



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

**JUN 27 2012**

Honorable Bernard J. Sadusky  
Interim State Superintendent of Schools  
Maryland State Department of Education  
200 West Baltimore Street, 7th Floor  
Baltimore, Maryland 21201 -2595

Dear Interim Superintendent Sadusky:

Thank you for the timely submission of Maryland's Federal fiscal year (FFY) 2010 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part C of the Individuals with Disabilities Education Act (IDEA).

The Department has determined that, under IDEA sections 616(d)(2)(A)(i) and 642, Maryland meets the requirements of Part C of IDEA. The Department's determination is based on the totality of the State's data and information, including the State's FFY 2010 APR and revised SPP (including targets and improvement activities for each year through FFY 2012), other State-reported data, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Section 616(d) and 642 of the IDEA in 2012: Part C" for further details.

Specific factors affecting the determination made by the Office of Special Education Programs (OSEP) that Maryland meets requirements under IDEA sections 616(d) and 642 include that: (1) Maryland provided valid and reliable FFY 2010 data reflecting the measurement for each indicator; and (2) Maryland reported high levels of compliance or correction of previously identified findings of noncompliance for Indicators 1, 7, 8A, 8B, 8C, 9, 10, 11, and 14. We commend Maryland for its performance.

The enclosed table provides OSEP's analysis of the State's FFY 2010 APR and revised SPP and identifies, by indicator, OSEP's review of any revisions the State made to its targets, improvement activities (timelines and resources) and baseline data in the State's SPP. The table also identifies, by indicator: (1) the State's reported FFY 2010 data; (2) whether such data met the State's FFY 2010 targets and reflect progress or slippage from the prior year's data; and (3) whether the State corrected findings of noncompliance.

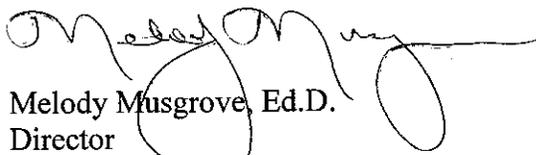
As you know, pursuant to IDEA sections 616(b)(2)(C)(ii)(I) and 642, your State must report annually to the public on the performance of each early intervention services program (EIS program) located in the State on the targets in the SPP. Pursuant to 34 CFR §303.702(b)(1)(A) in the final Part C regulations published on September 28, 2011, beginning with its reporting on the FFY 2011 performance of EIS programs in 2013, the State must report to the public by June 1. OSEP encourages the State to complete its reporting on the FFY 2010 performance of EIS programs as soon as practicable, if it has not already done so. In addition, your State must: (1) review EIS program performance against targets in the State's SPP; (2) determine if each EIS

program “meets requirements” of Part C, or “needs assistance,” “needs intervention,” or “needs substantial intervention” in implementing Part C of the IDEA; (3) take appropriate enforcement action; and (4) inform each EIS program of its determination. For further information regarding these requirements, see “The Right IDEA” website at:

<http://therightidea.tadnet.org/determinations>. Finally, please ensure that your updated SPP is posted on the State lead agency’s Web site and made available to the public, consistent with IDEA sections 616(d)(2)(C)(ii)(I) and 642.

OSEP is committed to supporting Maryland’s efforts to improve results for children and youth with disabilities and looks forward to working with your State over the next year. If you have any questions, would like to discuss this further, or want to request technical assistance, please contact Frank Miller, your OSEP State Contact, at 202 -245-7065.

Sincerely,

  
Melody Musgrove, Ed.D.  
Director  
Office of Special Education Programs

Enclosures

cc: Assistant State Superintendent

## **How the Department Made Determinations under Sections 616(d) and 642 of the Individuals with Disabilities Education Act in 2012: Part C**

In making our determination for each State under sections 616(d) and 642 of the Individuals with Disabilities Education Act (IDEA), we considered the totality of the information we have about a State. This includes the State's FFY 2010 Annual Performance Report (APR)/State Performance Plan (SPP); information from monitoring, including verification visit findings; and other public information, such as the State's performance under any existing special conditions on its FFY 2010 grant or a compliance agreement, longstanding unresolved audit findings, and other State compliance with the IDEA.

