



Nancy S. Grasmick
State Superintendent of Schools

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

May 18, 2010

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

Dear Dr. Cox:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through review of the APR and other data sources, OSEP evaluates each state's performance on these indicators, and assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Federal Fiscal Year (FFY) 2008 [State Fiscal Year (SFY) 2009 (2008-2009 School Year)] Part B in early June 2010. In accordance with 34 CFR §300.606, if OSEP identifies MSDE as Needs Assistance, Needs Intervention, or Needs Substantial Intervention, MSDE is required to notify local school systems, public agencies, the media, and the public of this action.

Pursuant to 20 U.S.C. §1416(a)(1)(C)(i) and 34 C.F.R. §300.600, MSDE is also required to make determinations annually on the performance of each local school system in the State using the categories in 34 C.F.R. §300.603(b)(1), use appropriate enforcement mechanisms, consistent with 34 C.F.R. §300.604, which must include, if applicable, the enforcement mechanisms identified in §300.604(a)(1) (technical assistance), (a)(3) (conditions on funding of a local school system), (b)(2)(i) (a corrective action plan or improvement plan), (b)(2)(v) (withholding funds, in whole or in part, by MSDE), and (c)(2) (withholding funds, in whole or in part, by MSDE). In accordance with 20 U.S.C. §1416(e) and 34 C.F.R. §300.603(b)(1), MSDE also must use one of the following four categories to assign a determination to each local school system: Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each local public agency's performance in meeting the State's targets for FFY 2008. Attached is a document entitled, "Part C and Part B Public Agency Determination," that lists the Part B indicators considered in making determinations. MSDE carefully considered all aspects of this process. Based on FFY 2008 data, as well as information obtained through monitoring and complaint investigations, the Allegany County Public Schools (ACPS) has been determined to be **Meets Requirements**.

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To be in the category of Meets Requirements, the ACPS must have met or exceeded the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) or were not significantly below the target on LRE Indicators (5a, 5b, or 5c). In addition, the ACPS must have demonstrated compliance (100%) or substantial compliance (95-99.9%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), and had no corrective actions or had completed corrective actions within one year (15).

Attached to this letter are copies of the following documents:

- Part B Local Determination Table; and
- Part B Local Determination Framework for Technical Assistance and Intervention.

The "Part B Local Determination Table" provides an analysis of the ACPS data. The "Part B Local Determination Framework for Technical Assistance and Intervention" provides additional information relative to technical assistance and support available to your local school system.

As you know, the State must report annually to the public on the performance of each local school system on the targets in the SPP under IDEA. The public may access the MSDE IDEA performance report at <http://mdideareport.org>. The requirement for public reporting on local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. MSDE will continue to provide technical assistance opportunities as you work to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any comments on our past technical assistance efforts or the need for guidance, we would appreciate your feedback as we work to develop further mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the ACPS to improve results for students with disabilities. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



Carol Ann Heath, Ed.D.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

CAH/DRR/ALP
Attachments

c: Nancy S. Grasmick
Sheree Witt
Branch/Section Chiefs

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2008 (reporting period July 1, 2008 – June 30, 2009)

| | | Meets Target or Substantial Compliance Zero Points | | Below Target One Point | | Significantly Below The Target Two Points | |
|--|--|--|----------------------------------|---------------------------|---|---|-------------------------------------|
| Section 1 & 2: | Compliance Indicators | 4 | 0.00 – 1.49 | 4 | 1.50 – 1.99 | 4 | ≥ 2.00 |
| | | 9 | Yes/0.0% | 9 | NA | 9 | No |
| | | 10 | Yes/0.0% | 10 | NA | 10 | No |
| | | 11 | 95 - 100% | 11 | 85.0 - 94.9% | 11 | < 85.0% |
| | | 12 | 95 - 100% | 12 | 85.0 - 94.9% | 12 | < 85.0% |
| | | 13 | 95 - 100% | 13 | 85.0 - 94.9% | 13 | < 85.0% |
| | Performance Indicators | 1 | ≥ 85.50% | 1 | 85.49 – 77.26% | 1 | ≤ 77.25% |
| | | 2 | ≤ 3.54% | 2 | 3.55 – 6.73% | 2 | ≥ 6.74% |
| | | 3a | AYP met R/M all bands | 3a | AYP not met R/M on all bands | 3a | NA |
| | | 3b | ≥ 95% in R and M | 3b | < 95% in R and M | 3b | NA |
| | | 3cR | All grade targets are met | 3cR | Below target one or more grades | 3cR | NA |
| | | 3cM | All grade targets are met | 3cM | Below target one or more grades | 3cM | NA |
| | | 5a | ≥ 61.11% | 5a | 61.10 – 57.10% | 5a | ≤ 57.09% |
| | | 5b | ≤ 16.11% | 5b | 16.12 - 20.12% | 5b | ≥ 20.13% |
| | | 5c | ≤ 6.92% | 5c | 6.93 – 7.92% | 5c | ≥ 7.93% |
| Section 3: Correction of Noncompliance | 15 | <u>All</u> findings corrected within 12 months. or No corrective actions. | 15 | | 15 | <u>Each</u> finding not corrected within 12 months. Applies to findings identified 7/1/06 - 6/30/07 with correction by 6/30/08. | |
| | Section 4: Data Are Timely and Accurate | 20 | Data are timely and accurate. | 20 | Data are timely but not accurate or Data are accurate but not timely. | 20 | Data are not timely or accurate. |

Indicator targets are identified in the MSDE's State Performance Plan (SPP).
Results are reported annually in the Annual Performance Report (APR).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial¹ compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

¹ Full compliance means a local school system or public agency provided data showing 100% for the identified indicators. Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (95% or better).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2008 (SFY 2009 – Reporting Period July 1, 2008 – June 30, 2009)

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2009.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

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

In addition, States could also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org>, no later than May 27, 2010. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting
- 4a. Family Outcomes – Know Their Rights
- 4b. Family Outcomes – Effectively Communicate Their Children's Needs
- 4c. Family Outcomes – Help Their Children Develop and Learn
5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline
- 8a. Transition (Transition Outcomes)
- 8b. Transition (Notification to LEA)
- 8c. Transition (Timely Planning Meeting)
9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to Part B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes, but is not limited to, teleconference calls, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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

- (1) Take any of the actions described in 34 CFR §300.604(a);
- (2) Take one or more of the following actions:
 - (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
 - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.*

- (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
- (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
 - (iv) Seeks to recover funds under section 452 of GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

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

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

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

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|-------------------------------------|---|--|
| 1 | Graduation | 85.50% of youth with IEPs will graduate with a regular diploma. | Not Met – 67.23% |
| 2 | Dropout | The dropout rate of students with IEPs will be 3.00% or less. | Not Met – 4.31% |
| 3A | Student Achievement - AYP | 50% of the State's local school systems will meet AYP for the subgroup of students with disabilities. | Not Met – 20% (5 of 25 LSS) |
| 3B | Student Achievement - Participation | 95% of students with disabilities will participate in the Statewide assessment system. | Met – 99.03% for Math; and 99.18% for Reading. |
| 3C | Student Achievement - Proficiency | Meet the State designated AMOs for mathematics and reading at each assessed grade. | Not Met for Math or Reading |
| 4 | Suspension and Expulsion | ≤ four (4) or 16.67% of LSS will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for students with disabilities compared with nondisabled peers. | Met – 12.5% (3 of 24 LSS) |
| 5A | LRE 21% | ≥61.11% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day. | Met – 63.99% |
| 5B | LRE 60% | ≤ 16.11% of students with disabilities, ages 6-21, are served inside the regular class less than 40% of the day; | Met – 15.10% |
| 5C | LRE - Separate Schools | ≤ 6.92% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements. | Not Met – 7.59% |

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met | |
|------------------|--------------------|---|--|--|
| 6 | Preschool LRE | | Not Reported | |
| 7A | Preschool Outcomes | Positive social-emotional skills (including social relationships) | 64.3% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited. | 68.5% of children participating in Maryland's Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7B | Preschool Outcomes | Acquisition and use of knowledge and skills including early language/communication [and early literacy] | 64.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 55.3% of children participating in Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7C | Preschool Outcomes | Use of appropriate behaviors to meet their needs. | 58.7% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 66.2% of children participating in Part B preschool were functioning within age expectations by the time they exited the program. |

Part B
FFY 2008 (SFY 2009)
Reporting Year 2008-2009
Indicators- At- Glance
05/17/2010

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|--|---|--------------------|
| 8A | Parent Involvement - Preschool | 35% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results. | Met – 69% |
| 8B | Parent Involvement - School Age | 30% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results | Met – 57% |
| 9 | Disproportional Representation (Racial & Ethnic) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups receiving special education and related services that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 10 | Disproportional Representation (Specific Disability) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups in specific disability categories that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 11 | Evaluation | 100% of children were evaluated and eligibility determined within 60 days of parental consent to evaluate. (Compliance) | Not Met – 92% |
| 12 | C to B transition | 100% of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.(Compliance) | Not Met – 97.28% |
| 13 | Transition Goals on IEP | 100% of youth with disabilities, aged 16 and above, have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.(Compliance) | Not Met – 96.3% |

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|----------------------|--|--------------------|
| 14 | Post School Outcomes | Within one year of leaving high school: <ul style="list-style-type: none"> • 44% percent of youth who had IEPs are competitively employed • 4% percent of youth who had IEPs are enrolled in some type of postsecondary school; and • 24% percent of youth who had IEPs are competitively employed and enrolled in some type of postsecondary school. | Not Reported |
| 15 | General Supervision | 100% of corrective actions identified through monitoring, complaints, due process hearings, mediations, etc. will be corrected within one year from the date of identification. (Compliance) | Not Met – 97.19% |
| 16 | State Complaints | 100% of all complaint investigations are completed within the required timelines. (Compliance) | Met – 100% |
| 17 | Due process | 100% of all due process hearings are completed within the required timelines. (Compliance) | Not Met – 93% |
| 18 | Resolutions | 64 – 75% of all resolution meetings conducted will result in a settlement agreement. | Met – 79% |
| 19 | Mediations | Maintain 75 – 85% rate of mediations that result in mediation agreements. | Met – 77% |
| 20 | State Reported Data | 100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.(Compliance) | Not Met – 98.71% |

**Allegany County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009**

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|---|---|
| Monitoring Priority: FAPE in the LRE | | |
| 1. Percent of youth with IEPs graduating from high school with a regular diploma. [Performance Indicator] | Allegany County Public Schools' FFY 2008 data for this indicator is 76.36%. This is below the State's target of 85.50% by 9.14%. | Allegany County Public Schools' data was below the State's target. The FFY 2008 data shows an increase from the previous year's graduation rate of 74.73% for students with disabilities. MSDE looks forward to Allegany County Public Schools' FFY 2009 data demonstrating improvement. |
| 2. Percent of youth with IEPs dropping out of high school. [Performance Indicator] | Allegany County Public Schools' FFY 2008 data for this indicator is 4.74%. This does not meet the State's target of 3.54% by 1.20%. | Allegany County Public Schools' data did not meet the State's target. The FFY 2008 data shows a decrease from the previous year's dropout rate of 5.74% for students with disabilities. MSDE looks forward to Allegany County Public Schools' FFY 2009 data demonstrating improvement. |
| 4. 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. [Compliance Indicator] | Allegany County Public Schools' FFY 2008 ratio for multiple suspensions summing to greater than 10 days is 1.86% and for single event suspensions is 0.00 when compared to nondisabled peers. The State's target for both multiple and single event suspensions is 0.00 – 1.49. | Allegany County Public Schools' data met the State's target for single event suspensions and did not meet the State's target for multiple suspensions summing to greater than 10 days. MSDE looks forward to Allegany County Public Schools' FFY 2009 data meeting the State's target. |

**Allegany County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009**

| Monitoring Priorities and Indicators | Status | MSDE Analysis/Next Steps |
|---|---|---|
| <p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Performance Indicator]</p> | <p>A. Allegany County Public Schools' FFY 2008 data for this indicator is 83.67%. This exceeds the State's target of 61.11% for FFY 2008 by 22.56%.</p> <p>B. Allegany County Public Schools' FFY 2008 data for this indicator is 9.26%. This exceeds the State's target of 16.11 % for FFY 2008 by 6.85%.</p> <p>C. Allegany County Public Schools' FFY 2008 data for this indicator is 3.79 %. This exceeds the State's target of 6.92% for FFY 2008 by 3.13 %.</p> | <p>Allegany County Public Schools' data exceeded the State's target for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to Allegany County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |
| Monitoring Priority: Disproportionality | | |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Allegany County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Allegany County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Allegany County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |

Allegany County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|---|--|--|
| <p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p> | <p>Allegany County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Allegany County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Allegany County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |
| <p>Monitoring Priority: Effective General Supervision</p> | | |
| <p>11. Percent of children who are evaluated within 60 days of receiving parental consent for initial evaluation or, if the State established a timeframe within which the evaluation must be conducted, within that timeframe.</p> <p>[Compliance Indicator]</p> | <p>Allegany County Public Schools' FFY 2008 data for this indicator is 98.51%. The State's target is 100%.</p> | <p>Allegany County Public Schools' data did not meet the State's target of 100% for this compliance indicator, but was substantially compliant (95-99.9%).</p> <p>MSDE looks forward to Allegany County Public Schools' FFY 2009 data demonstrating 100% compliance.</p> |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Allegany County Public Schools' FFY 2008 data for this indicator is 100%. The State's target is 100%.</p> | <p>Allegany County Public Schools' data met the State's target of 100% for this compliance indicator.</p> <p>MSDE looks forward to Allegany County Public Schools' FFY 2009 data maintaining 100% compliance.</p> |

Allegany County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|---|---|---|
| <p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.</p> <p>[Compliance Indicator]</p> | <p>Allegany County Public Schools' FFY 2008 data for this indicator is 99.1%. The State's target is 100%.</p> | <p>Allegany County Public Schools' data did not meet the State's target of 100% for this compliance indicator, but was substantially compliant (95-99.9%).</p> <p>MSDE looks forward to Allegany County Public Schools' FFY 2009 data demonstrating 100% compliance.</p> |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Allegany County Public Schools had one corrective action due in FFY 2008.</p> | <p>Allegany County Public Schools had one finding of noncompliance identified by MSDE that was due for correction in FFY 2008. The finding was corrected within timelines.</p> <p>MSDE expects all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p> |
| <p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p> | <p>Allegany County Public Schools submitted required 618 data in a timely and accurate manner.</p> | <p>Allegany County Public Schools' data met the State's target for the timely and accurate submission of required 618 data and other data required by the State for FFY 2008.</p> <p>MSDE expects Allegany County Public Schools' submission of required data to be timely and accurate.</p> |



Nancy S. Grasmick
State Superintendent of Schools

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

May 18, 2010

Dr. Kevin M. Maxwell
Superintendent
Anne Arundel County Public Schools
2644 Riva Road
Annapolis, MD 21401

Dear Dr. *Kevin* Maxwell:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through review of the APR and other data sources, OSEP evaluates each state's performance on these indicators, and assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The determinations required under the federal statute are part of the on-going efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Federal Fiscal Year (FFY) 2008 [State Fiscal Year (SFY) 2009 (2008-2009 School Year)] Part B in early June 2010. In accordance with 34 CFR §300.606, if OSEP identifies MSDE as Needs Assistance, Needs Intervention, or Needs Substantial Intervention, MSDE is required to notify local school systems, public agencies, the media, and the public of this action.

Pursuant to 20 U.S.C. §1416(a)(1)(C)(i) and 34 C.F.R. §300.600, MSDE is also required to make determinations annually on the performance of each local school system in the State using the categories in 34 C.F.R. §300.603(b)(1), use appropriate enforcement mechanisms, consistent with 34 C.F.R. §300.604, which must include, if applicable, the enforcement mechanisms identified in §300.604(a)(1) (technical assistance), (a)(3) (conditions on funding of a local school system), (b)(2)(i) (a corrective action plan or improvement plan), (b)(2)(v) (withholding funds, in whole or in part, by MSDE), and (c)(2) (withholding funds, in whole or in part, by MSDE). In accordance with 20 U.S.C. §1416(e) and 34 C.F.R. §300.603(b)(1), MSDE also must use one of the following four categories to assign a determination to each local school system: Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each local public agency's performance in meeting the State's targets for FFY 2008. Attached is a document entitled, "Part C and Part B Public Agency Determination," that lists the Part B indicators considered in making determinations. MSDE carefully considered all aspects of this process. Based on FFY 2008 data, as well as information obtained through monitoring and complaint investigations, the Anne Arundel County Public Schools (AACPS) has been determined to be **Meets Requirements**.

Dr. Kevin M. Maxwell
May 18, 2010
Page Two

To be in the category of Meets Requirements, the AACPS must have met or exceeded the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) or were not significantly below the target on LRE Indicators (5a, 5b, or 5c). In addition, the AACPS must have demonstrated compliance (100%) or substantial compliance (95-99.9%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), and had no corrective actions or had completed corrective actions within one year (15).

Attached to this letter are copies of the following documents:

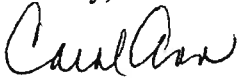
- Part B Local Determination Table; and
- Part B Local Determination Framework for Technical Assistance and Intervention.

The "Part B Local Determination Table" provides an analysis of the AACPS' data. The "Part B Local Determination Framework for Technical Assistance and Intervention" provides additional information relative to technical assistance and support available to your local school system.

As you know, the State must report annually to the public on the performance of each local school system on the targets in the SPP under IDEA. The public may access the MSDE IDEA performance report at <http://mdideareport.org>. The requirement for public reporting on local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. MSDE will continue to provide technical assistance opportunities as you work to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any comments on our past technical assistance efforts or the need for guidance, we would appreciate your feedback as we work to develop further mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the AACPS to improve results for students with disabilities. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



Carol Ann Heath, Ed.D.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

CAH/DRR/alp/gh
Attachments

c: Nancy S. Grasmick
Mary Tillar
Branch/Section Chiefs

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2008 (reporting period July 1, 2008 – June 30, 2009)

| | | Meets Target or Substantial Compliance Zero Points | | Below Target One Point | | Significantly Below The Target Two Points | | |
|--|---------------------------|--|--|---------------------------|---|--|---|--|
| Section 1 & 2: | Compliance Indicators | 4 | 0.00 – 1.49 | 4 | 1.50 – 1.99 | 4 | ≥ 2.00 | |
| | | 9 | Yes/0.0% | 9 | NA | 9 | No | |
| | | 10 | Yes/0.0% | 10 | NA | 10 | No | |
| | | 11 | 95 - 100% | 11 | 85.0 - 94.9% | 11 | < 85.0% | |
| | | 12 | 95 - 100% | 12 | 85.0 - 94.9% | 12 | < 85.0% | |
| | | 13 | 95 - 100% | 13 | 85.0 - 94.9% | 13 | < 85.0% | |
| | Performance Indicators | 1 | ≥ 85.50% | 1 | 85.49 – 77.26% | 1 | ≤ 77.25% | |
| | | 2 | ≤ 3.54% | 2 | 3.55 – 6.73% | 2 | ≥ 6.74% | |
| | | 3a | AYP met R/M all bands | 3a | AYP not met R/M on all bands | 3a | NA | |
| | | 3b | ≥ 95% in R and M | 3b | < 95% in R and M | 3b | NA | |
| | | 3cR | All grade targets are met | 3cR | Below target one or more grades | 3cR | NA | |
| | | 3cM | All grade targets are met | 3cM | Below target one or more grades | 3cM | NA | |
| | | 5a | ≥ 61.11% | 5a | 61.10 – 57.10% | 5a | ≤ 57.09% | |
| | | 5b | ≤ 16.11% | 5b | 16.12 - 20.12% | 5b | ≥ 20.13% | |
| | | 5c | ≤ 6.92% | 5c | 6.93 – 7.92% | 5c | ≥ 7.93% | |
| Section 3: Correction of Noncompliance | | 15 | <u>All</u> findings corrected within 12 months. | 15 | | 15 | <u>Each</u> finding not corrected within 12 months. | |
| | | | or | | | Applies to findings identified 7/1/06 - 6/30/07 with correction by 6/30/08. | | |
| Section 4: Data Are Timely and Accurate | | 20 | Data are timely and accurate. | 20 | Data are timely but not accurate or Data are accurate but not timely. | 20 | Data are not timely or accurate. | |

Indicator targets are identified in the MSDE's State Performance Plan (SPP).
Results are reported annually in the Annual Performance Report (APR).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial¹ compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

¹ Full compliance means a local school system or public agency provided data showing 100% for the identified indicators. Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (95% or better).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2008 (SFY 2009 – Reporting Period July 1, 2008 – June 30, 2009)

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2009.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

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

In addition, States could also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org>, no later than May 27, 2010. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting
- 4a. Family Outcomes – Know Their Rights
- 4b. Family Outcomes – Effectively Communicate Their Children's Needs
- 4c. Family Outcomes – Help Their Children Develop and Learn
5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline
- 8a. Transition (Transition Outcomes)
- 8b. Transition (Notification to LEA)
- 8c. Transition (Timely Planning Meeting)
9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to Part B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes, but is not limited to, teleconference calls, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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

- (1) Take any of the actions described in 34 CFR §300.604(a);
- (2) Take one or more of the following actions:
 - (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
 - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.*

- (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
- (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
 - (iv) Seeks to recover funds under section 452 of GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

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

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

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

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|-------------------------------------|---|--|
| 1 | Graduation | 85.50% of youth with IEPs will graduate with a regular diploma. | Not Met – 67.23% |
| 2 | Dropout | The dropout rate of students with IEPs will be 3.00% or less. | Not Met – 4.31% |
| 3A | Student Achievement - AYP | 50% of the State's local school systems will meet AYP for the subgroup of students with disabilities. | Not Met – 20% (5 of 25 LSS) |
| 3B | Student Achievement - Participation | 95% of students with disabilities will participate in the Statewide assessment system. | Met – 99.03% for Math; and 99.18% for Reading. |
| 3C | Student Achievement - Proficiency | Meet the State designated AMOs for mathematics and reading at each assessed grade. | Not Met for Math or Reading |
| 4 | Suspension and Expulsion | ≤ four (4) or 16.67% of LSS will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for students with disabilities compared with nondisabled peers. | Met – 12.5% (3 of 24 LSS) |
| 5A | LRE 21% | ≥61.11% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day. | Met – 63.99% |
| 5B | LRE 60% | ≤ 16.11% of students with disabilities, ages 6-21, are served inside the regular class less than 40% of the day; | Met – 15.10% |
| 5C | LRE - Separate Schools | ≤ 6.92% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements. | Not Met – 7.59% |

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met | |
|-----------|--------------------|--|--|--|
| 6 | Preschool LRE | | Not Reported | |
| 7A | Preschool Outcomes | Positive social-emotional skills (including social relationships) | 64.3% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited. | 68.5% of children participating in Maryland's Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7B | Preschool Outcomes | Acquisition and use of knowledge and skills including early language/communication [and early literacy]) | 64.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 55.3% of children participating in Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7C | Preschool Outcomes | Use of appropriate behaviors to meet their needs. | 58.7% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 66.2% of children participating in Part B preschool were functioning within age expectations by the time they exited the program. |

Part B
FFY 2008 (SFY 2009)
Reporting Year 2008-2009
Indicators- At- Glance
05/17/2010

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met |
|-----------|--|---|------------------|
| 8A | Parent Involvement - Preschool | 35% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results. | Met – 69% |
| 8B | Parent Involvement - School Age | 30% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results | Met – 57% |
| 9 | Disproportional Representation (Racial & Ethnic) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups receiving special education and related services that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 10 | Disproportional Representation (Specific Disability) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups in specific disability categories that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 11 | Evaluation | 100% of children were evaluated and eligibility determined within 60 days of parental consent to evaluate. (Compliance) | Not Met – 92% |
| 12 | C to B transition | 100% of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.(Compliance) | Not Met – 97.28% |
| 13 | Transition Goals on IEP | 100% of youth with disabilities, aged 16 and above, have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.(Compliance) | Not Met – 96.3% |

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|----------------------|--|--------------------|
| 14 | Post School Outcomes | Within one year of leaving high school: <ul style="list-style-type: none"> • 44% percent of youth who had IEPs are competitively employed • 4% percent of youth who had IEPs are enrolled in some type of postsecondary school; and • 24% percent of youth who had IEPs are competitively employed and enrolled in some type of postsecondary school. | Not Reported |
| 15 | General Supervision | 100% of corrective actions identified through monitoring, complaints, due process hearings, mediations, etc. will be corrected within one year from the date of identification. (Compliance) | Not Met – 97.19% |
| 16 | State Complaints | 100% of all complaint investigations are completed within the required timelines. (Compliance) | Met – 100% |
| 17 | Due process | 100% of all due process hearings are completed within the required timelines. (Compliance) | Not Met – 93% |
| 18 | Resolutions | 64 – 75% of all resolution meetings conducted will result in a settlement agreement. | Met – 79% |
| 19 | Mediations | Maintain 75 – 85% rate of mediations that result in mediation agreements. | Met – 77% |
| 20 | State Reported Data | 100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates. (Compliance) | Not Met – 98.71% |

Anne Arundel County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|--|--|
| Monitoring Priority: FAPE in the LRE | | |
| 1. Percent of youth with IEPs graduating from high school with a regular diploma. [Performance Indicator] | Anne Arundel County Public Schools' FFY 2008 data for this indicator is 69.85%. This is below the State's target of 85.50% by 15.65%. | Anne Arundel County Public Schools' data was below the State's target. The FFY 2008 data shows an increase from the previous year's graduation rate of 69.75% for students with disabilities. MSDE looks forward to Anne Arundel County Public Schools' FFY 2009 data demonstrating improvement. |
| 2. Percent of youth with IEPs dropping out of high school. [Performance Indicator] | Anne Arundel County Public Schools' FFY 2008 data for this indicator is 6.44%. This does not meet the State's target of 3.54% by 2.90%. | Anne Arundel County Public Schools' data did not meet the State's target. The FFY 2008 data shows a decrease from the previous year's dropout rate of 6.87% for students with disabilities. MSDE looks forward to Anne Arundel County Public Schools' FFY 2009 data demonstrating improvement. |
| 4. 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. [Compliance Indicator] | Anne Arundel County Public Schools' FFY 2008 ratio for multiple suspensions summing to greater than 10 days is 0.60 and for single event suspensions is 0.00 when compared to nondisabled peers. The State's target for both multiple and single event suspensions is 0.00 – 1.49. | Anne Arundel County Public Schools' data met the State's target for multiple suspensions summing to greater than 10 days and single event suspensions. MSDE looks forward to Anne Arundel County Public Schools' FFY 2009 data demonstrating continued compliance. |

**Anne Arundel County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009**

| Monitoring Priorities and Indicators | Status | MSDE Analysis/Next Steps |
|---|---|---|
| <p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Performance Indicator]</p> | <p>A. Anne Arundel County Public Schools' FFY 2008 data for this indicator is 66.23%. This exceeds the State's target of 61.11% for FFY 2008 by 5.12%.</p> <p>B. Anne Arundel County Public Schools' FFY 2008 data for this indicator is 12.08%. This exceeds the State's target of 16.11 % for FFY 2008 by 4.03%.</p> <p>C. Anne Arundel County Public Schools' FFY 2008 data for this indicator is 7.62%. This does not meet the State target of 6.92% for FFY 2008 by 0.70%.</p> | <p>Anne Arundel County Public Schools' data exceeded the State's target for Indicators 5A and 5B and was below the State's target for Indicator 5C.</p> <p>MSDE looks forward to Anne Arundel County Public Schools' FFY 2009 data demonstrating continued improvement.</p> |
| <p>Monitoring Priority: Disproportionality</p> <p>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.</p> <p>[Compliance Indicator]</p> | <p>Anne Arundel County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Anne Arundel County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Anne Arundel County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |

Anne Arundel County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|---|--|--|
| <p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p> | <p>Anne Arundel County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Anne Arundel County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Anne Arundel County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |
| Monitoring Priority: Effective General Supervision | | |
| <p>11. Percent of children who are evaluated within 60 days of receiving parental consent for initial evaluation or, if the State established a timeframe within which the evaluation must be conducted, within that timeframe.</p> <p>[Compliance Indicator]</p> | <p>Anne Arundel County Public Schools' FFY 2008 data for this indicator is 93.47%. The State's target is 100%.</p> | <p>Anne Arundel County Public Schools' data did not meet the State's target of 100% for this compliance indicator.</p> <p>MSDE looks forward to Anne Arundel County Public Schools FFY 2009 data demonstrating 100% compliance.</p> |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Anne Arundel County Public Schools' FFY 2008 data for this indicator is 99.37%. The State's target is 100%.</p> | <p>Anne Arundel County Public Schools' data did not meet the State's target of 100% for this compliance indicator, but was substantially compliant (95-99.9%).</p> <p>MSDE looks forward to Anne Arundel County Public Schools' FFY 2009 data demonstrating 100% compliance.</p> |

Anne Arundel County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|---|---|---|
| <p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals. [Compliance Indicator]</p> | <p>Anne Arundel County Public Schools' FFY 2008 data for this indicator is 98.4%. The State's target is 100%.</p> | <p>Anne Arundel County Public Schools' data did not meet the State's target of 100% for this compliance indicator, but was substantially compliant (95-99.9%). MSDE looks forward to Anne Arundel County Public Schools' FFY 2009 data demonstrating 100% compliance.</p> |
| <p>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. [Compliance Indicator]</p> | <p>Anne Arundel County Public Schools had one corrective action plan due during FFY 2008.</p> | <p>Anne Arundel County Public Schools had one finding of noncompliance identified by MSDE that was due for correction in FFY 2008. The finding was corrected within timelines. MSDE expects all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p> |
| <p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]</p> | <p>Anne Arundel County Public Schools submitted required 618 data in a timely and accurate manner.</p> | <p>Anne Arundel County Public Schools' data met the State's target for the timely and accurate submission of required 618 data and other data required by the State for FFY 2008. MSDE expects Anne Arundel County Public Schools' submission of required data to be timely and accurate.</p> |



Nancy S. Grasmick
State Superintendent of Schools

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

May 18, 2010

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

Dear Dr. Alonso:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through review of the APR and other data sources, OSEP evaluates each state's performance on these indicators, and assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Federal Fiscal Year (FFY) 2008 [State Fiscal Year (SFY) 2009 (2008-2009 School Year)] Part B in early June 2010. In accordance with 34 CFR §300.606, if OSEP identifies MSDE as Needs Assistance, Needs Intervention, or Needs Substantial Intervention, MSDE is required to notify local school systems, public agencies, the media, and the public of this action.

