.

Three major initiatives are employed by the MSDE to advance placement in the LRE. The three are the distribution of discretionary funds to local school systems in the form of Local Priority Flexibility Funds to address locally identified need to improve achievement and functional outcomes for students with disabilities in regular classrooms; innovations that result in sustainable co-teaching practices; and, specially designed programs that are targeted to the State's weakest results area, Indicator 5C.

Public/Private Partnerships

The DSE/EIS 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 State's LRE 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 local school systems 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 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 professional learning 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 learning, 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 on <http://marylandlearninglinks.org> will continue to be enhanced to support sustainability beyond the funding cycle of the grant.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2013: Not Applicable

Part B State Annual Performance Report (APR) for FFY 2012

Overview of the Annual Performance Report 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 = [(# 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) divided by the (total # of children aged 3 through 5 with IEPs)] times 100.
- B. Percent = [(# of children aged 3 through 5 with IEPs attending a separate special education class, separate school or residential facility) divided by the (total # of children aged 3 through 5 with IEPs)] times 100.

FFY	Measurable and Rigorous Target
<p>FFY 2012 (2012-2013)</p>	<ul style="list-style-type: none"> 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. B. 19.1% of children aged 3 through 5 with IEPs attending a separate special education class, separate school or residential facility.

Overview of Issue/Description of System or Process:

Maryland’s LRE data is collected annually for the October count and reported in the Maryland Special Education/ Early Intervention Services Census Data and Related Tables document. This document permits LSSs/PAs to review data, refer to past documents to establish trends, and plan for improvement. For 3-5 year olds, the data are reported by each age group as well as in the aggregate.

New LRE baseline data from the October 2011 Child Count (FFY 2011) was the last data collection that reflected a composite of former and current reporting categories. In contrast to the current LRE reporting categories for Regular Early Childhood Programs, the former reporting categories did not differentiate between the participation of a child in a regular early childhood program and whether or not the majority of IEP services were delivered in this setting or in another location. It was anticipated that the FFY 2012 data for Regular Early Childhood Programs reporting categories would result in a more complete and accurate picture of the degree to which children’s IEP services were delivered within the context of a regular early childhood setting. This more accurate data would then contribute to effective and targeted program improvement planning on both a statewide and local program level.

APR Template – Part B (4)

Actual Target Data for FFY 2012:

Total 3-5 year olds*		EC Setting with Majority of Services in that Setting	Separate Class, School, Residential Setting	Total
13,062	Number	7,343	2,613	9,956**
	Percent	56.2%	20.0%	76.2%

*From October 2012 Special Education Child Count

**Remaining number of children not accounted for in above Table served in one of the following settings: Home (90); Service Provider Location (1,133); Hospital (2); or Regular Early Childhood Setting with majority of services provided in another location (1,881).

Total 3 year olds*		EC Setting with Majority of Services in that Setting	Separate Class, School, Residential Setting	Total
3,366	Number	1,752	993	2,745**
	Percent	52.0%	29.5%	81.5%

*From October 2012 Special Education Child Count

**Remaining number of children not accounted for in above Table served in one of the following settings: Home (26); Service Provider Location (330); Hospital (0); or Regular Early Childhood Setting with majority of services provided in another location (265).

Total 4 year olds*		EC Setting with Majority of Services in that Setting	Separate Class, School, Residential Setting	Total
4,460	Number	2,223	1,003	3,226**
	Percent	49.8%	22.5%	72.3%

*From October 2012 Special Education Child Count

**Remaining number of children not accounted for in above Table served in one of the following settings: Home (43); Service Provider Location (502); Hospital (1); or Regular Early Childhood Setting with majority of services provided in another location (688).

Total 5 year olds*	EC Setting with Majority of Services in that Setting		Separate Class, School, Residential Setting	Total
5,236	Number	3,368	617	3,985**
	Percent	64.3%	11.8%	76.1%

*From October 2012 Special Education Child Count

**Remaining number of children not accounted for in above Table served in one of the following settings: Home (21); Service Provider Location (301); Hospital (1); or Regular Early Childhood Setting with majority of services provided in another location (928).

Data from the October 2012 Child Count (FFY 2012) indicate that 56.2% of students with disabilities ages three through five receive the majority of their specialized instruction and related services in early childhood general education settings with 20.0% served in a separate class, school or residential setting. 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: 52.0% and 29.5% of three year-olds; 49.8% and 22.5% of four year-olds, and 64.3% and 11.8% of five year-olds, respectively.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2012:

State targets established for FFY 12 were not met. Additionally, the data for FFY 12 represents slippage from the baseline data reported in FFY 11 for the targeted reporting categories. An analysis of the data across all preschool LRE reporting categories has shown a large increase in the numbers and percentages of children now reported as in a Regular Early Childhood program for greater or less than 10 hours per week, *with the majority of IEP services provided in another location*. The increase in data reported for “services provided in another location” was greatest for 5 year-olds, 6.0% in FFY 11 vs. 17.4% for FFY 12 (a difference of 11.4 percentage points), followed by the next greatest increase of 9 percentage points for 4 year-olds served through an IEP (6.4% in FFY 11 vs. 15.4% for FFY 12). The change in the data for 3 year-olds served through an IEP was much less, with 6.4% reported in this category in FFY 11 as compared with 7.9% for FFY 12, a change of 1.5 percentage points. This “shift” in data would appear to be at least a partial explanation for the decrease in numbers and percentages of children reported as in a Regular Early Childhood Program for greater or less than 10 hours per week with the majority of IEP services provided in that setting. These data would appear to indicate that a “pull-out” model of service delivery continues to be used more extensively than previously apparent across jurisdictions, and is of particular concern for children enrolled in their kindergarten year or participating in public prekindergarten programs in Title I catchment areas, where time out of the regular classroom represents missed instructional time within the general education curriculum.

Total 3-5 year olds			EC Setting with Majority of Services in that Setting		EC Setting with Majority of Services in Another Location		Separate Class, School, Residential Setting	
Number	FFY 11	FFY 12	FFY 11	FFY 12	FFY 11	FFY 12	FFY 11	FFY 12
		13,114	13,062	8,344	7,343	483	1,881	2,575
Percent			63.6%	56.2%	3.7%	14.4%	19.6%	20.0%

Total 3 year olds			EC Setting with Majority of Services in that Setting		EC Setting with Majority of Services in Another Location		Separate Class, School, Residential Setting	
Number	FFY 11	FFY 12	FFY 11	FFY 12	FFY 11	FFY 12	FFY 11	FFY 12
		3,274	3,366	1,821	1,752	211	265	877
Percent			55.6%	52.0%	6.4%	7.9%	26.8%	29.5%

Total 4 year olds			EC Setting with Majority of Services in that Setting		EC Setting with Majority of Services in Another Location		Separate Class, School, Residential Setting	
Number	FFY 11	FFY 12	FFY 11	FFY 12	FFY 11	FFY 12	FFY 11	FFY 12
		4,514	4,460	2,626	2,223	288	688	988
Percent			58.2%	49.8%	6.4%	15.4%	21.9%	22.5%

Total 5 year olds			EC Setting with Majority of Services in that Setting		EC Setting with Majority of Services in Another Location		Separate Class, School, Residential Setting	
Number	FFY 11	FFY 12	FFY 11	FFY 12	FFY 11	FFY 12	FFY 11	FFY 12
		5,236	5,326	3,897	3,368	316	928	713
Percent			73.2%	64.3%	6.0%	17.4%	13.4%	11.8%

Further analysis of the preschool LRE data for FFY 12 and subsequent years will be conducted in relationship to results for Indicator 7, particularly in regards to the issue of access to the general curriculum and engaged instructional time in the general education setting. While the data for FFY 12 are disappointing, the information does offer an opportunity for more fully informed program improvement planning that is based on a clearer picture of the environments in which children with disabilities are currently participating and accessing the general education curriculum.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2013: Not Applicable

Part B State Annual Performance Report (APR) for FFY 2012

Overview of the Annual Performance Report 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:

- 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.

(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.

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

Summary Statement 1: Of those preschool children who entered or exited 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.

Measurement for Summary Statement 1:

Percent = # of preschool children reported in progress category (c) plus # of preschool children reported

in category (d) divided by [# of preschool children reported in progress category (a) plus # of preschool children reported in progress category (b) plus # of preschool children reported in progress category (c) plus # of preschool children reported in progress category (d)] times 100.

Summary Statement 2: The percent of preschool children who were functioning within age expectations in each Outcome by the time they turned 6 years of age or exited the program.

Measurement for Summary Statement 2: Percent = # of preschool children reported in progress category (d) plus [# of preschool children reported in progress category (e) divided by the total # of preschool children reported in progress categories (a) + (b) + (c) + (d) + (e)] times 100.

FFY	Measurable and Rigorous Target	
<i>FFY 2012 (2012-2013)</i>	Outcome A: Positive social-emotional skills (including social relationships)	
	A 1	68.3% of those preschool children who entered or exited the preschool program below age expectations in Outcome A, who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.
	A 2	73.5% of children who were functioning within age expectations in Outcome A by the time they exited the program.
	Outcome B: Acquisition and use of knowledge and skills (including early language/communication and early literacy)	
	B 1	68.6% of those preschool children who entered or exited the preschool program below age expectations in Outcome B, who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.
	B 2	59.3% of children who were functioning within age expectations in Outcome B by the time they exited the program.
	Outcome C: Use of appropriate behaviors to meet their needs	
	C 1	63.7% of those preschool children who entered or exited the preschool program below age expectations in Outcome C, who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.
	C 2	66.2% of children who were functioning within age expectations in Outcome C by the time they exited the program.

Targets and Actual Data for Preschool Children Exiting in FFY 2012 (2012-13)

SPP/APR Data for Indicators 7A, 7B and 7C School Year 2012-2013												
	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	68.3%		73.5%		68.6%		59.3%		63.7%		66.2%	
State Actual	67.3%	Not Met	66.4%	Not Met	66.0%	Not Met	55.7%	Not Met	61.5%	Not Met	64.1%	Not 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 2012 Special Education Census Report											
3930	5909				66%				5236		75%*	

*Using the number/percentage of children 5 years-of-age with an IEP reported through SSIS for the same time period as the basis of determination, statewide aggregate data are considered representative, and may help to inform State program improvement efforts.