### FFY 2010 APR/SPP and Other Information

In reviewing a State's FFY 2010 APR/SPP, we considered both the submission of valid and reliable data and the level of compliance, including correction of noncompliance, as described below, as included in the State's final APR/SPP. We also reviewed other information (described below) that reflect the State's compliance with IDEA requirements.

With respect to data, for Indicators 1 through 13, we examined whether the State provided valid and reliable FFY 2010 data (*i.e.*, the State provided all the required data, the data were for the correct year and were consistent with the required measurement and/or the approved SPP, and whether we did not have other information (such as verification visit findings or inconsistent data within the APR) demonstrating that the data were not valid and reliable or the State indicated that the data were not valid and reliable).

With respect to compliance, we examined Indicators 1, 7, 8, 9, 10, 11, and 14 and looked for evidence that the State demonstrated substantial compliance through reporting FFY 2010 data that reflected a very high level of compliance (generally 95% or better). In addition, for Indicators 1, 7, and 8, a State could demonstrate substantial compliance if the State's FFY 2010 compliance data were at or above 75%, and the State reported that it had fully corrected FFY 2009 findings of noncompliance made under those respective indicators. As indicated in OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02), beginning with the Department's determinations in 2010, for Indicators 1, 7, and 8, we considered a State to have demonstrated correction of previously identified noncompliance for any findings identified in FFYs 2007, 2008, and 2009 if the State verified correction of those findings consistent with OSEP Memo 09-02. In addition, we did not consider a State to be in substantial compliance for a compliance indicator based on correction of FFY 2009 findings of noncompliance if its reported FFY 2010 data were low (generally below 75%), consistent with OSEP Memo 09-02.

Indicator 9 evaluates the "timely" correction of FFY 2009 findings, so for this indicator we specifically examined both whether the State reported a high level of compliance (generally 95% or better) in timely correcting FFY 2009 findings of noncompliance, and that the State reported that it verified the correction of its FFY 2009 findings of noncompliance consistent with OSEP Memo 09-02. We did not consider Indicators 10 and 11 if the State reported less than 100% compliance, but fewer than 10 complaints or 10 fully adjudicated hearings, in recognition of the inequities in basing decisions regarding dispute resolution indicators on small numbers.

Generally, and absent any other issues (see below), we considered a State to "meet requirements" if the State: (1) Provided valid and reliable FFY 2010 data for all indicators as described above; and

(2) Demonstrated substantial compliance, as described above, for compliance Indicators 1, 7, 8, 9, 10, 11, and 14. If a State did not meet the standards for substantial compliance for only one of these compliance indicator and there were no other factors (see below), we considered the State to “meet requirements” if the compliance level for that indicator was high (generally at or above 90%). In no case, however, did we place a State in “meets requirements” if it failed to provide valid and reliable FFY 2010 data (as defined above) for Indicators 1 through 13.

Generally, and absent any other issues (see below), we considered a State to be “in need of intervention” for one of three reasons that are explained further in this paragraph: very low compliance data, failure to provide valid and reliable data for a compliance indicator, or longstanding noncompliance that was the subject of Departmental enforcement for a key IDEA requirement. First, we identified a State as “in need of intervention” if the State’s FFY 2010 compliance data demonstrated: (1) Very low performance for Indicators 1, 7, 8, 10 or 11 (generally below 50%, regardless of whether it reported correction of previously identified findings of noncompliance); or (2) Very low performance for Indicator 9 (generally below 50%). Second, we identified a State as “in need of intervention” if it did not provide valid and reliable (as defined above) FFY 2010 compliance data for Indicators 1, 7, 8, 9, 10, or 11. Finally, we also identified a State as “in need of intervention” if the State was subject to Departmental enforcement for multiple years for failing to comply with key IDEA requirements, the noncompliance has been longstanding, and the State’s data in response to the Department’s enforcement actions demonstrate continued noncompliance.

We would identify a State as “in need of substantial intervention” if its substantial failure to comply significantly affected the core requirements of the program, such as the delivery of services to children with disabilities or the State’s exercise of general supervision, or if the State informed the Department that it was unwilling to comply with an IDEA requirement. In making this determination, we would consider the impact of any longstanding unresolved issues on the State’s current implementation of the program. We would also consider identifying a State “in need of substantial intervention” for failing to submit its APR/SPP.