Pursuant to 20 U.S.C. §1416(a)(1)(C)(i) and 34 C.F.R. §300.600, MSDE is also required to make determinations annually on the performance of each local school system in the State using the categories in 34 C.F.R. §300.603(b)(1), use appropriate enforcement mechanisms, consistent with 34 C.F.R. §300.604, which must include, if applicable, the enforcement mechanisms identified in §300.604(a)(1) (technical assistance), (a)(3) (conditions on funding of a local school system), (b)(2)(i) (a corrective action plan or improvement plan), (b)(2)(v) (withholding funds, in whole or in part, by MSDE), and (c)(2) (withholding funds, in whole or in part, by MSDE). In accordance with 20 U.S.C. §1416(e) and 34 C.F.R. §300.603(b)(1), MSDE also must use one of the following four categories to assign a determination to each local school system: Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each local public agency's performance in meeting the State's targets for FFY 2008. Attached is a document entitled, "Part C and Part B Public Agency Determination," that lists the Part B indicators considered in making determinations. MSDE carefully considered all aspects of this process. Based on FFY 2008 data, as well as information obtained through monitoring and complaint investigations, the Baltimore City Public Schools (BCPS) has been determined to be **Needs Substantial Intervention, Year Four**.

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To be in the category of Meets Requirements, the BCPS must have met or exceeded the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) or were not significantly below the target on LRE Indicators (5a, 5b, or 5c). In addition, the Baltimore City Public Schools must have demonstrated compliance (100%) or substantial compliance (95-99.9%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), and had no corrective actions or had completed corrective actions within one year (15).

Attached to this letter are copies of the following documents:

- Part B Local Determination Table; and
- Part B Local Determination Framework for Technical Assistance and Intervention.

The "Part B Local Determination Table" provides an analysis of the BCPS' data. The "Part B Local Determination Framework for Technical Assistance and Intervention" provides additional information relative to technical assistance and support available to your local school system.

The MSDE FFY 2005, FFY 2006 and FFY 2007 determinations for BCPS were also Needs Substantial Intervention. In accordance with 20 U.S.C. §1416(e) and 34 C. F. R. §§300.600 and 300.604, if a local school system is determined to be in need of assistance for two consecutive years, MSDE must take one or more of the following actions: 1) Advise the local school system of available sources of technical assistance that may help the local school system address the areas in which the local school system needs assistance; 2) Direct the use of federal funds to the area or area(s) the local school system needs assistance; or 3) Identify the local school system as a high-risk grantee and impose special conditions on the local school system's IDEA Part B grant award. In addition, 34 C. F. R. §§300.604(c) holds that if a local school system is determined to be in need of substantial intervention MSDE may seek to recover funds and / or withhold, in whole or in part, any further payments.

Pursuant to these requirements, and to assist all local school systems to meet or maintain the determination status of Meets Requirements, the MSDE provides and recommends technical assistance. Each local school system has a responsibility to access the Technical Assistance and Determination Network at <http://spp-apr-calendar.rrfcnetwork.org> and other sources of technical assistance to improve performance and/or correct noncompliance. You will be directed to a list of indicators. Select a specific indicator for a list of centers, documents, web seminars, and other sources of relevant technical assistance.

Those local school systems that were below the State's target on any indicator are required to access sources of technical assistance and inform the MSDE of the type, amount, and frequency of assistance needed to address specific needs. Attached is a list of Division personnel, with contact information for monitoring specialists and each SPP indicator. The specific indicators most critical

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to improving results for BCPS are: Indicator 4-(Suspension/Expulsion) Indicator 12 (Early Childhood Transition), Indicator 13 (Secondary Transition), Indicator 15 (General Supervision), Indicator 20 (Timely and Accurate Data), Indicator 1 (Graduation), Indicator 2 (Drop Out), and Indicator 5 (Least Restrictive Environment).

As you know, the State must report annually to the public on the performance of each local school system on the targets in the SPP under IDEA. The public may access the MSDE IDEA performance report at <http://mdideareport.org>. The requirement for public reporting on local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. MSDE will continue to provide technical assistance opportunities as you work to improve performance under Part B of the IDEA.

If you have any comments on our past technical assistance efforts or the need for guidance, we would appreciate your feedback as we work to develop further mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the BCPS to improve results for students with disabilities. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



Carol Ann Heath, Ed.D.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

CAH/DRR/ALP

Attachments

c: Nancy S. Grasmick
Kim Lewis
Branch/Section Chiefs

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2008 (reporting period July 1, 2008 – June 30, 2009)

| | | Meets Target or Substantial Compliance Zero Points | | Below Target One Point | | Significantly Below The Target Two Points | |
|--|---------------------------|--|--|---------------------------|---|---|---|
| Section 1 & 2: | Compliance Indicators | 4 | 0.00 – 1.49 | 4 | 1.50 – 1.99 | 4 | ≥ 2.00 |
| | | 9 | Yes/0.0% | 9 | NA | 9 | No |
| | | 10 | Yes/0.0% | 10 | NA | 10 | No |
| | | 11 | 95 - 100% | 11 | 85.0 - 94.9% | 11 | < 85.0% |
| | | 12 | 95 - 100% | 12 | 85.0 - 94.9% | 12 | < 85.0% |
| | | 13 | 95 - 100% | 13 | 85.0 - 94.9% | 13 | < 85.0% |
| | Performance Indicators | 1 | ≥ 85.50% | 1 | 85.49 – 77.26% | 1 | ≤ 77.25% |
| | | 2 | ≤ 3.54% | 2 | 3.55 – 6.73% | 2 | ≥ 6.74% |
| | | 3a | AYP met R/M all bands | 3a | AYP not met R/M on all bands | 3a | NA |
| | | 3b | ≥ 95% in R and M | 3b | < 95% in R and M | 3b | NA |
| | | 3cR | All grade targets are met | 3cR | Below target one or more grades | 3cR | NA |
| | | 3cM | All grade targets are met | 3cM | Below target one or more grades | 3cM | NA |
| | | 5a | ≥ 61.11% | 5a | 61.10 – 57.10% | 5a | ≤ 57.09% |
| | | 5b | ≤ 16.11% | 5b | 16.12 - 20.12% | 5b | ≥ 20.13% |
| 5c | ≤ 6.92% | 5c | 6.93 – 7.92% | 5c | ≥ 7.93% | | |
| Section 3: Correction of Noncompliance | | 15 | <u>All</u> findings corrected within 12 months. or No corrective actions. | 15 | | 15 | <u>Each</u> finding not corrected within 12 months. Applies to findings identified 7/1/06 - 6/30/07 with correction by 6/30/08. |
| Section 4: Data Are Timely and Accurate | | 20 | Data are timely and accurate. | 20 | Data are timely but not accurate or Data are accurate but not timely. | 20 | Data are not timely or accurate. |

Indicator targets are identified in the MSDE's State Performance Plan (SPP).
Results are reported annually in the Annual Performance Report (APR).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial¹ compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

¹ Full compliance means a local school system or public agency provided data showing 100% for the identified indicators. Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (95% or better).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2008 (SFY 2009 – Reporting Period July 1, 2008 – June 30, 2009)

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2009.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

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

In addition, States could also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org>, no later than May 27, 2010. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting
- 4a. Family Outcomes – Know Their Rights
- 4b. Family Outcomes – Effectively Communicate Their Children's Needs
- 4c. Family Outcomes – Help Their Children Develop and Learn
5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline
- 8a. Transition (Transition Outcomes)
- 8b. Transition (Notification to LEA)
- 8c. Transition (Timely Planning Meeting)
9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to Part B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes, but is not limited to, teleconference calls, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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

- (1) Take any of the actions described in 34 CFR §300.604(a);
- (2) Take one or more of the following actions:
 - (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
 - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.*

- (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
- (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
 - (iv) Seeks to recover funds under section 452 of GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

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

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

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

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)

Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|-------------------------------------|---|--|
| 1 | Graduation | 85.50% of youth with IEPs will graduate with a regular diploma. | Not Met – 67.23% |
| 2 | Dropout | The dropout rate of students with IEPs will be 3.00% or less. | Not Met – 4.31% |
| 3A | Student Achievement - AYP | 50% of the State's local school systems will meet AYP for the subgroup of students with disabilities. | Not Met – 20% (5 of 25 LSS) |
| 3B | Student Achievement - Participation | 95% of students with disabilities will participate in the Statewide assessment system. | Met – 99.03% for Math; and 99.18% for Reading. |
| 3C | Student Achievement - Proficiency | Meet the State designated AMOs for mathematics and reading at each assessed grade. | Not Met for Math or Reading |
| 4 | Suspension and Expulsion | ≤ four (4) or 16.67% of LSS will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for students with disabilities compared with nondisabled peers. | Met – 12.5% (3 of 24 LSS) |
| 5A | LRE 21% | ≥61.11% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day. | Met – 63.99% |
| 5B | LRE 60% | ≤ 16.11% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day; | Met – 15.10% |
| 5C | LRE - Separate Schools | ≤ 6.92% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements. | Not Met – 7.59% |

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)

Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met | |
|-----------|--------------------|--|--|--|
| 6 | Preschool LRE | | Not Reported | |
| 7A | Preschool Outcomes | Positive social-emotional skills (including social relationships) | 64.3% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited. | 68.5% of children participating in Maryland's Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7B | Preschool Outcomes | Acquisition and use of knowledge and skills including early language/communication [and early literacy]) | 64.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 55.3% of children participating in Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7C | Preschool Outcomes | Use of appropriate behaviors to meet their needs. | 58.7% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 66.2% of children participating in Part B preschool were functioning within age expectations by the time they exited the program. |

Part B
FFY 2008 (SFY 2009)
Reporting Year 2008-2009
Indicators- At- Glance
05/17/2010

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|--|---|--------------------|
| 8A | Parent Involvement - Preschool | 35% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results. | Met – 69% |
| 8B | Parent Involvement - School Age | 30% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results | Met – 57% |
| 9 | Disproportional Representation (Racial & Ethnic) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups receiving special education and related services that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 10 | Disproportional Representation (Specific Disability) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups in specific disability categories that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 11 | Evaluation | 100% of children were evaluated and eligibility determined within 60 days of parental consent to evaluate. (Compliance) | Not Met – 92% |
| 12 | C to B transition | 100% of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.(Compliance) | Not Met – 97.28% |
| 13 | Transition Goals on IEP | 100% of youth with disabilities, aged 16 and above, have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.(Compliance) | Not Met – 96.3% |

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|----------------------|--|--------------------|
| 14 | Post School Outcomes | Within one year of leaving high school: <ul style="list-style-type: none"> • 44% percent of youth who had IEPs are competitively employed • 4% percent of youth who had IEPs are enrolled in some type of postsecondary school; and • 24% percent of youth who had IEPs are competitively employed and enrolled in some type of postsecondary school. | Not Reported |
| 15 | General Supervision | 100% of corrective actions identified through monitoring, complaints, due process hearings, mediations, etc. will be corrected within one year from the date of identification. (Compliance) | Not Met – 97.19% |
| 16 | State Complaints | 100% of all complaint investigations are completed within the required timelines. (Compliance) | Met – 100% |
| 17 | Due process | 100% of all due process hearings are completed within the required timelines. (Compliance) | Not Met – 93% |
| 18 | Resolutions | 64 – 75% of all resolution meetings conducted will result in a settlement agreement. | Met – 79% |
| 19 | Mediations | Maintain 75 – 85% rate of mediations that result in mediation agreements. | Met – 77% |
| 20 | State Reported Data | 100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates. (Compliance) | Not Met – 98.71% |

Baltimore City Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|---|---|
| Monitoring Priority: FAPE in the LRE | | |
| 1. Percent of youth with IEPs graduating from high school with a regular diploma. [Performance Indicator] | Baltimore City Public Schools' FFY 2008 data for this indicator is 39.39%. This is below the State's target of 85.50% by 46.11%. | Baltimore City Public Schools' data was below the State's target. The FFY 2008 data shows an increase from the previous year's graduation rate of 38.85% for students with disabilities. MSDE looks forward to Baltimore City Public Schools' FFY 2009 data demonstrating improvement. |
| 2. Percent of youth with IEPs dropping out of high school. [Performance Indicator] | Baltimore City Public Schools' FFY 2008 data for this indicator is 9.38%. This does not meet the State's target of 3.54% by 5.84%. | Baltimore City Public Schools' data did not meet the State's target. The FFY 2008 data shows a decrease from the previous year's dropout rate of 13.16% for students with disabilities. MSDE looks forward to Baltimore City Public Schools' FFY 2009 data demonstrating improvement. |
| 4. 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. [Compliance Indicator] | Baltimore City Public Schools' FFY 2008 ratio for multiple suspensions summing to greater than 10 days is 1.80 and for single event suspensions is 1.78 when compared to nondisabled peers. The State's target for both multiple and single event suspensions is 0.00 – 1.49. | Baltimore City Public Schools' data did not meet the State's target for multiple suspensions summing to greater than 10 days and single event suspensions. MSDE looks forward to Baltimore City Public Schools' FFY 2009 data meeting the State's target. |

Baltimore City Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis/Next Steps |
|---|--|--|
| <p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Performance Indicator]</p> | <p>A. Baltimore City Public Schools' FFY 2008 data for this indicator is 46.51%. This did not meet the State's target of 61.11% for FFY 2008 by 14.60%.</p> <p>B. Baltimore City Public Schools' FFY 2008 data for this indicator is 25.71%. This did not meet the State's target of 16.11% for FFY 2008 by 9.60%.</p> <p>C. Baltimore City Public Schools' FFY 2008 data for this indicator is 10.39%. This did not meet the State's target of 6.92% for FFY 2008 by 3.47%.</p> | <p>Baltimore City Public Schools' data was below the State's target for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to Baltimore City Public Schools' FFY 2009 data demonstrating improvement.</p> |
| <p>Monitoring Priority: Disproportionality</p> <p>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.</p> <p>[Compliance Indicator]</p> | <p>Baltimore City Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Baltimore City Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Baltimore City Public Schools' FFY 2009 data demonstrating continued compliance.</p> |

Baltimore City Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|--|--|
| 10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. [Compliance Indicator] | Baltimore City Public Schools' FFY 2008 data for this indicator is 0%. | Baltimore City Public Schools' data met the State's target for this compliance indicator. MSDE looks forward to Baltimore City Public Schools' FFY 2009 data demonstrating continued compliance. |
| Monitoring Priority: Effective General Supervision | | |
| 11. Percent of children who are evaluated within 60 days of receiving parental consent for initial evaluation or, if the State established a timeframe within which the evaluation must be conducted, within that timeframe. [Compliance Indicator] | Baltimore City Public Schools' FFY 2008 data for this indicator is 95.29%. The State's target is 100%. | Baltimore City Public Schools' data did not meet the State's target of 100% for this compliance indicator, but was substantially compliant (95-99.9%). MSDE looks forward to Baltimore City Public Schools' FFY 2009 data demonstrating 100% compliance |
| 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. [Compliance Indicator] | Baltimore City Public Schools' FFY 2008 data for this indicator is 93.73%. The State's target is 100%. | Baltimore City Public Schools' data did not meet the State's target of 100% for this compliance indicator. MSDE looks forward to Baltimore City Public Schools' FFY 2009 data demonstrating 100% compliance. |

Baltimore City Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|---|--|---|
| <p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.</p> <p>[Compliance Indicator]</p> | <p>Baltimore City Public Schools' FFY 2008 data for this indicator is 85.4%. The State's target is 100%.</p> | <p>Baltimore City Public Schools' data did not meet the State's target of 100% for this compliance indicator.</p> <p>MSDE looks forward to Baltimore City Public Schools' FFY 2009 data demonstrating 100% compliance.</p> |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Baltimore City Public Schools had seven corrective action plans due in FFY 2008.</p> | <p>Baltimore City Public Schools had seven findings of noncompliance identified by MSDE that were due for correction in FFY 2008. Two findings were corrected within timelines and five were not corrected within timelines.</p> <p>MSDE expects all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p> |
| <p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p> | <p>Baltimore City Public Schools submitted required 618 data in a timely and accurate manner.</p> | <p>Baltimore City Public Schools' data met the State's target for the timely and accurate submission of required 618 data and other data required by the State for FFY 2008.</p> <p>MSDE expects Baltimore City Public Schools' submission of required data to be timely and accurate.</p> |




Nancy S. Grasmick
State Superintendent of Schools

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

May 18, 2010

Dr. Joe A. Hairston
Superintendent
Baltimore County Public Schools
6901 North Charles Street
Towson, MD 21204

Dear Dr.  Hairston:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through review of the APR and other data sources, OSEP evaluates each state's performance on these indicators, and assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Federal Fiscal Year (FFY) 2008 [State Fiscal Year (SFY) 2009 (2008-2009 School Year)] Part B in early June 2010. In accordance with 34 CFR §300.606, if OSEP identifies MSDE as Needs Assistance, Needs Intervention, or Needs Substantial Intervention, MSDE is required to notify local school systems, public agencies, the media, and the public of this action.

Pursuant to 20 U.S.C. §1416(a)(1)(C)(i) and 34 C.F.R. §300.600, MSDE is also required to make determinations annually on the performance of each local school system in the State using the categories in 34 C.F.R. §300.603(b)(1), use appropriate enforcement mechanisms, consistent with 34 C.F.R. §300.604, which must include, if applicable, the enforcement mechanisms identified in §300.604(a)(1) (technical assistance), (a)(3) (conditions on funding of a local school system), (b)(2)(i) (a corrective action plan or improvement plan), (b)(2)(v) (withholding funds, in whole or in part, by MSDE), and (c)(2) (withholding funds, in whole or in part, by MSDE). In accordance with 20 U.S.C. §1416(e) and 34 C.F.R. §300.603(b)(1), MSDE also must use one of the following four categories to assign a determination to each local school system: Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each local public agency's performance in meeting the State's targets for FFY 2008. Attached is a document entitled, "Part C and Part B Public Agency Determination," that lists the Part B indicators considered in making determinations. MSDE carefully considered all aspects of this process. Based on FFY 2008 data, as well as information obtained through monitoring and complaint investigations, the Baltimore County Public Schools (BCPS) has been determined to be **Needs Assistance, Year Four**.

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To be in the category of Meets Requirements, the BCPS must have met or exceeded the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) or were not significantly below the target on LRE Indicators (5a, 5b, or 5c). In addition, the BCPS must have demonstrated compliance (100%) or substantial compliance (95-99.9%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), and had no corrective actions or had completed corrective actions within one year (15).

Attached to this letter are copies of the following documents:

- Part B Local Determination Table; and
- Part B Local Determination Framework for Technical Assistance and Intervention.

The "Part B Local Determination Table" provides an analysis of the BCPS' data. The "Part B Local Determination Framework for Technical Assistance and Intervention" provides additional information relative to technical assistance and support available to your local school system.

The MSDE FFY 2005, FFY 2006, and FFY 2007 determinations for BCPS were also Needs Assistance. In accordance with 20 U.S.C. §1416(e) and 34 C. F. R. §§300.600 and 300.604, if a local school system is determined to be in need of assistance for two consecutive years, MSDE must take one or more of the following actions: 1) Advise the local school system of available sources of technical assistance that may help the local school system address the areas in which the local school system needs assistance; 2) Direct the use of federal funds to the area or area(s) the local school system needs assistance; or 3) Identify the local school system as a high-risk grantee and impose special conditions on the local school system's IDEA Part B grant award.

Pursuant to these requirements, and to assist all local school systems to meet or maintain the determination status of Meets Requirements, the MSDE provides and recommends technical assistance. Each local school system has a responsibility to access the Technical Assistance and Determination Network at <http://spp-apr-calendar.rrfcnetwork.org> and other sources of technical assistance to improve performance and/or correct noncompliance. You will be directed to a list of indicators. Select a specific indicator for a list of centers, documents, web seminars, and other sources of relevant technical assistance.

Those local school systems that were below the State's target on any indicator are required to access sources of technical assistance and inform the MSDE of the type, amount, and frequency of assistance needed to address specific needs. Attached is a list of Division personnel, with contact information for monitoring specialists and each SPP indicator. The specific indicators most critical to improving results for BCPS are: Indicator 4 (Suspension / Expulsion), Indicator 11 (Initial Evaluation Timeline), Indicator 1 (Graduation), Indicator 2 (Drop Out), and Indicator 5 (Least Restrictive Environment).

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As you know, the State must report annually to the public on the performance of each local school system on the targets in the SPP under IDEA. The public may access the MSDE IDEA performance report at <http://mdideareport.org>. The requirement for public reporting on local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. MSDE will continue to provide technical assistance opportunities as you work to improve performance under Part B of the IDEA.

If you have any comments on our past technical assistance efforts or the need for guidance, we would appreciate your feedback as we work to develop further mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the BCPS to improve results for students with disabilities. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



Carol Ann Heath, Ed.D.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

CAH/DRR/ALP:gh

Attachments

c: Nancy S. Grasmick
Patricia Lawton
Branch/Section Chiefs

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2008 (reporting period July 1, 2008 – June 30, 2009)

| | | Meets Target or Substantial Compliance Zero Points | | Below Target One Point | | Significantly Below The Target Two Points | |
|--|--|--|----------------------------------|---------------------------|---|---|-------------------------------------|
| Section 1 & 2: | Compliance Indicators | 4 | 0.00 – 1.49 | 4 | 1.50 – 1.99 | 4 | ≥ 2.00 |
| | | 9 | Yes/0.0% | 9 | NA | 9 | No |
| | | 10 | Yes/0.0% | 10 | NA | 10 | No |
| | | 11 | 95 - 100% | 11 | 85.0 - 94.9% | 11 | < 85.0% |
| | | 12 | 95 - 100% | 12 | 85.0 - 94.9% | 12 | < 85.0% |
| | | 13 | 95 - 100% | 13 | 85.0 - 94.9% | 13 | < 85.0% |
| | Performance Indicators | 1 | ≥ 85.50% | 1 | 85.49 – 77.26% | 1 | ≤ 77.25% |
| | | 2 | ≤ 3.54% | 2 | 3.55 – 6.73% | 2 | ≥ 6.74% |
| | | 3a | AYP met R/M all bands | 3a | AYP not met R/M on all bands | 3a | NA |
| | | 3b | ≥ 95% in R and M | 3b | < 95% in R and M | 3b | NA |
| | | 3cR | All grade targets are met | 3cR | Below target one or more grades | 3cR | NA |
| | | 3cM | All grade targets are met | 3cM | Below target one or more grades | 3cM | NA |
| | | 5a | ≥ 61.11% | 5a | 61.10 – 57.10% | 5a | ≤ 57.09% |
| | | 5b | ≤ 16.11% | 5b | 16.12 - 20.12% | 5b | ≥ 20.13% |
| 5c | ≤ 6.92% | 5c | 6.93 – 7.92% | 5c | ≥ 7.93% | | |
| Section 3: Correction of Noncompliance | 15 | <u>All</u> findings corrected within 12 months. or No corrective actions. | 15 | | 15 | <u>Each</u> finding not corrected within 12 months. Applies to findings identified 7/1/06 - 6/30/07 with correction by 6/30/08. | |
| | Section 4: Data Are Timely and Accurate | 20 | Data are timely and accurate. | 20 | Data are timely but not accurate or Data are accurate but not timely. | 20 | Data are not timely or accurate. |

Indicator targets are identified in the MSDE's State Performance Plan (SPP).
Results are reported annually in the Annual Performance Report (APR).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial¹ compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

¹ Full compliance means a local school system or public agency provided data showing 100% for the identified indicators. Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (95% or better).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2008 (SFY 2009 – Reporting Period July 1, 2008 – June 30, 2009)

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2009.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

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

In addition, States could also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org>, no later than May 27, 2010. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting
- 4a. Family Outcomes – Know Their Rights
- 4b. Family Outcomes – Effectively Communicate Their Children's Needs
- 4c. Family Outcomes – Help Their Children Develop and Learn
5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline
- 8a. Transition (Transition Outcomes)
- 8b. Transition (Notification to LEA)
- 8c. Transition (Timely Planning Meeting)
9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to Part B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes, but is not limited to, teleconference calls, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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

- (1) Take any of the actions described in 34 CFR §300.604(a);
- (2) Take one or more of the following actions:
 - (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
 - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.*

- (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
- (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
 - (iv) Seeks to recover funds under section 452 of GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

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

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

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

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|-------------------------------------|---|--|
| 1 | Graduation | 85.50% of youth with IEPs will graduate with a regular diploma. | Not Met – 67.23% |
| 2 | Dropout | The dropout rate of students with IEPs will be 3.00% or less. | Not Met – 4.31% |
| 3A | Student Achievement - AYP | 50% of the State's local school systems will meet AYP for the subgroup of students with disabilities. | Not Met – 20% (5 of 25 LSS) |
| 3B | Student Achievement - Participation | 95% of students with disabilities will participate in the Statewide assessment system. | Met – 99.03% for Math; and 99.18% for Reading. |
| 3C | Student Achievement - Proficiency | Meet the State designated AMOs for mathematics and reading at each assessed grade. | Not Met for Math or Reading |
| 4 | Suspension and Expulsion | ≤ four (4) or 16.67% of LSS will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for students with disabilities compared with nondisabled peers. | Met – 12.5% (3 of 24 LSS) |
| 5A | LRE 21% | ≥61.11% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day. | Met – 63.99% |
| 5B | LRE 60% | ≤ 16.11% of students with disabilities, ages 6-21, are served inside the regular class less than 40% of the day; | Met – 15.10% |
| 5C | LRE - Separate Schools | ≤ 6.92% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements. | Not Met – 7.59% |

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met | |
|-----------|--------------------|--|--|--|
| 6 | Preschool LRE | | Not Reported | |
| 7A | Preschool Outcomes | Positive social-emotional skills (including social relationships) | 64.3% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited. | 68.5% of children participating in Maryland's Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7B | Preschool Outcomes | Acquisition and use of knowledge and skills including early language/communication [and early literacy]) | 64.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 55.3% of children participating in Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7C | Preschool Outcomes | Use of appropriate behaviors to meet their needs. | 58.7% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 66.2% of children participating in Part B preschool were functioning within age expectations by the time they exited the program. |

Part B
FFY 2008 (SFY 2009)
Reporting Year 2008-2009
Indicators- At- Glance
05/17/2010

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met |
|-----------|--|---|------------------|
| 8A | Parent Involvement - Preschool | 35% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results. | Met – 69% |
| 8B | Parent Involvement - School Age | 30% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results | Met – 57% |
| 9 | Disproportional Representation (Racial & Ethnic) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups receiving special education and related services that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 10 | Disproportional Representation (Specific Disability) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups in specific disability categories that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 11 | Evaluation | 100% of children were evaluated and eligibility determined within 60 days of parental consent to evaluate. (Compliance) | Not Met – 92% |
| 12 | C to B transition | 100% of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.(Compliance) | Not Met – 97.28% |
| 13 | Transition Goals on IEP | 100% of youth with disabilities, aged 16 and above, have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.(Compliance) | Not Met – 96.3% |

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|----------------------|--|--------------------|
| 14 | Post School Outcomes | Within one year of leaving high school: <ul style="list-style-type: none"> • 44% percent of youth who had IEPs are competitively employed • 4% percent of youth who had IEPs are enrolled in some type of postsecondary school; and • 24% percent of youth who had IEPs are competitively employed and enrolled in some type of postsecondary school. | Not Reported |
| 15 | General Supervision | 100% of corrective actions identified through monitoring, complaints, due process hearings, mediations, etc. will be corrected within one year from the date of identification. (Compliance) | Not Met – 97.19% |
| 16 | State Complaints | 100% of all complaint investigations are completed within the required timelines. (Compliance) | Met – 100% |
| 17 | Due process | 100% of all due process hearings are completed within the required timelines. (Compliance) | Not Met – 93% |
| 18 | Resolutions | 64 – 75% of all resolution meetings conducted will result in a settlement agreement. | Met – 79% |
| 19 | Mediations | Maintain 75 – 85% rate of mediations that result in mediation agreements. | Met – 77% |
| 20 | State Reported Data | 100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates. (Compliance) | Not Met – 98.71% |

**Baltimore County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009**

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|---|--|
| Monitoring Priority: FAPE in the LRE | | |
| 1. Percent of youth with IEPs graduating from high school with a regular diploma. [Performance Indicator] | Baltimore County Public Schools' FFY 2008 data for this indicator is 68.79%. This is below the State's target of 85.50% by 16.71%. | Baltimore County Public Schools' data was below the State's target. The FFY 2008 data shows a decrease from the previous year's graduation rate of 74.11% for students with disabilities. MSDE looks forward to Baltimore County Public Schools' FFY 2009 data demonstrating improvement. |
| 2. Percent of youth with IEPs dropping out of high school. [Performance Indicator] | Baltimore County Public Schools' FFY 2008 data for this indicator is 6.43%. This does not meet the State's target of 3.54% by 2.89%. | Baltimore County Public Schools' data did not meet the State's target. The FFY 2008 data shows a decrease from the previous year's dropout rate of 8.05% for students with disabilities. MSDE looks forward to Baltimore County Public Schools' FFY 2009 data demonstrating improvement. |
| 4. 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. [Compliance Indicator] | Baltimore County Public Schools' FFY 2008 ratio for multiple suspensions summing to greater than 10 days is 1.78 and for single event suspensions is 2.08 when compared to nondisabled peers. The State's target for both multiple and single event suspensions is 0.00 – 1.49. | Baltimore County Public Schools' data did not meet the State's target for multiple suspensions summing to greater than 10 days and single event suspensions. MSDE looks forward to Baltimore County Public Schools' FFY 2009 data meeting the State's target. |

**Baltimore County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009**

| Monitoring Priorities and Indicators | Status | MSDE Analysis/Next Steps |
|--|---|--|
| <p>5. . Percent of children with IEPs aged 6 through 21:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements. [Performance Indicator]</p> | <p>A. Baltimore County Public Schools' FFY 2008 data for this indicator is 63.44%. This exceeds the State's target of 61.11% for FFY 2008 by 2.33%.</p> <p>B. Baltimore County Public Schools' FFY 2008 data for this indicator is 14.32%. This exceeds the State's target of 16.11% for FFY 2008 by 1.79%.</p> <p>C. Baltimore County Public Schools' FFY 2008 data for this indicator is 8.21%. This does not meet the State's target of 6.92% for FFY 2008 by 1.29%.</p> | <p>Baltimore County Public Schools' data exceeded the State's target for Indicator 5A and 5B. 5C did not meet the State's target.</p> <p>MSDE looks forward to Baltimore County Public Schools' FFY 2009 data demonstrating improvement.</p> |
| Monitoring Priority: Disproportionality | | |
| <p>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. [Compliance Indicator]</p> | <p>Baltimore County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Baltimore County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Baltimore County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |

**Baltimore County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009**

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|--|---|
| 10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. [Compliance Indicator] | Baltimore County Public Schools' FFY 2008 data for this indicator is 0%. | Baltimore County Public Schools' data met the State's target for this compliance indicator. MSDE looks forward to Baltimore County Public Schools' FFY 2009 data demonstrating continued compliance. |
| Monitoring Priority: Effective General Supervision | | |
| 11. Percent of children who are evaluated within 60 days of receiving parental consent for initial evaluation or, if the State established a timeframe within which the evaluation must be conducted, within that timeframe. [Compliance Indicator] | Baltimore County Public Schools' FFY 2008 data for this indicator is 90.53%. The State's target is 100%. | Baltimore County Public Schools' data did not meet the State's target of 100% for this compliance indicator. MSDE looks forward to Baltimore County Public Schools FFY 2009 data demonstrating 100% compliance. |
| 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. [Compliance Indicator] | Baltimore County Public Schools' FFY 2008 data for this indicator is 98.88%. The State's target is 100%. | Baltimore County Public Schools' data did not meet the State's target of 100% for this compliance indicator, but was substantially compliant (95-99.9%). MSDE looks forward to Baltimore County Public Schools' FFY 2009 data demonstrating 100% compliance. |

**Baltimore County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009**

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|---|--|
| <p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals. [Compliance Indicator]</p> | <p>Baltimore County Public Schools' FFY 2008 data for this indicator is 100%. The State's target is 100%.</p> | <p>Baltimore County Public Schools' data met the State's target of 100% for this compliance indicator. MSDE looks forward to Baltimore County Public Schools' FFY 2009 data maintaining 100% compliance.</p> |
| <p>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. [Compliance Indicator]</p> | <p>Baltimore County Public Schools had four corrective actions due in FFY 2008.</p> | <p>Baltimore County Public Schools had four findings of noncompliance identified by MSDE that were due for correction in FFY 2008. The findings were corrected within timelines. MSDE expects all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p> |
| <p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]</p> | <p>Baltimore County Public Schools submitted required 618 data in a timely and accurate manner.</p> | <p>Baltimore County Public Schools' data met the State's target for the timely and accurate submission of required 618 data and other data required by the State for FFY 2008. MSDE expects Baltimore County Public Schools' submission of required data to be timely and accurate.</p> |



Nancy S. Grasmick
State Superintendent of Schools

May 18, 2010

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

Dr. Jack R. Smith
Superintendent
Calvert County Public Schools
1305 Dares Beach Road
Prince Frederick, MD 20678

Dear Dr. Smith:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through review of the APR and other data sources, OSEP evaluates each state's performance on these indicators, and assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Federal Fiscal Year (FFY) 2008 [State Fiscal Year (SFY) 2009 (2008-2009 School Year)] Part B in early June 2010. In accordance with 34 CFR §300.606, if OSEP identifies MSDE as Needs Assistance, Needs Intervention, or Needs Substantial Intervention, MSDE is required to notify local school systems, public agencies, the media, and the public of this action.