Summary Statements	Targets FFY 2012 (% of children)	Actual FFY 2012 (% of children)	Actual FFY 2011 (% of children)
Outcome A: Positive social-emotional skills (including social relationships)			
1. Of those preschool children who entered or exited the preschool program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.	68.3%	67.3%	69.2%
2. The percent of children who were functioning within age expectations in Outcome A by the time they exited the program.	73.5%	66.4%	69.5%
Outcome B: Acquisition and use of knowledge and skills (including early language/communication and early literacy)			
1. Of those preschool children who entered or exited the preschool program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.	68.6%	66.0%	70.4%
2. The percent of children who were functioning within age expectations in Outcome B by the time they exited the program.	59.3%	55.7%	60.4%
Outcome C: Use of appropriate behaviors to meet their needs			
1. Of those preschool children who entered or exited the preschool program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.	63.7%	61.5%	65.52%
2. The percent of children who were functioning within age expectations in Outcome C by the time they exited the program.	66.2%	64.1%	67.0%

Progress Data for Preschool Children FFY 2012

A. Positive social-emotional skills (including social relationships):	Number of children	FFY 2012 % of children	FFY 2011 % of children
a. Percent of children who did not improve functioning	572	14.5%	13.4%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	350	8.9%	8.4%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	398	10.1%	8.7%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	1496	38.0%	39.8%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	1118	28.4%	29.7%
Total	N = 3934	100%	
B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):	Number of children	FFY 2012 % of children	FFY 2011 % of children
a. Percent of children who did not improve functioning	541	13.8%	11.85%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	594	15.1%	13.4%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	608	15.5%	14.4%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	1599	40.7%	45.7%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	592	15.1%	14.7%
Total	N = 3934	100%	
C. Use of appropriate behaviors to meet their needs:	Number of children	FFY 2012 % of children	FFY 2011 % of children
a. Percent of children who did not improve functioning	613	15.6%	13.7%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	477	12.1%	11.3%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	323	8.2%	7.97%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	1415	35.9%	39.6%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	1106	28.1%	27.4%
Total	N = 3934	100%	

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2012:Improvement Activities targeting quality of data:

The FFY 2012 data reflect slippage across the summary statements for the three child outcomes, with State targets “Not Met” for six (6) of the six (6) summary statements. Data for the levels of progress for each outcome show some slight variation from FFY 2011, but remain fairly consistent with what was reported for that year as well as for previous reporting periods. “Comparable to same age peers” means the results of preschool students with IEPs was compared to a representative sample of preschool students from the general early learning programs. The outcomes data, while demonstrating some improvement in the prior reporting period (FFY2011), remains essentially unchanged over time. Substantial investment of fiscal and staff resources in providing quality professional learning to local school system preschool special education staff and related services personnel has been made through an annual non-competitive grant program jointly funded with the Division of Early Childhood Development (DECD), the Division within the MSDE with the lead responsibility for the implementation of the Maryland Model for School Readiness (MMSR) through which the level of school readiness is measured annually against established State early learning standards for each entering cohort of kindergarten students, including students with disabilities. The assessment instrument used to collect data for the three child outcomes, the Work Sampling System (WSS), is the same assessment used by the MMSR for the annual kindergarten readiness administration. The decision to use the WSS as the measure for the Early Childhood Accountability System (ECAS) was originally made by the DSE/EIS to demonstrate an alignment with the established State early learning standards and framework. Additionally, the DSE/EIS has continued to enhance the ECAS database with features that support local monitoring of entry and exit data collection and analysis of local program results, as well as provide targeted technical assistance through webinars and one-on-one customized support focused on ensuring accurate and reliable ratings of performance on chronological age-appropriate WSS indicators. While this investment in focused professional learning and technical assistance appears to have contributed to overall improvement in the data reported for the prior FFY 2011 reporting period, data that remain largely unchanged over time raise significant questions regarding the overall outcomes measurement approach employed to date. The ability of the WSS to reflect relatively small incremental progress for children with multiple and complex needs, as well as for children whose development is atypical in one or more areas also remains of concern.

At the local program level, six (6) of the twenty-four local school systems and two (2) public agencies met all State targets as compared to eight (8) local programs for FFY 2011. The issue of missing data remains a major concern for FFY 2012, with seven (7) of twenty-four local school systems (four in FFY 2011) continuing to report Progress at Exit results for significantly less than the minimum percentage of children required in order to consider the data as representative. Data are considered representative if at least 70% of the number of children reported through the annual statewide special education census data collection as either in kindergarten with an IEP or 5 years of age with an IEP are included in the local jurisdiction ECAS Progress at Exit report. In order to engage in and inform meaningful program improvement planning and action, local programs whose data are not yet representative were provided with written guidance regarding steps to implement to ensure that data collection and entering of individual child outcomes data into the ECAS is both timely and accurate. Additionally, the MSDE will conduct periodic desk audits of local data entry during a reporting period and will provide technical assistance to local programs as indicated by the results of the audit. The MSDE will continue to provide targeted technical assistance to local school systems and public agencies to address discrepancies between ECAS and other enrollment data in order to ensure that data for all preschool children are collected at Entry and Exit. The ability to evaluate the effectiveness of preschool special education services at the local program level as well as reflect the performance of the statewide system of services, access to data that are representative is fundamental.

On site MMSR/ECAS professional learning grant application planning meetings were held with each local jurisdiction from April through May 2013, with grant submissions due to MSDE by July 3, 2013.

The 2013-2014 school year will be the last year for this non-competitive grant program. New Professional Learning (PL) for the anticipated full census administration of the new kindergarten readiness assessment, *Starting Strong*, is being developed, with the roll-out of this PL projected for Spring/Summer 2014.

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 development of a new Comprehensive Assessment System (CAS), *Starting Strong*, which includes a summative "kindergarten readiness" component that will replace the existing Maryland Model for School Readiness, and the development of new formative assessments (36-72 months), that are aligned with the State adopted College and Career Ready Standards. Beginning with the statewide census administration of the CAS in the 2014-2015 school year, the Work Sampling System (WSS) will no longer be used as the measure of kindergarten school readiness. The projected timeline for roll-out of the formative assessments is Spring 2015. Until the formative assessments become available, the WSS will continue to be used as the measure of child progress for preschool children with disabilities, ages three through five, served through an IEP.

The design and development of the CAS has incorporated principles of universal design to support access to test items by all children. This initiative is being implemented by the MSDE, Division of Early Childhood Development (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). Although the CAS is intended for all children, it may not, as with the WSS, provide enough sensitivity to measure smaller incremental levels of progress demonstrated by some preschool children with multiple or complex needs or with significant delays in areas of development that inhibit access to individual test items and could result in a zero domain score (e.g., gross motor for a child who is in a wheelchair). A field test of the kindergarten assessment/summative component of the CAS is being conducted in Fall 2013. Included in the field test administration, is the use of a guidance document on allowable supports for children with disabilities and for English Language Learners, which was developed by the DSE/EIS and JHU/CTE in collaboration with the DECD. This document and an accompanying professional learning module were disseminated to all field test teachers and jurisdiction level program administrators. Feedback provided on the utility of this document and the levels of support guidance for these two student populations will be used to inform the Fall of 2014 Statewide census administration of the kindergarten readiness assessment as well as further development of the formative assessments. Additionally, during the 2013-2014 school year, the DSE/EIS will be exploring extending the use of the Child Outcomes Summary framework, currently in place as the measure for infants and toddlers served through an IFSP, to include preschool children with disabilities, ages three through five, served through an IEP. This approach would utilize the results of the CAS formative assessments as one source and not the sole source of child progress data, and would be combined with other sources of data, including information from families and other significant caregivers, as the collective means of informing individual levels of child progress in relation to the three broad child outcomes.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2013: Not Applicable

Part B State Annual Performance Report (APR) for FFY 2012

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 2012 (2012-2013)	38% 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. 40% 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.

Actual Target Data for FFY 2012:

Target	Actual Number	Actual Percentage	Target Status
School Age – 38%	8,549	40%	Exceeded Target
Preschool – 40%	1,661	47%	Exceeded Target

The MSDE conducted a census survey of a total of 104,163 parents of children and youth receiving special education services. Of the total number of surveys (104,163), 91,347 were sent to parents of school-aged (6 through 21 years of age) children and youth receiving special education services and 12,816 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 8,549 (8,549 responses—8,152 English and 397 Spanish) parents of school-aged children (9.36%) and 1,661(1,661 responses—1,523 English and 138 Spanish) parents of preschool children (13%). Overall of 10,210 (9.8%) of all surveys were returned.

For the 2012-2013 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 2012 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 April 2013. 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 or web-based survey. Separate surveys are used for parents with children in preschool versus parents of school-age children. 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 seven (7) demographic questions. 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 and Spanish paper surveys for parents to provide their feedback regarding the special education services their child received in the 2012-2013 school year.

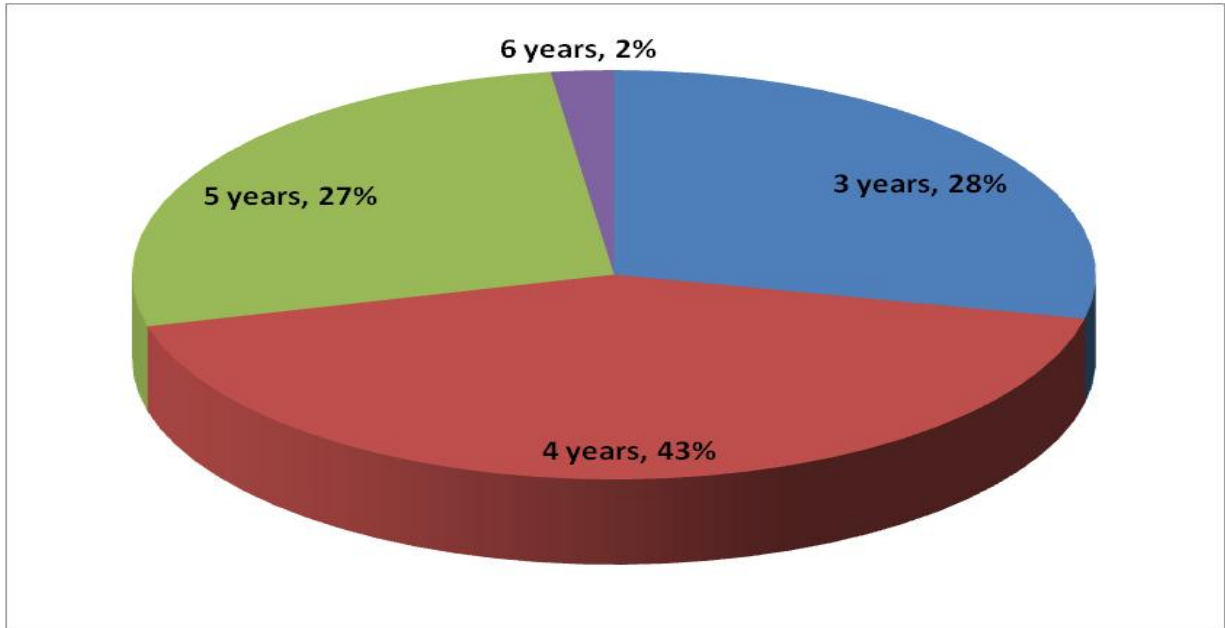
Upon the recommendation from the NCSEAM, the data were calculated using a Rasch measurement framework using the weights, i.e., anchors, suggested by the NCSEAM, to calculate the value of Indicator 8. Measurements on the Part B rating scales are minimum measures that meet the standard for school facilitation 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 2012:

Responses from Parents of Preschool-Aged Children Receiving Special Education

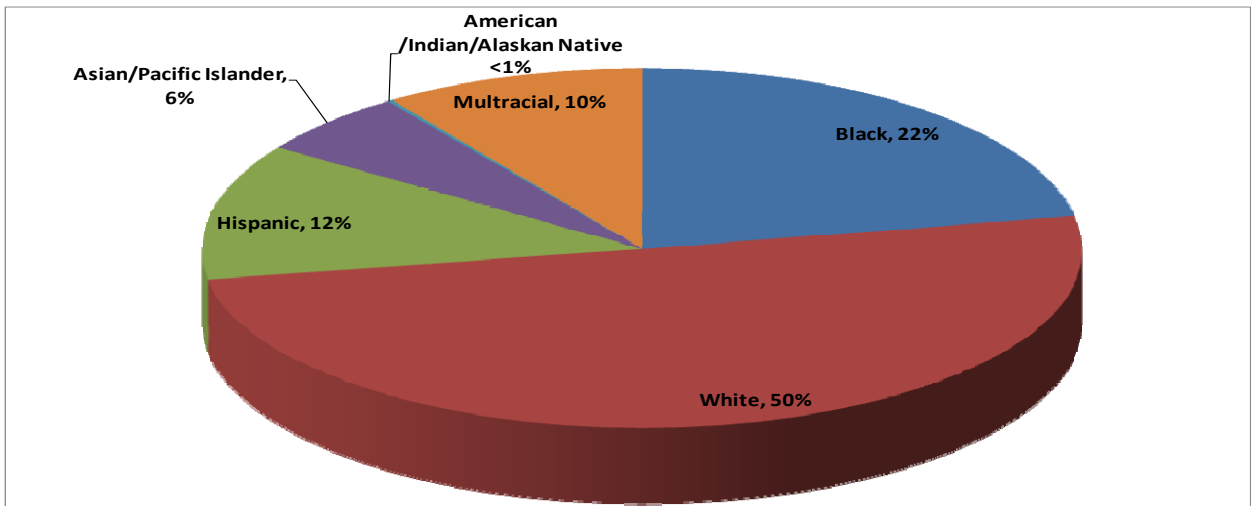
Overall 781 of 1,661 (47%) of parents of preschool-aged children reported that schools facilitated parent involvement as a means of improving services and results for children with disabilities. The FFY 2011 survey indicated 49% of parents of preschool-aged children reported that schools facilitated parent involvement as a means of improving services and results for children with disabilities. This is a two percentage point change over FFY 2012 and remains a zero percentage point increase over FFY 2010.