Absent any other issues (see below), we determined that States that did not “meet requirements” and were not “in need of intervention” or “in need of substantial intervention” were “in need of assistance.”

#### Monitoring Data and Other Public Information

We also considered other public information available to the Department, including information from monitoring including verification visit reviews, and other public information, such as the State’s performance under any existing special conditions on its FFY 2011 grant or a compliance agreement, longstanding unresolved audit findings, and other State compliance data under the IDEA. We did not consider a State to “meet requirements” if the State had unresolved special conditions that were imposed as a result of the State being designated as a “high risk” grantee, outstanding OSEP monitoring findings (including verification visit findings) that affected the State’s data under APR indicators, longstanding audit issues, or a compliance agreement.

In determining whether the State should be identified as “in need of assistance,” “in need of intervention,” or “in need of substantial intervention,” we considered the length of time the problem had existed, the magnitude of the problem, and the State’s response to the problem, including progress the State had made to correct the problem.

### Possible Changes to Determination Factors in the Future

As a part of our efforts to focus attention more on the results of State's implementation of Parts B and C of the IDEA, OSEP is reexamining its process for making determinations under section 616 of the IDEA. We are considering how we can include State performance on results indicators in addition to those factors (described previously) that are currently considered. We will provide further details regarding our plans in the near future.

**Maryland Part C FFY 2010 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>The IDEA Part C regulations cited in this APR Response Table as 34 CFR §303.xxx are those regulations which were in effect during FFY 2010. If the State has chosen to implement any of the new regulations published in 76 Federal Register 60140 (September 28, 2011) prior to the required implementation date of July 1, 2012 for a regulation that impacts the measurements for an SPP/ APR indicator, the State must so indicate in its FFY 2011 APR, due February 1, 2013.</p>		
<p><b>Status of data collection on children who received Part C services under IDEA section 635(c):</b> OSEP’s FFY 2009 SPP/APR Response Table, dated June 20, 2011 required the State to include in its FFY 2010 APR, due February 1, 2012, its data under APR Indicators 1, 2, 3, 4, 10, 11, and 13 on children who were three years or older and received services under IDEA section 635(c). As noted in the rows for these indicators, Maryland provided the required data. The State is also responsible for monitoring for compliance for these children and was required to report on these children in the FFY 2010 APR under Indicator 9 and indicated that it did so.</p>		
<p>1. Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner. [Compliance Indicator]</p>	<p>The State revised the improvement activities for FFY 2011 and FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2010 reported data for this indicator are 96.7%. The State’s FFY 2009 data for this indicator were 97.3%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that all 14 of its findings of noncompliance identified in FFY 2009 for this indicator were corrected in a timely manner.</p> <p>OSEP’s FFY 2009 SPP/APR Response Table, dated June 20, 2011, required the State to include in its FFY 2010 APR, due February 1, 2012, Indicator 1 data on children who were three years or older and received services under IDEA section 635(c), pursuant to the policy adopted by the State in FFY 2009. The State provided all of the required information.</p>	<p>OSEP appreciates the State’s efforts and looks forward to reviewing in the FFY 2011 APR, the State’s data demonstrating that it is in compliance with the timely service provision requirements in 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1). Because the State reported less than 100% compliance for FFY 2010, the State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2011 APR, that it has verified that each EIS program with noncompliance identified in FFY 2010 for this indicator: (1) is correctly implementing 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1) (i.e., achieved</p>

**Maryland Part C FFY 2010 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
		<p>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 initiated services, although late, for any child whose services were not initiated in a timely manner, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). In the FFY 2011 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p>
<p>2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings. [Results Indicator]</p>	<p>The State revised the improvement activities for FFY 2011 and FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2010 reported data for this indicator are 96.3%. The State's data reflect a high level of performance for this indicator. The State met its FFY 2010 target of 91.0%.</p> <p>OSEP's FFY 2009 SPP/APR Response Table, dated June 20, 2011, required the State to include in its FFY 2010 APR, due February 1, 2012, Indicator 2 data on children who were three years or older and received services under IDEA section 635(c), pursuant to the policy adopted by the State in FFY 2009. The State provided all of the required information.</p>	<p>The State's FFY 2010 data for provision of services to infants and toddlers in natural environments are at or greater than 95%. There is no expectation that an increase in that percentage is necessary.</p> <p>OSEP appreciates the State's efforts to improve performance and assumes that the State is monitoring to ensure that IFSP teams are making service setting</p>