Pursuant to 20 U.S.C. §1416(a)(1)(C)(i) and 34 C.F.R. §300.600, MSDE is also required to make determinations annually on the performance of each local school system in the State using the categories in 34 C.F.R. §300.603(b)(1), use appropriate enforcement mechanisms, consistent with 34 C.F.R. §300.604, which must include, if applicable, the enforcement mechanisms identified in §300.604(a)(1) (technical assistance), (a)(3)(conditions on funding of a local school system), (b)(2)(i) (a corrective action plan or improvement plan), (b)(2)(v) (withholding funds, in whole or in part, by MSDE), and (c)(2) (withholding funds, in whole or in part, by MSDE). In accordance with 20 U.S.C. §1416(e) and 34 C.F.R. §300.603(b)(1), MSDE also must use one of the following four categories to assign a determination to each local school system: Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each local public agency's performance in meeting the State's targets for FFY 2008. Attached is a document entitled, "Part C and Part B Public Agency Determination," that lists the Part B indicators considered in making determinations. MSDE carefully considered all aspects of this process. Based on FFY 2008 data, as well as information obtained through monitoring and complaint investigations, the Calvert County Public Schools (CCPS) has been determined to be **Needs Assistance, Year Two**.

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To be in the category of Meets Requirements, the CCPS must have met or exceeded the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) or were not significantly below the target on LRE Indicators (5a, 5b, or 5c). In addition, the Calvert County Public Schools must have demonstrated compliance (100%) or substantial compliance (95-99.9%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), and had no corrective actions or had completed corrective actions within one year (15).

Attached to this letter are copies of the following documents:

- Part B Local Determination Table; and
- Part B Local Determination Framework for Technical Assistance and Intervention.

The "Part B Local Determination Table" provides an analysis of the CCPS' data. The "Part B Local Determination Framework for Technical Assistance and Intervention" provides additional information relative to technical assistance and support available to your local school system.

The MSDE FFY 2005 determination for CCPS was Needs Assistance, the FFY 2006 determination was Needs Intervention and FFY 2007's determination was again Needs Assistance. In accordance with 20 U.S.C. §1416(e) and 34 C. F. R. §§300.600 and 300.604, if a local school system is determined to be in need of assistance for two consecutive years, MSDE must take one or more of the following actions: 1) Advise the local school system of available sources of technical assistance that may help the local school system address the areas in which the local school system needs assistance; 2) Direct the use of federal funds to the area or area(s) the local school system needs assistance; or 3) Identify the local school system as a high-risk grantee and impose special conditions on the local school system's IDEA Part B grant award.

Pursuant to these requirements, and to assist all local school systems to meet or maintain the determination status of Meets Requirements, the MSDE provides and recommends technical assistance. Each local school system has a responsibility to access the Technical Assistance and Determination Network at <http://spp-apr-calendar.rrfcnetwork.org> and other sources of technical assistance to improve performance and/or correct noncompliance. You will be directed to a list of indicators. Select a specific indicator for a list of centers, documents, web seminars, and other sources of relevant technical assistance.

Those local school systems that were below the State's target on any indicator are required to access sources of technical assistance and inform the MSDE of the type, amount, and frequency of assistance needed to address specific needs. Attached is a list of Division personnel, with contact information for monitoring specialists and each SPP indicator. The specific indicators most critical to improving results for CCPS are: Indicator 4 (Suspension / Expulsion), Indicator 13 (Early Childhood Transition), Indicator 1 (Graduation), Indicator 2 (Drop Out), and Indicator 5 (Least Restrictive Environment).

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As you know, the State must report annually to the public on the performance of each local school system on the targets in the SPP under IDEA. The public may access the MSDE IDEA performance report at <http://mdideareport.org>. The requirement for public reporting on local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. MSDE will continue to provide technical assistance opportunities as you work to improve performance under Part B of the IDEA.

If you have any comments on our past technical assistance efforts or the need for guidance, we would appreciate your feedback as we work to develop further mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the CCPS to improve results for students with disabilities. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



Carol Ann Heath, Ed.D.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

CAH/DRR/ALP

Attachments

c: Nancy S. Grasmick
Annette Lagana
Branch/Section Chiefs

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2008 (reporting period July 1, 2008 – June 30, 2009)

| | | Meets Target or Substantial Compliance Zero Points | | Below Target One Point | | Significantly Below The Target Two Points | |
|--|---------------------------|--|--|---------------------------|----------------------------------|---|---|
| Section 1 & 2: | Compliance Indicators | 4 | 0.00 – 1.49 | 4 | 1.50 – 1.99 | 4 | ≥ 2.00 |
| | | 9 | Yes/0.0% | 9 | NA | 9 | No |
| | | 10 | Yes/0.0% | 10 | NA | 10 | No |
| | | 11 | 95 - 100% | 11 | 85.0 - 94.9% | 11 | < 85.0% |
| | | 12 | 95 - 100% | 12 | 85.0 - 94.9% | 12 | < 85.0% |
| | | 13 | 95 - 100% | 13 | 85.0 - 94.9% | 13 | < 85.0% |
| | Performance Indicators | 1 | ≥ 85.50% | 1 | 85.49 – 77.26% | 1 | ≤ 77.25% |
| | | 2 | ≤ 3.54% | 2 | 3.55 – 6.73% | 2 | ≥ 6.74% |
| | | 3a | AYP met R/M all bands | 3a | AYP not met R/M on all bands | 3a | NA |
| | | 3b | ≥ 95% in R and M | 3b | < 95% in R and M | 3b | NA |
| | | 3cR | All grade targets are met | 3cR | Below target one or more grades | 3cR | NA |
| | | 3cM | All grade targets are met | 3cM | Below target one or more grades | 3cM | NA |
| | | 5a | ≥ 61.11% | 5a | 61.10 – 57.10% | 5a | ≤ 57.09% |
| | | 5b | ≤ 16.11% | 5b | 16.12 - 20.12% | 5b | ≥ 20.13% |
| | | 5c | ≤ 6.92% | 5c | 6.93 – 7.92% | 5c | ≥ 7.93% |
| Section 3: Correction of Noncompliance | | 15 | <u>All</u> findings corrected within 12 months. or No corrective actions. | 15 | | 15 | <u>Each</u> finding not corrected within 12 months. Applies to findings identified 7/1/06 - 6/30/07 with correction by 6/30/08. |
| | | Section 4: Data Are Timely and Accurate | | 20 | Data are timely and accurate. | 20 | Data are timely but not accurate or Data are accurate but not timely. |

Indicator targets are identified in the MSDE's State Performance Plan (SPP).
Results are reported annually in the Annual Performance Report (APR).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial¹ compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

¹ Full compliance means a local school system or public agency provided data showing 100% for the identified indicators. Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (95% or better).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2008 (SFY 2009 – Reporting Period July 1, 2008 – June 30, 2009)

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2009.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

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

In addition, States could also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org>, no later than May 27, 2010. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting
- 4a. Family Outcomes – Know Their Rights
- 4b. Family Outcomes – Effectively Communicate Their Children's Needs
- 4c. Family Outcomes – Help Their Children Develop and Learn
5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline
- 8a. Transition (Transition Outcomes)
- 8b. Transition (Notification to LEA)
- 8c. Transition (Timely Planning Meeting)
9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to Part B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes, but is not limited to, teleconference calls, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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

- (1) Take any of the actions described in 34 CFR §300.604(a);
- (2) Take one or more of the following actions:
 - (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
 - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.*

- (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
- (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
 - (iv) Seeks to recover funds under section 452 of GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

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

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

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

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|-------------------------------------|---|--|
| 1 | Graduation | 85.50% of youth with IEPs will graduate with a regular diploma. | Not Met – 67.23% |
| 2 | Dropout | The dropout rate of students with IEPs will be 3.00% or less. | Not Met – 4.31% |
| 3A | Student Achievement - AYP | 50% of the State's local school systems will meet AYP for the subgroup of students with disabilities. | Not Met – 20% (5 of 25 LSS) |
| 3B | Student Achievement - Participation | 95% of students with disabilities will participate in the Statewide assessment system. | Met – 99.03% for Math; and 99.18% for Reading. |
| 3C | Student Achievement - Proficiency | Meet the State designated AMOs for mathematics and reading at each assessed grade. | Not Met for Math or Reading |
| 4 | Suspension and Expulsion | ≤ four (4) or 16.67% of LSS will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for students with disabilities compared with nondisabled peers. | Met – 12.5% (3 of 24 LSS) |
| 5A | LRE 21% | ≥61.11% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day. | Met – 63.99% |
| 5B | LRE 60% | ≤ 16.11% of students with disabilities, ages 6-21, are served inside the regular class less than 40% of the day; | Met – 15.10% |
| 5C | LRE - Separate Schools | ≤ 6.92% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements. | Not Met – 7.59% |

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)

Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met | |
|-----------|--------------------|---|--|--|
| 6 | Preschool LRE | | Not Reported | |
| 7A | Preschool Outcomes | Positive social-emotional skills (including social relationships) | 64.3% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited. | 68.5% of children participating in Maryland's Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7B | Preschool Outcomes | Acquisition and use of knowledge and skills including early language/communication [and early literacy] | 64.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 55.3% of children participating in Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7C | Preschool Outcomes | Use of appropriate behaviors to meet their needs. | 58.7% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 66.2% of children participating in Part B preschool were functioning within age expectations by the time they exited the program. |

Part B
 FFY 2008 (SFY 2009)
 Reporting Year 2008-2009
 Indicators- At- Glance
 05/17/2010

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|--|---|--------------------|
| 8A | Parent Involvement - Preschool | 35% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results. | Met – 69% |
| 8B | Parent Involvement - School Age | 30% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results | Met – 57% |
| 9 | Disproportional Representation (Racial & Ethnic) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups receiving special education and related services that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 10 | Disproportional Representation (Specific Disability) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups in specific disability categories that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 11 | Evaluation | 100% of children were evaluated and eligibility determined within 60 days of parental consent to evaluate. (Compliance) | Not Met – 92% |
| 12 | C to B transition | 100% of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.(Compliance) | Not Met – 97.28% |
| 13 | Transition Goals on IEP | 100% of youth with disabilities, aged 16 and above, have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.(Compliance) | Not Met – 96.3% |

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|----------------------|--|--------------------|
| 14 | Post School Outcomes | Within one year of leaving high school: <ul style="list-style-type: none"> • 44% percent of youth who had IEPs are competitively employed • 4% percent of youth who had IEPs are enrolled in some type of postsecondary school; and • 24% percent of youth who had IEPs are competitively employed and enrolled in some type of postsecondary school. | Not Reported |
| 15 | General Supervision | 100% of corrective actions identified through monitoring, complaints, due process hearings, mediations, etc. will be corrected within one year from the date of identification. (Compliance) | Not Met – 97.19% |
| 16 | State Complaints | 100% of all complaint investigations are completed within the required timelines. (Compliance) | Met – 100% |
| 17 | Due process | 100% of all due process hearings are completed within the required timelines. (Compliance) | Not Met – 93% |
| 18 | Resolutions | 64 – 75% of all resolution meetings conducted will result in a settlement agreement. | Met – 79% |
| 19 | Mediations | Maintain 75 – 85% rate of mediations that result in mediation agreements. | Met – 77% |
| 20 | State Reported Data | 100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.(Compliance) | Not Met – 98.71% |

Calvert County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|---|--|
| Monitoring Priority: FAPE in the LRE | | |
| 1. Percent of youth with IEPs graduating from high school with a regular diploma. [Performance Indicator] | Calvert County Public Schools' FFY 2008 data for this indicator is 56.34%. This is below the State's target of 85.50% by 29.16%. | Calvert County Public Schools' data was below the State's target. The FFY 2008 data shows a decrease from the previous year's graduation rate of 81.55% for students with disabilities. MSDE looks forward to Calvert County Public Schools' FFY 2009 data demonstrating improvement. |
| 2. Percent of youth with IEPs dropping out of high school. [Performance Indicator] | Calvert County Public Schools' FFY 2008 data for this indicator is 4.78%. This does not meet the State's target of 3.54% by 1.24%. | Calvert County Public Schools' data did not meet the State's target. The FFY 2008 data shows a decrease from the previous year's dropout rate of 6.63% for students with disabilities. MSDE looks forward to Calvert County Public Schools' FFY 2009 data demonstrating improvement. |
| 4. 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. [Compliance Indicator] | Calvert County Public Schools' FFY 2008 ratio for multiple suspensions summing to greater than 10 days is 2.06 and for single event suspensions is 0.00 when compared to nondisabled peers. The State's target for both multiple and single event suspensions is 0.00 – 1.49. | Calvert County Public Schools' data did not meet the State's target for multiple suspensions summing to greater than 10 days and met the State's target for single event suspensions. MSDE looks forward to Calvert County Public Schools' FFY 2009 data meeting the State's target. |

Calvert County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis/Next Steps |
|---|--|--|
| <p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Performance Indicator]</p> | <p>A. Calvert County Public Schools' FFY 2008 data for this indicator is 53.40%. This does not meet the State's target of 61.11% for FFY 2008 by 7.71%.</p> <p>B. Calvert County Public Schools' FFY 2008 data for this indicator is 8.30%. This exceeds the State's target of 16.11% for FFY 2008 by 7.81%.</p> <p>C. Calvert County Public Schools' FFY 2008 data for this indicator is 6.35 %. This exceeds the State's target of 6.92% for FFY 2008 by 0.57 %.</p> | <p>Calvert County Public Schools' data exceeded the State's targets for Indicators 5B and 5C and was below the State's target for indicator 5A.</p> <p>MSDE looks forward to Calvert County Public Schools' FFY 2009 data demonstrating improvement.</p> |
| Monitoring Priority: Disproportionality | | |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Calvert County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Calvert County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Calvert County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |

Calvert County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|---|---|--|
| <p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p> | <p>Calvert County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Calvert County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Calvert County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |
| Monitoring Priority: Effective General Supervision | | |
| <p>11. Percent of children who are evaluated within 60 days of receiving parental consent for initial evaluation or, if the State established a timeframe within which the evaluation must be conducted, within that timeframe.</p> <p>[Compliance Indicator]</p> | <p>Calvert County Public Schools' FFY 2008 data for this indicator is 97.95%. The State's target is 100%.</p> | <p>Calvert County Public Schools' data did not meet the State's target of 100% for this compliance indicator, but was substantially compliant (95-99.9%).</p> <p>MSDE looks forward to Calvert County Public Schools' FFY 2009 data demonstrating 100% compliance.</p> |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Calvert County Public Schools' FFY 2008 data for this indicator is 98.04%. The State's target is 100%.</p> | <p>Calvert County Public Schools' data did not meet the State's target of 100% for this compliance indicator, but was substantially compliant (95-99.9%).</p> <p>MSDE looks forward to Calvert County Public Schools' FFY 2009 data demonstrating 100% compliance.</p> |

Calvert County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|---|--|---|
| <p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals. [Compliance Indicator]</p> | <p>Calvert County Public Schools' FFY 2008 data for this indicator is 91.9%. The State's target is 100%.</p> | <p>Calvert County Public Schools' data did not meet the State's target of 100% for this compliance indicator. MSDE looks forward to Calvert County Public Schools FFY 2009 data demonstrating improvement.</p> |
| <p>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. [Compliance Indicator]</p> | <p>Calvert County Public Schools had four corrective actions due in FFY 2008.</p> | <p>Calvert County Public Schools had four findings of noncompliance identified by MSDE that were due for correction in FFY 2008. All four were corrected within timelines. MSDE expects all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p> |
| <p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]</p> | <p>Calvert County Public Schools submitted required 618 data in a timely and accurate manner.</p> | <p>Calvert County Public Schools' data met the State's target for the timely and accurate submission of required 618 data and other data required by the State for FFY 2008. MSDE expects Calvert County Public Schools' submission of required data to be timely and accurate.</p> |



Nancy S. Grasmick
State Superintendent of Schools

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

May 18, 2010

Dr. Edward W. Shirley
Superintendent
Caroline County Public Schools
204 Franklin Street
Denton, MD 21629

Dear Dr. Shirley:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through review of the APR and other data sources, OSEP evaluates each state's performance on these indicators, and assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Federal Fiscal Year (FFY) 2008 [State Fiscal Year (SFY) 2009 (2008-2009 School Year)] Part B in early June 2010. In accordance with 34 CFR §300.606, if OSEP identifies MSDE as Needs Assistance, Needs Intervention, or Needs Substantial Intervention, MSDE is required to notify local school systems, public agencies, the media, and the public of this action.

Pursuant to 20 U.S.C. §1416(a)(1)(C)(i) and 34 C.F.R. §300.600, MSDE is also required to make determinations annually on the performance of each local school system in the State using the categories in 34 C.F.R. §300.603(b)(1), use appropriate enforcement mechanisms, consistent with 34 C.F.R. §300.604, which must include, if applicable, the enforcement mechanisms identified in §300.604(a)(1) (technical assistance), (a)(3) (conditions on funding of a local school system), (b)(2)(i) (a corrective action plan or improvement plan), (b)(2)(v) (withholding funds, in whole or in part, by MSDE), and (c)(2) (withholding funds, in whole or in part, by MSDE). In accordance with 20 U.S.C. §1416(e) and 34 C.F.R. §300.603(b)(1), MSDE also must use one of the following four categories to assign a determination to each local school system: Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each local public agency's performance in meeting the State's targets for FFY 2008. Attached is a document entitled, "Part C and Part B Public Agency Determination," that lists the Part B indicators considered in making determinations. MSDE carefully considered all aspects of this process. Based on FFY 2008 data, as well as information obtained through monitoring and complaint investigations, the Caroline County Public Schools (CCPS) has been determined to be **Meets Requirements**.

Dr. Edward W. Shirley
May 18, 2010
Page Two

To be in the category of Meets Requirements, the CCPS must have met or exceeded the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) or were not significantly below the target on LRE Indicators (5a, 5b, or 5c). In addition, the CCPS must have demonstrated compliance (100%) or substantial compliance (95-99.9%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), and had no corrective actions or had completed corrective actions within one year (15).

Attached to this letter are copies of the following documents:

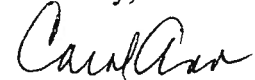
- Part B Local Determination Table; and
- Part B Local Determination Framework for Technical Assistance and Intervention.

The "Part B Local Determination Table" provides an analysis of the CCPS' data. The "Part B Local Determination Framework for Technical Assistance and Intervention" provides additional information relative to technical assistance and support available to your local school system.

As you know, the State must report annually to the public on the performance of each local school system on the targets in the SPP under IDEA. The public may access the MSDE IDEA performance report at <http://mdideareport.org>. The requirement for public reporting on local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. MSDE will continue to provide technical assistance opportunities as you work to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any comments on our past technical assistance efforts or the need for guidance, we would appreciate your feedback as we work to develop further mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the CCPS to improve results for students with disabilities. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



Carol Ann Heath, Ed.D.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

CAH/DRR/alp/gh
Attachments

c: Nancy S. Grasmick
Rosemary Thomas
Branch/Section Chiefs

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2008 (reporting period July 1, 2008 – June 30, 2009)

| | | Meets Target or Substantial Compliance Zero Points | | Below Target One Point | | Significantly Below The Target Two Points | |
|----------------|--|--|--|---------------------------|---|---|---|
| Section 1 & 2: | Compliance Indicators | 4 | 0.00 – 1.49 | 4 | 1.50 – 1.99 | 4 | ≥ 2.00 |
| | | 9 | Yes/0.0% | 9 | NA | 9 | No |
| | | 10 | Yes/0.0% | 10 | NA | 10 | No |
| | | 11 | 95 - 100% | 11 | 85.0 - 94.9% | 11 | < 85.0% |
| | | 12 | 95 - 100% | 12 | 85.0 - 94.9% | 12 | < 85.0% |
| | | 13 | 95 - 100% | 13 | 85.0 - 94.9% | 13 | < 85.0% |
| | Performance Indicators | 1 | ≥ 85.50% | 1 | 85.49 – 77.26% | 1 | ≤ 77.25% |
| | | 2 | ≤ 3.54% | 2 | 3.55 – 6.73% | 2 | ≥ 6.74% |
| | | 3a | AYP met R/M all bands | 3a | AYP not met R/M on all bands | 3a | NA |
| | | 3b | ≥ 95% in R and M | 3b | < 95% in R and M | 3b | NA |
| | | 3cR | All grade targets are met | 3cR | Below target one or more grades | 3cR | NA |
| | | 3cM | All grade targets are met | 3cM | Below target one or more grades | 3cM | NA |
| | | 5a | ≥ 61.11% | 5a | 61.10 – 57.10% | 5a | ≤ 57.09% |
| | | 5b | ≤ 16.11% | 5b | 16.12 - 20.12% | 5b | ≥ 20.13% |
| | | 5c | ≤ 6.92% | 5c | 6.93 – 7.92% | 5c | ≥ 7.93% |
| | Section 3: Correction of Noncompliance | 15 | <u>All</u> findings corrected within 12 months. or No corrective actions. | 15 | | 15 | <u>Each</u> finding not corrected within 12 months. Applies to findings identified 7/1/06 - 6/30/07 with correction by 6/30/08. |
| | | | | | | | |
| | Section 4: Data Are Timely and Accurate | 20 | Data are timely and accurate. | 20 | Data are timely but not accurate or Data are accurate but not timely. | 20 | Data are not timely or accurate. |
| | | | | | | | |

Indicator targets are identified in the MSDE's State Performance Plan (SPP).
Results are reported annually in the Annual Performance Report (APR).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial¹ compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

¹ Full compliance means a local school system or public agency provided data showing 100% for the identified indicators. Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (95% or better).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2008 (SFY 2009 – Reporting Period July 1, 2008 – June 30, 2009)

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2009.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

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

In addition, States could also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org>, no later than May 27, 2010. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting
- 4a. Family Outcomes – Know Their Rights
- 4b. Family Outcomes – Effectively Communicate Their Children's Needs
- 4c. Family Outcomes – Help Their Children Develop and Learn
5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline
- 8a. Transition (Transition Outcomes)
- 8b. Transition (Notification to LEA)
- 8c. Transition (Timely Planning Meeting)
9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to Part B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes, but is not limited to, teleconference calls, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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

- (1) Take any of the actions described in 34 CFR §300.604(a);
- (2) Take one or more of the following actions:
 - (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
 - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.*

- (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
- (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
 - (iv) Seeks to recover funds under section 452 of GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

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

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

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

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)

Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|-------------------------------------|---|--|
| 1 | Graduation | 85.50% of youth with IEPs will graduate with a regular diploma. | Not Met – 67.23% |
| 2 | Dropout | The dropout rate of students with IEPs will be 3.00% or less. | Not Met – 4.31% |
| 3A | Student Achievement - AYP | 50% of the State's local school systems will meet AYP for the subgroup of students with disabilities. | Not Met – 20% (5 of 25 LSS) |
| 3B | Student Achievement - Participation | 95% of students with disabilities will participate in the Statewide assessment system. | Met – 99.03% for Math; and 99.18% for Reading. |
| 3C | Student Achievement - Proficiency | Meet the State designated AMOs for mathematics and reading at each assessed grade. | Not Met for Math or Reading |
| 4 | Suspension and Expulsion | ≤ four (4) or 16.67% of LSS will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for students with disabilities compared with nondisabled peers. | Met – 12.5% (3 of 24 LSS) |
| 5A | LRE 21% | ≥61.11% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day. | Met – 63.99% |
| 5B | LRE 60% | ≤ 16.11% of students with disabilities, ages 6-21, are served inside the regular class less than 40% of the day; | Met – 15.10% |
| 5C | LRE - Separate Schools | ≤ 6.92% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements. | Not Met – 7.59% |

Part B

FFY 2008 (SFY 2009)

Reporting Year 2008-2009

Indicators- At- Glance

05/17/2010

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)

Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met | |
|-----------|--------------------|--|--|--|
| 6 | Preschool LRE | | Not Reported | |
| 7A | Preschool Outcomes | Positive social-emotional skills (including social relationships) | 64.3% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited. | 68.5% of children participating in Maryland's Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7B | Preschool Outcomes | Acquisition and use of knowledge and skills including early language/communication [and early literacy]) | 64.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 55.3% of children participating in Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7C | Preschool Outcomes | Use of appropriate behaviors to meet their needs. | 58.7% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 66.2% of children participating in Part B preschool were functioning within age expectations by the time they exited the program. |

Part B

FFY 2008 (SFY 2009)

Reporting Year 2008-2009

Indicators- At- Glance

05/17/2010

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|--|---|--------------------|
| 8A | Parent Involvement - Preschool | 35% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results. | Met – 69% |
| 8B | Parent Involvement - School Age | 30% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results | Met – 57% |
| 9 | Disproportional Representation (Racial & Ethnic) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups receiving special education and related services that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 10 | Disproportional Representation (Specific Disability) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups in specific disability categories that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 11 | Evaluation | 100% of children were evaluated and eligibility determined within 60 days of parental consent to evaluate. (Compliance) | Not Met – 92% |
| 12 | C to B transition | 100% of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.(Compliance) | Not Met – 97.28% |
| 13 | Transition Goals on IEP | 100% of youth with disabilities, aged 16 and above, have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.(Compliance) | Not Met – 96.3% |

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)

Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|----------------------|--|--------------------|
| 14 | Post School Outcomes | Within one year of leaving high school: <ul style="list-style-type: none"> • 44% percent of youth who had IEPs are competitively employed • 4% percent of youth who had IEPs are enrolled in some type of postsecondary school; and • 24% percent of youth who had IEPs are competitively employed and enrolled in some type of postsecondary school. | Not Reported |
| 15 | General Supervision | 100% of corrective actions identified through monitoring, complaints, due process hearings, mediations, etc. will be corrected within one year from the date of identification. (Compliance) | Not Met – 97.19% |
| 16 | State Complaints | 100% of all complaint investigations are completed within the required timelines. (Compliance) | Met – 100% |
| 17 | Due process | 100% of all due process hearings are completed within the required timelines. (Compliance) | Not Met – 93% |
| 18 | Resolutions | 64 – 75% of all resolution meetings conducted will result in a settlement agreement. | Met – 79% |
| 19 | Mediations | Maintain 75 – 85% rate of mediations that result in mediation agreements. | Met – 77% |
| 20 | State Reported Data | 100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.(Compliance) | Not Met – 98.71% |

Caroline County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|--|--|
| Monitoring Priority: FAPE in the LRE | | |
| 1. Percent of youth with IEPs graduating from high school with a regular diploma. [Performance Indicator] | Caroline County Public Schools' FFY 2008 data for this indicator is 64.52%. This is below the State's target of 85.50% by 20.98%. | Caroline County Public Schools' data was below the State's target. The FFY 2008 data shows a decrease from the previous year's graduation rate of 76.67% for students with disabilities. MSDE looks forward to Caroline County Public Schools' FFY 2009 data demonstrating improvement. |
| 2. Percent of youth with IEPs dropping out of high school. [Performance Indicator] | Caroline County Public Schools' FFY 2008 data for this indicator is .65%. This meets the State's target of 3.54% by 2.89%. | Caroline County Public Schools' data met the State's target. The FFY 2008 data shows a decrease from the previous year's dropout rate of 9.04% for students with disabilities. MSDE looks forward to Caroline County Public Schools' FFY 2009 data continuing to meet the State's target. |
| 4. 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. [Compliance Indicator] | Caroline County Public Schools' FFY 2008 ratio for multiple suspensions summing to greater than 10 days is 0.00 and for single event suspensions is 0.00 when compared to nondisabled peers. The State's target for both multiple and single event suspensions is 0.00 – 1.49. | Caroline County Public Schools met the State target for multiple suspensions summing to greater than 10 days and for single event suspensions. MSDE looks forward to Caroline County Public Schools' FFY 2009 data continuing to meet the State's target. |

Caroline County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis/Next Steps |
|--|--|---|
| <p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements</p> <p>[Performance Indicator]</p> | <p>A. Caroline County Public Schools' FFY 2008 data for this indicator is 83.61%. This exceeds the State's target of 61.11% for FFY 2008 by 22.50%.</p> <p>B. Caroline County Public Schools' FFY 2008 data for this indicator is 9.84%. This exceeds the State's target of 16.11% for FFY 2008 by 6.27%.</p> <p>C. Caroline County Public Schools' FFY 2008 data for this indicator is 2.46%. This exceeds the State's target of 6.92% for FFY 2008 by 4.46%.</p> | <p>Caroline County Public Schools' data exceeded the State's targets for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to Caroline County Public Schools' FFY 2009 data demonstrating continued improvement.</p> |
| <p>Monitoring Priority: Disproportionality</p> <p>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.</p> <p>[Compliance Indicator]</p> | <p>Caroline County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Caroline County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Caroline County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |

**Caroline County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009**

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|---|--|
| 10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. [Compliance Indicator] | Caroline County Public Schools' FFY 2008 data for this indicator is 0%. | Caroline County Public Schools' data met the State's target for this compliance indicator. MSDE looks forward to Caroline County Public Schools' FFY 2009 data demonstrating continued compliance. |
| Monitoring Priority: Effective General Supervision | | |
| 11. Percent of children who are evaluated within 60 days of receiving parental consent for initial evaluation or, if the State established a timeframe within which the evaluation must be conducted, within that timeframe. [Compliance Indicator] | Caroline County Public Schools' FFY 2008 data for this indicator is 100%. The State's target is 100%. | Caroline County Public Schools' data met the State's target of 100% for this compliance indicator. MSDE looks forward to Caroline County Public Schools' FFY 2009 data maintaining 100% compliance. |
| 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. [Compliance Indicator] | Caroline County Public Schools' FFY 2008 data for this indicator is 100%. The State's target is 100%. | Caroline County Public Schools' data met the State's target of 100% for this compliance indicator. MSDE looks forward to Caroline County Public Schools' FFY 2009 data maintaining 100% compliance. |

**Caroline County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009**

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|--|--|
| <p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals. [Compliance Indicator]</p> | <p>Caroline County Public Schools' FFY 2008 data for this indicator is 100.0%. The State's target is 100%.</p> | <p>Caroline County Public Schools' data met the State's target of 100% for this compliance indicator. MSDE looks forward to Caroline County Public Schools' FFY 2009 data maintaining 100% compliance.</p> |
| <p>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. [Compliance Indicator]</p> | <p>Caroline County Public Schools had no corrective actions due in FFY 2008.</p> | <p>Caroline County Public Schools had no findings of noncompliance identified by MSDE that was due for correction in FFY 2008. MSDE expects all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p> |
| <p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]</p> | <p>Caroline County Public Schools submitted required 618 data in a timely and accurate manner.</p> | <p>Caroline County Public Schools' data met the State's target for the timely and accurate submission of required 618 data and other data required by the State for FFY 2008.. MSDE expects Caroline County Public Schools' submission of required data to be timely and accurate.</p> |



Nancy S. Grasmick
State Superintendent of Schools

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

May 18, 2010

Dr. Charles I. Ecker
Superintendent
Carroll County Public Schools
125 North Court Street
Westminster, MD 21157

Dear Dr. Ecker:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through review of the APR and other data sources, OSEP evaluates each state's performance on these indicators, and assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Federal Fiscal Year (FFY) 2008 [State Fiscal Year (SFY) 2009 (2008-2009 School Year)] Part B in early June 2010. In accordance with 34 CFR §300.606, if OSEP identifies MSDE as Needs Assistance, Needs Intervention, or Needs Substantial Intervention, MSDE is required to notify local school systems, public agencies, the media, and the public of this action.