Figure 1: Distribution by Age of Preschoolers



Parents of preschoolers completing the survey were distributed across the following age groups, three year olds 28%, four year olds 43%, five year olds 27%, and six year olds 2% (Figure 1).

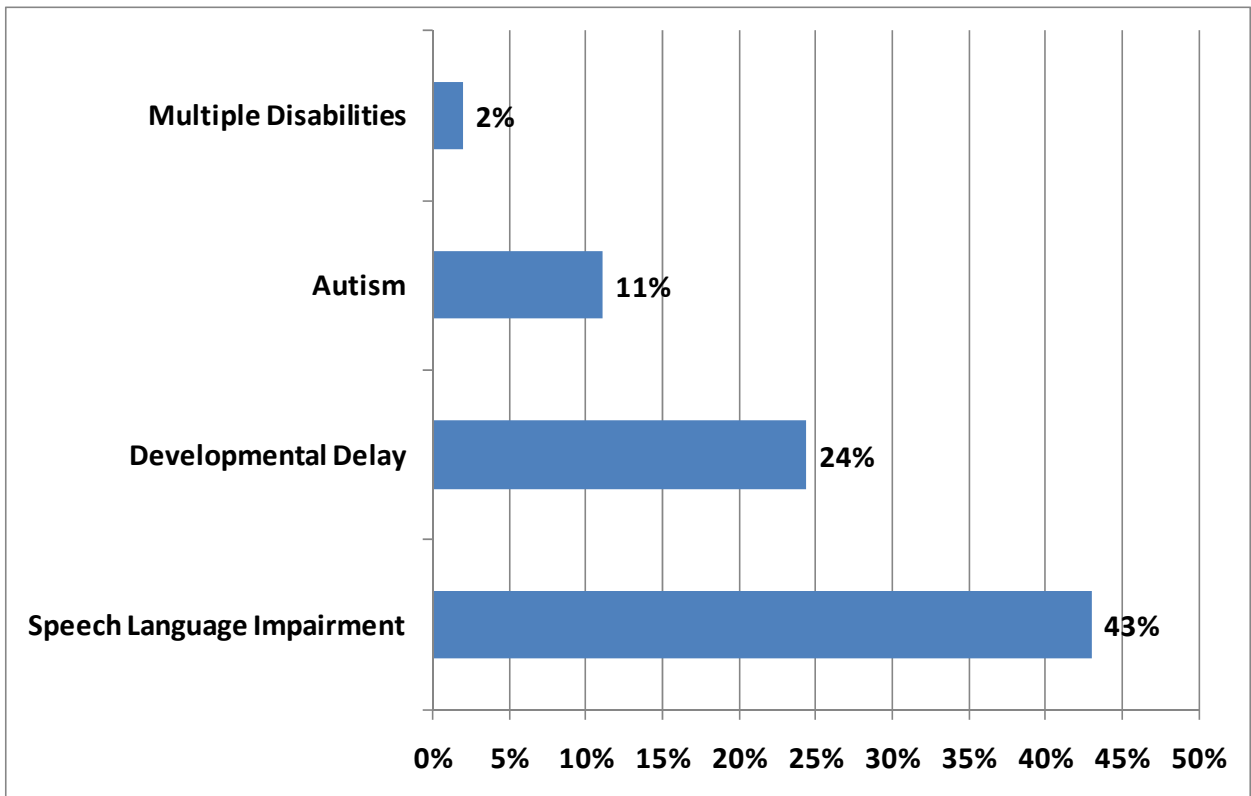
Figure 2: Distribution of Respondents by Race/Ethnicity of Child



Note: Does not equal 100% because of rounding.

Parent reported their race/ethnicity as 49% White, 22% Black or African American, 12% Hispanic, 6% Asian, and 9% identified themselves as Two or More Races (Figure 2).

Figure 3: Distribution of Preschoolers by Top Four Disabilities Cited



The four most frequently identified disabilities (speech or language impairment, developmental delay, autism, and multiple disabilities) account for 80% of the disabilities cited. Thirteen percent of the FFY 2012 respondents listed the child’s disability as Unknown as compared to 8% in FFY 2011 (Figure 3).

In FFY 2012, 98% of the respondents, by age of the child, were parents of children 3, 4 and 5 years of age, as compared to FFY 2011, when 93% 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 decreased four percentage points as compared to FFY 2011 (22% versus 26%). Asian respondents decreased one percentage point and Hispanic respondents decreased two percentage points to 12% from 14%. The percentage of White respondents remained unchanged at 50%. There was an increase of one percentage point in the percentage of respondents who identified themselves as Two or More Races (multiracial).

The four most frequently identified disabilities, speech or language impairment, developmental delay, autism, and multiple disabilities accounted for 80% of the disabilities cited. In a comparison of the FFY 2012 and the FFY 2011 distribution of the disabilities of the children, for whom parents responded to the survey, continues to identify the largest percentage of respondents were parents of children identified with a speech or language impairment (43% versus 48%). Also the parents of children with a developmental delay were similarly represented (24% versus 23%). FFY 2012 found that autism remains the third highest distribution (11% versus 13%) while children identified with multiple disabilities continues to rank as the fourth highest distribution of respondents but by a much smaller margin (2% versus 10%). Thirteen percent of FFY 2012 respondents listed the child’s disability as Unknown as compared to 8% in FFY 2011.

Responses from Parents of School-Aged Children Receiving Special Education

Overall 3,420 of 8,549 (40%) 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 lower than reported in FFY 2011 (42%).

An age distribution for children of parents responding to the school-age survey is displayed in Figure 4 below. In FFY 2012, 41% of the children were 10 years of age or younger, as compared to FFY 2011, when 42% of the respondents were parents of children 10 years or younger. The majority (67%) were referred to Early Intervention or Special Education between the ages of three and five.

In Figure 5, of all respondents, 50% were White, 30% were Black or African American, 9% Hispanic, 7% Two or more Races (Multiracial), and 4% Asian. The percentage of Black or African American respondents decreased three percentage points from the FFY 2011 survey (33%). the Hispanic respondents decreased one percentage point from 10% in FFY 2011. There was a four percentage point increase in the percentage of respondents who identified themselves as Two or More Races over FFY 2011 (3%). The White and Asian respondent populations remained the same as the previous year.

The four most frequently identified disabilities in Figure 6 include specific learning disabilities, autism, speech or language impairment, and developmental delay. This accounts for 59% of the disabilities cited. Fifteen percent of FFY 2012 respondents listed the child’s disability as Unknown as compared to 14% in FFY 2011.

Figure 4: Distribution by Age of School-age Children

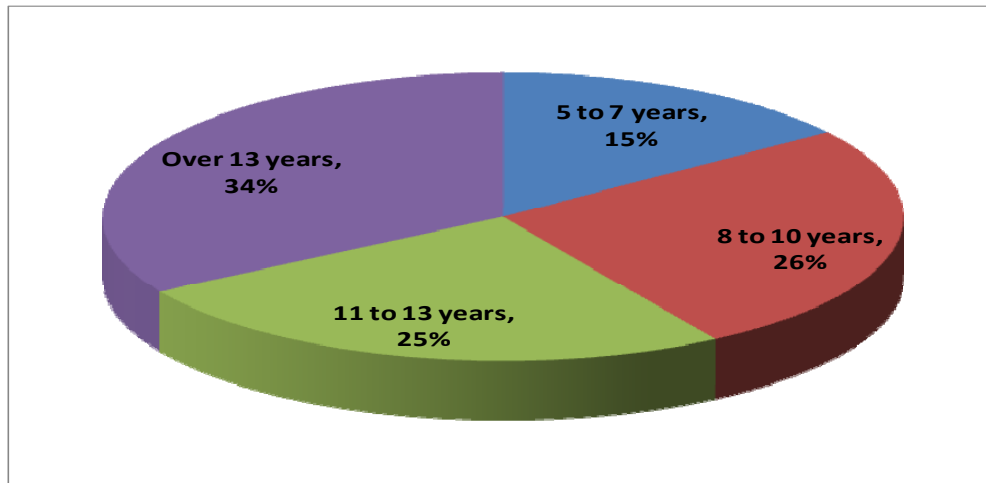
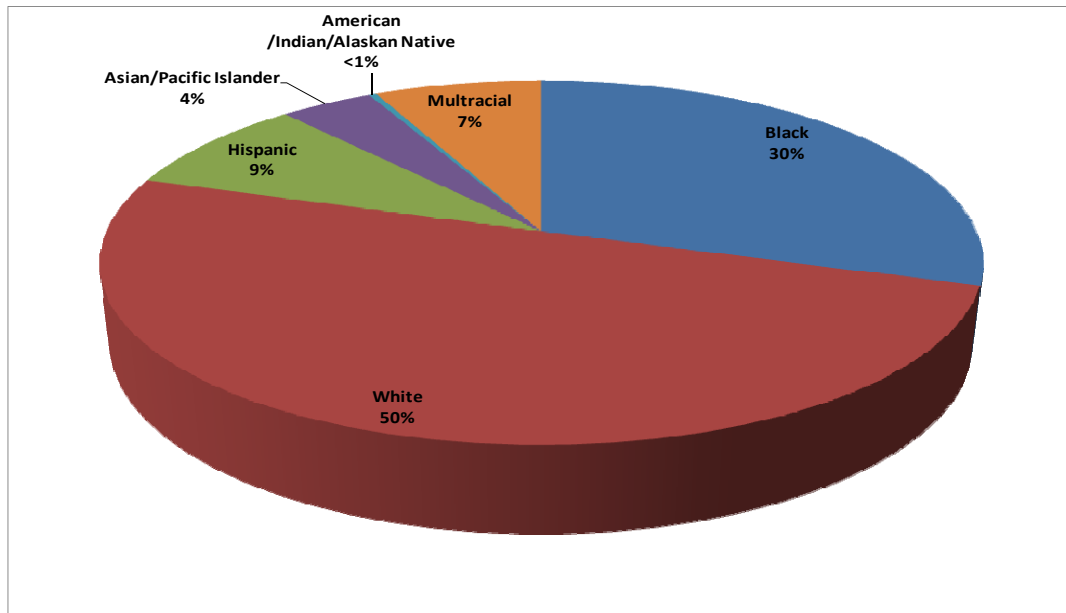