**Maryland Part C FFY 2010 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>																												
		decisions on an individualized basis and in compliance with 34 CFR §§303.12, 303.18, and 303.344(d)(1)(ii).																												
<p>3. Percent of infants and toddlers with IFSPs who demonstrate improved:</p> <p>A. Positive social-emotional skills (including social relationship);</p> <p>B. Acquisition and use of knowledge and skills (including early language/communication); and</p> <p>C. Use of appropriate behaviors to meet their needs.</p> <p>[Results Indicator]</p>	<p>The State revised the improvement activities for FFY 2011 and FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State’s reported data for this indicator are:</p> <table border="1" data-bbox="562 493 1562 1430"> <thead> <tr> <th data-bbox="569 493 961 594"><b><u>Summary Statement 1</u></b></th> <th data-bbox="961 493 1167 594"><b><u>FFY 2009 Data</u></b></th> <th data-bbox="1167 493 1362 594"><b><u>FFY 2010 Data</u></b></th> <th data-bbox="1362 493 1556 594"><b><u>FFY 2010 Target</u></b></th> </tr> </thead> <tbody> <tr> <td data-bbox="569 594 961 732"><b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)</td> <td align="center" data-bbox="961 594 1167 732">80.6</td> <td align="center" data-bbox="1167 594 1362 732">76.0</td> <td align="center" data-bbox="1362 594 1556 732">80.6</td> </tr> <tr> <td data-bbox="569 732 961 899"><b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/communication) (%)</td> <td align="center" data-bbox="961 732 1167 899">85.8</td> <td align="center" data-bbox="1167 732 1362 899">80.8</td> <td align="center" data-bbox="1362 732 1556 899">85.8</td> </tr> <tr> <td data-bbox="569 899 961 1000"><b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)</td> <td align="center" data-bbox="961 899 1167 1000">87.0</td> <td align="center" data-bbox="1167 899 1362 1000">81.6</td> <td align="center" data-bbox="1362 899 1556 1000">87.0</td> </tr> <tr> <th data-bbox="569 1000 961 1101"><b><u>Summary Statement 2</u></b></th> <th data-bbox="961 1000 1167 1101"><b><u>FFY 2009 Data</u></b></th> <th data-bbox="1167 1000 1362 1101"><b><u>FFY 2010 Data</u></b></th> <th data-bbox="1362 1000 1556 1101"><b><u>FFY 2010 Target</u></b></th> </tr> <tr> <td data-bbox="569 1101 961 1239"><b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)</td> <td align="center" data-bbox="961 1101 1167 1239">73.8</td> <td align="center" data-bbox="1167 1101 1362 1239">68.8</td> <td align="center" data-bbox="1362 1101 1556 1239">73.8</td> </tr> <tr> <td data-bbox="569 1239 961 1430"><b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/communication) (%)</td> <td align="center" data-bbox="961 1239 1167 1430">69.9</td> <td align="center" data-bbox="1167 1239 1362 1430">64.1</td> <td align="center" data-bbox="1362 1239 1556 1430">69.9</td> </tr> </tbody> </table>	<b><u>Summary Statement 1</u></b>	<b><u>FFY 2009 Data</u></b>	<b><u>FFY 2010 Data</u></b>	<b><u>FFY 2010 Target</u></b>	<b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)	80.6	76.0	80.6	<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/communication) (%)	85.8	80.8	85.8	<b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)	87.0	81.6	87.0	<b><u>Summary Statement 2</u></b>	<b><u>FFY 2009 Data</u></b>	<b><u>FFY 2010 Data</u></b>	<b><u>FFY 2010 Target</u></b>	<b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)	73.8	68.8	73.8	<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/communication) (%)	69.9	64.1	69.9	<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2011 APR.</p> <p>The State must report progress data and actual target data for FFY 2011 in the FFY 2011 APR.</p>
<b><u>Summary Statement 1</u></b>	<b><u>FFY 2009 Data</u></b>	<b><u>FFY 2010 Data</u></b>	<b><u>FFY 2010 Target</u></b>																											
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<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/communication) (%)	69.9	64.1	69.9																											