Pursuant to 20 U.S.C. §1416(a)(1)(C)(i) and 34 C.F.R. §300.600, MSDE is also required to make determinations annually on the performance of each local school system in the State using the categories in 34 C.F.R. §300.603(b)(1), use appropriate enforcement mechanisms, consistent with 34 C.F.R. §300.604, which must include, if applicable, the enforcement mechanisms identified in §300.604(a)(1) (technical assistance), (a)(3) (conditions on funding of a local school system), (b)(2)(i) (a corrective action plan or improvement plan), (b)(2)(v) (withholding funds, in whole or in part, by MSDE), and (c)(2) (withholding funds, in whole or in part, by MSDE). In accordance with 20 U.S.C. §1416(e) and 34 C.F.R. §300.603(b)(1), MSDE also must use one of the following four categories to assign a determination to each local school system: Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each local public agency's performance in meeting the State's targets for FFY 2008. Attached is a document entitled, "Part C and Part B Public Agency Determination," that lists the Part B indicators considered in making determinations. MSDE carefully considered all aspects of this process. Based on FFY 2008 data, as well as information obtained through monitoring and complaint investigations, the Carroll County Public Schools (CCPS) has been determined to be **Meets Requirements**.

Dr. Charles I. Ecker
May 18, 2010
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To be in the category of Meets Requirements, the CCPS must have met or exceeded the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) or were not significantly below the target on LRE Indicators (5a, 5b, or 5c). In addition, the CCPS must have demonstrated compliance (100%) or substantial compliance (95-99.9%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), and had no corrective actions or had completed corrective actions within one year (15).

Attached to this letter are copies of the following documents:

- Part B Local Determination Table; and
- Part B Local Determination Framework for Technical Assistance and Intervention.

The "Part B Local Determination Table" provides an analysis of the CCPS' data. The "Part B Local Determination Framework for Technical Assistance and Intervention" provides additional information relative to technical assistance and support available to your local school system.

As you know, the State must report annually to the public on the performance of each local school system on the targets in the SPP under IDEA. The public may access the MSDE IDEA performance report at <http://mdideareport.org>. The requirement for public reporting on local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. MSDE will continue to provide technical assistance opportunities as you work to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any comments on our past technical assistance efforts or the need for guidance, we would appreciate your feedback as we work to develop further mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the CCPS to improve results for students with disabilities. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



Carol Ann Heath, Ed.D.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

CAH/DRR/ALP
Attachments

c: Nancy S. Grasmick
Dona Foster
Branch/Section Chiefs

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2008 (reporting period July 1, 2008 – June 30, 2009)

| | | Meets Target or Substantial Compliance Zero Points | | Below Target One Point | | Significantly Below The Target Two Points | |
|--|---------------------------|--|----------------------------------|--|---|---|-------------------------------------|
| Section 1 & 2: | Compliance Indicators | 4 | 0.00 – 1.49 | 4 | 1.50 – 1.99 | 4 | ≥ 2.00 |
| | | 9 | Yes/0.0% | 9 | NA | 9 | No |
| | | 10 | Yes/0.0% | 10 | NA | 10 | No |
| | | 11 | 95 - 100% | 11 | 85.0 - 94.9% | 11 | < 85.0% |
| | | 12 | 95 - 100% | 12 | 85.0 - 94.9% | 12 | < 85.0% |
| | | 13 | 95 - 100% | 13 | 85.0 - 94.9% | 13 | < 85.0% |
| | Performance Indicators | 1 | ≥ 85.50% | 1 | 85.49 – 77.26% | 1 | ≤ 77.25% |
| | | 2 | ≤ 3.54% | 2 | 3.55 – 6.73% | 2 | ≥ 6.74% |
| | | 3a | AYP met R/M all bands | 3a | AYP not met R/M on all bands | 3a | NA |
| | | 3b | ≥ 95% in R and M | 3b | < 95% in R and M | 3b | NA |
| | | 3cR | All grade targets are met | 3cR | Below target one or more grades | 3cR | NA |
| | | 3cM | All grade targets are met | 3cM | Below target one or more grades | 3cM | NA |
| | | 5a | ≥ 61.11% | 5a | 61.10 – 57.10% | 5a | ≤ 57.09% |
| | | 5b | ≤ 16.11% | 5b | 16.12 - 20.12% | 5b | ≥ 20.13% |
| | | 5c | ≤ 6.92% | 5c | 6.93 – 7.92% | 5c | ≥ 7.93% |
| | | Section 3: Correction of Noncompliance | 15 | <u>All</u> findings corrected within 12 months. or No corrective actions. | 15 | | 15 |
| Section 4: Data Are Timely and Accurate | 20 | | Data are timely and accurate. | 20 | Data are timely but not accurate or Data are accurate but not timely. | 20 | Data are not timely or accurate. |

Indicator targets are identified in the MSDE's State Performance Plan (SPP).
Results are reported annually in the Annual Performance Report (APR).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial¹ compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

¹ Full compliance means a local school system or public agency provided data showing 100% for the identified indicators. Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (95% or better).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2008 (SFY 2009 – Reporting Period July 1, 2008 – June 30, 2009)

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2009.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

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

In addition, States could also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org>, no later than May 27, 2010. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting
- 4a. Family Outcomes – Know Their Rights
- 4b. Family Outcomes – Effectively Communicate Their Children's Needs
- 4c. Family Outcomes – Help Their Children Develop and Learn
5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline
- 8a. Transition (Transition Outcomes)
- 8b. Transition (Notification to LEA)
- 8c. Transition (Timely Planning Meeting)
9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to Part B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes, but is not limited to, teleconference calls, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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

- (1) Take any of the actions described in 34 CFR §300.604(a);
- (2) Take one or more of the following actions:
 - (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
 - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.*

- (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
- (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
 - (iv) Seeks to recover funds under section 452 of GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

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

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

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

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met |
|-----------|-------------------------------------|---|--|
| 1 | Graduation | 85.50% of youth with IEPs will graduate with a regular diploma. | Not Met – 67.23% |
| 2 | Dropout | The dropout rate of students with IEPs will be 3.00% or less. | Not Met – 4.31% |
| 3A | Student Achievement - AYP | 50% of the State's local school systems will meet AYP for the subgroup of students with disabilities. | Not Met – 20% (5 of 25 LSS) |
| 3B | Student Achievement - Participation | 95% of students with disabilities will participate in the Statewide assessment system. | Met – 99.03% for Math; and 99.18% for Reading. |
| 3C | Student Achievement - Proficiency | Meet the State designated AMOs for mathematics and reading at each assessed grade. | Not Met for Math or Reading |
| 4 | Suspension and Expulsion | ≤ four (4) or 16.67% of LSS will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for students with disabilities compared with nondisabled peers. | Met – 12.5% (3 of 24 LSS) |
| 5A | LRE 21% | ≥61.11% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day. | Met – 63.99% |
| 5B | LRE 60% | ≤ 16.11% of students with disabilities, ages 6-21, are served inside the regular class less than 40% of the day; | Met – 15.10% |
| 5C | LRE - Separate Schools | ≤ 6.92% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements. | Not Met – 7.59% |

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)

Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met | |
|-----------|--------------------|---|--|--|
| 6 | Preschool LRE | | Not Reported | |
| 7A | Preschool Outcomes | Positive social-emotional skills (including social relationships) | 64.3% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited. | 68.5% of children participating in Maryland's Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7B | Preschool Outcomes | Acquisition and use of knowledge and skills including early language/communication [and early literacy] | 64.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 55.3% of children participating in Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7C | Preschool Outcomes | Use of appropriate behaviors to meet their needs. | 58.7% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 66.2% of children participating in Part B preschool were functioning within age expectations by the time they exited the program. |

Part B
 FFY 2008 (SFY 2009)
 Reporting Year 2008-2009
 Indicators- At- Glance
 05/17/2010

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|--|---|--------------------|
| 8A | Parent Involvement - Preschool | 35% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results. | Met – 69% |
| 8B | Parent Involvement - School Age | 30% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results | Met – 57% |
| 9 | Disproportional Representation (Racial & Ethnic) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups receiving special education and related services that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 10 | Disproportional Representation (Specific Disability) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups in specific disability categories that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 11 | Evaluation | 100% of children were evaluated and eligibility determined within 60 days of parental consent to evaluate. (Compliance) | Not Met – 92% |
| 12 | C to B transition | 100% of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.(Compliance) | Not Met – 97.28% |
| 13 | Transition Goals on IEP | 100% of youth with disabilities, aged 16 and above, have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.(Compliance) | Not Met – 96.3% |

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|----------------------|--|--------------------|
| 14 | Post School Outcomes | Within one year of leaving high school: <ul style="list-style-type: none"> • 44% percent of youth who had IEPs are competitively employed • 4% percent of youth who had IEPs are enrolled in some type of postsecondary school; and • 24% percent of youth who had IEPs are competitively employed and enrolled in some type of postsecondary school. | Not Reported |
| 15 | General Supervision | 100% of corrective actions identified through monitoring, complaints, due process hearings, mediations, etc. will be corrected within one year from the date of identification. (Compliance) | Not Met – 97.19% |
| 16 | State Complaints | 100% of all complaint investigations are completed within the required timelines. (Compliance) | Met – 100% |
| 17 | Due process | 100% of all due process hearings are completed within the required timelines. (Compliance) | Not Met – 93% |
| 18 | Resolutions | 64 – 75% of all resolution meetings conducted will result in a settlement agreement. | Met – 79% |
| 19 | Mediations | Maintain 75 – 85% rate of mediations that result in mediation agreements. | Met – 77% |
| 20 | State Reported Data | 100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates. (Compliance) | Not Met – 98.71% |

Carroll County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|---|--|
| Monitoring Priority: FAPE in the LRE | | |
| 1. Percent of youth with IEPs graduating from high school with a regular diploma. [Performance Indicator] | Carroll County Public Schools' FFY 2008 data for this indicator is 91.38%. This exceeds the State's target of 85.50% by 5.88%. | Carroll County Public Schools' data exceeded the State's target for this indicator. MSDE looks forward to Carroll County Public Schools' FFY 2009 data demonstrating improvement. |
| 2. Percent of youth with IEPs dropping out of high school. [Performance Indicator] | Carroll County Public Schools' FFY 2008 data for this indicator is 0.98 %. This exceeds the State's target of 3.54% by 2.56%. | Carroll County Public Schools' data exceeded the State's target for this indicator. MSDE looks forward to Carroll County Public Schools' FFY 2009 data demonstrating improvement. |
| 4. 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. [Compliance Indicator] | Carroll County Public Schools' FFY 2008 ratio for multiple suspensions summing to greater than 10 days is 0.00 and for single event suspensions is 0.00 when compared to nondisabled peers. The State's target for both multiple and single event suspensions is 0.00 – 1.49. | Carroll County met the State target for multiple suspensions summing to greater than 10 days and for single event suspensions. MSDE looks forward to Carroll County Public Schools' FFY 2009 data demonstrating continued compliance. |

Carroll County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis/Next Steps |
|---|---|---|
| <p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Performance Indicator]</p> | <p>A. Carroll County Public Schools' FFY 2008 data for this indicator is 73.97%. This exceeds the State's target of 61.11% for FFY 2008 by 12.86%.</p> <p>B. Carroll County Public Schools' FFY 2008 data for this indicator is 8.57%. This exceeds the State's target of 16.11% for FFY 2008 by 7.54%.</p> <p>C. Carroll County Public Schools' FFY 2008 data for this indicator is 5.47%. This exceeds the State's target of 6.92% for FFY 2008 by 1.45%.</p> | <p>Carroll County Public Schools' data exceeded the State's targets for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to Carroll County Public Schools' FFY 2009 data demonstrating continued improvement.</p> |
| Monitoring Priority: Disproportionality | | |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Carroll County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Carroll County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Carroll County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |

Carroll County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|--|---|
| 10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. [Compliance Indicator] | Carroll County Public Schools' FFY 2008 data for this indicator is 0%. | Carroll County Public Schools' data met the State's target for this compliance indicator. MSDE looks forward to Carroll County Public Schools' FFY 2009 data demonstrating continued compliance. |
| Monitoring Priority: Effective General Supervision | | |
| 11. Percent of children who are evaluated within 60 days of receiving parental consent for initial evaluation or, if the State established a timeframe within which the evaluation must be conducted, within that timeframe. [Compliance Indicator] | Carroll County Public Schools' FFY 2008 data for this indicator is 97.18%. The State's target is 100%. | Carroll County Public Schools' data did not meet the State's target of 100% for this compliance indicator, but was substantially compliant (95-99.9%). MSDE looks forward to Carroll County Public Schools' FFY 2009 data demonstrating 100% compliance. |
| 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. [Compliance Indicator] | Carroll County Public Schools' FFY 2008 data for this indicator is 100%. The State's target is 100%. | Carroll County Public Schools' data met the State's target of 100% for this compliance indicator. MSDE looks forward to Carroll County Public Schools' FFY 2009 data maintaining 100% compliance. |

Carroll County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|---|---|---|
| <p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.</p> <p>[Compliance Indicator]</p> | <p>Carroll County Public Schools' FFY 2008 data for this indicator is 100%. The State's target is 100%.</p> | <p>Carroll County Public Schools' data met the State's target of 100% for this compliance indicator.</p> <p>MSDE looks forward to Carroll County Public Schools' FFY 2009 data demonstrating 100% compliance.</p> |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Carroll County Public Schools had five corrective action plans due during FFY 2008.</p> | <p>Carroll County Public Schools had five findings of noncompliance identified by MSDE that was due for correction in FFY 2008. The five findings were corrected within timelines.</p> <p>MSDE expects all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p> |
| <p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p> | <p>Carroll County Public Schools submitted required 618 data in a timely and accurate manner.</p> | <p>Carroll County Public Schools' data met the State's target for the timely and accurate submission of required 618 data and other data required by the State for FFY 2008.</p> <p>MSDE expects Carroll County Public Schools' submission of required data to be timely and accurate.</p> |



Nancy S. Grasmick
State Superintendent of Schools

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

May 18, 2010

Mr. Henry Shaffer
Superintendent
Cecil County Public Schools
201 Booth Street
Elkton, MD 21921

Dear Mr. Shaffer:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through review of the APR and other data sources, OSEP evaluates each state's performance on these indicators, and assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Federal Fiscal Year (FFY) 2008 [State Fiscal Year (SFY) 2009 (2008-2009 School Year)] Part B in early June 2010. In accordance with 34 CFR §300.606, if OSEP identifies MSDE as Needs Assistance, Needs Intervention, or Needs Substantial Intervention, MSDE is required to notify local school systems, public agencies, the media, and the public of this action.

Pursuant to 20 U.S.C. §1416(a)(1)(C)(i) and 34 C.F.R. §300.600, MSDE is also required to make determinations annually on the performance of each local school system in the State using the categories in 34 C.F.R. §300.603(b)(1), use appropriate enforcement mechanisms, consistent with 34 C.F.R. §300.604, which must include, if applicable, the enforcement mechanisms identified in §300.604(a)(1) (technical assistance), (a)(3) (conditions on funding of a local school system), (b)(2)(i) (a corrective action plan or improvement plan), (b)(2)(v) (withholding funds, in whole or in part, by MSDE), and (c)(2) (withholding funds, in whole or in part, by MSDE). In accordance with 20 U.S.C. §1416(e) and 34 C.F.R. §300.603(b)(1), MSDE also must use one of the following four categories to assign a determination to each local school system: Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each local public agency's performance in meeting the State's targets for FFY 2008. Attached is a document entitled, "Part C and Part B Public Agency Determination," that lists the Part B indicators considered in making determinations. MSDE carefully considered all aspects of this process. Based on FFY 2008 data, as well as information obtained through monitoring and complaint investigations, the Cecil County Public Schools (CCPS) has been determined to be **Meets Requirements**.

Mr. Henry Shaffer
May 18, 2010
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To be in the category of Meets Requirements, the CCPS must have met or exceeded the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) or were not significantly below the target on LRE Indicators (5a, 5b, or 5c). In addition, the CCPS must have demonstrated compliance (100%) or substantial compliance (95-99.9%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), and had no corrective actions or had completed corrective actions within one year (15).

Attached to this letter are copies of the following documents:

- Part B Local Determination Table; and
- Part B Local Determination Framework for Technical Assistance and Intervention.

The "Part B Local Determination Table" provides an analysis of the CCPS' data. The "Part B Local Determination Framework for Technical Assistance and Intervention" provides additional information relative to technical assistance and support available to your local school system.

As you know, the State must report annually to the public on the performance of each local school system on the targets in the SPP under IDEA. The public may access the MSDE IDEA performance report at <http://mdideareport.org>. The requirement for public reporting on local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. MSDE will continue to provide technical assistance opportunities as you work to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any comments on our past technical assistance efforts or the need for guidance, we would appreciate your feedback as we work to develop further mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the CCPS to improve results for students with disabilities. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



Carol Ann Heath, Ed.D.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

CAH/DRR/alp/gh
Attachments

c: Nancy S. Grasmick
Mark Zawislak
Branch/Section Chiefs

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2008 (reporting period July 1, 2008 – June 30, 2009)

| | | Meets Target or Substantial Compliance Zero Points | | Below Target One Point | | Significantly Below The Target Two Points | |
|--|---------------------------|--|--|---------------------------|---|---|---|
| Section 1 & 2: | Compliance Indicators | 4 | 0.00 – 1.49 | 4 | 1.50 – 1.99 | 4 | ≥ 2.00 |
| | | 9 | Yes/0.0% | 9 | NA | 9 | No |
| | | 10 | Yes/0.0% | 10 | NA | 10 | No |
| | | 11 | 95 - 100% | 11 | 85.0 - 94.9% | 11 | < 85.0% |
| | | 12 | 95 - 100% | 12 | 85.0 - 94.9% | 12 | < 85.0% |
| | | 13 | 95 - 100% | 13 | 85.0 - 94.9% | 13 | < 85.0% |
| | Performance Indicators | 1 | ≥ 85.50% | 1 | 85.49 – 77.26% | 1 | ≤ 77.25% |
| | | 2 | ≤ 3.54% | 2 | 3.55 – 6.73% | 2 | ≥ 6.74% |
| | | 3a | AYP met R/M all bands | 3a | AYP not met R/M on all bands | 3a | NA |
| | | 3b | ≥ 95% in R and M | 3b | < 95% in R and M | 3b | NA |
| | | 3cR | All grade targets are met | 3cR | Below target one or more grades | 3cR | NA |
| | | 3cM | All grade targets are met | 3cM | Below target one or more grades | 3cM | NA |
| | | 5a | ≥ 61.11% | 5a | 61.10 – 57.10% | 5a | ≤ 57.09% |
| | | 5b | ≤ 16.11% | 5b | 16.12 - 20.12% | 5b | ≥ 20.13% |
| | | 5c | ≤ 6.92% | 5c | 6.93 – 7.92% | 5c | ≥ 7.93% |
| Section 3: Correction of Noncompliance | | 15 | <u>All</u> findings corrected within 12 months. or No corrective actions. | 15 | | 15 | <u>Each</u> finding not corrected within 12 months. Applies to findings identified 7/1/06 - 6/30/07 with correction by 6/30/08. |
| Section 4: Data Are Timely and Accurate | | 20 | Data are timely and accurate. | 20 | Data are timely but not accurate or Data are accurate but not timely. | 20 | Data are not timely or accurate. |

Indicator targets are identified in the MSDE's State Performance Plan (SPP).
Results are reported annually in the Annual Performance Report (APR).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial¹ compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

¹ Full compliance means a local school system or public agency provided data showing 100% for the identified indicators. Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (95% or better).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2008 (SFY 2009 – Reporting Period July 1, 2008 – June 30, 2009)

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2009.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

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

In addition, States could also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org>, no later than May 27, 2010. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting
- 4a. Family Outcomes – Know Their Rights
- 4b. Family Outcomes – Effectively Communicate Their Children's Needs
- 4c. Family Outcomes – Help Their Children Develop and Learn
5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline
- 8a. Transition (Transition Outcomes)
- 8b. Transition (Notification to LEA)
- 8c. Transition (Timely Planning Meeting)
9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to Part B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes, but is not limited to, teleconference calls, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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

- (1) Take any of the actions described in 34 CFR §300.604(a);
- (2) Take one or more of the following actions:
 - (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
 - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.*

- (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
- (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
 - (iv) Seeks to recover funds under section 452 of GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

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

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

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

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|-------------------------------------|---|--|
| 1 | Graduation | 85.50% of youth with IEPs will graduate with a regular diploma. | Not Met – 67.23% |
| 2 | Dropout | The dropout rate of students with IEPs will be 3.00% or less. | Not Met – 4.31% |
| 3A | Student Achievement - AYP | 50% of the State's local school systems will meet AYP for the subgroup of students with disabilities. | Not Met – 20% (5 of 25 LSS) |
| 3B | Student Achievement - Participation | 95% of students with disabilities will participate in the Statewide assessment system. | Met – 99.03% for Math; and 99.18% for Reading. |
| 3C | Student Achievement - Proficiency | Meet the State designated AMOs for mathematics and reading at each assessed grade. | Not Met for Math or Reading |
| 4 | Suspension and Expulsion | ≤ four (4) or 16.67% of LSS will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for students with disabilities compared with nondisabled peers. | Met – 12.5% (3 of 24 LSS) |
| 5A | LRE 21% | ≥61.11% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day. | Met – 63.99% |
| 5B | LRE 60% | ≤ 16.11% of students with disabilities, ages 6-21, are served inside the regular class less than 40% of the day; | Met – 15.10% |
| 5C | LRE - Separate Schools | ≤ 6.92% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements. | Not Met – 7.59% |

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met | |
|------------------|---------------------------|--|--|--|
| 6 | Preschool LRE | | Not Reported | |
| 7A | Preschool Outcomes | Positive social-emotional skills (including social relationships) | 64.3% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited. | 68.5% of children participating in Maryland's Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7B | Preschool Outcomes | Acquisition and use of knowledge and skills including early language/communication [and early literacy] | 64.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 55.3% of children participating in Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7C | Preschool Outcomes | Use of appropriate behaviors to meet their needs. | 58.7% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 66.2% of children participating in Part B preschool were functioning within age expectations by the time they exited the program. |

Part B
FFY 2008 (SFY 2009)
Reporting Year 2008-2009
Indicators- At- Glance
05/17/2010

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|--|---|--------------------|
| 8A | Parent Involvement - Preschool | 35% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results. | Met – 69% |
| 8B | Parent Involvement - School Age | 30% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results | Met – 57% |
| 9 | Disproportional Representation (Racial & Ethnic) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups receiving special education and related services that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 10 | Disproportional Representation (Specific Disability) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups in specific disability categories that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 11 | Evaluation | 100% of children were evaluated and eligibility determined within 60 days of parental consent to evaluate. (Compliance) | Not Met – 92% |
| 12 | C to B transition | 100% of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.(Compliance) | Not Met – 97.28% |
| 13 | Transition Goals on IEP | 100% of youth with disabilities, aged 16 and above, have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.(Compliance) | Not Met – 96.3% |

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|----------------------|--|--------------------|
| 14 | Post School Outcomes | Within one year of leaving high school: <ul style="list-style-type: none"> • 44% percent of youth who had IEPs are competitively employed • 4% percent of youth who had IEPs are enrolled in some type of postsecondary school; and • 24% percent of youth who had IEPs are competitively employed and enrolled in some type of postsecondary school. | Not Reported |
| 15 | General Supervision | 100% of corrective actions identified through monitoring, complaints, due process hearings, mediations, etc. will be corrected within one year from the date of identification. (Compliance) | Not Met – 97.19% |
| 16 | State Complaints | 100% of all complaint investigations are completed within the required timelines. (Compliance) | Met – 100% |
| 17 | Due process | 100% of all due process hearings are completed within the required timelines. (Compliance) | Not Met – 93% |
| 18 | Resolutions | 64 – 75% of all resolution meetings conducted will result in a settlement agreement. | Met – 79% |
| 19 | Mediations | Maintain 75 – 85% rate of mediations that result in mediation agreements. | Met – 77% |
| 20 | State Reported Data | 100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.(Compliance) | Not Met – 98.71% |

Cecil County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|---|--|
| Monitoring Priority: FAPE in the LRE | | |
| 1. Percent of youth with IEPs graduating from high school with a regular diploma. [Performance Indicator] | Cecil County Public Schools' FFY 2008 data for this indicator is 64.84%. This is below the State's target of 85.50% by 20.66%. | Cecil County Public Schools' data was below the State's target. The FFY 2008 data shows a decrease from the previous year's graduation rate of 68.42% for students with disabilities. MSDE looks forward to Cecil County Public Schools' FFY 2009 data demonstrating improvement. |
| 2. Percent of youth with IEPs dropping out of high school. [Performance Indicator] | Cecil County Public Schools' FFY 2008 data for this indicator is 7.69%. This does not meet the State's target of 3.54% by 4.15%. | Cecil County Public Schools' data did not meet the State's target. The FFY 2008 data shows an increase from the previous year's dropout rate of 6.57% for students with disabilities. MSDE looks forward to Cecil County Public Schools' FFY 2009 data demonstrating improvement. |
| 4. 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. [Compliance Indicator] | Cecil County Public Schools' FFY 2008 ratio for multiple suspensions summing to greater than 10 days is 0.00 and for single event suspensions is 0.00 when compared to nondisabled peers. The State's target for both multiple and single event suspensions is 0.00 – 1.49. | Cecil County met the State target for multiple suspensions summing to greater than 10 days and for single event suspensions.. MSDE looks forward to Cecil County Public Schools' FFY 2009 data continuing to meet the State's target. |

Cecil County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis/Next Steps |
|---|--|---|
| <p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Performance Indicator]</p> | <p>A. Cecil County Public Schools' FFY 2008 data for this indicator is 89.73%. This exceeds the State's target of 61.11% for FFY 2008 by 28.62%.</p> <p>B. Cecil County Public Schools' FFY 2008 data for this indicator is 2.92%. This exceeds the State's target of 16.11 % for FFY 2008 by 13.19 %.</p> <p>C. Cecil County Public Schools' FFY 2008 data for this indicator is 4.38%. This exceeds the State's target of 6.92% for FFY 2008 by 2.54%.</p> | <p>Cecil County Public Schools' data exceeded the State's targets for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to Cecil County Public Schools' FFY 2009 data demonstrating continued improvement.</p> |
| <p>Monitoring Priority: Disproportionality</p> <p>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.</p> <p>[Compliance Indicator]</p> | <p>Cecil County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Cecil County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Cecil County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |

Cecil County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|---|---|--|
| <p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p> | <p>Cecil County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Cecil County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Cecil County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |
| Monitoring Priority: Effective General Supervision | | |
| <p>11. Percent of children who are evaluated within 60 days of receiving parental consent for initial evaluation or, if the State established a timeframe within which the evaluation must be conducted, within that timeframe.</p> <p>[Compliance Indicator]</p> | <p>Cecil County Public Schools' FFY 2008 data for this indicator is 90.36%. The State's target is 100%.</p> | <p>Cecil County Public Schools' data did not meet the State's target of 100% for this compliance indicator.</p> <p>MSDE looks forward to Cecil County Public Schools' FFY 2009 data demonstrating 100% compliance.</p> |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Cecil County Public Schools' FFY 2008 data for this indicator is 100%. The State's target is 100%.</p> | <p>Cecil County Public Schools' data met the State's target of 100% for this compliance indicator.</p> <p>MSDE looks forward to Cecil County Public Schools' FFY 2009 data maintaining 100% compliance.</p> |

Cecil County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|---|--|--|
| <p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.</p> <p>[Compliance Indicator]</p> | <p>Cecil County Public Schools' FFY 2008 data for this indicator is 98.0%. The State's target is 100%.</p> | <p>Cecil County Public Schools' data did not meet the State's target of 100% for this compliance indicator, but was substantially compliant (95-99.9%). MSDE looks forward to Cecil County Public Schools' FFY 2009 data demonstrating 100% compliance.</p> |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Cecil County Public Schools had two corrective action plans due during FFY 2008.</p> | <p>Cecil County Public Schools had two findings of noncompliance identified by MSDE that were due for correction in FFY 2008. The two findings were corrected within timelines.</p> <p>MSDE expects all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p> |
| <p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p> | <p>Cecil County Public Schools submitted required 618 data in a timely and accurate manner.</p> | <p>Cecil County Public Schools' data met the State's target for the timely and accurate submission of required 618 data and other data required by the State for FFY 2008.</p> <p>MSDE expects Cecil County Public Schools' submission of required data to be timely and accurate.</p> |



Nancy S. Grasmick
State Superintendent of Schools

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

May 18, 2010

Mr. James E. Richmond
Superintendent
Charles County Public Schools
P.O. Box 2770
LaPlata, MD 20646

Dear Mr. Richmond:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through review of the APR and other data sources, OSEP evaluates each state's performance on these indicators, and assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Federal Fiscal Year (FFY) 2008 [State Fiscal Year (SFY) 2009 (2008-2009 School Year)] Part B in early June 2010. In accordance with 34 CFR §300.606, if OSEP identifies MSDE as Needs Assistance, Needs Intervention, or Needs Substantial Intervention, MSDE is required to notify local school systems, public agencies, the media, and the public of this action.