Figure 5: Distribution of Respondents by Race/Ethnicity of Child



Note: Exceeds 100% because of rounding

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

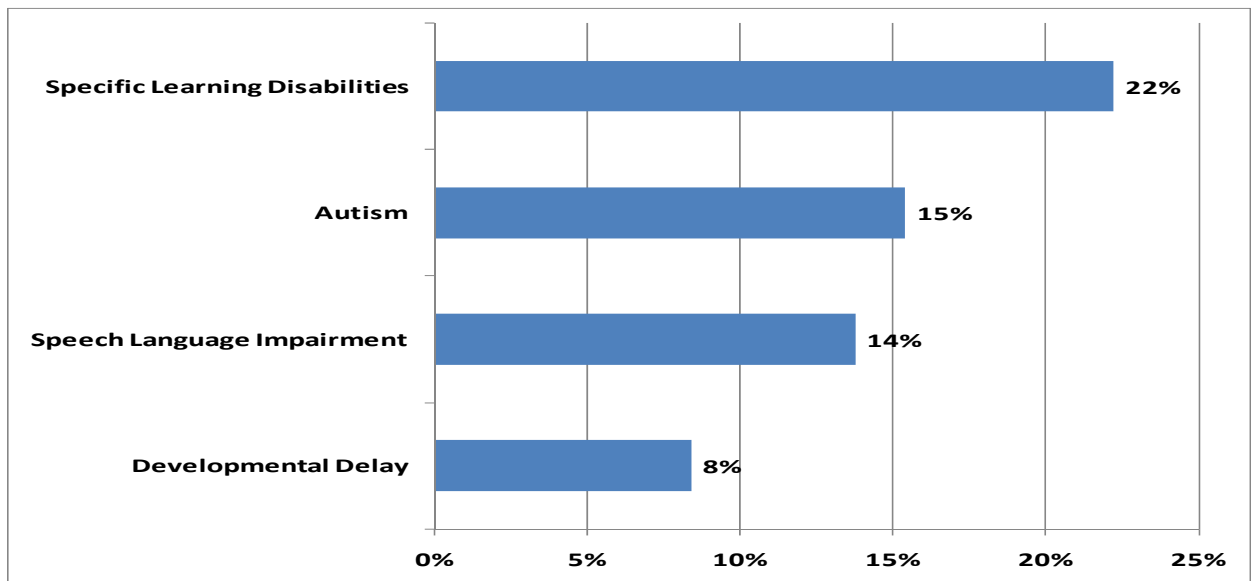
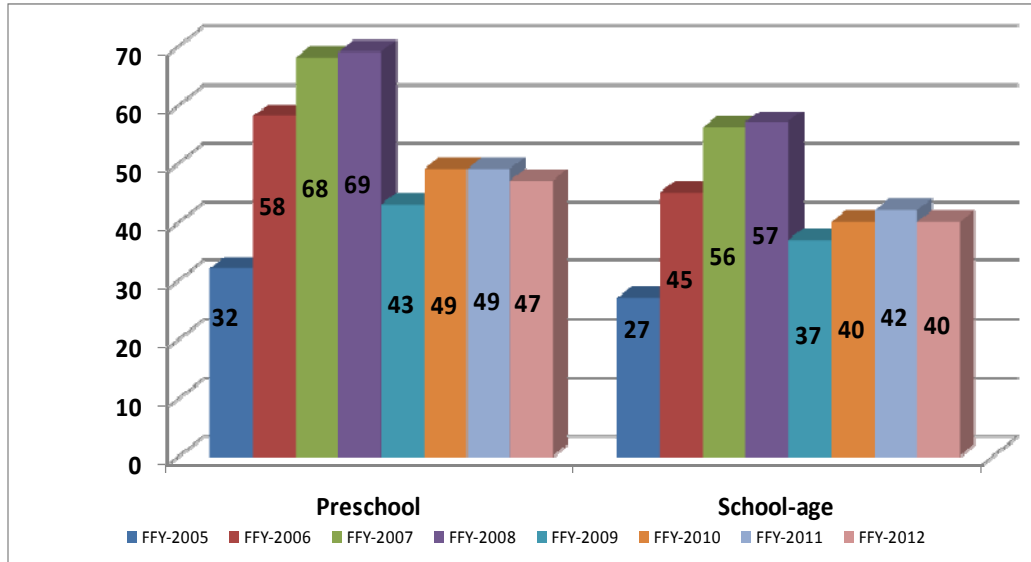


Figure 7 below presents data comparing the values on OSEP Indicator 8 for Preschool and School-Age Surveys for FFY 2005 through FFY 2012.

Figure 7 Preschool and School-Age Children



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 26, 2012 child count identified their race and ethnicity as 40,507 (39.5%) White, 43,252 (42.2%) Black/African American, and 12,124 (11.8%) Hispanic. Respondents to the two surveys represented a total of 10,210 respondents. A total of 4,997 (49%) were identified as White, 2,827 (28%) as Black/African American, 907 (9%) as Hispanic, and 758 (7%) as Multiracial. There was a decrease in the number of Black/African American respondents to the survey over FFY 2011 response rate (32% in FFY 2011 vs. 28% in FFY 2012). The respondents were substantially representative of the population while white was overrepresented by 8% for preschool and 10% for school age. Black/African Americans were underrepresented by 15% for preschool and 10% for school age. Hispanic respondents were underrepresented by 3% for preschool and 2% for school age and multi-racial respondents were overrepresented by 6% for preschool and 2% for school age.

Prior to administering the FFY 2012 surveys, the MSDE worked with a vendor to develop a suite of resources that special education staff at each LSS, and other stakeholders, with access to parents of children with special needs, could use to encourage parents to complete the survey. The resources included flyers, web banners, and text that stakeholders could insert in a newsletter or other communication with parents. All of the resources encouraged parents to go to www.marylandlearninglinks.org. This site was developed by the MSDE in partnership with the Center for Technology Education (CTE) at Johns Hopkins University (JHU). These resources also included a podcast about the survey to encourage parents to respond. All these resources were packaged together as a *Promotional Materials Toolkit* and sent electronically to each stakeholder through an email from the MSDE. The email included a description of each item in the toolkit and its recommended use.

At Special Education State Advisory Committee (SESAC) Meetings the SESAC members have reviewed Parent Survey Results for 2012-2013 to problem solve how to increase parent participation. The 2012-2013 Parent Survey Results were distributed to local directors of special education at the Division’s Annual Professional Learning Institute, October 23-25, 2013. Local Parent Survey results are used by each local school system to identify and address parent reported needs. Local directors of special education, local preschool coordinators, and SESAC members were informed that a Parent Survey Workgroup, comprised of pertinent stakeholders, including local directors of special education, local preschool coordinators,

SESAC members, parents, and advocates would be convened to review the parent survey and to make recommendations for strategies to improve the parent response rate. The workgroup will also evaluate the efficacy of current survey questions/statements and make additions and revisions based on their findings

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 DSE/EIS 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 Noncompliance

Under dispute resolution activities on the FFY 2012 B-15 worksheet, there was one (1) finding of a student specific noncompliance (finding made in FFY 2011) in one (1) local school system. The noncompliance was corrected within timelines. The DSE/EIS used on-site or desk audit methods to verify correction of noncompliance. Verification of correction of noncompliance is a two prong process. First (Prong 1), the DSE/EIS verified that the record of the student where the noncompliance was first identified was corrected. Then (Prong 2), using an updated data set from a specified period of time, a random selection of records are reviewed to determine if the specific regulatory requirement(s) is correctly implemented in those records.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2013: Not Applicable

Part B State Annual Performance Report (APR) for FFY 2012

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.

Include State's definition of "disproportionate representation."

Based on its review of the 618 data for FFY 2012, describe how the State made its annual determination that the disproportionate overrepresentation it identified of racial and ethnic groups in special education and related services was the result of inappropriate identification as required by §§300.600(d)(3) and 300.602(a), e.g., using monitoring data; reviewing policies, practices and procedures, etc. In determining disproportionate representation, analyze data, for each district, for all racial and ethnic groups in the district, or all racial and ethnic groups in the district that meet a minimum 'n' size set by the State. Report on the percent of districts in which disproportionate representation of racial and ethnic groups in special education and related services is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY 2012 reporting period, i.e., after June 30, 2013. If inappropriate identification is identified, report on corrective actions taken.

FFY	Measurable and Rigorous Target
FFY 2012 (2012-2013)	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 2012: 0% Target Met

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 2012 (2012-2013)	25	1	0	0%

*The percentages were calculated based on 25 local school systems instead of 24.

The State used its Section 618 data, collected the last Friday in October, 2012, from each of the 24 local school systems, and reported in the 2012 *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. The MSDE utilizes a minimum “n” size of 30 students with disabilities in a racial or ethnic category 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. Four 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 local school system’s policies and procedures to ensure compliance with the child find, evaluation and eligibility requirements related to appropriate identification. In addition, the MSDE reviews a sampling of records of students in the disproportionate race who are newly identified in FFY 2012. 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, the one (1) local school system identified with a disproportionate representation of racial and ethnic groups in special education demonstrated that the disproportionate representation was not the result of inappropriate identification.

Correction of FFY 2011 Findings of Noncompliance (if State did not report 0%):

Level of compliance (actual target data) State reported for FFY 2011 for this indicator: 100%

1. Number of findings of noncompliance the State made during FFY 2011 (the period from July 1, 2011 through June 30, 2012)	0
2. Number of FFY 2011 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	0

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3. Number of FFY 2011 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0
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Correction of FFY 2011 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2011 findings not timely corrected (same as the number from (3) above)	0
5. Number of FFY 2011 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	0
6. Number of FFY 2011 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

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2012:

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. 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.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012: Not Applicable

Part B State Annual Performance Report (APR) for FFY 2012

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.

Include State's definition of "disproportionate representation."

Based on its review of the 618 data for FFY 2012, describe how the State made its annual determination that the disproportionate overrepresentation it identified of racial and ethnic groups in specific disability categories was the result of inappropriate identification as required by §§300.600(d)(3) and 300.602(a), e.g., using monitoring data; reviewing policies, practices and procedures, etc. In determining disproportionate representation, analyze data, for each district, for all racial and ethnic groups in the district, or all racial and ethnic groups in the district that meet a minimum 'n' size set by the State. Report on the percent of districts in which disproportionate representation of racial and ethnic groups in specific disability categories is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY 2012, i.e., after June 30, 2013. If inappropriate identification is identified, report on corrective actions taken.

FFY	Measurable and Rigorous Target
FFY 2012 (2012-2013)	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.

Actual Target Data for FFY 2012: 0% Target Met

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 2012 (2012-2013)	25	12	0	0%

In analyzing data for this indicator, the State must:

The State used its Section 618 data, collected the last Friday in October, 2012, from each of the 24 local school systems, and reported in the 2012 *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 students with disabilities in a particular racial or ethnic category and disability category for all local school systems.

Step One: Determining if Local School Systems Meet the Data Threshold for Disproportionate Representation of racial and ethnic groups in one or more specific disability category.