**Maryland Part C FFY 2010 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>				<b>OSEP Analysis/Next Steps</b>																				
	<p><b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)</p>	75.4	70.9	75.4																					
<p>4. Percent of families participating in Part C who report that early intervention services have helped the family:</p> <p>A. Know their rights; B. Effectively communicate their children’s needs; and C. Help their children develop and learn.</p> <p>[Results Indicator]</p>	<p>The State revised the improvement activities for FFY 2011 and FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State’s reported data for this indicator are:</p> <table border="1" data-bbox="562 727 1583 1101"> <thead> <tr> <th></th> <th><u>FFY 2009 Data</u></th> <th><u>FFY 2010 Data</u></th> <th><u>FFY 2010 Target</u></th> <th><u>Progress</u></th> </tr> </thead> <tbody> <tr> <td>A. Know their rights (%)</td> <td align="center">87</td> <td align="center">93</td> <td align="center">78</td> <td align="center">6.00%</td> </tr> <tr> <td>B. Effectively communicate their children’s needs (%)</td> <td align="center">83</td> <td align="center">93</td> <td align="center">76</td> <td align="center">10.00%</td> </tr> <tr> <td>C. Help their children develop and learn (%)</td> <td align="center">92</td> <td align="center">94</td> <td align="center">86</td> <td align="center">2.00%</td> </tr> </tbody> </table> <p>These data represent progress from the FFY 2009 data. The State met all of its FFY 2010 targets for this indicator.</p> <p>OSEP’s FFY 2009 SPP/APR Response Table, dated June 20, 2011, required the State to include in its FFY 2010 APR, due February 1, 2012, Indicator 4 data on children who were three years or older and received services under IDEA section 635(c), pursuant to the policy adopted by the State in FFY 2009. The State provided all of the required information.</p>					<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	<u>Progress</u>	A. Know their rights (%)	87	93	78	6.00%	B. Effectively communicate their children’s needs (%)	83	93	76	10.00%	C. Help their children develop and learn (%)	92	94	86	2.00%	<p>OSEP appreciates the State’s efforts to improve performance.</p>
	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	<u>Progress</u>																					
A. Know their rights (%)	87	93	78	6.00%																					
B. Effectively communicate their children’s needs (%)	83	93	76	10.00%																					
C. Help their children develop and learn (%)	92	94	86	2.00%																					

**Maryland Part C FFY 2010 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>5. Percent of infants and toddlers birth to 1 with IFSPs compared to national data. [Results Indicator]</p>	<p>The State revised the improvement activities for FFY 2011 and FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2010 reported data for this indicator are 1.59%. These data represent progress from the FFY 2009 data of 1.47%. The State met its FFY 2010 target of 1.50%.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>
<p>6. Percent of infants and toddlers birth to 3 with IFSPs compared to national data. [Results Indicator]</p>	<p>The State revised the improvement activities for FFY 2011 and FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2010 reported data for this indicator are 3.54%. These data represent progress from the FFY 2009 data of 3.11%. The State met its FFY 2010 target of 2.88%.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>
<p>7. Percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline. [Compliance Indicator]</p>	<p>The State revised the improvement activities for FFY 2011 and FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2010 reported data for this indicator are 98.2%. The State's FFY 2009 data for this indicator were 99.1%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that all 15 of its findings of noncompliance identified in FFY 2009 for this indicator were corrected in a timely manner.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2011 APR, the State's data demonstrating that it is in compliance with the 45-day timeline requirements in 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a). Because the State reported less than 100% compliance for FFY 2010, the State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2011 APR, that it has verified that each EIS program with noncompliance identified in FFY 2010 for this indicator: (1) is correctly implementing 34 CFR §§303.321(e)(2), 303.322(e)(1),</p>