Pursuant to 20 U.S.C. §1416(a)(1)(C)(i) and 34 C.F.R. §300.600, MSDE is also required to make determinations annually on the performance of each local school system in the State using the categories in 34 C.F.R. §300.603(b)(1), use appropriate enforcement mechanisms, consistent with 34 C.F.R. §300.604, which must include, if applicable, the enforcement mechanisms identified in §300.604(a)(1) (technical assistance), (a)(3) (conditions on funding of a local school system), (b)(2)(i) (a corrective action plan or improvement plan), (b)(2)(v) (withholding funds, in whole or in part, by MSDE), and (c)(2) (withholding funds, in whole or in part, by MSDE). In accordance with 20 U.S.C. §1416(e) and 34 C.F.R. §300.603(b)(1), MSDE also must use one of the following four categories to assign a determination to each local school system: Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each local public agency's performance in meeting the State's targets for FFY 2008. Attached is a document entitled, "Part C and Part B Public Agency Determination," that lists the Part B indicators considered in making determinations. MSDE carefully considered all aspects of this process. Based on FFY 2008 data, as well as information obtained through monitoring and complaint investigations, the Charles County Public Schools (CCPS) has been determined to be **Meets Requirements**.

Mr. James E. Richmond
May 18, 2010
Page Two

To be in the category of Meets Requirements, the CCPS must have met or exceeded the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) or were not significantly below the target on LRE Indicators (5a, 5b, or 5c). In addition, the CCPS must have demonstrated compliance (100%) or substantial compliance (95-99.9%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), and had no corrective actions or had completed corrective actions within one year (15).

Attached to this letter are copies of the following documents:

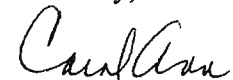
- Part B Local Determination Table; and
- Part B Local Determination Framework for Technical Assistance and Intervention.

The "Part B Local Determination Table" provides an analysis of the CCPS' data. The "Part B Local Determination Framework for Technical Assistance and Intervention" provides additional information relative to technical assistance and support available to your local school system.

As you know, the State must report annually to the public on the performance of each local school system on the targets in the SPP under IDEA. The public may access the MSDE IDEA performance report at <http://mdideareport.org>. The requirement for public reporting on local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. MSDE will continue to provide technical assistance opportunities as you work to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any comments on our past technical assistance efforts or the need for guidance, we would appreciate your feedback as we work to develop further mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the CCPS to improve results for students with disabilities. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



Carol Ann Heath, Ed.D.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

CAH/DRR/ALP
Attachments

c: Nancy S. Grasmick
Arden Sotomayer
Branch/Section Chiefs

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2008 (reporting period July 1, 2008 – June 30, 2009)

| | | Meets Target or Substantial Compliance Zero Points | Below Target One Point | Significantly Below The Target Two Points |
|----------------|--|--|--|--|
| Section 1 & 2: | Compliance Indicators | 4 0.00 – 1.49 | 4 1.50 – 1.99 | 4 ≥ 2.00 |
| | | 9 Yes/0.0% | 9 NA | 9 No |
| | | 10 Yes/0.0% | 10 NA | 10 No |
| | | 11 95 - 100% | 11 85.0 - 94.9% | 11 < 85.0% |
| | | 12 95 - 100% | 12 85.0 - 94.9% | 12 < 85.0% |
| | | 13 95 - 100% | 13 85.0 - 94.9% | 13 < 85.0% |
| | Performance Indicators | 1 ≥ 85.50% | 1 85.49 – 77.26% | 1 ≤ 77.25% |
| | | 2 ≤ 3.54% | 2 3.55 – 6.73% | 2 ≥ 6.74% |
| | | 3a AYP met R/M all bands | 3a AYP not met R/M on all bands | 3a NA |
| | | 3b ≥ 95% in R and M | 3b < 95% in R and M | 3b NA |
| | | 3cR All grade targets are met | 3cR Below target one or more grades | 3cR NA |
| | | 3cM All grade targets are met | 3cM Below target one or more grades | 3cM NA |
| | | 5a ≥ 61.11% | 5a 61.10 – 57.10% | 5a ≤ 57.09% |
| | | 5b ≤ 16.11% | 5b 16.12 - 20.12% | 5b ≥ 20.13% |
| | | 5c ≤ 6.92% | 5c 6.93 – 7.92% | 5c ≥ 7.93% |
| | Section 3: Correction of Noncompliance | 15 <u>All</u> findings corrected within 12 months. | 15 | 15 <u>Each</u> finding not corrected within 12 months. |
| | | or No corrective actions. | | Applies to findings identified 7/1/06 - 6/30/07 with correction by 6/30/08. |
| | Section 4: Data Are Timely and Accurate | 20 Data are timely and accurate. | 20 Data are timely but not accurate or Data are accurate but not timely. | 20 Data are not timely or accurate. |

Indicator targets are identified in the MSDE's State Performance Plan (SPP).
Results are reported annually in the Annual Performance Report (APR).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial¹ compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

¹ Full compliance means a local school system or public agency provided data showing 100% for the identified indicators. Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (95% or better).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2008 (SFY 2009 – Reporting Period July 1, 2008 – June 30, 2009)

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2009.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

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

In addition, States could also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org>, no later than May 27, 2010. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting
- 4a. Family Outcomes – Know Their Rights
- 4b. Family Outcomes – Effectively Communicate Their Children's Needs
- 4c. Family Outcomes – Help Their Children Develop and Learn
5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline
- 8a. Transition (Transition Outcomes)
- 8b. Transition (Notification to LEA)
- 8c. Transition (Timely Planning Meeting)
9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to Part B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes, but is not limited to, teleconference calls, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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

- (1) Take any of the actions described in 34 CFR §300.604(a);
- (2) Take one or more of the following actions:
 - (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
 - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.*

- (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
- (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
 - (iv) Seeks to recover funds under section 452 of GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

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

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

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

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)

Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|-------------------------------------|---|--|
| 1 | Graduation | 85.50% of youth with IEPs will graduate with a regular diploma. | Not Met – 67.23% |
| 2 | Dropout | The dropout rate of students with IEPs will be 3.00% or less. | Not Met – 4.31% |
| 3A | Student Achievement - AYP | 50% of the State's local school systems will meet AYP for the subgroup of students with disabilities. | Not Met – 20% (5 of 25 LSS) |
| 3B | Student Achievement - Participation | 95% of students with disabilities will participate in the Statewide assessment system. | Met – 99.03% for Math; and 99.18% for Reading. |
| 3C | Student Achievement - Proficiency | Meet the State designated AMOs for mathematics and reading at each assessed grade. | Not Met for Math or Reading |
| 4 | Suspension and Expulsion | ≤ four (4) or 16.67% of LSS will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for students with disabilities compared with nondisabled peers. | Met – 12.5% (3 of 24 LSS) |
| 5A | LRE 21% | ≥61.11% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day. | Met – 63.99% |
| 5B | LRE 60% | ≤ 16.11% of students with disabilities, ages 6-21, are served inside the regular class less than 40% of the day; | Met – 15.10% |
| 5C | LRE - Separate Schools | ≤ 6.92% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements. | Not Met – 7.59% |

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met | |
|-----------|--------------------|--|--|--|
| 6 | Preschool LRE | | Not Reported | |
| 7A | Preschool Outcomes | Positive social-emotional skills (including social relationships) | 64.3% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited. | 68.5% of children participating in Maryland's Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7B | Preschool Outcomes | Acquisition and use of knowledge and skills including early language/communication [and early literacy]) | 64.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 55.3% of children participating in Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7C | Preschool Outcomes | Use of appropriate behaviors to meet their needs. | 58.7% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 66.2% of children participating in Part B preschool were functioning within age expectations by the time they exited the program. |

Part B
FFY 2008 (SFY 2009)
Reporting Year 2008-2009
Indicators- At- Glance
05/17/2010

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|--|---|--------------------|
| 8A | Parent Involvement - Preschool | 35% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results. | Met – 69% |
| 8B | Parent Involvement - School Age | 30% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results | Met – 57% |
| 9 | Disproportional Representation (Racial & Ethnic) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups receiving special education and related services that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 10 | Disproportional Representation (Specific Disability) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups in specific disability categories that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 11 | Evaluation | 100% of children were evaluated and eligibility determined within 60 days of parental consent to evaluate. (Compliance) | Not Met – 92% |
| 12 | C to B transition | 100% of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.(Compliance) | Not Met – 97.28% |
| 13 | Transition Goals on IEP | 100% of youth with disabilities, aged 16 and above, have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.(Compliance) | Not Met – 96.3% |

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|----------------------|--|--------------------|
| 14 | Post School Outcomes | Within one year of leaving high school: <ul style="list-style-type: none"> • 44% percent of youth who had IEPs are competitively employed • 4% percent of youth who had IEPs are enrolled in some type of postsecondary school; and • 24% percent of youth who had IEPs are competitively employed and enrolled in some type of postsecondary school. | Not Reported |
| 15 | General Supervision | 100% of corrective actions identified through monitoring, complaints, due process hearings, mediations, etc. will be corrected within one year from the date of identification. (Compliance) | Not Met – 97.19% |
| 16 | State Complaints | 100% of all complaint investigations are completed within the required timelines. (Compliance) | Met – 100% |
| 17 | Due process | 100% of all due process hearings are completed within the required timelines. (Compliance) | Not Met – 93% |
| 18 | Resolutions | 64 – 75% of all resolution meetings conducted will result in a settlement agreement. | Met – 79% |
| 19 | Mediations | Maintain 75 – 85% rate of mediations that result in mediation agreements. | Met – 77% |
| 20 | State Reported Data | 100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.(Compliance) | Not Met – 98.71% |

Charles County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|---|---|
| Monitoring Priority: FAPE in the LRE | | |
| 1. Percent of youth with IEPs graduating from high school with a regular diploma. [Performance Indicator] | Charles County Public Schools' FFY 2008 data for this indicator is 78.07%. This is below the State's target of 85.50% by 7.43%. | Charles County Public Schools' data was below the State's target. The FFY 2008 data shows an increase from the previous year's graduation rate of 72.52% for students with disabilities. MSDE looks forward to Charles County Public Schools' FFY 2009 data demonstrating improvement. |
| 2. Percent of youth with IEPs dropping out of high school. [Performance Indicator] | Charles County Public Schools' FFY 2008 data for this indicator is 1.44%. This exceeds the State's target of 3.54% by 2.1%. | Charles County Public Schools exceeded the State's target. The FFY 2008 data shows a decrease from the previous year's dropout rate of 4.49% for students with disabilities. MSDE looks forward to Charles County Public Schools' FFY 2009 data demonstrating improvement. |
| 4. 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. [Compliance Indicator] | Charles County Public Schools' FFY 2008 ratio for multiple suspensions summing to greater than 10 days is 0.0 and for single event suspensions is 0.0 when compared to nondisabled peers. The State's target for both multiple and single event suspensions is 0.00 – 1.49. | Charles County Public Schools met the State's target for multiple suspensions summing to greater than 10 days and for single event suspensions. MSDE looks forward to Charles County Public Schools' FFY 2009 data continuing to meet the State's target. |

Charles County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis/Next Steps |
|--|---|--|
| <p>Percent of children with IEPs aged 6 through 21:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Performance Indicator]</p> | <p>A. Charles County Public Schools' FFY 2008 data for this indicator is 61.92%. This exceeds the State's target of 61.11% for FFY 2008 by .81%.</p> <p>B. Charles County Public Schools' FFY 2008 data for this indicator is 18.04%. This did not meet the State's target of 16.11 % for FFY 2008 by 1.93%.</p> <p>C. Charles County Public Schools' FFY 2008 data for this indicator is 3.46%. This exceeds the State's target of 6.92% for FFY 2008 by 3.46 %.</p> | <p>Charles County Public Schools' data exceeded the State's targets for Indicators 5A and 5C. Charles County Public Schools' data did not meet the State's target for Indicator 5B.</p> <p>MSDE looks forward to Charles County Public Schools' FFY 2009 data demonstrating improvement.</p> |
| Monitoring Priority: Disproportionality | | |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Charles County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Charles County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Charles County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |

Charles County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|---|---|--|
| <p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p> | <p>Charles County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Charles County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Charles County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |
| <p>Monitoring Priority: Effective General Supervision</p> | | |
| <p>11. Percent of children who are evaluated within 60 days of receiving parental consent for initial evaluation or, if the State established a timeframe within which the evaluation must be conducted, within that timeframe.</p> <p>[Compliance Indicator]</p> | <p>Charles County Public Schools' FFY 2008 data for this indicator is 93.13%. The State's target is 100%.</p> | <p>Charles County Public Schools' data did not meet the State's target of 100% for this compliance indicator</p> <p>MSDE looks forward to Charles County Public Schools' FFY 2009 data demonstrating 100% compliance</p> |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Charles County Public Schools' FFY 2008 data for this indicator is 100%. The State's target is 100%.</p> | <p>Charles County Public Schools' data met the State's target of 100% for this compliance indicator.</p> <p>MSDE looks forward to Charles County Public Schools' FFY 2009 data maintaining 100% compliance.</p> |

Charles County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|---|--|--|
| <p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.</p> <p>[Compliance Indicator]</p> | <p>Charles County Public Schools' FFY 2008 data for this indicator is 99.2%. The State's target is 100%.</p> | <p>Charles County Public Schools' data did not meet the State's target of 100% for this compliance indicator, but was substantially compliant (95-99.9%).</p> <p>MSDE looks forward to Charles County Public Schools' FFY 2009 data demonstrating 100% compliance.</p> |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Charles County Public Schools had two corrective actions due in FFY 2008.</p> | <p>Charles County Public Schools had three findings of noncompliance identified by MSDE that were due for correction in FFY 2008. Both were corrected within timelines.</p> <p>MSDE expects all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p> |
| <p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p> | <p>Charles County Public Schools submitted required 618 data in a timely and accurate manner.</p> | <p>Charles County Public Schools' data met the State's target for the timely and accurate submission of required 618 data and other data required by the State for FFY 2008.</p> <p>MSDE expects Charles County Public Schools' submission of required data to be timely and accurate.</p> |



Nancy S. Grasmick
State Superintendent of Schools

May 18, 2010

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

Dr. Frederic Hildenbrand
Superintendent
Dorchester County Board of Education
700 Glasgow Street
Cambridge, MD 21613

Dear Dr. Hildenbrand:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through review of the APR and other data sources, OSEP evaluates each state's performance on these indicators, and assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Federal Fiscal Year (FFY) 2008 [State Fiscal Year (SFY) 2009 (2008-2009 School Year)] Part B in early June 2010. In accordance with 34 CFR §300.606, if OSEP identifies MSDE as Needs Assistance, Needs Intervention, or Needs Substantial Intervention, MSDE is required to notify local school systems, public agencies, the media, and the public of this action.

Pursuant to 20 U.S.C. §1416(a)(1)(C)(i) and 34 C.F.R. §300.600, MSDE is also required to make determinations annually on the performance of each local school system in the State using the categories in 34 C.F.R. §300.603(b)(1), use appropriate enforcement mechanisms, consistent with 34 C.F.R. §300.604, which must include, if applicable, the enforcement mechanisms identified in §300.604(a)(1) (technical assistance), (a)(3) (conditions on funding of a local school system), (b)(2)(i) (a corrective action plan or improvement plan), (b)(2)(v) (withholding funds, in whole or in part, by MSDE), and (c)(2) (withholding funds, in whole or in part, by MSDE). In accordance with 20 U.S.C. §1416(e) and 34 C.F.R. §300.603(b)(1), MSDE also must use one of the following four categories to assign a determination to each local school system: Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each local public agency's performance in meeting the State's targets for FFY 2008. Attached is a document entitled, "Part C and Part B Public Agency Determination," that lists the Part B indicators considered in making determinations. MSDE carefully considered all aspects of this process. Based on FFY 2008 data, as well as information obtained through monitoring and complaint investigations, the Dorchester County Public Schools (DCPS) has been determined to be **Meets Requirements**.

Dr. Frederic Hildenbrand
May 18, 2010
Page Two

To be in the category of Meets Requirements, the DCPS must have met or exceeded the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) or were not significantly below the target on LRE Indicators (5a, 5b, or 5c). In addition, the DCPS must have demonstrated compliance (100%) or substantial compliance (95-99.9%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), and had no corrective actions or had completed corrective actions within one year (15).

Attached to this letter are copies of the following documents:

- Part B Local Determination Table; and
- Part B Local Determination Framework for Technical Assistance and Intervention.

The "Part B Local Determination Table" provides an analysis of the DCPS' data. The "Part B Local Determination Framework for Technical Assistance and Intervention" provides additional information relative to technical assistance and support available to your local school system.

As you know, the State must report annually to the public on the performance of each local school system on the targets in the SPP under IDEA. The public may access the MSDE IDEA performance report at <http://mdideareport.org>. The requirement for public reporting on local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. MSDE will continue to provide technical assistance opportunities as you work to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any comments on our past technical assistance efforts or the need for guidance, we would appreciate your feedback as we work to develop further mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the DCPS to improve results for students with disabilities. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



Carol Ann Heath, Ed.D.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

CAH/DRR/alp/gh
Attachments

c: Nancy S. Grasmick
Angela McPeake Gebert
Branch/Section Chiefs

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2008 (reporting period July 1, 2008 – June 30, 2009)

| | | Meets Target or Substantial Compliance Zero Points | | Below Target One Point | | Significantly Below The Target Two Points | |
|--|--|--|----------------------------------|---------------------------|---|---|-------------------------------------|
| Section 1 & 2: | Compliance Indicators | 4 | 0.00 – 1.49 | 4 | 1.50 – 1.99 | 4 | ≥ 2.00 |
| | | 9 | Yes/0.0% | 9 | NA | 9 | No |
| | | 10 | Yes/0.0% | 10 | NA | 10 | No |
| | | 11 | 95 - 100% | 11 | 85.0 - 94.9% | 11 | < 85.0% |
| | | 12 | 95 - 100% | 12 | 85.0 - 94.9% | 12 | < 85.0% |
| | | 13 | 95 - 100% | 13 | 85.0 - 94.9% | 13 | < 85.0% |
| | Performance Indicators | 1 | ≥ 85.50% | 1 | 85.49 – 77.26% | 1 | ≤ 77.25% |
| | | 2 | ≤ 3.54% | 2 | 3.55 – 6.73% | 2 | ≥ 6.74% |
| | | 3a | AYP met R/M all bands | 3a | AYP not met R/M on all bands | 3a | NA |
| | | 3b | ≥ 95% in R and M | 3b | < 95% in R and M | 3b | NA |
| | | 3cR | All grade targets are met | 3cR | Below target one or more grades | 3cR | NA |
| | | 3cM | All grade targets are met | 3cM | Below target one or more grades | 3cM | NA |
| | | 5a | ≥ 61.11% | 5a | 61.10 – 57.10% | 5a | ≤ 57.09% |
| | | 5b | ≤ 16.11% | 5b | 16.12 - 20.12% | 5b | ≥ 20.13% |
| | | 5c | ≤ 6.92% | 5c | 6.93 – 7.92% | 5c | ≥ 7.93% |
| Section 3: Correction of Noncompliance | 15 | <u>All</u> findings corrected within 12 months. or No corrective actions. | 15 | | 15 | <u>Each</u> finding not corrected within 12 months. Applies to findings identified 7/1/06 - 6/30/07 with correction by 6/30/08. | |
| | Section 4: Data Are Timely and Accurate | 20 | Data are timely and accurate. | 20 | Data are timely but not accurate or Data are accurate but not timely. | 20 | Data are not timely or accurate. |

Indicator targets are identified in the MSDE's State Performance Plan (SPP).
Results are reported annually in the Annual Performance Report (APR).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial¹ compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

¹ Full compliance means a local school system or public agency provided data showing 100% for the identified indicators. Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (95% or better).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2008 (SFY 2009 – Reporting Period July 1, 2008 – June 30, 2009)

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2009.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

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

In addition, States could also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org>, no later than May 27, 2010. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting
- 4a. Family Outcomes – Know Their Rights
- 4b. Family Outcomes – Effectively Communicate Their Children's Needs
- 4c. Family Outcomes – Help Their Children Develop and Learn
5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline
- 8a. Transition (Transition Outcomes)
- 8b. Transition (Notification to LEA)
- 8c. Transition (Timely Planning Meeting)
9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to Part B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes, but is not limited to, teleconference calls, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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

- (1) Take any of the actions described in 34 CFR §300.604(a);
- (2) Take one or more of the following actions:
 - (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
 - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.*

- (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
- (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
 - (iv) Seeks to recover funds under section 452 of GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

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

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

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

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|-------------------------------------|---|--|
| 1 | Graduation | 85.50% of youth with IEPs will graduate with a regular diploma. | Not Met – 67.23% |
| 2 | Dropout | The dropout rate of students with IEPs will be 3.00% or less. | Not Met – 4.31% |
| 3A | Student Achievement - AYP | 50% of the State's local school systems will meet AYP for the subgroup of students with disabilities. | Not Met – 20% (5 of 25 LSS) |
| 3B | Student Achievement - Participation | 95% of students with disabilities will participate in the Statewide assessment system. | Met – 99.03% for Math; and 99.18% for Reading. |
| 3C | Student Achievement - Proficiency | Meet the State designated AMOs for mathematics and reading at each assessed grade. | Not Met for Math or Reading |
| 4 | Suspension and Expulsion | ≤ four (4) or 16.67% of LSS will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for students with disabilities compared with nondisabled peers. | Met – 12.5% (3 of 24 LSS) |
| 5A | LRE 21% | ≥61.11% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day. | Met – 63.99% |
| 5B | LRE 60% | ≤ 16.11% of students with disabilities, ages 6-21, are served inside the regular class less than 40% of the day; | Met – 15.10% |
| 5C | LRE - Separate Schools | ≤ 6.92% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements. | Not Met – 7.59% |

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met | |
|-----------|--------------------|--|--|--|
| 6 | Preschool LRE | | Not Reported | |
| 7A | Preschool Outcomes | Positive social-emotional skills (including social relationships) | 64.3% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited. | 68.5% of children participating in Maryland's Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7B | Preschool Outcomes | Acquisition and use of knowledge and skills including early language/communication [and early literacy]) | 64.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 55.3% of children participating in Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7C | Preschool Outcomes | Use of appropriate behaviors to meet their needs. | 58.7% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 66.2% of children participating in Part B preschool were functioning within age expectations by the time they exited the program. |

Part B
FFY 2008 (SFY 2009)
Reporting Year 2008-2009
Indicators- At- Glance
05/17/2010

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|--|---|--------------------|
| 8A | Parent Involvement - Preschool | 35% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results. | Met – 69% |
| 8B | Parent Involvement - School Age | 30% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results | Met – 57% |
| 9 | Disproportional Representation (Racial & Ethnic) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups receiving special education and related services that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 10 | Disproportional Representation (Specific Disability) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups in specific disability categories that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 11 | Evaluation | 100% of children were evaluated and eligibility determined within 60 days of parental consent to evaluate. (Compliance) | Not Met – 92% |
| 12 | C to B transition | 100% of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.(Compliance) | Not Met – 97.28% |
| 13 | Transition Goals on IEP | 100% of youth with disabilities, aged 16 and above, have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.(Compliance) | Not Met – 96.3% |

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|----------------------|---|--------------------|
| 14 | Post School Outcomes | Within one year of leaving high school: <ul style="list-style-type: none"> • 44% percent of youth who had IEPs are competitively employed • 4% percent of youth who had IEPs are enrolled in some type of postsecondary school; and • 24% percent of youth who had IEPs are competitively employed and enrolled in some type of postsecondary school. | Not Reported |
| 15 | General Supervision | 100% of corrective actions identified through monitoring, complaints, due process hearings, mediations, etc. will be corrected within one year from the date of identification. (Compliance) | Not Met – 97.19% |
| 16 | State Complaints | 100% of all complaint investigations are completed within the required timelines. (Compliance) | Met – 100% |
| 17 | Due process | 100% of all due process hearings are completed within the required timelines. (Compliance) | Not Met – 93% |
| 18 | Resolutions | 64 – 75% of all resolution meetings conducted will result in a settlement agreement. | Met – 79% |
| 19 | Mediations | Maintain 75 – 85% rate of mediations that result in mediation agreements. | Met – 77% |
| 20 | State Reported Data | 100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.(Compliance) | Not Met – 98.71% |

Dorchester County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|--|--|
| Monitoring Priority: FAPE in the LRE | | |
| 1. Percent of youth with IEPs graduating from high school with a regular diploma. [Performance Indicator] | Dorchester County Public Schools' FFY 2008 data for this indicator is 20.00%. This is below the State's target of 85.50% by 65.50%. | Dorchester County Public Schools' data was below the State's target. The FFY 2008 data shows a decrease from the previous year's graduation rate of 55.56% for students with disabilities. MSDE looks forward to Dorchester County Public Schools' FFY 2009 data demonstrating improvement. |
| 2. Percent of youth with IEPs dropping out of high school. [Performance Indicator] | Dorchester County Public Schools' FFY 2008 data for this indicator is 0.00%. This exceeds the State's target of 3.54% by 3.54%. | Dorchester County Public Schools' data exceeded the State's target for this indicator. MSDE looks forward to Dorchester County Public Schools' FFY 2009 data maintaining 0.00% for this performance indicator. |
| 4. 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. [Compliance Indicator] | Dorchester County Public Schools' FFY 2008 ratio for multiple suspensions summing to greater than 10 days is 0.00 and for single event suspensions is 0.00 when compared to nondisabled peers. The State's target for both multiple and single event suspensions is 0.00 – 1.49. | Dorchester County School's met the State's target for multiple suspensions summing to greater than 10 days and for single event suspensions.. MSDE looks forward to Dorchester County Public Schools' FFY 2009 data continuing to meet the State's target. |

**Dorchester County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009**

| Monitoring Priorities and Indicators | Status | MSDE Analysis/Next Steps |
|---|--|---|
| <p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Performance Indicator]</p> | <p>A. Dorchester County Public Schools' FFY 2008 data for this indicator is 74.52%. This exceeds the State's target of 61.11% for FFY 2008 by 13.41%.</p> <p>B. Dorchester County Public Schools' FFY 2008 data for this indicator is 6.67%. This exceeds the State's target of 16.11% for FFY 2008 by 9.44%.</p> <p>C. Dorchester County Public Schools' FFY 2008 data for this indicator is 1.43%. This exceeds the State's target of 6.92% for FFY 2008 by 5.49%.</p> | <p>Dorchester County Public Schools' data exceeded the State's targets for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to Dorchester County Public Schools' FFY 2009 data demonstrating continued improvement.</p> |
| Monitoring Priority: Disproportionality | | |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Dorchester County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Dorchester County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Dorchester County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |

**Dorchester County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009**

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|--|---|
| <p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. [Compliance Indicator]</p> | <p>Dorchester County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Dorchester County Public Schools' data met the State's target for this compliance indicator. MSDE looks forward to Dorchester County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |
| Monitoring Priority: Effective General Supervision | | |
| <p>11. Percent of children who are evaluated within 60 days of receiving parental consent for initial evaluation or, if the State established a timeframe within which the evaluation must be conducted, within that timeframe. [Compliance Indicator]</p> | <p>Dorchester County Public Schools' FFY 2008 data for this indicator is 100%. The State's target is 100%.</p> | <p>Dorchester County Public Schools' data met the State's target of 100% for this compliance indicator. MSDE looks forward to Dorchester County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |
| <p>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. [Compliance Indicator]</p> | <p>Dorchester County Public Schools' FFY 2008 data for this indicator is 100%. The State's target is 100%.</p> | <p>Dorchester County Public Schools' data met the State's target of 100% for this compliance indicator. MSDE looks forward to Dorchester County Public Schools' FFY 2009 data maintaining 100% compliance.</p> |

**Dorchester County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009**

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|--|---|
| <p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals. [Compliance Indicator]</p> | <p>Dorchester County Public Schools' FFY 2008 data for this indicator is 100%. The State's target is 100%.</p> | <p>Dorchester County Public Schools' data met the State's target of 100% for this compliance indicator. MSDE looks forward to Dorchester County Public Schools' FFY 2009 data maintaining 100% compliance.</p> |
| <p>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. [Compliance Indicator]</p> | <p>Dorchester County Public Schools had no corrective actions due in FFY 2008.</p> | <p>Dorchester County Public Schools had no findings of noncompliance identified by MSDE that were due for correction in FFY 2008. MSDE expects all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p> |
| <p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]</p> | <p>Dorchester County Public Schools submitted required 618 data in a timely and accurate manner.</p> | <p>Dorchester County Public Schools' data met the State's target for the timely and accurate submission of required 618 data and other data required by the State for FFY 2008. MSDE expects Dorchester County Public Schools' submission of required data to be timely and accurate.</p> |



Nancy S. Grasmick
State Superintendent of Schools

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

May 18, 2010

Dr. Linda D. Burgee
Superintendent
Frederick County Board of Education
115 East Church Street
Frederick, MD 21701

Dear Dr. Burgee:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through review of the APR and other data sources, OSEP evaluates each state's performance on these indicators, and assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Federal Fiscal Year (FFY) 2008 [State Fiscal Year (SFY) 2009 (2008-2009 School Year)] Part B in early June 2010. In accordance with 34 CFR §300.606, if OSEP identifies MSDE as Needs Assistance, Needs Intervention, or Needs Substantial Intervention, MSDE is required to notify local school systems, public agencies, the media, and the public of this action.