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

The following chart is based on Maryland’s 25 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	4	6	6	0	0	0
% of LSS	16.0%*	24.0%*	24.0%*	0%	0%	0%
<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	0	1	0	1	1	0

% of LSS	0%	4.0%*	0%	4.0%*	4.0%*	0%
<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%

*The percentages were calculated based on 25 local school systems instead of 24.

Using the criteria established above, the State determined that twelve 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. Four 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 Two: Determining if Disproportionate Representation is the Result of Inappropriate Identification

The policies and procedures for appropriate identification from the twelve local school systems were made available for review. MSDE Compliance monitors reviewed the policies and procedures and found the twelve 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 twelve 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 2012-2013 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 twelve 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 Maryland’s 25 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.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2012:

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

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- Adequate staff awareness and training are provided.

Correction of FFY 2011 Findings of Noncompliance (if State reported more than 0% compliance):

Level of compliance (actual target data) State reported for FFY 2011 for this indicator: 100%

1. Number of findings of noncompliance the State made during FFY 2011 (the period from July 1, 2011 through June 30, 2012)	0
2. Number of FFY 2011 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 2011 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

Correction of FFY 2011 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2011 findings not timely corrected (same as the number from (3) above)	0
5. Number of FFY 2011 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	0
6. Number of FFY 2011 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 2011:

N/A

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2013: Not Applicable

Part B State Annual Performance Report (APR) for FFY 2012

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 2012 (2012-2013)	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 2012: 19,935/20,473 X 100 = 97.37% – Target Not Met

The MSDE requires local school systems and public agencies to report Indicator 11 data. The first year the reporting of this data was required was FFY 2005 was. In FFY 2006, the MSDE clarified and improved procedures for collecting, reviewing, and verifying data, and reporting reasons for and range of delay data for local school systems and public agencies. In addition, all local school systems and public agencies were able to determine the number of acceptable reasons for delay, and for determining the number of unacceptable reasons for delay. The MSDE Excel spreadsheets calculate 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.

The MSDE improvement activities in FFY 2012 included providing a new electronic data extract from Maryland's SSIS data system which is an online data collection and monitoring tool that captures student and service information. The Excel data collection forms are still available to local school systems and public agencies. However, the DSE/EIS encourages local school systems and public agencies to use the

new electronic data extract in place of the Excel data collection forms along with technical assistance provided at regional data management meetings. The DSE/EIS data management and program staff worked closely with local school system and public agency staff to ensure the integrity of the data reported in FFY 2012.

The data fields previously collected by the Excel data collection forms are now being collected on a quarterly basis by the SSIS data collection system. This is integral in making the required shift to quarterly student level data submissions to replace the Excel data collection forms of aggregate data from the local school systems and public agencies. Beginning November 1, 2012, all local school systems and public agencies were required to using the SSIS data collection system to submit the Indicator 11 data. The FFY 2012 data (July 1, 2012 to June 30, 2013) can be submitted by the Excel data collection forms, if a local school system or public agency is not able to ensure the accuracy of the new electronic data extract which should replace the Excel data collection forms.

For the FFY 2012 (July 1, 2012 through June 30, 2013) data collection period, 17 of the 29 local school systems and public agencies reported student level Indicator 11 data using the SSIS data collection system. The State is in the process of verifying the use of the new methodology by conducting a parallel data comparison between the Excel data collection forms and the SSIS system reports for each quarter starting in the FFY 2013 data collection period (July 1, 2013 through June 30, 2014).

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

a. Number of children for whom parental consent to evaluate was received	20,473
b. Number of children whose evaluations were completed within 60 days (or State-established timeline)	19,935
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)	97.37%

Measurement: 19,935 divided by 20,473 X 100 = 97.37%

A total of 186 students were excluded from the total because the federal and State timeline exceptions were met. These exceptions were removed from the measurement because eligibility determination will not be resolved. The timeline exceptions are broken down as follows:

- **82 students** whose parent repeatedly failed or refused to make child available [§300.301(d)(1)];
- **24 students** enrolled after the 60-calendar day timeframe had started and prior to determination by the previous public agency. (The receiving LSS made sufficient progress to complete the evaluation and the parent and the LSS agreed to a specific time when the evaluation would be completed) [300.301(d)(2) and (e)]; and
- **80 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.

Local school systems and public agencies also reported a total of 1,010 students as having "acceptable reasons for delay" beyond the 60 days from the date of parental consent for evaluation. These students were added to the numerator. These acceptable reasons are broken down as follows:

- **106 student** evaluations were not completed within 60 days due to inclement weather, (acceptable only if school is not in session due to weather emergency);

- **70 student** evaluations were not completed within 60 days due to school/facility closure which was a result of LSS or School emergency; and,
- **834 students** evaluations were not completed within 60 days due to the parent and IEP team having a written agreement to extend timeline [COMAR 13A.05.01.04 (a)] (578).

Local school systems and public agencies reported a total of **432 students** as having "**unacceptable reasons for delay,**" which were broken down as follows:

- **94 students** - paperwork error;
- **14 students** - inconclusive testing results;
- **30 students** - child not available (not parent failure)/child refusal);
- **57 students** - staffing issues; and
- **237 students** - other reason(s).

In order to more closely analyze the root causes for delay, the DSE/EIS collects data on the number of days beyond 60 days in which there were acceptable reasons for delay (1010) and unacceptable reasons for delay (432). A total of 1442 students were not evaluated within 60 days of parental consent for evaluation. The range of days for all reasons is as follows:

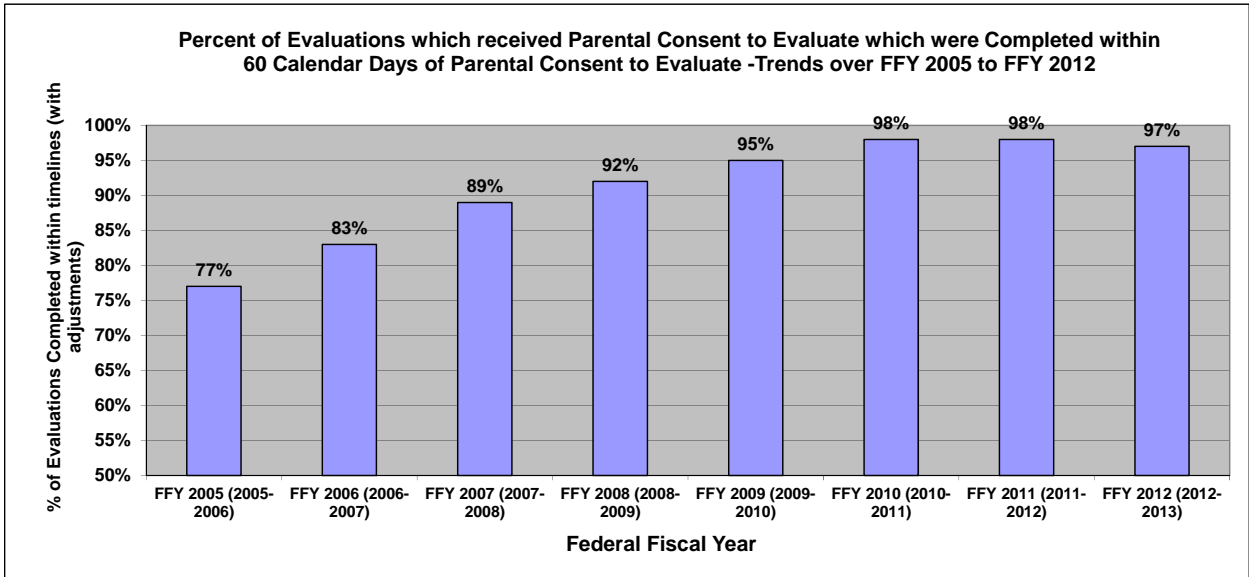
- **863 (59.82%) - 1 day to 15 days**
- **458 (31.78%) - 16 to 45 days**
- **121 (8.40%) - beyond 45 days**

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 2012.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2012:

In FFY 2012, 97.37% of evaluations were completed within 60 days of parental consent to evaluate, not meeting the State's target of 100%. Although the data showed a slight decline of 0.42 percentage points from FFY 2011 (97.79%), we remain relatively consistent and substantially compliant at approximately 97%.

As shown in the figure below, the DSE/EIS's progress narrowed the gap between the State target of 100% and actual data showing a 21 percentage point improvement since 2005.



In FFY 2012 a comparison of local school systems and public agencies reveals that 11 local school systems and public agencies met the State’s target of 100%. An additional 17 local school systems and public agencies demonstrated a relatively high level of compliance (≥ 95%). Only one local school system’s rate of compliance was less than 95%, but higher than 90%. In FFY 2011, 10 local school systems and public agencies met 100% compliance. In FFY 2009, eight (8) local school systems and public agencies met the State’s target of 100%. In FFY 2008, six (6) local school systems and public agencies met the State’s target of 100% and in FFY 2007, only one (1) local school system met the State’s target of 100%. In FFY 2006, no local school system or public agency met the State’s target of 100%. This trend demonstrates progress in the number of local school systems and public agencies demonstrating 100% compliance.

The State’s progress is the result of ongoing technical assistance to the local school systems and public agencies 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 federal Section 611 Part B discretionary funds to improve data collection and tracking methods.

Correction of FFY 2011 Findings of Noncompliance (if State reported less than 100% compliance):
Based on a desk-audit of the State’s FFY 2011 Indicator 11 data, there were 21 findings of noncompliance identified within 15 LSSs through the State’s monitoring system. One (1) additional finding was identified in one (1) local school system through the State complaint process. Twenty-one of the 22 findings of noncompliance were corrected within one year and one (1) was subsequently corrected.

1. Number of findings of noncompliance the State made during FFY 2011 (the period from July 1, 2011 through June 30, 2012)	22
2. Number of FFY 2011 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	21
3. Number of FFY 2011 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	1

Correction of FFY 2011 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):	
4. Number of FFY 2011 findings not timely corrected (same as the number from (3) above)	1
5. Number of FFY 2011 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	1
6. Number of FFY 2011 findings <u>not</u> verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected: Not Applicable. The one (1) finding of noncompliance was subsequently corrected.

Verification of Correction of FFY 2011 noncompliance (either timely or subsequent):

The DSE/EIS used on-site or desk audit methods to verify correction of noncompliance. Verification of correction of noncompliance is a two prong process. First (Prong 1), the DSE/EIS verified 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 period of time, a random selection of records are reviewed to determine if the specific regulatory requirement(s) is correctly implemented in those records. If the results yield 100%, correction of noncompliance 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. Through this process, the MSDE verified that each LSS with a finding of noncompliance, identified in FFY 2011, is correctly implementing the specific regulatory requirements, and that each LSS has corrected each individual case of noncompliance 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 2010 or earlier: There are no outstanding findings of noncompliance from FFY 2010 or earlier.