Maryland Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>and 303.342(a) (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 conducted the initial evaluation, assessment, and IFSP meeting, although late, for any child for whom the 45-day timeline was not met, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02. In the FFY 2011 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p>
<p>8. Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:</p> <p>A. IFSPs with transition steps and services;</p> <p>[Compliance Indicator]</p>	<p>The State revised the improvement activities for FFY 2011 and FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2010 reported data for this indicator are 99.8%. These data represent progress from the FFY 2009 data of 99.6%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that all five of its findings of noncompliance identified in FFY 2009 for this indicator were corrected in a timely manner.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2011 APR the State's data demonstrating that it is in compliance with the IFSP transition content requirements in 34 CFR §§303.148(b)(4) and 303.344(h) and 20 U.S.C. 1436(a)(3) and (d)(8). Because the State reported less than 100% compliance for FFY 2010, the</p>

**Maryland Part C FFY 2010 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
		<p>State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2011 APR, that it has verified that each EIS program with noncompliance identified in FFY 2010 for this indicator: (1) is correctly implementing 34 CFR §§303.148(b)(4) and 303.344(h) and 20 U.S.C. 1436(a)(3) and (d)(8) (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 developed an IFSP with transition steps and services for each child, unless the child is no longer within the jurisdiction of the EIS program (i.e., the child has exited the State's Part C program due to age or other reasons), consistent with OSEP Memo 09-02. In the FFY 2011 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2011 APR, the State must review its improvement activities and revise</p>

**Maryland Part C FFY 2010 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
		them, if necessary to ensure compliance.
<p>8. Percent of all children exiting Part C who received timely transition planning to support the child’s transition to preschool and other appropriate community services by their third birthday including:</p> <p>B. Notification to LEA, if child potentially eligible for Part B; and</p> <p>[Compliance Indicator]</p>	<p>The State revised the improvement activities for FFY 2011 and FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2010 reported data for this indicator are 100%. These data represent progress from the FFY 2009 data of 99.8%. The State met its FFY 2010 target of 100%.</p> <p>The State reported that all seven of its findings of noncompliance identified in FFY 2009 for this indicator were corrected in a timely manner.</p>	<p>OSEP appreciates the State’s efforts in achieving compliance with the LEA notification requirements in 34 CFR §303.148(b)(1).</p>
<p>8. Percent of all children exiting Part C who received timely transition planning to support the child’s transition to preschool and other appropriate community services by their third birthday including:</p> <p>C. Transition conference, if child potentially eligible for Part B.</p> <p>[Compliance Indicator]</p>	<p>The State revised the improvement activities for FFY 2011 and FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2010 reported data for this indicator are 99.4%. The State’s FFY 2009 data for this indicator were 99.6%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that all 18 of its findings of noncompliance identified in FFY 2009 for this indicator were corrected in a timely manner.</p>	<p>OSEP appreciates the State’s efforts and looks forward to reviewing in the FFY 2011 APR, due February 1, 2013, the State’s data demonstrating that it is in compliance with the timely transition conference requirements in 34 CFR §303.148(b)(2)(i) (as modified by IDEA section 637(a)(9)(A)(ii)(II)). Because the State reported less than 100% compliance for FFY 2010, the State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2011 APR, that it has verified that each EIS program with noncompliance identified in FFY 2010 for this</p>

**Maryland Part C FFY 2010 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
		<p>indicator: (1) is correctly implementing 34 CFR §303.148(b)(2)(i) (as modified by IDEA section 637(a)(9)(A)(ii)(II)) (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 conducted a transition conference, although late, for any child potentially eligible for Part B whose transition conference was not timely, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02. In the FFY 2011 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p>
<p>9. 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.</p>	<p>The State revised the improvement activities for FFY 2011 and FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2010 reported data for this indicator are 100%. These data remain unchanged from the FFY 2009 data of 100%. The State met its FFY 2010 target of 100%.</p> <p>The State reported that all 55 of its findings of noncompliance identified in FFY 2009</p>	<p>OSEP appreciates the State's efforts in timely correcting findings of noncompliance identified in FFY 2009.</p> <p>When reporting in the FFY 2011 APR on the correction of findings</p>