Pursuant to 20 U.S.C. §1416(a)(1)(C)(i) and 34 C.F.R. §300.600, MSDE is also required to make determinations annually on the performance of each local school system in the State using the categories in 34 C.F.R. §300.603(b)(1), use appropriate enforcement mechanisms, consistent with 34 C.F.R. §300.604, which must include, if applicable, the enforcement mechanisms identified in §300.604(a)(1) (technical assistance), (a)(3) (conditions on funding of a local school system), (b)(2)(i) (a corrective action plan or improvement plan), (b)(2)(v) (withholding funds, in whole or in part, by MSDE), and (c)(2) (withholding funds, in whole or in part, by MSDE). In accordance with 20 U.S.C. §1416(e) and 34 C.F.R. §300.603(b)(1), MSDE also must use one of the following four categories to assign a determination to each local school system: Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each public agency's performance in meeting the State's targets for FFY 2008. Attached is a document entitled, "Part C and Part B Public Agency Determination," that lists the Part B indicators considered in making determinations. MSDE carefully considered all aspects of this process. Based on FFY 2008 data, as well as information obtained through monitoring and complaint investigations, the Frederick County Public Schools (FCPS) has been determined to be **Meets Requirements**.

Dr. Linda D. Burgee
May 18, 2010
Page Two

To be in the category of Meets Requirements, the FCPS must have met or exceeded the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) or were not significantly below the target on LRE Indicators (5a, 5b, or 5c). In addition, the FCPS must have demonstrated compliance (100%) or substantial compliance (95-99.9%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), and had no corrective actions or had completed corrective actions within one year (15).

Attached to this letter are copies of the following documents:

- Part B Local Determination Table; and
- Part B Local Determination Framework for Technical Assistance and Intervention.

The "Part B Local Determination Table" provides an analysis of the FCPS' data. The "Part B Local Determination Framework for Technical Assistance and Intervention" provides additional information relative to technical assistance and support available to your local school system.

As you know, the State must report annually to the public on the performance of each local school system on the targets in the SPP under IDEA. The public may access the MSDE IDEA performance report at <http://mdideareport.org>. The requirement for public reporting on local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. MSDE will continue to provide technical assistance opportunities as you work to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any comments on our past technical assistance efforts or the need for guidance, we would appreciate your feedback as we work to develop further mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the FCPS to improve results for students with disabilities. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



Carol Ann Heath, Ed.D.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

CAH/DRR/alp/gh
Attachments

c: Nancy S. Grasmick
Pamela Pencola
Branch/Section Chiefs

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2008 (reporting period July 1, 2008 – June 30, 2009)

| | | Meets Target or Substantial Compliance Zero Points | Below Target One Point | Significantly Below The Target Two Points |
|--|-----------------------------------|---|---|--|
| Section 1 & 2: | Compliance Indicators | 4 0.00 – 1.49 | 4 1.50 – 1.99 | 4 ≥ 2.00 |
| | | 9 Yes/0.0% | 9 NA | 9 No |
| | | 10 Yes/0.0% | 10 NA | 10 No |
| | | 11 95 - 100% | 11 85.0 - 94.9% | 11 < 85.0% |
| | | 12 95 - 100% | 12 85.0 - 94.9% | 12 < 85.0% |
| | | 13 95 - 100% | 13 85.0 - 94.9% | 13 < 85.0% |
| | Performance Indicators | 1 ≥ 85.50% | 1 85.49 – 77.26% | 1 ≤ 77.25% |
| | | 2 ≤ 3.54% | 2 3.55 – 6.73% | 2 ≥ 6.74% |
| | | 3a AYP met R/M all bands | 3a AYP not met R/M on all bands | 3a NA |
| | | 3b ≥ 95% in R and M | 3b < 95% in R and M | 3b NA |
| | | 3cR All grade targets are met | 3cR Below target one or more grades | 3cR NA |
| | | 3cM All grade targets are met | 3cM Below target one or more grades | 3cM NA |
| | | 5a ≥ 61.11% | 5a 61.10 – 57.10% | 5a ≤ 57.09% |
| Section 3: Correction of Noncompliance | 15 | All findings corrected within 12 months. or No corrective actions. | 15 | 15 |
| | | | | Each finding not corrected within 12 months. Applies to findings identified 7/1/06 - 6/30/07 with correction by 6/30/08. |
| Section 4: Data Are Timely and Accurate | 20 | Data are timely and accurate. | Data are timely but not accurate | 20 |
| | | | or Data are accurate but not timely. | |
| | | | | Data are not timely or accurate. |

Indicator targets are identified in the MSDE's State Performance Plan (SPP).
Results are reported annually in the Annual Performance Report (APR).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial¹ compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

¹ Full compliance means a local school system or public agency provided data showing 100% for the identified indicators. Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (95% or better).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2008 (SFY 2009 – Reporting Period July 1, 2008 – June 30, 2009)

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2009.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

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

In addition, States could also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org>, no later than May 27, 2010. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting
- 4a. Family Outcomes – Know Their Rights
- 4b. Family Outcomes – Effectively Communicate Their Children's Needs
- 4c. Family Outcomes – Help Their Children Develop and Learn
5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline
- 8a. Transition (Transition Outcomes)
- 8b. Transition (Notification to LEA)
- 8c. Transition (Timely Planning Meeting)
9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to Part B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes, but is not limited to, teleconference calls, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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

- (1) Take any of the actions described in 34 CFR §300.604(a);
- (2) Take one or more of the following actions:
 - (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
 - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.*

- (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
- (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
 - (iv) Seeks to recover funds under section 452 of GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

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

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

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

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|-------------------------------------|---|--|
| 1 | Graduation | 85.50% of youth with IEPs will graduate with a regular diploma. | Not Met – 67.23% |
| 2 | Dropout | The dropout rate of students with IEPs will be 3.00% or less. | Not Met – 4.31% |
| 3A | Student Achievement - AYP | 50% of the State's local school systems will meet AYP for the subgroup of students with disabilities. | Not Met – 20% (5 of 25 LSS) |
| 3B | Student Achievement - Participation | 95% of students with disabilities will participate in the Statewide assessment system. | Met – 99.03% for Math; and 99.18% for Reading. |
| 3C | Student Achievement - Proficiency | Meet the State designated AMOs for mathematics and reading at each assessed grade. | Not Met for Math or Reading |
| 4 | Suspension and Expulsion | ≤ four (4) or 16.67% of LSS will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for students with disabilities compared with nondisabled peers. | Met – 12.5% (3 of 24 LSS) |
| 5A | LRE 21% | ≥61.11% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day. | Met – 63.99% |
| 5B | LRE 60% | ≤ 16.11% of students with disabilities, ages 6-21, are served inside the regular class less than 40% of the day; | Met – 15.10% |
| 5C | LRE - Separate Schools | ≤ 6.92% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements. | Not Met – 7.59% |

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)

Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met | |
|-----------|--------------------|--|--|--|
| 6 | Preschool LRE | | Not Reported | |
| 7A | Preschool Outcomes | Positive social-emotional skills (including social relationships) | 64.3% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited. | 68.5% of children participating in Maryland's Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7B | Preschool Outcomes | Acquisition and use of knowledge and skills including early language/communication [and early literacy]) | 64.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 55.3% of children participating in Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7C | Preschool Outcomes | Use of appropriate behaviors to meet their needs. | 58.7% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 66.2% of children participating in Part B preschool were functioning within age expectations by the time they exited the program. |

Part B
FFY 2008 (SFY 2009)
Reporting Year 2008-2009
Indicators- At- Glance
05/17/2010

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|--|---|--------------------|
| 8A | Parent Involvement - Preschool | 35% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results. | Met – 69% |
| 8B | Parent Involvement - School Age | 30% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results | Met – 57% |
| 9 | Disproportional Representation (Racial & Ethnic) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups receiving special education and related services that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 10 | Disproportional Representation (Specific Disability) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups in specific disability categories that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 11 | Evaluation | 100% of children were evaluated and eligibility determined within 60 days of parental consent to evaluate. (Compliance) | Not Met – 92% |
| 12 | C to B transition | 100% of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.(Compliance) | Not Met – 97.28% |
| 13 | Transition Goals on IEP | 100% of youth with disabilities, aged 16 and above, have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.(Compliance) | Not Met – 96.3% |

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)

Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|----------------------|--|--------------------|
| 14 | Post School Outcomes | Within one year of leaving high school: <ul style="list-style-type: none"> • 44% percent of youth who had IEPs are competitively employed • 4% percent of youth who had IEPs are enrolled in some type of postsecondary school; and • 24% percent of youth who had IEPs are competitively employed and enrolled in some type of postsecondary school. | Not Reported |
| 15 | General Supervision | 100% of corrective actions identified through monitoring, complaints, due process hearings, mediations, etc. will be corrected within one year from the date of identification. (Compliance) | Not Met – 97.19% |
| 16 | State Complaints | 100% of all complaint investigations are completed within the required timelines. (Compliance) | Met – 100% |
| 17 | Due process | 100% of all due process hearings are completed within the required timelines. (Compliance) | Not Met – 93% |
| 18 | Resolutions | 64 – 75% of all resolution meetings conducted will result in a settlement agreement. | Met – 79% |
| 19 | Mediations | Maintain 75 – 85% rate of mediations that result in mediation agreements. | Met – 77% |
| 20 | State Reported Data | 100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates. (Compliance) | Not Met – 98.71% |

Frederick County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|---|---|
| Monitoring Priority: FAPE in the LRE | | |
| 1. Percent of youth with IEPs graduating from high school with a regular diploma. [Performance Indicator] | Frederick County Public Schools' FFY 2008 data for this indicator is 94.42%. This exceeds the State's target of 85.50% by 8.92%. | Frederick County Public Schools' data exceeds the State target for this indicator. MSDE looks forward to Frederick County Public Schools' FFY 2009 data demonstrating improvement. |
| 2. Percent of youth with IEPs dropping out of high school. [Performance Indicator] | Frederick County Public Schools' FFY 2008 data for this indicator is 1.77%. This exceeds the State's target of 3.54% by 1.77%. | Frederick County Public Schools' data exceeds the State target for this indicator. MSDE looks forward to Frederick County Public Schools' FFY 2009 data demonstrating improvement. |
| 4. 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. [Compliance Indicator] | Frederick County Public Schools' FFY 2008 ratio for multiple suspensions summing to greater than 10 days is 0.0 and for single event suspensions is 0.0 when compared to nondisabled peers. The State's target for both multiple and single event suspensions is 0.00 – 1.49. | Frederick County Public Schools' data met the State's target for multiple suspensions summing to greater than 10 days and single event suspensions. MSDE looks forward to Frederick County Public Schools' FFY 2009 data meeting the State's target. |

**Frederick County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009**

| Monitoring Priorities and Indicators | Status | MSDE Analysis/Next Steps |
|--|---|---|
| <p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements. [Performance Indicator]</p> | <p>A. Frederick County Public Schools' FFY 2008 data for this indicator is 80.52%. This exceeds the State's target of 61.11% for FFY 2008 by 19.41 %.</p> <p>B. Frederick County Public Schools' FFY 2008 data for this indicator is 5.81%. This exceeds the State's target of 16.11% for FFY 2008 by 10.30%.</p> <p>C. Frederick County Public Schools' FFY 2008 data for this indicator is 4.59%. This exceeds the State's target of 6.92% for FFY 2008 by 2.33%.</p> | <p>Frederick County Public Schools' data exceeded the State's targets for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to Frederick County Public Schools' FFY 2009 data demonstrating continued improvement.</p> |
| Monitoring Priority: Disproportionality | | |
| <p>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. [Compliance Indicator]</p> | <p>Frederick County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Frederick County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Frederick County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |

**Frederick County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009**

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|---|--|
| <p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. [Compliance Indicator]</p> | <p>Frederick County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Frederick County Public Schools' data met the State's target for this compliance indicator. MSDE looks forward to Frederick County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |
| Monitoring Priority: Effective General Supervision | | |
| <p>11. Percent of children who are evaluated within 60 days of receiving parental consent for initial evaluation or, if the State established a timeframe within which the evaluation must be conducted, within that timeframe. [Compliance Indicator]</p> | <p>Frederick County Public Schools' FFY 2007 data for this indicator is 98.22%. The State's target is 100%.</p> | <p>Frederick County Public Schools' data did not meet the State's target of 100% for this compliance indicator, but was substantially compliant (95-99.9%). MSDE looks forward to Frederick County Public Schools' FFY 2009 data demonstrating 100% compliance</p> |
| <p>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. [Compliance Indicator]</p> | <p>Frederick County Public Schools' FFY 2008 data for this indicator is 100%. The State's target is 100%.</p> | <p>Frederick County Public Schools' data met the State's target of 100%. MSDE looks forward to Frederick County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |

Frederick County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|---|--|--|
| <p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.</p> <p>[Compliance Indicator]</p> | <p>Frederick County Public Schools' FFY 2008 data for this indicator is 99.9%. The State's target is 100%.</p> | <p>Frederick County Public Schools' data did not meet the State's target of 100% for this compliance indicator, but was substantially compliant (95-99.9%).</p> <p>MSDE looks forward to Frederick County Public Schools' FFY 2009 data demonstrating 100% compliance.</p> |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Frederick County Public Schools had two corrective action plans due during FFY 2008.</p> | <p>Frederick County Public Schools had two findings of noncompliance identified by MSDE that were due for correction in FFY 2008. The two findings were corrected within timelines.</p> <p>MSDE expects all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p> |
| <p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p> | <p>Frederick County Public Schools submitted required 618 data in a timely and accurate manner.</p> | <p>Frederick County Public Schools' data met the State's target for the timely and accurate submission of required 618 data and other data requirements for FFY 2008.</p> <p>MSDE expects Frederick County Public Schools' submission of required data to be timely and accurate.</p> |



Nancy S. Grasmick
State Superintendent of Schools

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

May 18, 2010

Dr. Wendell D. Teets
Superintendent
Garrett County Board of Education
40 South Second Street
Oakland, MD 21701

Dear Dr. Teets:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through review of the APR and other data sources, OSEP evaluates each state's performance on these indicators, and assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Federal Fiscal Year (FFY) 2008 [State Fiscal Year (SFY) 2009 (2008-2009 School Year)] Part B in early June 2010. In accordance with 34 CFR §300.606, if OSEP identifies MSDE as Needs Assistance, Needs Intervention, or Needs Substantial Intervention, MSDE is required to notify local school systems, public agencies, the media, and the public of this action.

Pursuant to 20 U.S.C. §1416(a)(1)(C)(i) and 34 C.F.R. §300.600, MSDE is also required to make determinations annually on the performance of each local school system in the State using the categories in 34 C.F.R. §300.603(b)(1), use appropriate enforcement mechanisms, consistent with 34 C.F.R. §300.604, which must include, if applicable, the enforcement mechanisms identified in §300.604(a)(1) (technical assistance), (a)(3) (conditions on funding of a local school system), (b)(2)(i) (a corrective action plan or improvement plan), (b)(2)(v) (withholding funds, in whole or in part, by MSDE), and (c)(2) (withholding funds, in whole or in part, by MSDE). In accordance with 20 U.S.C. §1416(e) and 34 C.F.R. §300.603(b)(1), MSDE also must use one of the following four categories to assign a determination to each local school system: Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each local public agency's performance in meeting the State's targets for FFY 2008. Attached is a document entitled, "Part C and Part B Public Agency Determination," that lists the Part B indicators considered in making determinations. MSDE carefully considered all aspects of this process. Based on FFY 2008 data, as well as information obtained through monitoring and complaint investigations, the Garrett County Public Schools (GCPS) has been determined to be **Meets Requirements**.

Dr. Wendell D. Teets
May 18, 2010
Page Two

To be in the category of Meets Requirements, the GCPS must have met or exceeded the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) or were not significantly below the target on LRE Indicators (5a, 5b, or 5c). In addition, the GCPS must have demonstrated compliance (100%) or substantial compliance (95-99.9%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), and had no corrective actions or had completed corrective actions within one year (15).

Attached to this letter are copies of the following documents:

- Part B Local Determination Table; and
- Part B Local Determination Framework for Technical Assistance and Intervention.

The "Part B Local Determination Table" provides an analysis of the GCPS' data. The "Part B Local Determination Framework for Technical Assistance and Intervention" provides additional information relative to technical assistance and support available to your local school system.

As you know, the State must report annually to the public on the performance of each local school system on the targets in the SPP under IDEA. The public may access the MSDE IDEA performance report at <http://mdideareport.org>. The requirement for public reporting on local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. MSDE will continue to provide technical assistance opportunities as you work to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any comments on our past technical assistance efforts or the need for guidance, we would appreciate your feedback as we work to develop further mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the Garrett County Public Schools to improve results for students with disabilities. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



Carol Ann Heath, Ed.D.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

CAH/DRR/ALP/gh
Attachments

c: Nancy S. Grasmick
Jennifer Kotulak
Branch/Section Chiefs

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2008 (reporting period July 1, 2008 – June 30, 2009)

| | | Meets Target or Substantial Compliance Zero Points | | Below Target One Point | | Significantly Below The Target Two Points | |
|--|--|--|----------------------------------|---------------------------|---|---|-------------------------------------|
| Section 1 & 2: | Compliance Indicators | 4 | 0.00 – 1.49 | 4 | 1.50 – 1.99 | 4 | ≥ 2.00 |
| | | 9 | Yes/0.0% | 9 | NA | 9 | No |
| | | 10 | Yes/0.0% | 10 | NA | 10 | No |
| | | 11 | 95 - 100% | 11 | 85.0 - 94.9% | 11 | < 85.0% |
| | | 12 | 95 - 100% | 12 | 85.0 - 94.9% | 12 | < 85.0% |
| | | 13 | 95 - 100% | 13 | 85.0 - 94.9% | 13 | < 85.0% |
| | Performance Indicators | 1 | ≥ 85.50% | 1 | 85.49 – 77.26% | 1 | ≤ 77.25% |
| | | 2 | ≤ 3.54% | 2 | 3.55 – 6.73% | 2 | ≥ 6.74% |
| | | 3a | AYP met R/M all bands | 3a | AYP not met R/M on all bands | 3a | NA |
| | | 3b | ≥ 95% in R and M | 3b | < 95% in R and M | 3b | NA |
| | | 3cR | All grade targets are met | 3cR | Below target one or more grades | 3cR | NA |
| | | 3cM | All grade targets are met | 3cM | Below target one or more grades | 3cM | NA |
| | | 5a | ≥ 61.11% | 5a | 61.10 – 57.10% | 5a | ≤ 57.09% |
| | | 5b | ≤ 16.11% | 5b | 16.12 - 20.12% | 5b | ≥ 20.13% |
| | | 5c | ≤ 6.92% | 5c | 6.93 – 7.92% | 5c | ≥ 7.93% |
| Section 3: Correction of Noncompliance | 15 | <u>All</u> findings corrected within 12 months. or No corrective actions. | 15 | | 15 | <u>Each</u> finding not corrected within 12 months. Applies to findings identified 7/1/06 - 6/30/07 with correction by 6/30/08. | |
| | Section 4: Data Are Timely and Accurate | 20 | Data are timely and accurate. | 20 | Data are timely but not accurate or Data are accurate but not timely. | 20 | Data are not timely or accurate. |

Indicator targets are identified in the MSDE's State Performance Plan (SPP).
Results are reported annually in the Annual Performance Report (APR).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial¹ compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

¹ Full compliance means a local school system or public agency provided data showing 100% for the identified indicators. Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (95% or better).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2008 (SFY 2009 – Reporting Period July 1, 2008 – June 30, 2009)

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2009.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

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

In addition, States could also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org>, no later than May 27, 2010. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting
- 4a. Family Outcomes – Know Their Rights
- 4b. Family Outcomes – Effectively Communicate Their Children's Needs
- 4c. Family Outcomes – Help Their Children Develop and Learn
5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline
- 8a. Transition (Transition Outcomes)
- 8b. Transition (Notification to LEA)
- 8c. Transition (Timely Planning Meeting)
9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to Part B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes, but is not limited to, teleconference calls, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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

- (1) Take any of the actions described in 34 CFR §300.604(a);
- (2) Take one or more of the following actions:
 - (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
 - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.*

- (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
- (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
 - (iv) Seeks to recover funds under section 452 of GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

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

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

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

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|-------------------------------------|---|--|
| 1 | Graduation | 85.50% of youth with IEPs will graduate with a regular diploma. | Not Met – 67.23% |
| 2 | Dropout | The dropout rate of students with IEPs will be 3.00% or less. | Not Met – 4.31% |
| 3A | Student Achievement - AYP | 50% of the State's local school systems will meet AYP for the subgroup of students with disabilities. | Not Met – 20% (5 of 25 LSS) |
| 3B | Student Achievement - Participation | 95% of students with disabilities will participate in the Statewide assessment system. | Met – 99.03% for Math; and 99.18% for Reading. |
| 3C | Student Achievement - Proficiency | Meet the State designated AMOs for mathematics and reading at each assessed grade. | Not Met for Math or Reading |
| 4 | Suspension and Expulsion | ≤ four (4) or 16.67% of LSS will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for students with disabilities compared with nondisabled peers. | Met – 12.5% (3 of 24 LSS) |
| 5A | LRE 21% | ≥61.11% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day. | Met – 63.99% |
| 5B | LRE 60% | ≤ 16.11% of students with disabilities, ages 6-21, are served inside the regular class less than 40% of the day; | Met – 15.10% |
| 5C | LRE - Separate Schools | ≤ 6.92% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements. | Not Met – 7.59% |

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met | |
|-----------|--------------------|---|--|--|
| 6 | Preschool LRE | | Not Reported | |
| 7A | Preschool Outcomes | Positive social-emotional skills (including social relationships) | 64.3% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited. | 68.5% of children participating in Maryland's Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7B | Preschool Outcomes | Acquisition and use of knowledge and skills including early language/communication [and early literacy] | 64.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 55.3% of children participating in Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7C | Preschool Outcomes | Use of appropriate behaviors to meet their needs. | 58.7% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 66.2% of children participating in Part B preschool were functioning within age expectations by the time they exited the program. |

Part B
FFY 2008 (SFY 2009)
Reporting Year 2008-2009
Indicators- At- Glance
05/17/2010

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|--|---|--------------------|
| 8A | Parent Involvement - Preschool | 35% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results. | Met – 69% |
| 8B | Parent Involvement - School Age | 30% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results | Met – 57% |
| 9 | Disproportional Representation (Racial & Ethnic) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups receiving special education and related services that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 10 | Disproportional Representation (Specific Disability) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups in specific disability categories that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 11 | Evaluation | 100% of children were evaluated and eligibility determined within 60 days of parental consent to evaluate. (Compliance) | Not Met – 92% |
| 12 | C to B transition | 100% of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.(Compliance) | Not Met – 97.28% |
| 13 | Transition Goals on IEP | 100% of youth with disabilities, aged 16 and above, have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.(Compliance) | Not Met – 96.3% |

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|----------------------|--|--------------------|
| 14 | Post School Outcomes | Within one year of leaving high school: <ul style="list-style-type: none"> • 44% percent of youth who had IEPs are competitively employed • 4% percent of youth who had IEPs are enrolled in some type of postsecondary school; and • 24% percent of youth who had IEPs are competitively employed and enrolled in some type of postsecondary school. | Not Reported |
| 15 | General Supervision | 100% of corrective actions identified through monitoring, complaints, due process hearings, mediations, etc. will be corrected within one year from the date of identification. (Compliance) | Not Met – 97.19% |
| 16 | State Complaints | 100% of all complaint investigations are completed within the required timelines. (Compliance) | Met – 100% |
| 17 | Due process | 100% of all due process hearings are completed within the required timelines. (Compliance) | Not Met – 93% |
| 18 | Resolutions | 64 – 75% of all resolution meetings conducted will result in a settlement agreement. | Met – 79% |
| 19 | Mediations | Maintain 75 – 85% rate of mediations that result in mediation agreements. | Met – 77% |
| 20 | State Reported Data | 100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.(Compliance) | Not Met – 98.71% |

Garrett County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|---|--|
| Monitoring Priority: FAPE in the LRE | | |
| 1. Percent of youth with IEPs graduating from high school with a regular diploma. [Performance Indicator] | Garrett County Public Schools' FFY 2008 data for this indicator is 56.41%. This is below the State's target of 85.50% by 29.09%. | Garrett County Public Schools' data was below the State's target. The FFY 2008 data shows a decrease from the previous year's graduation rate of 70.00% for students with disabilities. MSDE looks forward to Garrett County Public Schools' FFY 2009 data demonstrating improvement. |
| 1. Percent of youth with IEPs graduating from high school with a regular diploma. [Performance Indicator] | Garrett County Public Schools' FFY 2008 data for this indicator is 7.18%. This does not meet the State's target of 3.54% by 3.64%. | Garrett County Public Schools' data did not meet the State's target. The FFY 2008 data shows an increase from the previous year's dropout rate of 5.00% for students with disabilities. MSDE looks forward to Garrett County Public Schools' FFY 2009 data demonstrating improvement. |
| 4. 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. [Compliance Indicator] | Garrett County Public Schools' FFY 2008 ratio for multiple suspensions summing to greater than 10 days is 0.00 and for single event suspensions is 0.00 when compared to nondisabled peers. The State's target for both multiple and single event suspensions is 0.00 – 1.49. | Garrett County met the State's target for multiple suspensions summing to greater than 10 days and single event suspensions. MSDE looks forward to Garrett County Public Schools' FFY 2009 data continuing to meet the State's target. |

Garrett County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis/Next Steps |
|---|---|---|
| <p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Performance Indicator]</p> | <p>A. Garrett County Public Schools' FFY 2008 data for this indicator is 77.88%. This exceeds the State's target of 61.11% for FFY 2008 by 16.77%.</p> <p>B. Garrett County Public Schools' FFY 2008 data for this indicator is 9.04%. This exceeds the State's target of 16.11% for FFY 2008 by 7.07%.</p> <p>C. Garrett County Public Schools' FFY 2008 data for this indicator is 4.42%. This exceeds the State's target of 6.92% for FFY 2008 by 2.50%.</p> | <p>Garrett County Public Schools' data exceeded the State's targets for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to Garrett County Public Schools' FFY 2009 data demonstrating continued improvement.</p> |
| <p>Monitoring Priority: Disproportionality</p> <p>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.</p> <p>[Compliance Indicator]</p> | <p>Garrett County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Garrett County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Garrett County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |

Garrett County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|---|---|---|
| <p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p> | <p>Garrett County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Garrett County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Garrett County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |
| Monitoring Priority: Effective General Supervision | | |
| <p>11. Percent of children who are evaluated within 60 days of receiving parental consent for initial evaluation or, if the State established a timeframe within which the evaluation must be conducted, within that timeframe.</p> <p>[Compliance Indicator]</p> | <p>Garrett County Public Schools' FFY 2008 data for this indicator is 100%. The State's target is 100%.</p> | <p>Garrett County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Garrett County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Garrett County Public Schools' FFY 2008 data for this indicator is 100%. The State's target is 100%.</p> | <p>Garrett County Public Schools' data met the State's target of 100% for this compliance indicator.</p> <p>MSDE looks forward to Garrett County Public Schools' FFY 2009 data maintaining 100% compliance.</p> |

Garrett County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|---|---|--|
| <p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.</p> <p>[Compliance Indicator]</p> | <p>Garrett County Public Schools' FFY 2008 data for this indicator is 100%. The State's target is 100%.</p> | <p>Garrett County Public Schools' data met the State's target of 100% for this compliance indicator.</p> <p>MSDE looks forward to Garrett County Public Schools' FFY 2009 data maintaining 100% compliance.</p> |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Garrett County Public Schools had two corrective actions due in FFY 2008.</p> | <p>Garrett County Public Schools had two findings of noncompliance identified by MSDE that were due for correction in FFY 2008. Both were corrected within timelines.</p> <p>MSDE expects all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p> |
| <p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p> | <p>Garrett County Public Schools submitted required 618 data in a timely and accurate manner.</p> | <p>Garrett County Public Schools' data met the State's target for the timely and accurate submission of required 618 data and other data required by the State for FFY 2008.</p> <p>MSDE expects Garrett County Public Schools' submission of required data to be timely and accurate.</p> |



Nancy S. Grasmick
State Superintendent of Schools

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

May 18, 2010

Dr. Robert M. Tomback
Superintendent
Harford County Public Schools
102 South Hickory Avenue
Bel Air, MD 21014-3731

Dear Dr. Tomback:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through review of the APR and other data sources, OSEP evaluates each state's performance on these indicators, and assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Federal Fiscal Year (FFY) 2008 [State Fiscal Year (SFY) 2009 (2008-2009 School Year)] Part B in early June 2010. In accordance with 34 CFR §300.606, if OSEP identifies MSDE as Needs Assistance, Needs Intervention, or Needs Substantial Intervention, MSDE is required to notify local school systems, public agencies, the media, and the public of this action.

Pursuant to 20 U.S.C. §1416(a)(1)(C)(i) and 34 C.F.R. §300.600, MSDE is also required to make determinations annually on the performance of each local school system in the State using the categories in 34 C.F.R. §300.603(b)(1), use appropriate enforcement mechanisms, consistent with 34 C.F.R. §300.604, which must include, if applicable, the enforcement mechanisms identified in §300.604(a)(1) (technical assistance), (a)(3) (conditions on funding of a local school system), (b)(2)(i) (a corrective action plan or improvement plan), (b)(2)(v) (withholding funds, in whole or in part, by MSDE), and (c)(2) (withholding funds, in whole or in part, by MSDE). In accordance with 20 U.S.C. §1416(e) and 34 C.F.R. §300.603(b)(1), MSDE also must use one of the following four categories to assign a determination to each local school system: Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each local public agency's performance in meeting the State's targets for FFY 2008. Attached is a document entitled, "Part C and Part B Public Agency Determination," that lists the Part B indicators considered in making determinations. MSDE carefully considered all aspects of this process. Based on FFY 2008 data, as well as information obtained through monitoring and complaint investigations, the Harford County Public Schools (HCPS) has been determined to be **Needs Intervention, Year Three**.

Dr. Robert M. Tomback
May 18, 2010
Page Two

To be in the category of Meets Requirements, the HCPS must have met or exceeded the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) or were not significantly below the target on LRE Indicators (5a, 5b, or 5c). In addition, the HCPS must have demonstrated compliance (100%) or substantial compliance (95-99.9%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), and had no corrective actions or had completed corrective actions within one year (15).

Attached to this letter are copies of the following documents:

- Part B Local Determination Table; and
- Part B Local Determination Framework for Technical Assistance and Intervention.

The "Part B Local Determination Table" provides an analysis of the HCPS' data. The "Part B Local Determination Framework for Technical Assistance and Intervention" provides additional information relative to technical assistance and support available to your local school system.

The MSDE FFY 2006 and FFY 2007 determinations for HCPS were also Needs Intervention. In accordance with 20 U.S.C. §1416(e) and 34 C. F. R. §§300.600 and 300.604, if a local school system is determined to be in need of assistance for two consecutive years, MSDE must take one or more of the following actions: 1) Advise the local school system of available sources of technical assistance that may help the local school system address the areas in which the local school system needs assistance; 2) Direct the use of federal funds to the area or area(s) the local school system needs assistance; or 3) Identify the local school system as a high-risk grantee and impose special conditions on the local school system's IDEA Part B grant award. In addition, 34 C. F. R. §300.604(b) holds that, if a local school system is determined to be in need of intervention for three or more consecutive years, MSDE may take one or more of the following actions: 1) Require the local school system to prepare a corrective action plan or improvement plan; 2) Withhold not less than 20 percent and not more than 50 percent of funding until which time it is determined that the areas in need of intervention have been sufficiently addressed; 3) Seek to recover funds; and or 4) Withhold, in whole or in part, any further funds.