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

Statement from the Response Table	State’s Response
The State reported less than 100% compliance for FFY 2011, therefore, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator and describe the specific actions that were taken to verify the correction.	The data indicate that not all evaluations were completed within the 60 day timeline. In each LSS/PA where the data are 100%, the MSDE conducts review of an updated random sample of student records to verify the accuracy of the data. In local school systems and public agencies where the data is less than 100%, the MSDE verifies correction of noncompliance or completion of the evaluation process in the records of the students where the noncompliance was first identified (Prong 1). This activity is completed as either a desk audit or an on-site review. An updated random sample of student records, from a subsequent data set, are then reviewed to determine if those records are compliant (Prong 2). If the results yield 100%, correction of noncompliance is verified. Through this review

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State

	process the MSDE verified that each LSS identified as noncompliant in FFY 2011 is correctly implementing the specific regulatory requirements based on a review of updated data subsequently collected through a State data system, and that each LSS has corrected each individual case of noncompliance consistent with OSEP Memo 09-02.
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Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2013: Not Applicable

Part B State Annual Performance Report (APR) for FFY 2012

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 B for Part B eligibility determination.
- b. # of those referred determined to be NOT eligible and whose eligibility was 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 determined to be eligible for early intervention services under 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 2012 (2012-2013)	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 2012: 1589/1600 x 100 = 99.31% Target Not Met

As of November 1, 2012, the Indicator 12 data was collected through the Special Services Information System (SSIS) data reporting system or an Excel data collection forms. Local school systems and public agencies not yet reporting data through the SSIS data collection system submit an Excel data collection form. Twelve of the 26 Local school systems and public agencies reported child level data for FFY 2012 reporting period (July 1, 2012 - June 30, 2013) through the SSIS data system. The State will verify the use of the new methodology by conducting a parallel data comparison between the Excel data collection forms and the SSIS reports for each quarter of the FFY 2013 (July 1, 2013 – June 30, 2014). The goal is to collect data entirely through the SSIS data system and to discontinue the use of Excel data collection forms for the submission of data.

Actual State Data (Numbers)

a. # of children who have been served in Part C and referred to Part B for Part B eligibility determination.	1,861
b. # of those referred determined to be NOT eligible and whose eligibility was determined prior to third birthday	236
c. # of those found eligible who have an IEP developed and implemented by their third birthdays	1,589
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.	25
e. # of children who were referred to Part C less than 90 days before their third birthday	0
# in a but not in b, c, d, or e	11
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	99.31%

Federal and State timeline exceptions include 66 children as stated below.

As a result of federal and State timeline exceptions, 66 children served through Part C and referred to the local school system for an evaluation to determine whether the children had a disability or developmental delay and required the preschool specialized instruction in accordance with the Individuals with Disabilities Education Act (IDEA) Part B prior to their third birthdays are not included in the measurement. Eligibility was not determined by the third birthday for these children as a result of: withdrawal of consent; relocation by the family to another jurisdiction; or the child’s chronic illness or condition. The eligibility determinations were removed from the measurement because eligibility determinations were not resolved. This changed the number of children for whom parental consent to evaluate was received from 1,927 to 1,861.

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 25 of 1,861 (1.34%) children whose eligibility determination or IEP development did not occur by their third birthdays, however they had acceptable reasons for the delay.

Acceptable Reasons for Delay (25) include:

- (15) Parent & IEP Team have a written agreement to extend the timeline;
- (2) Parent repeatedly failed or refused to make child available; and
- (8) Parent refusal to provide consent caused delays in evaluation.

Local school systems and public agencies reported a total of 11 out of 1,861 (0.59%) children had unacceptable reasons for delaying the evaluation, eligibility determination, or having an IEP in effect by their third birthdays.

In order to more closely analyze the root causes for all delays, the DSE/EIS collects data on the range of days beyond the third birthday for eligibility determination or development and implementation of the IEP. Delays are considered to be acceptable reasons for delay (25) and unacceptable reasons for delay (11). A total of 36 children were not evaluated or the IEP was not in effect by the child's the third birthday, the range of days for all reasons clustered as follows:

- 18 (50.0%) - 1 day to 15 days
- 9 (25.0%) - 16 to 45 days
- 9 (25.0%) - beyond 45 days

Correction of FFY 2011 Findings of Noncompliance (if State reported less than 100% compliance in its FFY 2011 APR):

Based on a desk-audit of the State's FFY 2011 Indicator 12 data, there were three (3) findings of noncompliance identified through the State's monitoring system in three (3) local school systems. There were no findings identified through complaints. All findings were corrected and verified within one year.

1. Number of findings of noncompliance the State made during FFY 2011 (the period from July 1, 2011 through June 30, 2012)	3
2. Number of FFY 2011 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	3
3. Number of FFY 2011 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

Correction of FFY 2011 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance): All findings of noncompliance were corrected within one year.

4. Number of FFY 2011 findings not timely corrected (same as the number from (3) above)	0
5. Number of FFY 2011 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	0
6. Number of FFY 2011 findings <u>not</u> verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected: Not Applicable

Verification of Correction (either timely or subsequent):

The DSE/EIS used on-site or desk audit methods to verify correction of noncompliance. Verification of correction of noncompliance is a two prong process. First (Prong 1), the DSE/EIS verified 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 period of time, a random selection of records are reviewed to determine if the specific regulatory requirement(s) is correctly implemented in those records. The State uses a two prong approach to verify correction. 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 2011:

When the DSE/EIS issues a written finding of noncompliance to a local school system or public agency, a corrective action plan (CAP) is required. The CAP is required to include actions and strategies designed by the local school system or public agency 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 DSE/EIS will require the local school system or public agency 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 local school system or public agency. The DSE/EIS consultants visit the local school system or public agency to determine if technical assistance is required, if policies and procedures are being revised (if necessary), and participate in the review of records with the local school system or public agency to determine progress.

To verify correction made for findings of noncompliance made in FFY 2011, based on annual Indicator 12 data, the State verified 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 period of time, a random selection of records are reviewed to determine if the specific regulatory requirement(s) is correctly implemented in those records. Local school systems and public agencies 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 2010 Findings of Noncompliance (if applicable)

There are no outstanding findings of noncompliance from FFY 2010 or earlier.

1. Number of remaining FFY 2010 findings noted in OSEP’s June 2012 FFY 2011 APR response table for this indicator	0
2. Number of remaining FFY 2010 findings the State has verified as corrected	0
3. Number of remaining FFY 2010 findings the State has NOT verified as corrected [(1) minus (2)]	0

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2012:

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

- 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.
- The DSE/EIS data management and 619 programmatic staff continued to work closely with local school system Section 611 and Section 619 Part B data managers and preschool special education coordinators to ensure the integrity of the data reported for FFY 2012.

- The DSE/EIS will continue to work with local school systems and LITPs 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 2013: Not Applicable

Part B State Annual Performance Report (APR) for FFY 2012

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.

FFY	Measurable and Rigorous Target
FFY 2012 (2012-2013)	100% 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.

Actual Target Data FFY 2012: (19,280/19,527) X100 = 98.7%. **Target Not Met**

As reported by Maryland’s local school systems and public agencies, there were 19,527 students with IEPs age 16 and older in FFY 2012. Of the 19,527 students, 19,280 had IEPs that were 100% compliant for Indicator 13. The Indicator 13 data is from the SSIS data system.

Federal Fiscal Year	Actual Target Data	Target (Compliance Indicator)
2009	86.1%	100%
2010	95.3%	100%
2011	97.5%	100%
2012	98.7%	100%

The local school systems and public agencies report data on a quarterly and annual basis to the DSE/EIS for 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.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2012:

Maryland continued to progress in FFY 2012. Maryland had a compliance rate of 98.7%. This demonstrates an improvement of 1.2% percentage points over FFY 2011 data of 97.5%. Nineteen of 24 local school systems were 100% compliant for FFY 2012.

Correction of FFY 2011 Findings of Noncompliance (if State reported less than 100% compliance in its FFY 2011 APR):

There were eight (8) local school systems and one (1) public agency with 479 findings of noncompliance due for correction in FFY 2012. The rise in the number of corrective actions is due to the number of student specific findings of noncompliance. Of the 479 findings of noncompliance, 478 were corrected within one year. The one (1) finding not corrected within one year, has subsequently been corrected.

7. Number of findings of noncompliance the State made during FFY 2011 (the period from July 1, 2011 through June 30, 2012)	479
8. Number of FFY 2011 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	478
9. Number of FFY 2011 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	1

Correction of FFY 2011 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

10. Number of FFY 2011 findings not timely corrected (same as the number from (3) above)	1
11. Number of FFY 2011 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	1
12. Number of FFY 2011 findings <u>not</u> verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected:

N/A

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 findings(s) of 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 2011:

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 procedures are being revised (if necessary), and participate in the review of records with the LSS/PA to determine progress.

To verify correction made for findings made in FFY 2010, based on annual Indicator 13 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).

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

There are no outstanding findings of noncompliance from FFY 2010 or earlier.

Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2011:

The DSE/EIS uses a two prong approach to verify correction. First (Prong 1), in each local school system or public agency where findings of noncompliance are made, the DSE/EIS verifies that the records of the students where the noncompliance was first identified were corrected, unless the child is no longer within the local school system or public agency, or the parent has withdrawn consent. Then (Prong 2), using updated data from a specified 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 local school system or public agency 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 2013: Not Applicable

Part B State Annual Performance Report (APR) for FFY 2012

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 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 high 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 higher 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 are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

FFY	Measurable and Rigorous Target
FFY 2012 (based on 2011 – 2012 data)	A = 50% enrolled in higher education B = 73% enrolled in higher education or competitively employed C = 82% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment

Actual Target Data for FFY 2012:

FFY	Data
2012 (based on 2011 – 2012 data)	<p>A = 23.10% (1678) enrolled in higher education. Target not met</p> <p>B = 56.73% (4121) enrolled in higher education or competitively employed. Target not met</p> <p>C = 85.36% (6200) 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 MSDE, DSE/EIS, Division of Career and College Readiness (DCCR), the Division of Curriculum, Assessment, and Accountability (DCAA), 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 2011-2012. 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	1678
2	# of respondent leavers in competitive employment	2443
3	# of respondent leavers enrolled in some other postsecondary education or training	471
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)]	1608

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

A = 1 divided by total leavers* (1678/7263)

B = 1 + 2 divided by total leavers (4121/7263)

C = 1 + 2 + 3 + 4 divided by total leavers (6200/7263)

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.	23.10%%
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.	56.73%
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.	85.36%

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 percentage points
2011-2012	7263	6200	85.36%
			This is a slippage of a 0.63 percentage point

APR Template – Part B (4)

MARYLAND
State

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

Statewide Postsecondary Education Data by Gender:

Gender	Number
Male	1069
Female	609
Total	1678

Statewide Postsecondary Education by Disability

Disability	Number Youth in Postsecondary Education
Intellectual Disability	19
Hearing Impaired	15
Deaf	10
Speech/Language Impaired	61
Visually Impaired	8
Emotional Disability	171
Orthopedically Impaired	5
Other Health Impairment	367
Specific Learning Disability	875
Multiple Disability	28
Deaf/ Blind	0
Traumatic Brain Injury	6
Autism	113

Statewide Postsecondary Employment Data by Gender:

Gender	Number
Male	1620
Female	823
Total	2443

Statewide Postsecondary Employment by Disability

Disability	Number Youth Employed
Intellectual Disability	153
Hearing Impaired	13
Deaf	3
Speech/Language Impaired	59
Visually Impaired	5
Emotional Disability	262
Orthopedically Impaired	0
Other Health Impairment	530
Specific Learning Disability	1306
Multiple Disability	40
Deaf/ Blind	0
Traumatic Brain Injury	5
Autism	67

Other Postsecondary Employment and/or Training

Type of Activity	Number Youth in Other Postsecondary Employment and/or Training
Employment Training	471
Supported Employment	1608
Apprenticeship	0

Not Engaged:

Maryland was not able to gather data on 1063 youth who exited during the 2011-2012 school year. This is 14.64% of all youth with disabilities 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.