**Maryland Part C FFY 2010 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
[Compliance Indicator]	for this indicator were corrected in a timely manner.	<p>of noncompliance identified in FFY 2010, the State must report that it verified that each EIS program with findings of noncompliance identified in FFY 2010: (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 EIS program, consistent with OSEP Memo 09-02. In the FFY 2011 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>In addition, in reporting on Indicator 9 in the FFY 2011 APR, the State must use the Indicator 9 Worksheet.</p> <p>Further in responding to Indicators 1, 7, 8A, and 8C in the FFY 2011 APR, the State must report on correction of the noncompliance described in this table under those indicators.</p>
10. Percent of signed written complaints with reports issued that	The State revised the improvement activities for FFY 2011 and FFY 2012 for this indicator and OSEP accepts those revisions.	OSEP appreciates the State's efforts in achieving compliance

**Maryland Part C FFY 2010 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.</p> <p>[Compliance Indicator]</p>	<p>The State’s FFY 2010 reported data for this indicator, as of January 31, 2012, are 100%. These data are based on two complaints. The State met its FFY 2010 target of 100%.</p> <p>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</p> <p>OSEP’s FFY 2009 SPP/APR Response Table, dated June 20, 2011, required the State to include in its FFY 2010 APR, due February 1, 2012, Indicator 10 data on children who were three years or older and received services under IDEA section 635(c), pursuant to the policy adopted by the State in FFY 2009. The State reported all of the required information.</p>	<p>with the timely complaint resolution requirements in 34 CFR §303.512.</p>
<p>11. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the applicable timeline.</p> <p>[Compliance Indicator]</p>	<p>The State revised the improvement activities for FFY 2011 and FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State reported that it did not have any fully adjudicated due process hearings during the reporting period.</p> <p>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</p> <p>OSEP’s FFY 2009 SPP/APR Response Table, dated June 20, 2011, required the State to include in its FFY 2010 APR, due February 1, 2012, Indicator 11 data on children who were three years or older and received services under IDEA section 635(c), pursuant to the policy adopted by the State in FFY 2009. The State reported all of the required information.</p>	<p>OSEP looks forward to reviewing the State’s data in the FFY 2011 APR.</p>
<p>12. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements (applicable if Part B due process procedures are adopted).</p> <p>[Results Indicator]</p>	<p>The State revised the improvement activities for FFY 2011 and FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State reported that no resolution sessions were held during the reporting period. The State reported fewer than ten resolution sessions held in FFY 2010. The State is not required to provide targets or improvement activities until any fiscal year in which ten or more resolution sessions were held.</p> <p>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</p> <p>OSEP’s FFY 2009 SPP/APR Response Table, dated June 20, 2011, required the State to include in its FFY 2010 APR, due February 1, 2012, Indicator 12 data on children who were three years or older and received services under IDEA section 635(c),</p>	<p>OSEP looks forward to reviewing the State’s data in the FFY 2011 APR.</p>

**Maryland Part C FFY 2010 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
	pursuant to the policy adopted by the State in FFY 2009. The State provided all of the required information.	
<p>13. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The State revised the improvement activities for FFY 2011 and FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State reported that both mediations resulted in mediation agreements. The State reported fewer than ten mediations held in FFY 2010. The State is not required to provide targets or improvement activities until any fiscal year in which ten or more mediations were held.</p> <p>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</p> <p>OSEP's FFY 2009 SPP/APR Response Table, dated June 20, 2011, required the State to include in its FFY 2010 APR, due February 1, 2012, Indicator 13 data on children who were three years or older and received services under IDEA section 635(c), pursuant to the policy adopted by the State in FFY 2009. The State provided all of the required information.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2011 APR.</p>
<p>14. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p>	<p>The State revised the improvement activities for FFY 2011 and FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2010 reported data for this indicator are 100%. These data remain unchanged from the FFY 2009 data of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the timely and accurate data reporting requirements in IDEA sections 616, 618, and 642 and 34 CFR §§76.720 and 303.540. In reporting on Indicator 14 in the FFY 2011 APR, the State must use the Indicator 14 Data Rubric.</p>