Pursuant to these requirements, and to assist all local school systems to meet or maintain the determination status of Meets Requirements, the MSDE provides and recommends technical assistance. Each local school system has a responsibility to access the Technical Assistance and Determination Network at <http://spp-apr-calendar.rrfcnetwork.org> and other sources of technical assistance to improve performance and/or correct noncompliance. You will be directed to a list of indicators. Select a specific indicator for a list of centers, documents, web seminars, and other sources of relevant technical assistance.

Those local school systems that were below the State's target on any indicator are required to access sources of technical assistance and inform the MSDE of the type, amount, and frequency of assistance needed to address specific needs. Attached is a list of Division personnel, with contact

Dr. Robert M. Tomback
May 18, 2010
Page Three

information for monitoring specialists and each SPP indicator. The specific indicators most critical to improving results for HCPS are: Indicator 11 (Initial Evaluation Timeline), Indicator 12 (Part C to Part B Transition), Indicator 15 (General Supervision), and Indicator 1 (Graduation).

As you know, the State must report annually to the public on the performance of each local school system on the targets in the SPP under IDEA. The public may access the MSDE IDEA performance report at <http://mdideareport.org>. The requirement for public reporting on local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. MSDE will continue to provide technical assistance opportunities as you work to improve performance under Part B of the IDEA.

If you have any comments on our past technical assistance efforts or the need for guidance, we would appreciate your feedback as we work to develop further mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the HCPS to improve results for students with disabilities. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



Carol Ann Heath, Ed.D.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

CAH/DRR/ALP

Attachments

c: Nancy S. Grasmick
Ann-Marie Spakowski
Branch/Section Chiefs

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2008 (reporting period July 1, 2008 – June 30, 2009)

| | | Meets Target or Substantial Compliance Zero Points | | Below Target One Point | | Significantly Below The Target Two Points | |
|--|---------------------------|--|----------------------------------|--|---|---|-------------------------------------|
| Section 1 & 2: | Compliance Indicators | 4 | 0.00 – 1.49 | 4 | 1.50 – 1.99 | 4 | ≥ 2.00 |
| | | 9 | Yes/0.0% | 9 | NA | 9 | No |
| | | 10 | Yes/0.0% | 10 | NA | 10 | No |
| | | 11 | 95 - 100% | 11 | 85.0 - 94.9% | 11 | < 85.0% |
| | | 12 | 95 - 100% | 12 | 85.0 - 94.9% | 12 | < 85.0% |
| | | 13 | 95 - 100% | 13 | 85.0 - 94.9% | 13 | < 85.0% |
| | Performance Indicators | 1 | ≥ 85.50% | 1 | 85.49 – 77.26% | 1 | ≤ 77.25% |
| | | 2 | ≤ 3.54% | 2 | 3.55 – 6.73% | 2 | ≥ 6.74% |
| | | 3a | AYP met R/M all bands | 3a | AYP not met R/M on all bands | 3a | NA |
| | | 3b | ≥ 95% in R and M | 3b | < 95% in R and M | 3b | NA |
| | | 3cR | All grade targets are met | 3cR | Below target one or more grades | 3cR | NA |
| | | 3cM | All grade targets are met | 3cM | Below target one or more grades | 3cM | NA |
| | | 5a | ≥ 61.11% | 5a | 61.10 – 57.10% | 5a | ≤ 57.09% |
| | | 5b | ≤ 16.11% | 5b | 16.12 - 20.12% | 5b | ≥ 20.13% |
| | | 5c | ≤ 6.92% | 5c | 6.93 – 7.92% | 5c | ≥ 7.93% |
| | | Section 3: Correction of Noncompliance | 15 | <u>All</u> findings corrected within 12 months. or No corrective actions. | 15 | | 15 |
| Section 4: Data Are Timely and Accurate | 20 | | Data are timely and accurate. | 20 | Data are timely but not accurate or Data are accurate but not timely. | 20 | Data are not timely or accurate. |

Indicator targets are identified in the MSDE's State Performance Plan (SPP).
Results are reported annually in the Annual Performance Report (APR).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial¹ compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

¹ Full compliance means a local school system or public agency provided data showing 100% for the identified indicators. Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (95% or better).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2008 (SFY 2009 – Reporting Period July 1, 2008 – June 30, 2009)

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2009.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

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

In addition, States could also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org>, no later than May 27, 2010. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting
- 4a. Family Outcomes – Know Their Rights
- 4b. Family Outcomes – Effectively Communicate Their Children's Needs
- 4c. Family Outcomes – Help Their Children Develop and Learn
5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline
- 8a. Transition (Transition Outcomes)
- 8b. Transition (Notification to LEA)
- 8c. Transition (Timely Planning Meeting)
9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to Part B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes, but is not limited to, teleconference calls, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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

- (1) Take any of the actions described in 34 CFR §300.604(a);
- (2) Take one or more of the following actions:
 - (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
 - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.*

- (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
- (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
 - (iv) Seeks to recover funds under section 452 of GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

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

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

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

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met |
|-----------|-------------------------------------|---|--|
| 1 | Graduation | 85.50% of youth with IEPs will graduate with a regular diploma. | Not Met – 67.23% |
| 2 | Dropout | The dropout rate of students with IEPs will be 3.00% or less. | Not Met – 4.31% |
| 3A | Student Achievement - AYP | 50% of the State's local school systems will meet AYP for the subgroup of students with disabilities. | Not Met – 20% (5 of 25 LSS) |
| 3B | Student Achievement - Participation | 95% of students with disabilities will participate in the Statewide assessment system. | Met – 99.03% for Math; and 99.18% for Reading. |
| 3C | Student Achievement - Proficiency | Meet the State designated AMOs for mathematics and reading at each assessed grade. | Not Met for Math or Reading |
| 4 | Suspension and Expulsion | ≤ four (4) or 16.67% of LSS will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for students with disabilities compared with nondisabled peers. | Met – 12.5% (3 of 24 LSS) |
| 5A | LRE 21% | ≥61.11% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day. | Met – 63.99% |
| 5B | LRE 60% | ≤ 16.11% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day; | Met – 15.10% |
| 5C | LRE - Separate Schools | ≤ 6.92% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements. | Not Met – 7.59% |

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)

Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met | |
|-----------|--------------------|--|--|--|
| 6 | Preschool LRE | | Not Reported | |
| 7A | Preschool Outcomes | Positive social-emotional skills (including social relationships) | 64.3% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited. | 68.5% of children participating in Maryland's Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7B | Preschool Outcomes | Acquisition and use of knowledge and skills including early language/communication [and early literacy]) | 64.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 55.3% of children participating in Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7C | Preschool Outcomes | Use of appropriate behaviors to meet their needs. | 58.7% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 66.2% of children participating in Part B preschool were functioning within age expectations by the time they exited the program. |

Part B
FFY 2008 (SFY 2009)
Reporting Year 2008-2009
Indicators- At- Glance
05/17/2010

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|--|---|--------------------|
| 8A | Parent Involvement - Preschool | 35% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results. | Met – 69% |
| 8B | Parent Involvement - School Age | 30% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results | Met – 57% |
| 9 | Disproportional Representation (Racial & Ethnic) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups receiving special education and related services that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 10 | Disproportional Representation (Specific Disability) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups in specific disability categories that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 11 | Evaluation | 100% of children were evaluated and eligibility determined within 60 days of parental consent to evaluate. (Compliance) | Not Met – 92% |
| 12 | C to B transition | 100% of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.(Compliance) | Not Met – 97.28% |
| 13 | Transition Goals on IEP | 100% of youth with disabilities, aged 16 and above, have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.(Compliance) | Not Met – 96.3% |

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|----------------------|---|--------------------|
| 14 | Post School Outcomes | Within one year of leaving high school: <ul style="list-style-type: none"> • 44% percent of youth who had IEPs are competitively employed • 4% percent of youth who had IEPs are enrolled in some type of postsecondary school; and • 24% percent of youth who had IEPs are competitively employed and enrolled in some type of postsecondary school. | Not Reported |
| 15 | General Supervision | 100% of corrective actions identified through monitoring, complaints, due process hearings, mediations, etc. will be corrected within one year from the date of identification. (Compliance) | Not Met – 97.19% |
| 16 | State Complaints | 100% of all complaint investigations are completed within the required timelines. (Compliance) | Met – 100% |
| 17 | Due process | 100% of all due process hearings are completed within the required timelines. (Compliance) | Not Met – 93% |
| 18 | Resolutions | 64 – 75% of all resolution meetings conducted will result in a settlement agreement. | Met – 79% |
| 19 | Mediations | Maintain 75 – 85% rate of mediations that result in mediation agreements. | Met – 77% |
| 20 | State Reported Data | 100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.(Compliance) | Not Met – 98.71% |

Harford County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|---|---|
| Monitoring Priority: FAPE in the LRE | | |
| 1. Percent of youth with IEPs graduating from high school with a regular diploma. [Performance Indicator] | Harford County Public Schools' FFY 2008 data for this indicator is 65.00%. This is below the State's target of 85.50% by 20.50%. | Harford County Public Schools' data was below the State's target. The FFY 2008 data shows a decrease from the previous year's graduation rate of 68.44% for students with disabilities. MSDE looks forward to Harford County Public Schools' FFY 2009 data demonstrating improvement. |
| 2. Percent of youth with IEPs dropping out of high school. [Performance Indicator] | Harford County Public Schools' FFY 2008 data for this indicator is 0.36%. This exceeds the State's target of 3.54% by 3.18%. | Harford County Public Schools' data exceeded the State's target. The FFY 2008 data shows a decrease from the previous year's dropout rate of 5.16% for students with disabilities. MSDE looks forward to Harford County Public Schools' FFY 2009 data demonstrating continued improvement. |
| 4. 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. [Compliance Indicator] | Harford County Public Schools' FFY 2008 ratio for multiple suspensions summing to greater than 10 days is 1.17 and for single event suspensions is 1.46 when compared to nondisabled peers. The State's target for both multiple and single event suspensions is 0.00 – 1.49. | Harford County Public Schools' data met the State's target for multiple suspensions summing to greater than 10 days and single event suspensions. MSDE looks forward to Harford County Public Schools' FFY 2009 data continuing to meet the State's target. |

Harford County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis/Next Steps |
|---|--|---|
| <p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Performance Indicator]</p> | <p>A. Harford County Public Schools' FFY 2008 data for this indicator is 81.16%. This exceeds the State's target of 61.11% for FFY 2008 by 20.05%.</p> <p>B. Harford County Public Schools' FFY 2008 data for this indicator is 4.61%. This exceeds the State's target of 16.11% for FFY 2008 by 11.50%.</p> <p>C. Harford County Public Schools' FFY 2008 data for this indicator is 5.74%. This exceeds the State's target of 6.92% for FFY 2008 by 1.18%.</p> | <p>Harford County Public Schools' data exceeded the State's targets for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to Harford County Public Schools' FFY 2009 data demonstrating continued improvement.</p> |
| Monitoring Priority: Disproportionality | | |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Harford County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Harford County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Harford County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |

Harford County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|---|---|--|
| <p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p> | <p>Harford County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Harford County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Harford County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |
| Monitoring Priority: Effective General Supervision | | |
| <p>11. Percent of children who are evaluated within 60 days of receiving parental consent for initial evaluation or, if the State established a timeframe within which the evaluation must be conducted, within that timeframe.</p> <p>[Compliance Indicator]</p> | <p>Harford County Public Schools' FFY 2008 data for this indicator is 92.36%. The State's target is 100%.</p> | <p>Harford County Public Schools' data did not meet the State's target of 100% for this compliance indicator.</p> <p>MSDE looks forward to Harford County Public Schools' FFY 2009 data demonstrating 100% compliance.</p> |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Harford County Public Schools' FFY 2008 data for this indicator is 94.12%. The State's target is 100%.</p> | <p>Harford County Public Schools' data did not meet the State's target of 100% for this compliance indicator.</p> <p>MSDE looks forward to Harford County Public Schools' FFY 2009 data demonstrating 100% compliance.</p> |

Harford County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|---|---|---|
| <p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.</p> <p>[Compliance Indicator]</p> | <p>Harford County Public Schools' FFY 2008 data for this indicator is 100%. The State's target is 100%.</p> | <p>Harford County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Harford County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Harford County Public Schools had four corrective action plans due during FFY 2008.</p> | <p>Harford County Public Schools had four findings of noncompliance identified by MSDE that were due for correction in FFY 2008. Three were corrected within timelines and one was not corrected within timelines.</p> <p>MSDE expects all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p> |
| <p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p> | <p>Harford County Public Schools submitted required 618 data in a timely and accurate manner.</p> | <p>Harford County Public Schools' data met the State's target for the timely and accurate submission of required 618 data and other data required by the State for FFY 2008.</p> <p>MSDE expects Harford County Public Schools' submission of required data to be timely and accurate.</p> |



Nancy S. Grasmick
State Superintendent of Schools

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

May 18, 2010

Dr. Sydney L. Cousin
Superintendent
Howard County Public Schools
10910 Route 108
Ellicott City, MD 21042

Dear Dr.  Cousin:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through review of the APR and other data sources, OSEP evaluates each state's performance on these indicators, and assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Federal Fiscal Year (FFY) 2008 [State Fiscal Year (SFY) 2009 (2008-2009 School Year)] Part B in early June 2010. In accordance with 34 CFR §300.606, if OSEP identifies MSDE as Needs Assistance, Needs Intervention, or Needs Substantial Intervention, MSDE is required to notify local school systems, public agencies, the media, and the public of this action.

Pursuant to 20 U.S.C. §1416(a)(1)(C)(i) and 34 C.F.R. §300.600, MSDE is also required to make determinations annually on the performance of each local school system in the State using the categories in 34 C.F.R. §300.603(b)(1), use appropriate enforcement mechanisms, consistent with 34 C.F.R. §300.604, which must include, if applicable, the enforcement mechanisms identified in §300.604(a)(1) (technical assistance), (a)(3) (conditions on funding of a local school system), (b)(2)(i) (a corrective action plan or improvement plan), (b)(2)(v) (withholding funds, in whole or in part, by MSDE), and (c)(2) (withholding funds, in whole or in part, by MSDE). In accordance with 20 U.S.C. §1416(e) and 34 C.F.R. §300.603(b)(1), MSDE also must use one of the following four categories to assign a determination to each local school system: Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each local public agency's performance in meeting the State's targets for FFY 2008. Attached is a document entitled, "Part C and Part B Public Agency Determination," that lists the Part B indicators considered in making determinations. MSDE carefully considered all aspects of this process. Based on FFY 2008 data, as well as information obtained through monitoring and complaint investigations, the Howard County Public School System (HCPSS) has been determined to be **Meets Requirements**.

Dr. Sydney L. Cousin
May 18, 2010
Page Two

To be in the category of Meets Requirements, the HCPSS must have met or exceeded the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) or were not significantly below the target on LRE Indicators (5a, 5b, or 5c). In addition, the HCPSS must have demonstrated compliance (100%) or substantial compliance (95-99.9%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), and had no corrective actions or had completed corrective actions within one year (15).

Attached to this letter are copies of the following documents:

- Part B Local Determination Table; and
- Part B Local Determination Framework for Technical Assistance and Intervention.

The "Part B Local Determination Table" provides an analysis of the HCPSS' data. The "Part B Local Determination Framework for Technical Assistance and Intervention" provides additional information relative to technical assistance and support available to your local school system.

As you know, the State must report annually to the public on the performance of each local school system on the targets in the SPP under IDEA. The public may access the MSDE IDEA performance report at <http://mdideareport.org>. The requirement for public reporting on local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. MSDE will continue to provide technical assistance opportunities as you work to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any comments on our past technical assistance efforts or the need for guidance, we would appreciate your feedback as we work to develop further mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the HCPSS to improve results for students with disabilities. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



Carol Ann Heath, Ed. D.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

CAH/DRR/ALP/gh
Attachments

c: Nancy S. Grasmick
James Walsh
Branch/Section Chiefs

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2008 (reporting period July 1, 2008 – June 30, 2009)

| | | Meets Target or Substantial Compliance Zero Points | | Below Target One Point | | Significantly Below The Target Two Points | |
|--|--|--|----------------------------------|---------------------------|---|---|-------------------------------------|
| Section 1 & 2: | Compliance Indicators | 4 | 0.00 – 1.49 | 4 | 1.50 – 1.99 | 4 | ≥ 2.00 |
| | | 9 | Yes/0.0% | 9 | NA | 9 | No |
| | | 10 | Yes/0.0% | 10 | NA | 10 | No |
| | | 11 | 95 - 100% | 11 | 85.0 - 94.9% | 11 | < 85.0% |
| | | 12 | 95 - 100% | 12 | 85.0 - 94.9% | 12 | < 85.0% |
| | | 13 | 95 - 100% | 13 | 85.0 - 94.9% | 13 | < 85.0% |
| | Performance Indicators | 1 | ≥ 85.50% | 1 | 85.49 – 77.26% | 1 | ≤ 77.25% |
| | | 2 | ≤ 3.54% | 2 | 3.55 – 6.73% | 2 | ≥ 6.74% |
| | | 3a | AYP met R/M all bands | 3a | AYP not met R/M on all bands | 3a | NA |
| | | 3b | ≥ 95% in R and M | 3b | < 95% in R and M | 3b | NA |
| | | 3cR | All grade targets are met | 3cR | Below target one or more grades | 3cR | NA |
| | | 3cM | All grade targets are met | 3cM | Below target one or more grades | 3cM | NA |
| | | 5a | ≥ 61.11% | 5a | 61.10 – 57.10% | 5a | ≤ 57.09% |
| | | 5b | ≤ 16.11% | 5b | 16.12 - 20.12% | 5b | ≥ 20.13% |
| | | 5c | ≤ 6.92% | 5c | 6.93 – 7.92% | 5c | ≥ 7.93% |
| Section 3: Correction of Noncompliance | 15 | <u>All</u> findings corrected within 12 months. or No corrective actions. | 15 | | 15 | <u>Each</u> finding not corrected within 12 months. Applies to findings identified 7/1/06 - 6/30/07 with correction by 6/30/08. | |
| | Section 4: Data Are Timely and Accurate | 20 | Data are timely and accurate. | 20 | Data are timely but not accurate or Data are accurate but not timely. | 20 | Data are not timely or accurate. |

Indicator targets are identified in the MSDE's State Performance Plan (SPP).
Results are reported annually in the Annual Performance Report (APR).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial¹ compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

¹ Full compliance means a local school system or public agency provided data showing 100% for the identified indicators. Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (95% or better).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2008 (SFY 2009 – Reporting Period July 1, 2008 – June 30, 2009)

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2009.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

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

In addition, States could also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org>, no later than May 27, 2010. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting
- 4a. Family Outcomes – Know Their Rights
- 4b. Family Outcomes – Effectively Communicate Their Children's Needs
- 4c. Family Outcomes – Help Their Children Develop and Learn
5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline
- 8a. Transition (Transition Outcomes)
- 8b. Transition (Notification to LEA)
- 8c. Transition (Timely Planning Meeting)
9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to Part B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes, but is not limited to, teleconference calls, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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

- (1) Take any of the actions described in 34 CFR §300.604(a);
- (2) Take one or more of the following actions:
 - (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
 - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.*

- (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
- (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
 - (iv) Seeks to recover funds under section 452 of GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

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

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

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

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|-------------------------------------|---|--|
| 1 | Graduation | 85.50% of youth with IEPs will graduate with a regular diploma. | Not Met – 67.23% |
| 2 | Dropout | The dropout rate of students with IEPs will be 3.00% or less. | Not Met – 4.31% |
| 3A | Student Achievement - AYP | 50% of the State's local school systems will meet AYP for the subgroup of students with disabilities. | Not Met – 20% (5 of 25 LSS) |
| 3B | Student Achievement - Participation | 95% of students with disabilities will participate in the Statewide assessment system. | Met – 99.03% for Math; and 99.18% for Reading. |
| 3C | Student Achievement - Proficiency | Meet the State designated AMOs for mathematics and reading at each assessed grade. | Not Met for Math or Reading |
| 4 | Suspension and Expulsion | ≤ four (4) or 16.67% of LSS will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for students with disabilities compared with nondisabled peers. | Met – 12.5% (3 of 24 LSS) |
| 5A | LRE 21% | ≥61.11% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day. | Met – 63.99% |
| 5B | LRE 60% | ≤ 16.11% of students with disabilities, ages 6-21, are served inside the regular class less than 40% of the day; | Met – 15.10% |
| 5C | LRE - Separate Schools | ≤ 6.92% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements. | Not Met – 7.59% |

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)

Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met | |
|------------------|---------------------------|---|--|--|
| 6 | Preschool LRE | | Not Reported | |
| 7A | Preschool Outcomes | Positive social-emotional skills (including social relationships) | 64.3% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited. | 68.5% of children participating in Maryland's Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7B | Preschool Outcomes | Acquisition and use of knowledge and skills including early language/communication [and early literacy]) | 64.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 55.3% of children participating in Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7C | Preschool Outcomes | Use of appropriate behaviors to meet their needs. | 58.7% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 66.2% of children participating in Part B preschool were functioning within age expectations by the time they exited the program. |

Part B
 FFY 2008 (SFY 2009)
 Reporting Year 2008-2009
 Indicators- At- Glance
 05/17/2010

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met |
|-----------|--|---|------------------|
| 8A | Parent Involvement - Preschool | 35% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results. | Met – 69% |
| 8B | Parent Involvement - School Age | 30% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results | Met – 57% |
| 9 | Disproportional Representation (Racial & Ethnic) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups receiving special education and related services that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 10 | Disproportional Representation (Specific Disability) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups in specific disability categories that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 11 | Evaluation | 100% of children were evaluated and eligibility determined within 60 days of parental consent to evaluate. (Compliance) | Not Met – 92% |
| 12 | C to B transition | 100% of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.(Compliance) | Not Met – 97.28% |
| 13 | Transition Goals on IEP | 100% of youth with disabilities, aged 16 and above, have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.(Compliance) | Not Met – 96.3% |

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|----------------------|--|--------------------|
| 14 | Post School Outcomes | Within one year of leaving high school: <ul style="list-style-type: none"> • 44% percent of youth who had IEPs are competitively employed • 4% percent of youth who had IEPs are enrolled in some type of postsecondary school; and • 24% percent of youth who had IEPs are competitively employed and enrolled in some type of postsecondary school. | Not Reported |
| 15 | General Supervision | 100% of corrective actions identified through monitoring, complaints, due process hearings, mediations, etc. will be corrected within one year from the date of identification. (Compliance) | Not Met – 97.19% |
| 16 | State Complaints | 100% of all complaint investigations are completed within the required timelines. (Compliance) | Met – 100% |
| 17 | Due process | 100% of all due process hearings are completed within the required timelines. (Compliance) | Not Met – 93% |
| 18 | Resolutions | 64 – 75% of all resolution meetings conducted will result in a settlement agreement. | Met – 79% |
| 19 | Mediations | Maintain 75 – 85% rate of mediations that result in mediation agreements. | Met – 77% |
| 20 | State Reported Data | 100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates. (Compliance) | Not Met – 98.71% |

Howard County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|--|--|
| Monitoring Priority: FAPE in the LRE | | |
| 1. Percent of youth with IEPs graduating from high school with a regular diploma. [Performance Indicator] | Howard County Public Schools' FFY 2008 data for this indicator is 83.87%. This does not meet the State's target of 85.50% by 1.63%. | Howard County Public Schools' data does not meet the State's target for this indicator. MSDE looks forward to Howard County Public Schools' FFY 2009 data demonstrating improvement. |
| 2. Percent of youth with IEPs dropping out of high school. [Performance Indicator] | Howard County Public Schools' FFY 2008 data for this indicator is 2.36 %. This exceeds the State's target of 3.54% by 1.18 %. | Howard County Public Schools' data exceeds the State's target for this indicator. MSDE looks forward to Howard County Public Schools' FFY 2009 data demonstrating improvement. |
| 4. 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. [Compliance Indicator] | Howard County Public Schools' FFY 2008 ratio for multiple suspensions summing to greater than 10 days is 0.0 and for single event suspensions is 0.0 when compared to nondisabled peers. The State's target for both multiple and single event suspensions is 0.00 – 1.49. | Howard County Public Schools' met the State's target for multiple suspensions summing to greater than 10 days and single event suspensions.. MSDE looks forward to Howard County Public Schools' FFY 2009 data continuing to meet the State's target. |

**Howard County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009**

| Monitoring Priorities and Indicators | Status | MSDE Analysis/Next Steps |
|---|--|---|
| <p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Performance Indicator]</p> | <p>A. Howard County Public Schools' FFY 2008 data for this indicator is 76.02%. This exceeds the State's target of 61.11% for FFY 2008 by 14.91%.</p> <p>B. Howard County Public Schools' FFY 2008 data for this indicator is 6.72%. This exceeds the State's target of 16.11% for FFY 2008 by 9.39%.</p> <p>C. Howard County Public Schools' FFY 2008 data for this indicator is 5.03%. This exceeds the State's target of 6.92% for FFY 2008 by 1.89%.</p> | <p>Howard County Public Schools' data exceeded the State's targets for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to Howard County Public Schools' FFY 2009 data demonstrating continued improvement.</p> |
| Monitoring Priority: Disproportionality | | |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Howard County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Howard County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Howard County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |

Howard County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|---|--|--|
| <p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p> | <p>Howard County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Howard County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Howard County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |
| Monitoring Priority: Effective General Supervision | | |
| <p>11. Percent of children who are evaluated within 60 days of receiving parental consent for initial evaluation or, if the State established a timeframe within which the evaluation must be conducted, within that timeframe.</p> <p>[Compliance Indicator]</p> | <p>Howard County Public Schools' FFY 2008 data for this indicator is 90.00%. The State's target is 100%.</p> | <p>Howard County Public Schools' data did not meet the State's target of 100% for this compliance indicator.</p> <p>MSDE looks forward to Howard County Public Schools' FFY 2009 data demonstrating 100% compliance.</p> |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Howard County Public Schools' FFY 2008 data for this indicator is 100%. The State's target is 100%.</p> | <p>Howard County Public Schools' data met the State's target of 100% for this compliance indicator.</p> <p>MSDE looks forward to Howard County Public Schools' FFY 2009 data maintaining 100% compliance.</p> |

Howard County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|---|--|---|
| <p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.</p> <p>[Compliance Indicator]</p> | <p>Howard County Public Schools' FFY 2008 data for this indicator is 100%. The State's target is 100%.</p> | <p>Howard County Public Schools' data met the State's target of 100% for this compliance indicator.</p> <p>MSDE looks forward to Howard County Public Schools' FFY 2009 data maintaining 100% compliance.</p> |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Howard County Public Schools had one corrective action due in FFY 2008.</p> | <p>Howard County Public Schools had one finding of noncompliance identified by MSDE that was due for correction in FFY 2008. The finding was corrected within timelines.</p> <p>MSDE expects all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p> |
| <p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p> | <p>Howard County Public Schools submitted required 618 data in a timely and accurate manner.</p> | <p>Howard County Public Schools' data met the State's target for the timely and accurate submission of required 618 data and other data required by the State for FFY 2008.</p> <p>MSDE expects Howard County Public Schools' submission of required data to be timely and accurate.</p> |



Nancy S. Grasmick
State Superintendent of Schools

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

May 18, 2010

Dr. A. Barbara Wheeler
Superintendent
Kent County Public Schools
215 Washington Avenue
Chestertown, MD 21620

Dear Dr. *Barbara* Wheeler:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through review of the APR and other data sources, OSEP evaluates each state's performance on these indicators, and assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Federal Fiscal Year (FFY) 2008 [State Fiscal Year (SFY) 2009 (2008-2009 School Year)] Part B in early June 2010. In accordance with 34 CFR §300.606, if OSEP identifies MSDE as Needs Assistance, Needs Intervention, or Needs Substantial Intervention, MSDE is required to notify local school systems, public agencies, the media, and the public of this action.

Pursuant to 20 U.S.C. §1416(a)(1)(C)(i) and 34 C.F.R. §300.600, MSDE is also required to make determinations annually on the performance of each local school system in the State using the categories in 34 C.F.R. §300.603(b)(1), use appropriate enforcement mechanisms, consistent with 34 C.F.R. §300.604, which must include, if applicable, the enforcement mechanisms identified in §300.604(a)(1) (technical assistance), (a)(3) (conditions on funding of a local school system), (b)(2)(i) (a corrective action plan or improvement plan), (b)(2)(v) (withholding funds, in whole or in part, by MSDE), and (c)(2) (withholding funds, in whole or in part, by MSDE). In accordance with 20 U.S.C. §1416(e) and 34 C.F.R. §300.603(b)(1), MSDE also must use one of the following four categories to assign a determination to each local school system: Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each local public agency's performance in meeting the State's targets for FFY 2008. Attached is a document entitled, "Part C and Part B Public Agency Determination," that lists the Part B indicators considered in making determinations. MSDE carefully considered all aspects of this process. Based on FFY 2008 data, as well as information obtained through monitoring and complaint investigations, the Kent County Public Schools (KCPS) has been determined to be **Meets Requirements**.

Dr. A. Barbara Wheeler
May 18, 2010
Page Two

To be in the category of Meets Requirements, the KCPS must have met or exceeded the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) or were not significantly below the target on LRE Indicators (5a, 5b, or 5c). In addition, the KCPS must have demonstrated compliance (100%) or substantial compliance (95-99.9%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), and had no corrective actions or had completed corrective actions within one year (15).

Attached to this letter are copies of the following documents:

- Part B Local Determination Table; and
- Part B Local Determination Framework for Technical Assistance and Intervention.

The "Part B Local Determination Table" provides an analysis of the KCPS' data. The "Part B Local Determination Framework for Technical Assistance and Intervention" provides additional information relative to technical assistance and support available to your local school system.