Maryland gathered census data. An administrative record exchange was used for data collection. The MSDE, DSE/EIS, the Division of Career and College Readiness (DCCR), the Division of Curriculum, Assessment, and Accountability (DCAA), 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.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2012: The ongoing Improvement Activities described in Indicator 1 are also applicable to Indicators 2, 13, and 14.

In FFY 2012, Maryland experienced slight change (0.63 percentage point) in the response/record exchange rate of 85.36% (6,200) as compared to FFY 2011 that had a 23.26 percentage point increase in the response/record exchange rate of 85.99% (6263) compare to a rate of 62.73% (4320) in FFY 2010.

Maryland has experienced a slippage in the number of youth with disabilities who had IEPs in effect at the time they left school and were enrolled in higher education within one year of leaving high school. The FFY 2012, 23.10% (1678) were engaged in higher education. This is a 1.84 percentage point slippage from 24.94% (1817) in FFY 2011 and a 6.26 percentage point slippage since FFY 2010 29.36 % (2022). 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 continues to 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. There may also be other external factors for which a local school system or public agency has no control.

Another measure closely related to measurement A is the number of youth engaged in other postsecondary education or training also reflects a decline. In FFY 2011, a total of 625 young adults with disabilities were engaged in other postsecondary education or training. In FFY 2012 there was a total of 471 young adults with disabilities were engaged in other postsecondary education or training. This is a difference of 154 youth with disabilities.

Measurement B combines the number of youth in higher education (1678), as reported in measurement A, with the number of young adults with disabilities competitively employed (2443). This measurement reflects a slight change (1.06 percentage point) from 57.79% (4209) in FFY 2011 to 56.73% (4121) in FFY 2012, yet a 6.56 percentage point improvement from 50.17% (3455) in FFY 2010.

Although Maryland has not met its target for measurement A or B, 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 3.36 percentage points with 85.36% (6200/7263) 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 2013: Not Applicable

Part B State Annual Performance Report (APR) for FFY 2012

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 1).

FFY	Measurable and Rigorous Target
FFY 2012 (2012-2013)	100 % of noncompliance corrected within one year of identification

Actual Target Data for FFY 2012: [(1,027/1,032)x 100] 99.51% Target Not Met

The DSE/EIS identified 1,032 findings of noncompliance. Of these 1,027 were corrected and verified within one year of identification. The 99.51% rate of compliance represents an increase in correction of noncompliance from 98.08% reported in the FFY 2011 APR. Of the five (5) findings that were not corrected within timelines, all five (5) have been subsequently corrected. 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.

Describe the process for selecting LEAs for Monitoring:

The State’s process for selecting local school systems and public agencies for monitoring is based on the State’s system of general supervision under *Monitoring for Continuous Improvement and Results*. The State’s monitoring system in effect during this reporting period has four components, each having a specific purpose and timeline for implementation. The components of monitoring for continuous improvement include: review and verification of indicator data (conducted annually); focused monitoring (as needed); comprehensive monitoring (once every 6 years); and, enhanced monitoring for continuous improvement and results (as appropriate).

The purpose of Review and Verification of Indicator Data is to verify the accuracy of the annual compliance indicator data submitted to the DSE/EIS by local school systems and public agencies. Data reported as 100% is verified as accurately reported. For local school systems and public agencies reporting data less than 100% compliance, verification of correction of noncompliance is

made whether at the system or student level, or both. The DSE/EIS 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 local school system or public agency, or the parent has withdrawn consent. This process is implemented in each local school system and public agency in the State on an annual basis. In FFY 2012 the Self Assessment was changed to a review and verification of indicator data process. Annual indicator data is provided to local school systems and public agencies through data reports. The DSE/EIS works with the local school systems and public agencies to review and verify the data and determine status of any necessary actions to be implemented.

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 (SESAC). The area of focus may be monitored in each local school system or public agency, in selected local school systems and/or public agencies, or just one local school system or public agency. This is determined by the scope of the concern and quantitative and/or qualitative data that support such a review. Any local school system or public agency is subject to a focused monitoring if the State determines a review is necessary.

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 local school system or public agency at least once every six years or earlier, if needed. The State has an established monitoring schedule that serves to notify the local school systems and public agencies when such a monitoring will occur. At the end of each year, the schedule is reviewed to determine if any changes are necessary.

Enhanced Monitoring for Continuous Improvement and Results (EMCIR) is implemented by the State when a local school system or public agency 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 DSE/EIS during each year the local school system or public agency is in the Intensive Tier of the Differentiated Framework for General Supervision. Continuous monitoring and review under the EMCIR is to ensure progress is made toward correction; and once correction has been achieved, that compliance is sustained 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 2012²:

For this reporting period, the overall percentage of correction, 99.51%, is greater than the previous year's percentage of 98.08%. Improvement in the State's system of general supervision processes, data collection, and review of data have resulted in an improved rate of timely correction of noncompliance since FFY 2005. During this reporting period, the local school system that was under a U. S. District Court Consent Decree Settlement Agreement was released from that agreement. The

² In an effort to reduce reporting burden, in the FFY 2012 APR, States: 1) Are not required to provide an explanation of: a) progress; b) no change in actual target data from the data for FFY 2011; or c) slippage if the State meets its target. 2) Are not required to discuss improvement activities for: a) compliance indicators where the State reports 100% compliance for FFY 2012; and b) results indicators where the State has met its FFY 2012 target. 3) May provide one set of improvement activities for the entire APR as long as the Improvement Activities are indexed back to reference the relevant indicators.

local school system has also closed all longstanding findings of noncompliance. As a result, there is currently no longstanding identified noncompliance in any local school system or public agency that has not been corrected.

The DSE/EIS continues to implement improvement activities. The specific improvement activities that the State has implemented during this reporting period include increased technical assistance; general supervisory coordination meetings that focus on two (2) local school systems with the greatest needs; work with local school systems and public agencies to identify and correct noncompliance; and ongoing consultant training to increase inter-rater reliability. These actions include formalizing the DSE/EIS’s framework of tiered supports for local school systems and public agencies based on the performance, determination status, and individually identified data-informed needs of a local school system or public agency.

These improvement activities are complete and the processes and procedures have been integrated into the State’s system of general supervision and are now part of daily practice. The continued improvement in the correction of identified noncompliance and the correction of all longstanding noncompliance demonstrates the State’s system of general supervision effectively identifies and corrects noncompliance in a manner that is consistent with the OSEP requirements, including OSEP Memo 09-02. Implementation of all of the improvement activities has contributed to a more effective and efficient State monitoring system.

Timely Correction of FFY 2011 Findings of Noncompliance (corrected within one year from identification of the noncompliance):

7. Number of findings of noncompliance the State identified in FFY 2011 (the period from July 1, 2011 through June 30, 2012) (Sum of Column a on the Indicator B15 Worksheet)	1,032
8. 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)	1,027
9. Number of findings <u>not</u> verified as corrected within one year [(1) minus (2)]	5

FFY 2011 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance and/or Not Corrected):

10. Number of FFY 2011 findings not timely corrected (same as the number from (3) above)	5
11. Number of FFY 2011 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	5
12. Number of FFY 2011 findings <u>not</u> yet verified as corrected [(4) minus (5)]	0

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

The MSDE verified the correction of findings of noncompliance during the data collection period of July 1, 2011 – June 30, 2012, as a result of implementation of its system of general supervision. The system includes findings made during desk-audit or onsite monitoring activities, data review, record review, State complaints, or due process hearings. Upon making a finding based on date of, systemic, school, or individual student noncompliance, the LSS/PA is notified of the finding. The

notice 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 DSE/EIS. Upon notification of noncompliance by the DSE/EIS, the local school system or public agency must prepare/implement a corrective plan. During the first year of correction activities, technical assistance is provided to the local school system or public agency 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 and verified at the student, school or system level as required by the corrective action plan.

To verify correction of noncompliance identified through monitoring activities, the DSE/EIS 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 DSE/EIS 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 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 local school system or public agency 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 2011 (including any revisions to general supervision procedures, technical assistance provided and/or any enforcement actions that were taken):

During this reporting period local school systems and public agencies continued to conduct a self-review of student records prior to a State review. The local school systems and public agencies used the data from this activity to self-identify and correct noncompliance, plan targeted professional learning, and required staff to correct noncompliance in the records of additional similarly situated students. The DSE/EIS verified a sample of the records first reviewed by the local school system or public agency to ensure the same standard to determine compliance is applied. Then the DSE/EIS applied Prong 2, reviewing an updated set of records from a specified period of time to ensure those records are also compliant.

When written notification of findings of noncompliance were issued, and prior to verification activities, the DSE/EIS provided technical assistance tailored to the identified area of noncompliance. First, the DSE/EIS ensured policies and procedures are consistent with the requirement; implementation procedures are reviewed; support for professional learning is provided, as necessary. Student records and other documents are reviewed to ensure there is documented evidence of correction. As a part of the process, the DSE/EIS worked with the local school systems and public agencies 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 DSE/EIS to improve its rate of correction.

To verify correction made for findings identified made in FFY 2011 based on annual Indicators 11, 12, and 13 data, the DSE/EIS used its quarterly data system. In local school systems and public agencies where the annual data indicate 100% compliance, the DSE/EIS verified the data are accurate and can be used for making a determination status. For local school systems and public agencies that reported noncompliant data, corrective actions are required. As the activities were completed, the DSE/EIS verified correction in each local school systems and public agencies where findings of noncompliance were made using its two prong verification process, consistent with OSEP Memo 09-02. Each review must result in 100% compliance in order to consider the finding 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 DSE/EIS 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 a DSE/EIS consultant to guide the process.

Actions Taken if Noncompliance Not Corrected – Not Applicable. All findings identified in FFY 2011 have been corrected.

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

If the State reported <100% for this indicator in its FFY 2010 APR and did not report in the FFY 2011 APR that the remaining FFY 2010 findings were subsequently corrected, provide the information below:

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

The uncorrected finding identified in the FFY 2011 APR identified in FFY 2010 has been verified as corrected and the action is closed. To verify correction for this finding (identified made in FFY 2010) that was not corrected within the year, the State monitored data reporting for this local school system and verified that the local school system submitted all State required data timely. The State also conducted reviews to verify the accuracy of the data.

Correction of Any Remaining Findings of Noncompliance identified in FFY 2009 or Earlier (if applicable)

1. Number of remaining FFY 2005 findings noted in OSEP's FFY 2011 APR response table for this indicator	1
2. Number of remaining FFY 2005 findings the State has verified as corrected	1
3. Number of remaining FFY 2005 findings the State has NOT verified as corrected [(1) minus (2)]	0

The one finding of noncompliance from FFY 2009 or earlier (FFY 2005) was a longstanding corrective action related to proper implementation of discipline requirements. This uncorrected finding was in one large local school system that was under a Federal District Court Consent Decree Settlement Agreement. During this time period monitoring activities were implemented and the DSE/EIS verified that the school system has demonstrated compliance and that this longstanding corrective action is closed.

To verify correction of the longstanding noncompliance identified through monitoring activities, the MSDE used on-site or desk audit methods. Verification of correction of noncompliance is a two prong process. First (Prong 1), the DSE/EIS verified 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 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, the DSE/EIS verified 100% compliance and proper implementation of the regulatory requirement(s) by the local school system. The local school system demonstrated correction for individual students and proper implementation of the regulatory requirements. The local school system has also put into place a system of general supervision to ensure continued compliance. The DSE/EIS continues to work collaboratively with the local school system and will continue to monitor implementation of this requirement to ensure compliance is maintained.

Additional Information Required by the OSEP FFY 2011 APR Response Table for this Indicator:

Statement from the Response Table	State’s Response
<p>The State must demonstrate that in the FFY 2012 APR that the remaining finding of noncompliance identified in FFY 2010 that was not reported corrected in the FFY 2011 APR was corrected. When reporting in the FFY 2012 APR on the correction of the findings of noncompliance, the State must report that it verified that each LEA with findings of noncompliance identified in FFY 2011 and the remaining findings identified in FFY 2012: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system, and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA consistent with OSEP Memo 09-02. In the FFY 2012 APR the State must describe the specific actions that were taken to verify the correction. In addition in reporting on Indicator 15 in the FFY 2012 APR, the State must use and submit the Indicator 15 Worksheet.</p>	<p>In the FFY 2012 APR the State is reporting that all uncorrected noncompliance reported in the FFY 2011 APR has been corrected and the DSE/EIS has verified compliance, consistent with the OSEP Memo 09-02, that each jurisdiction is correctly implementing the specific regulatory requirements, has achieved 100% compliance and all individual cases of noncompliance have been corrected, unless the child is no longer within the jurisdiction of the local school system or public agency.</p> <p>This includes the one finding of longstanding noncompliance that was identified prior to FFY 2009 (FFY 2005).</p>

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2013: Not Applicable

Optional APR Template – Part B (15)

MARYLAND
State

PART B INDICATOR 15 WORKSHEET

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2011 (7/1/11 to 6/30/12)	(a) # of Findings of noncompliance identified in FFY 2011 (7/1/11 to 6/30/12)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
1. Percent of youth with IEPs graduating from high school with a regular diploma. 2. Percent of youth with IEPs dropping out of high school.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0
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.				
3. Participation and performance of children with disabilities on statewide assessments. 7. Percent of preschool children with IEPs who demonstrated improved outcomes.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	15	285	285
	Dispute Resolution: Complaints, Hearings	0	0	0
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. 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 relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	1	1	1
	Dispute Resolution: Complaints, Hearings	0	0	0
5. Percent of children with IEPs aged 6 through 21 -educational placements. 6. Percent of preschool children aged 3 through 5 – early childhood placement.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	2	2	2
	Dispute Resolution: Complaints, Hearings	5	5	5

Optional APR Template – Part B (15)

MARYLAND
State

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2011 (7/1/11 to 6/30/12)	(a) # of Findings of noncompliance identified in FFY 2011 (7/1/11 to 6/30/12)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
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. (IEE)	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	1	1	1
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	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0
10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0
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	15	21	20
	Dispute Resolution: Complaints, Hearings	1	1	1
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	3	3	3
	Dispute Resolution: Complaints, Hearings	0	0	0
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	9	479	478
	Dispute Resolution: Complaints, Hearings	0	0	0
Other areas of noncompliance: Behavior Intervention (Restraint/Seclusion)	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0

Optional APR Template – Part B (15)

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Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2011 (7/1/11 to 6/30/12)	(a) # of Findings of noncompliance identified in FFY 2011 (7/1/11 to 6/30/12)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
	Dispute Resolution: Complaints, Hearings	2	3	3
Other areas of noncompliance: Discipline	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	5	39	39
	Dispute Resolution: Complaints, Hearings	3	4	4
Other areas of noncompliance: FAPE in LRE, IEP development, includes review revision, content, ESY PWN	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	1	24	24
	Dispute Resolution: Complaints, Hearings	9	53	52
Other areas of noncompliance: FAPE in LRE, IEP implementation, progress reports	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	5	33	33
	Dispute Resolution: Complaints, Hearings	11	41	40
Other areas of noncompliance: FAPE in LRE Home and Hospital Teaching	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	5	5	5
Other areas of noncompliance: Records	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	4	6	6
Other areas of noncompliance: Evaluation, reevaluation procedures	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	5	12	12
Other areas of noncompliance: General Supervision	Monitoring Activities: Self-Assessment/ Local	3	3	3

Optional APR Template – Part B (15)

MARYLAND
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Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2011 (7/1/11 to 6/30/12)	(a) # of Findings of noncompliance identified in FFY 2011 (7/1/11 to 6/30/12)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
	APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings	0	0	0
Other areas of noncompliance: Timely and Accurate Data	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	4	4	3
	Dispute Resolution: Complaints, Hearings	4,	6	6
Other areas of noncompliance: Parentally Placed private school	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	1	1	1
Sum the numbers down Column a and Column b			1,032	1,027
Percent of noncompliance corrected within one year of identification = (column (b) sum divided by column (a) sum) times 100.			(b) / (a) X 100 =	99.51%

Part B State Annual Performance Report (APR) for FFY 2012

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 2012 (2012 – 2013)	64 – 75% of all resolution meetings conducted will result in a settlement agreement

Actual Target Data for FFY 2012: 64.3% - Target Met

MSDE reports that it has continued to meet this target. Of the 87 resolution meetings that were held, 56 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 2012:

The MSDE has implemented the improvement activities identified in the State Performance Plan (SPP). The 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, the 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);
- 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.

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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 2013: Not Applicable

Part B State Annual Performance Report (APR) for FFY 2012

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 2012 (2012 – 2013)	Maintain 75 – 85% rate of mediations that result in mediation agreements.

Actual Target Data for FFY 2012: 76.1% - Target Met

The DSE/EIS reports that it has met this target. Of the 159 mediations that were held, 121 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 2012:

The DSE/EIS 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 DSE/EIS continues to utilize a mediation survey for participants in the mediation process. The information gathered from these surveys is reviewed to assist with identifying and addressing any barriers that may impact the reaching of agreements.

The DSE/EIS 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 DSE/EIS accessed the following technical assistance information:

- *IDEA Building the Legacy* website including resources, links, and topical briefs;
- OSEP National Accountability and Leadership Conferences;

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- 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 2013: Not Applicable

Part B State Annual Performance Report (APR) for FFY 2012

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 (first Wednesday in February for child count, including race and ethnicity; and educational environments; first Wednesday in November for exiting, discipline, personnel and dispute resolution; December 15 for assessment; May 1 for Maintenance of Effort & Coordinated Early Intervening Services; and February 1 for Annual Performance Reports).
- b. Accurate, including covering the correct year and following the correct measurement.

As stated in the Indicator Measurement Table, States may, but are not required, to report data for this indicator. OSEP will use the Indicator 20 Rubric to calculate the State's data for this indicator. States will have an opportunity to review and respond to OSEP's calculation of the State's data.

FFY	Measurable and Rigorous Target
FFY 2012 (2012-2013)	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.

Actual Target Data for FFY 2012: 100% Target 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 2 – Indicator 20 Scoring Rubric.

Submission of 618 Data

Name of Report	Date Due	Date Submitted	Flags	Response to Flags
Table 1 Child Count EDFacts	2/6/13	2/1/13	No data notes requested	NA
Table 2 Personnel EDFacts	11/6/13	11/4/13	NA	NA
Table 3 Least Restrictive Environment EDFacts	2/6/13	2/1/13	No data notes requested	NA

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Name of Report	Date Due	Date Submitted	Flags	Response to Flags
Table 4 Exit EDFacts	11/6/13	10/31/13	NA	NA
Table 5 Discipline EDFacts	11/6/13	10/28/13	NA	NA
Table 6 Assessment EDFacts	12/19/13	NA	NA	NA
Table 7 Dispute Resolution MAX	11/6/13	10/30/13	NA	NA
Table 8 Maintenance of Effort/CEIS	5/1/13	4/26/13	Yes	8/27/13

DSE/EIS was timely and accurate in all data submissions. This is the year SEED was included in the data submission and we were asked to explain why we included it when we had not included it in previous years.

State Data System

The data system incorporates a variety of information from other DSE/EIS offices. DSE/EIS procedures for data collection are clearly delineated in DSE/EIS data collection manuals to address the specific data collection and reporting requirements of the Department. This DSE/EIS collaborates with staff members from the DCAA and the Division of Student, Family and School Support (DSFSS) 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. Relational links using the Unique Student ID numbers allows 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. DSE/EIS has 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 using the 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. DSE/EIS is also able to link students with the extended IFSP option with students in Part B.

Adult Correction Education (ACE), and Maryland State Department of Education Juvenile Services Education Program (MSDE/JSEP) 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 Program (MSDE/JSEP), 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, DSE/EIS 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 DSE/EIS 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 DSE/EIS 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.

The DSE/EIS runs edit reports of the files for the local school systems and public agencies to correct and resubmit their files to the DSE/EIS.

- 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.
- The DSE/EIS generates a report of the total count of active or exited students (October and June collections, respectively) for each local school system and public agency.
- Each local school system and 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. The DSE/EIS 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, the DSE/EIS produces two additional reports for the local school 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 DSE/EIS 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.

- The DSE/EIS 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 DSE/EIS website, and is also sent to each local school system/public agency electronically.
- The DSE/EIS produces the Census Publication and Related Tables from the data system which contains multiple tables and is posted on the MSDE website. 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.
- The MSDE uses the EMAPS 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, the DSE/EIS contacts the local director of special education. Directors of special education and the DSE/EIS staff work together to validate the data. The

local school system or public agency provides the DSE/EIS the reasons for large changes in data and that information is analyzed at the MSDE and provided to EMAPS.

The DSE/EIS annually conducts an audit that compares Special Services Information System to Exit Data from each local school system and public agency. The students are matched using the student's Unique Student ID as the link between two data collections. The DSE/EIS 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 or public agency is required to provide the DSE/EIS with a letter summarizing their analysis of findings for each category. All student records referenced in the detailed report provided to the local school system or public agency may be included in a random audit of these records.

The DSE/EIS reviews records to support 618 data collections. The DSE/EIS 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.

The MSDE, Division of Business Services routinely audit local school system data to determine whether: (1) students included on the State Aid for Special Education report are eligible; (2) applicable laws and regulations comply with governing State Financial Assistance under the 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. The 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 has responded within timelines to data validation process comparing significant year-to-year changes in data collections.

Each local school system and public agency reported all required special education data for FFY 2012 (July 1, 2012 – June 30, 2013). The submission dates were within the OSEP timeline requirements. The DSE/EIS 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. The DSE/EIS 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 2012:

Data submissions for the Special Services Information System (SSIS) comes from local school systems and public agencies and is received from two possible sources: the Maryland Online IEP System (which provides data nightly); or vendor based IEP systems (which submit data to the MSDE quarterly).

The 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 (MOIEP) System most of the required quarterly data uploads nightly to SSIS from the MOIEP. Those local school systems only have to report quarterly the Indicator data that is currently being collected on Excel spreadsheets: Indicators 11, 12, and/or 13. Local school systems that utilize vendor-based IEP systems report quarterly data via file submission and Excel spreadsheets. The quarterly data are

uploaded to the Maryland Scorecard where local school systems and the DSE/EIS 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. The 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. The MSDE plans to discontinue the Excel sheets for Indicators 11 and 12 after the 2013-2014 data collection parallel testing is completed. Annually, local school systems and public agencies participate in the Policy and Accountability Branch, Monitoring and Accountability Section, Monitoring for Continuous Improvement and Results (MCIR) data collection, monitoring, and reporting activities.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2013: Not Applicable