As you know, the State must report annually to the public on the performance of each local school system on the targets in the SPP under IDEA. The public may access the MSDE IDEA performance report at <http://mdideareport.org>. The requirement for public reporting on local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. MSDE will continue to provide technical assistance opportunities as you work to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any comments on our past technical assistance efforts or the need for guidance, we would appreciate your feedback as we work to develop further mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the KCPS to improve results for students with disabilities. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



Carol Ann Heath, Ed.D.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

CAH/DRR/ALP/gh
Attachments

c: Nancy S. Grasmick
Laura Cochran
Branch/Section Chiefs

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2008 (reporting period July 1, 2008 – June 30, 2009)

| | | Meets Target or Substantial Compliance Zero Points | | Below Target One Point | | Significantly Below The Target Two Points | |
|----------------|--|--|--|---|---------------------------------|---|---|
| Section 1 & 2: | Compliance Indicators | 4 | 0.00 – 1.49 | 4 | 1.50 – 1.99 | 4 | ≥ 2.00 |
| | | 9 | Yes/0.0% | 9 | NA | 9 | No |
| | | 10 | Yes/0.0% | 10 | NA | 10 | No |
| | | 11 | 95 - 100% | 11 | 85.0 - 94.9% | 11 | < 85.0% |
| | | 12 | 95 - 100% | 12 | 85.0 - 94.9% | 12 | < 85.0% |
| | | 13 | 95 - 100% | 13 | 85.0 - 94.9% | 13 | < 85.0% |
| | Performance Indicators | 1 | ≥ 85.50% | 1 | 85.49 – 77.26% | 1 | ≤ 77.25% |
| | | 2 | ≤ 3.54% | 2 | 3.55 – 6.73% | 2 | ≥ 6.74% |
| | | 3a | AYP met R/M all bands | 3a | AYP not met R/M on all bands | 3a | NA |
| | | 3b | ≥ 95% in R and M | 3b | < 95% in R and M | 3b | NA |
| | | 3cR | All grade targets are met | 3cR | Below target one or more grades | 3cR | NA |
| | | 3cM | All grade targets are met | 3cM | Below target one or more grades | 3cM | NA |
| | | 5a | ≥ 61.11% | 5a | 61.10 – 57.10% | 5a | ≤ 57.09% |
| | | 5b | ≤ 16.11% | 5b | 16.12 - 20.12% | 5b | ≥ 20.13% |
| | | 5c | ≤ 6.92% | 5c | 6.93 – 7.92% | 5c | ≥ 7.93% |
| | Section 3: Correction of Noncompliance | 15 | <u>All</u> findings corrected within 12 months. or No corrective actions. | 15 | | 15 | <u>Each</u> finding not corrected within 12 months. Applies to findings identified 7/1/06 - 6/30/07 with correction by 6/30/08. |
| 20 | | Data are timely and accurate. | 20 | Data are timely but not accurate or Data are accurate but not timely. | 20 | Data are not timely or accurate. | |

Indicator targets are identified in the MSDE's State Performance Plan (SPP).
Results are reported annually in the Annual Performance Report (APR).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial¹ compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

¹ Full compliance means a local school system or public agency provided data showing 100% for the identified indicators. Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (95% or better).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2008 (SFY 2009 – Reporting Period July 1, 2008 – June 30, 2009)

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2009.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

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

In addition, States could also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org>, no later than May 27, 2010. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
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- 4b. Family Outcomes – Effectively Communicate Their Children's Needs
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15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes, but is not limited to, teleconference calls, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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

- (1) Take any of the actions described in 34 CFR §300.604(a);
- (2) Take one or more of the following actions:
 - (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
 - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.*

- (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
- (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
 - (iv) Seeks to recover funds under section 452 of GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

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

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

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

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|-------------------------------------|---|--|
| 1 | Graduation | 85.50% of youth with IEPs will graduate with a regular diploma. | Not Met – 67.23% |
| 2 | Dropout | The dropout rate of students with IEPs will be 3.00% or less. | Not Met – 4.31% |
| 3A | Student Achievement - AYP | 50% of the State's local school systems will meet AYP for the subgroup of students with disabilities. | Not Met – 20% (5 of 25 LSS) |
| 3B | Student Achievement - Participation | 95% of students with disabilities will participate in the Statewide assessment system. | Met – 99.03% for Math; and 99.18% for Reading. |
| 3C | Student Achievement - Proficiency | Meet the State designated AMOs for mathematics and reading at each assessed grade. | Not Met for Math or Reading |
| 4 | Suspension and Expulsion | ≤ four (4) or 16.67% of LSS will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for students with disabilities compared with nondisabled peers. | Met – 12.5% (3 of 24 LSS) |
| 5A | LRE 21% | ≥61.11% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day. | Met – 63.99% |
| 5B | LRE 60% | ≤ 16.11% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day; | Met – 15.10% |
| 5C | LRE - Separate Schools | ≤ 6.92% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements. | Not Met – 7.59% |

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)

Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met | |
|-----------|--------------------|--|--|--|
| 6 | Preschool LRE | | Not Reported | |
| 7A | Preschool Outcomes | Positive social-emotional skills (including social relationships) | 64.3% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited. | 68.5% of children participating in Maryland's Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7B | Preschool Outcomes | Acquisition and use of knowledge and skills including early language/communication [and early literacy]) | 64.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 55.3% of children participating in Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7C | Preschool Outcomes | Use of appropriate behaviors to meet their needs. | 58.7% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 66.2% of children participating in Part B preschool were functioning within age expectations by the time they exited the program. |

Part B
FFY 2008 (SFY 2009)
Reporting Year 2008-2009
Indicators- At- Glance
05/17/2010

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met |
|-----------|--|---|------------------|
| 8A | Parent Involvement - Preschool | 35% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results. | Met – 69% |
| 8B | Parent Involvement - School Age | 30% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results | Met – 57% |
| 9 | Disproportional Representation (Racial & Ethnic) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups receiving special education and related services that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 10 | Disproportional Representation (Specific Disability) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups in specific disability categories that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 11 | Evaluation | 100% of children were evaluated and eligibility determined within 60 days of parental consent to evaluate. (Compliance) | Not Met – 92% |
| 12 | C to B transition | 100% of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.(Compliance) | Not Met – 97.28% |
| 13 | Transition Goals on IEP | 100% of youth with disabilities, aged 16 and above, have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.(Compliance) | Not Met – 96.3% |

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)

Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|----------------------|--|--------------------|
| 14 | Post School Outcomes | Within one year of leaving high school: <ul style="list-style-type: none"> • 44% percent of youth who had IEPs are competitively employed • 4% percent of youth who had IEPs are enrolled in some type of postsecondary school; and • 24% percent of youth who had IEPs are competitively employed and enrolled in some type of postsecondary school. | Not Reported |
| 15 | General Supervision | 100% of corrective actions identified through monitoring, complaints, due process hearings, mediations, etc. will be corrected within one year from the date of identification. (Compliance) | Not Met – 97.19% |
| 16 | State Complaints | 100% of all complaint investigations are completed within the required timelines. (Compliance) | Met – 100% |
| 17 | Due process | 100% of all due process hearings are completed within the required timelines. (Compliance) | Not Met – 93% |
| 18 | Resolutions | 64 – 75% of all resolution meetings conducted will result in a settlement agreement. | Met – 79% |
| 19 | Mediations | Maintain 75 – 85% rate of mediations that result in mediation agreements. | Met – 77% |
| 20 | State Reported Data | 100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates. (Compliance) | Not Met – 98.71% |

Kent County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|--|--|
| Monitoring Priority: FAPE in the LRE | | |
| 1. Percent of youth with IEPs graduating from high school with a regular diploma. [Performance Indicator] | Kent County Public Schools' FFY 2008 data for this indicator is 82.61%. This is below the State's target of 85.50% by 2.89%. | Kent County Public Schools' data does not meet the State's target for this indicator. MSDE looks forward to Kent County Public Schools' FFY 2009 data demonstrating improvement. |
| 2. Percent of youth with IEPs dropping out of high school. [Performance Indicator] | Kent County Public Schools' FFY 2008 data for this indicator is 0.00%. This exceeds the State's target of 3.54% by 3.54%. | Kent County Public Schools' data exceeds the State's target for this indicator. MSDE looks forward to Kent County Public Schools' FFY 2009 data demonstrating continued compliance. |
| 4. 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. [Compliance Indicator] | Kent County Public Schools' FFY 2008 ratio for multiple suspensions summing to greater than 10 days is 0.00 and for single event suspensions is 0.00 when compared to nondisabled peers. The State's target for both multiple and single event suspensions is 0.00 – 1.49. | Kent County Public Schools' met the State target for multiple suspensions summing to greater than 10 days and for single event suspensions. MSDE looks forward to Kent County Public Schools' FFY 2009 data demonstrating continued compliance. |

Kent County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis/Next Steps |
|---|--|---|
| <p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Performance Indicator]</p> | <p>A. Kent County Public Schools' FFY 2008 data for this indicator is 75.95%. This exceeds the State's target of 61.11% for FFY 2008 by 14.84%.</p> <p>B. Kent County Public Schools' FFY 2008 data for this indicator is 6.65%. This exceeds the State's target of 16.11% for FFY 2008 by 9.46%.</p> <p>C. Kent County Public Schools' FFY 2008 data for this indicator is 1.90%. This exceeds the State's target of 6.92% for FFY 2008 by 5.02%.</p> | <p>Kent County Public Schools' data exceeded the State's targets for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to Kent County Public Schools' FFY 2009 data demonstrating continued improvement.</p> |
| Monitoring Priority: Disproportionality | | |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Kent County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Kent County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Kent County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |

Kent County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|---|--|---|
| <p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p> | <p>Kent County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Kent County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Kent County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |
| Monitoring Priority: Effective General Supervision | | |
| <p>11. Percent of children who are evaluated within 60 days of receiving parental consent for initial evaluation or, if the State established a timeframe within which the evaluation must be conducted, within that timeframe.</p> <p>[Compliance Indicator]</p> | <p>Kent County Public Schools' FFY 2008 data for this indicator is 100%. The State's target is 100%.</p> | <p>Kent County Public Schools' data met the State's target of 100% for this compliance indicator.</p> <p>MSDE looks forward to Kent County Public Schools' FFY 2009 data demonstrating continued compliance</p> |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Kent County Public Schools' FFY 2008 data for this indicator is 100%. The State's target is 100%.</p> | <p>Kent County Public Schools' data met the State's target of 100% for this compliance indicator.</p> <p>MSDE looks forward to Kent County Public Schools' FFY 2009 data maintaining 100% compliance.</p> |

Kent County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|---|--|---|
| <p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.</p> <p>[Compliance Indicator]</p> | <p>Kent County Public Schools' FFY 2008 data for this indicator is 100%. The State's target is 100%.</p> | <p>Kent County Public Schools' data met the State's target of 100% for this compliance indicator.</p> <p>MSDE looks forward to Kent County Public School's FFY 2009 data maintaining 100% compliance.</p> |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Kent County Public Schools had two corrective actions due in FFY 2008.</p> | <p>Kent County Public Schools had two findings of noncompliance identified by MSDE that were due for correction in FFY 2008. Both were corrected within timelines.</p> <p>MSDE expects all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p> |
| <p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p> | <p>Kent County Public Schools submitted required 618 data in a timely and accurate manner.</p> | <p>Kent County Public Schools' data met the State's target for the timely and accurate submission of required 618 data and other data required by the State for FFY 2008.</p> <p>MSDE expects Kent County Public Schools' submission of required data to be timely and accurate.</p> |



Nancy S. Grasmick
State Superintendent of Schools

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

May 18, 2010

Dr. Jerry D. Weast
Superintendent
Montgomery County Public Schools
850 Hungerford Drive
Rockville, MD 20850

Dear Dr. *Jerry* Weast:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through review of the APR and other data sources, OSEP evaluates each state's performance on these indicators, and assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Federal Fiscal Year (FFY) 2008 [State Fiscal Year (SFY) 2009 (2008-2009 School Year)] Part B in early June 2010. In accordance with 34 CFR §300.606, if OSEP identifies MSDE as Needs Assistance, Needs Intervention, or Needs Substantial Intervention, MSDE is required to notify local school systems, public agencies, the media, and the public of this action.

Pursuant to 20 U.S.C. §1416(a)(1)(C)(i) and 34 C.F.R. §300.600, MSDE is also required to make determinations annually on the performance of each local school system in the State using the categories in 34 C.F.R. §300.603(b)(1), use appropriate enforcement mechanisms, consistent with 34 C.F.R. §300.604, which must include, if applicable, the enforcement mechanisms identified in §300.604(a)(1) (technical assistance), (a)(3) (conditions on funding of a local school system), (b)(2)(i) (a corrective action plan or improvement plan), (b)(2)(v) (withholding funds, in whole or in part, by MSDE), and (c)(2) (withholding funds, in whole or in part, by MSDE). In accordance with 20 U.S.C. §1416(e) and 34 C.F.R. §300.603(b)(1), MSDE also must use one of the following four categories to assign a determination to each local school system: Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each local public agency's performance in meeting the State's targets for FFY 2008. Attached is a document entitled, "Part C and Part B Public Agency Determination," that lists the Part B indicators considered in making determinations. MSDE carefully considered all aspects of this process. Based on FFY 2008 data, as well as information obtained through monitoring and complaint investigations, the Montgomery County Public Schools (MCPS) has been determined to be **Needs Intervention, Year Three**.

Dr. Jerry D. Weast
May 18, 2010
Page Two

To be in the category of Meets Requirements, the MCPS must have met or exceeded the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) or were not significantly below the target on LRE Indicators (5a, 5b, or 5c). In addition, the MCPS must have demonstrated compliance (100%) or substantial compliance (95-99.9%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), and had no corrective actions or had completed corrective actions within one year (15).

Attached to this letter are copies of the following documents:

- Part B Local Determination Table; and
- Part B Local Determination Framework for Technical Assistance and Intervention.

The "Part B Local Determination Table" provides an analysis of the MCPS' data. The "Part B Local Determination Framework for Technical Assistance and Intervention" provides additional information relative to technical assistance and support available to your local school system.

The MSDE FFY 2006 and FFY 2007 determinations for MCPS were also Needs Intervention. In accordance with 20 U.S.C. §1416(e) and 34 C. F. R. §§300.600 and 300.604, if a local school system is determined to be in need of assistance for two consecutive years, MSDE must take one or more of the following actions: 1) Advise the local school system of available sources of technical assistance that may help the local school system address the areas in which the local school system needs assistance; 2) Direct the use of federal funds to the area or area(s) the local school system needs assistance; or 3) Identify the local school system as a high-risk grantee and impose special conditions on the local school system's IDEA Part B grant award. In addition, 34 C. F. R. §300.604(b) holds that, if a local school system is determined to be in need of intervention for three or more consecutive years, MSDE may take one or more of the following actions: 1) Require the local school system to prepare a corrective action plan or improvement plan; 2) Withhold not less than 20 percent and not more than 50 percent of funding until which time it is determined that the areas in need of intervention have been sufficiently addressed; 3) Seek to recover funds; and or 4) Withhold, in whole or in part, any further funds.

Pursuant to these requirements, and to assist all local school systems to meet or maintain the determination status of Meets Requirements, the MSDE provides and recommends technical assistance. Each local school system has a responsibility to access the Technical Assistance and Determination Network at <http://spp-apr-calendar.rrfcnetwork.org> and other sources of technical assistance to improve performance and/or correct noncompliance. You will be directed to a list of indicators. Select a specific indicator for a list of centers, documents, web seminars, and other sources of relevant technical assistance.

Those local school systems that were below the State's target on any indicator are required to access sources of technical assistance and inform the MSDE of the type, amount, and frequency of assistance needed to address specific needs. Attached is a list of Division personnel, with contact


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Page Three

information for monitoring specialists and each SPP indicator. The specific indicators most critical to improving results for MCPS are: Indicator 4 (Suspension / Expulsion), Indicator 11 (Initial Evaluation Timeline), Indicator 15 (General Supervision), Indicator 20 (Timely and Accurate Data), Indicator 1 (Graduation), and Indicator 2 (Drop-Out Rates).

As you know, the State must report annually to the public on the performance of each local school system on the targets in the SPP under IDEA. The public may access the MSDE IDEA performance report at <http://mdideareport.org>. The requirement for public reporting on local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. MSDE will continue to provide technical assistance opportunities as you work to improve performance under Part B of the IDEA.

If you have any comments on our past technical assistance efforts or the need for guidance, we would appreciate your feedback as we work to develop further mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the MCPS to improve results for students with disabilities. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



Carol Ann Heath, Ed.D.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

CAH/DRR/ALP

Attachments

c: Nancy S. Grasmick
Gwendolyn Mason
Branch/Section Chiefs

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2008 (reporting period July 1, 2008 – June 30, 2009)

| | | Meets Target or Substantial Compliance Zero Points | | Below Target One Point | | Significantly Below The Target Two Points | | |
|--|---------------------------|--|--|---------------------------|----------------------------------|---|---|----|
| Section 1 & 2: | Compliance Indicators | 4 | 0.00 – 1.49 | 4 | 1.50 – 1.99 | 4 | ≥ 2.00 | |
| | | 9 | Yes/0.0% | 9 | NA | 9 | No | |
| | | 10 | Yes/0.0% | 10 | NA | 10 | No | |
| | | 11 | 95 - 100% | 11 | 85.0 - 94.9% | 11 | < 85.0% | |
| | | 12 | 95 - 100% | 12 | 85.0 - 94.9% | 12 | < 85.0% | |
| | | 13 | 95 - 100% | 13 | 85.0 - 94.9% | 13 | < 85.0% | |
| | Performance Indicators | 1 | ≥ 85.50% | 1 | 85.49 – 77.26% | 1 | ≤ 77.25% | |
| | | 2 | ≤ 3.54% | 2 | 3.55 – 6.73% | 2 | ≥ 6.74% | |
| | | 3a | AYP met R/M all bands | 3a | AYP not met R/M on all bands | 3a | NA | |
| | | 3b | ≥ 95% in R and M | 3b | < 95% in R and M | 3b | NA | |
| | | 3cR | All grade targets are met | 3cR | Below target one or more grades | 3cR | NA | |
| | | 3cM | All grade targets are met | 3cM | Below target one or more grades | 3cM | NA | |
| | | 5a | ≥ 61.11% | 5a | 61.10 – 57.10% | 5a | ≤ 57.09% | |
| | | 5b | ≤ 16.11% | 5b | 16.12 - 20.12% | 5b | ≥ 20.13% | |
| | | 5c | ≤ 6.92% | 5c | 6.93 – 7.92% | 5c | ≥ 7.93% | |
| Section 3: Correction of Noncompliance | | 15 | <u>All</u> findings corrected within 12 months. or No corrective actions. | 15 | | 15 | <u>Each</u> finding not corrected within 12 months. Applies to findings identified 7/1/06 - 6/30/07 with correction by 6/30/08. | |
| | | Section 4: Data Are Timely and Accurate | | 20 | Data are timely and accurate. | 20 | Data are timely but not accurate or Data are accurate but not timely. | 20 |

Indicator targets are identified in the MSDE's State Performance Plan (SPP).
Results are reported annually in the Annual Performance Report (APR).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial¹ compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

¹ Full compliance means a local school system or public agency provided data showing 100% for the identified indicators. Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (95% or better).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2008 (SFY 2009 – Reporting Period July 1, 2008 – June 30, 2009)

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2009.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

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

In addition, States could also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org>, no later than May 27, 2010. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting
- 4a. Family Outcomes – Know Their Rights
- 4b. Family Outcomes – Effectively Communicate Their Children's Needs
- 4c. Family Outcomes – Help Their Children Develop and Learn
5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline
- 8a. Transition (Transition Outcomes)
- 8b. Transition (Notification to LEA)
- 8c. Transition (Timely Planning Meeting)
9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to Part B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes, but is not limited to, teleconference calls, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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

- (1) Take any of the actions described in 34 CFR §300.604(a);
- (2) Take one or more of the following actions:
 - (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
 - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.*

- (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
- (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
 - (iv) Seeks to recover funds under section 452 of GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

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

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

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

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)

Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|-------------------------------------|---|--|
| 1 | Graduation | 85.50% of youth with IEPs will graduate with a regular diploma. | Not Met – 67.23% |
| 2 | Dropout | The dropout rate of students with IEPs will be 3.00% or less. | Not Met – 4.31% |
| 3A | Student Achievement - AYP | 50% of the State's local school systems will meet AYP for the subgroup of students with disabilities. | Not Met – 20% (5 of 25 LSS) |
| 3B | Student Achievement - Participation | 95% of students with disabilities will participate in the Statewide assessment system. | Met – 99.03% for Math; and 99.18% for Reading. |
| 3C | Student Achievement - Proficiency | Meet the State designated AMOs for mathematics and reading at each assessed grade. | Not Met for Math or Reading |
| 4 | Suspension and Expulsion | ≤ four (4) or 16.67% of LSS will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for students with disabilities compared with nondisabled peers. | Met – 12.5% (3 of 24 LSS) |
| 5A | LRE 21% | ≥61.11% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day. | Met – 63.99% |
| 5B | LRE 60% | ≤ 16.11% of students with disabilities, ages 6-21, are served inside the regular class less than 40% of the day; | Met – 15.10% |
| 5C | LRE - Separate Schools | ≤ 6.92% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements. | Not Met – 7.59% |

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)

Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met | |
|-----------|--------------------|--|--|--|
| 6 | Preschool LRE | | Not Reported | |
| 7A | Preschool Outcomes | Positive social-emotional skills (including social relationships) | 64.3% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited. | 68.5% of children participating in Maryland's Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7B | Preschool Outcomes | Acquisition and use of knowledge and skills including early language/communication [and early literacy]) | 64.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 55.3% of children participating in Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7C | Preschool Outcomes | Use of appropriate behaviors to meet their needs. | 58.7% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 66.2% of children participating in Part B preschool were functioning within age expectations by the time they exited the program. |

Part B
FFY 2008 (SFY 2009)
Reporting Year 2008-2009
Indicators- At- Glance
05/17/2010

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|--|---|--------------------|
| 8A | Parent Involvement - Preschool | 35% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results. | Met – 69% |
| 8B | Parent Involvement - School Age | 30% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results | Met – 57% |
| 9 | Disproportional Representation (Racial & Ethnic) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups receiving special education and related services that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 10 | Disproportional Representation (Specific Disability) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups in specific disability categories that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 11 | Evaluation | 100% of children were evaluated and eligibility determined within 60 days of parental consent to evaluate. (Compliance) | Not Met – 92% |
| 12 | C to B transition | 100% of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.(Compliance) | Not Met – 97.28% |
| 13 | Transition Goals on IEP | 100% of youth with disabilities, aged 16 and above, have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.(Compliance) | Not Met – 96.3% |

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|----------------------|--|--------------------|
| 14 | Post School Outcomes | Within one year of leaving high school: <ul style="list-style-type: none"> • 44% percent of youth who had IEPs are competitively employed • 4% percent of youth who had IEPs are enrolled in some type of postsecondary school; and • 24% percent of youth who had IEPs are competitively employed and enrolled in some type of postsecondary school. | Not Reported |
| 15 | General Supervision | 100% of corrective actions identified through monitoring, complaints, due process hearings, mediations, etc. will be corrected within one year from the date of identification. (Compliance) | Not Met – 97.19% |
| 16 | State Complaints | 100% of all complaint investigations are completed within the required timelines. (Compliance) | Met – 100% |
| 17 | Due process | 100% of all due process hearings are completed within the required timelines. (Compliance) | Not Met – 93% |
| 18 | Resolutions | 64 – 75% of all resolution meetings conducted will result in a settlement agreement. | Met – 79% |
| 19 | Mediations | Maintain 75 – 85% rate of mediations that result in mediation agreements. | Met – 77% |
| 20 | State Reported Data | 100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.(Compliance) | Not Met – 98.71% |

Montgomery County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|--|--|
| Monitoring Priority: FAPE in the LRE | | |
| 1. Percent of youth with IEPs graduating from high school with a regular diploma. [Performance Indicator] | Montgomery County Public Schools' FFY 2008 data for this indicator is 80.46%. This is below the State's target of 85.50% by 5.04%. | Montgomery County Public Schools' data was below the State's target. The FFY 2008 data shows a decrease from the previous year's graduation rate of 84.43% for students with disabilities. MSDE looks forward to Montgomery County Public Schools' FFY 2009 data demonstrating improvement. |
| 2. Percent of youth with IEPs dropping out of high school. [Performance Indicator] | Montgomery County Public Schools' FFY 2008 data for this indicator is 3.76%. This exceeds the State's target of 3.54% by 0.22%. | Montgomery County Public Schools' data exceeds the State's target for this indicator. MSDE looks forward to Montgomery County Public Schools' FFY 2009 data continued improvement. |
| 4. 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. [Compliance Indicator] | Montgomery County Public Schools' FFY 2008 ratio for multiple suspensions summing to greater than 10 days is 2.30 and for single event suspensions is 1.94 when compared to nondisabled peers. The State's target for both multiple and single event suspensions is 0.00 – 1.49. | Montgomery County Public Schools' data did not meet the State's target for multiple suspensions summing to greater than 10 days and single event suspensions. MSDE looks forward to Montgomery County Public Schools' FFY 2009 data meeting the State's target. |

**Montgomery County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009**

| Monitoring Priorities and Indicators | Status | MSDE Analysis/Next Steps |
|---|--|--|
| <p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Performance Indicator]</p> | <p>A. Montgomery County Public Schools' FFY 2008 data for this indicator is 66.67%. This exceeds the State's target of 61.11% for FFY 2008 by 5.56%.</p> <p>B. Montgomery County Public Schools' FFY 2008 data for this indicator is 14.14%. This exceeds the State's target of 16.11% for FFY 2008 by 1.97%.</p> <p>C. Montgomery County Public Schools' FFY 2008 data for this indicator is 4.93%. This exceeds the State's target of 6.92% for FFY 2008 by 1.99%.</p> | <p>Montgomery County Public Schools' data exceeded the State's targets for Indicators 5A, 5B and 5C.</p> <p>MSDE looks forward to Montgomery County Public Schools' FFY 2009 data demonstrating continued improvement.</p> |
| Monitoring Priority: Disproportionality | | |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Montgomery County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Montgomery County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Montgomery County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |

**Montgomery County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009**

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|--|---|
| <p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. [Compliance Indicator]</p> | <p>Montgomery County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Montgomery County Public Schools' data met the State's target for this compliance indicator. MSDE looks forward to Montgomery County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |
| Monitoring Priority: Effective General Supervision | | |
| <p>11. Percent of children who are evaluated within 60 days of receiving parental consent for initial evaluation or, if the State established a timeframe within which the evaluation must be conducted, within that timeframe. [Compliance Indicator]</p> | <p>Montgomery County Public Schools' FFY 2008 data for this indicator is 80.00%. The State's target is 100%.</p> | <p>Montgomery County Public Schools' data did not meet the State's target of 100% for this compliance indicator. MSDE looks forward to Montgomery County Public Schools' FFY 2009 data demonstrating 100% compliance.</p> |
| <p>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. [Compliance Indicator]</p> | <p>Montgomery County Public Schools' FFY 2008 data for this indicator is 97.79%. The State's target is 100%.</p> | <p>Montgomery County Public Schools' data did not meet the State's target of 100% for this compliance indicator, but was substantially compliant (95-99.9%). MSDE looks forward to Montgomery County Public Schools' FFY 2009 data demonstrating 100% compliance.</p> |

**Montgomery County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009**

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|---|---|
| <p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals. [Compliance Indicator]</p> | <p>Montgomery County Public Schools' FFY 2008 data for this indicator is 100%. The State's target is 100%.</p> | <p>Montgomery County Public Schools' data met the State's target of 100% for this compliance indicator. MSDE looks forward to Montgomery County Public Schools' FFY 2009 data maintaining 100% compliance.</p> |
| <p>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. [Compliance Indicator]</p> | <p>Montgomery County Public Schools had six corrective actions due in FFY 2008.</p> | <p>Montgomery County Public Schools had six findings of noncompliance identified by MSDE that were due for correction in FFY 2008. Five of the six findings were corrected within timelines. MSDE expects all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p> |
| <p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]</p> | <p>Montgomery County Public Schools accurately submitted required 618 data. However, it was not submitted in a timely manner.</p> | <p>Montgomery County Public Schools' data met the State's target for the accurate submission of required 618 data and other data required by the State for FFY 2008 but it was not submitted in a timely manner. MSDE expects Montgomery County Public Schools' submission of required data to be timely and accurate.</p> |



Nancy S. Grasmick
State Superintendent of Schools

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

May 18, 2010

Dr. William R. Hite
Superintendent
Prince George's County Public Schools
14201 School Lane
Upper Marlboro, MD 20772

Dear Dr.  Hite:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through review of the APR and other data sources, OSEP evaluates each state's performance on these indicators, and assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Federal Fiscal Year (FFY) 2008 [State Fiscal Year (SFY) 2009 (2008-2009 School Year)] Part B in early June 2010. In accordance with 34 CFR §300.606, if OSEP identifies MSDE as Needs Assistance, Needs Intervention, or Needs Substantial Intervention, MSDE is required to notify local school systems, public agencies, the media, and the public of this action.

Pursuant to 20 U.S.C. §1416(a)(1)(C)(i) and 34 C.F.R. §300.600, MSDE is also required to make determinations annually on the performance of each local school system in the State using the categories in 34 C.F.R. §300.603(b)(1), use appropriate enforcement mechanisms, consistent with 34 C.F.R. §300.604, which must include, if applicable, the enforcement mechanisms identified in §300.604(a)(1) (technical assistance), (a)(3) (conditions on funding of a local school system), (b)(2)(i) (a corrective action plan or improvement plan), (b)(2)(v) (withholding funds, in whole or in part, by MSDE), and (c)(2) (withholding funds, in whole or in part, by MSDE). In accordance with 20 U.S.C. §1416(e) and 34 C.F.R. §300.603(b)(1), MSDE also must use one of the following four categories to assign a determination to each local school system: Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each local public agency's performance in meeting the State's targets for FFY 2008. Attached is a document entitled, "Part C and Part B Public Agency Determination," that lists the Part B indicators considered in making determinations. MSDE carefully considered all aspects of this process. Based on FFY 2008 data, as well as information obtained through monitoring and complaint investigations, the Prince George's County Public Schools (PGCPS) has been determined to be **Needs Intervention**.

Dr. William R. Hite
May 18, 2010
Page Two

To be in the category of Meets Requirements, the PGCPs must have met or exceeded the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) or were not significantly below the target on LRE Indicators (5a, 5b, or 5c). In addition, the PGCPs must have demonstrated compliance (100%) or substantial compliance (95-99.9%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), and had no corrective actions or had completed corrective actions within one year (15).

Attached to this letter are copies of the following documents:

- Part B Local Determination Table; and
- Part B Local Determination Framework for Technical Assistance and Intervention.

The "Part B Local Determination Table" provides an analysis of the PGCPs' data. The "Part B Local Determination Framework for Technical Assistance and Intervention" provides additional information relative to technical assistance and support available to your local school system.

The MSDE FFY 2005 determination for PGCPs was Needs Assistance, FFY 2006 was Needs Intervention and FFY 2007's determination was again Needs Assistance. In accordance with 20 U.S.C. §1416(e) and 34 C. F. R. §§300.600 and 300.604, if a local school system is determined to be in need of assistance for two consecutive years, MSDE must take one or more of the following actions: 1) Advise the local school system of available sources of technical assistance that may help the local school system address the areas in which the local school system needs assistance; 2) Direct the use of federal funds to the area or area(s) the local school system needs assistance; or 3) Identify the local school system as a high-risk grantee and impose special conditions on the local school system's IDEA Part B grant award.

Pursuant to these requirements, and to assist all local school systems to meet or maintain the determination status of Meets Requirements, the MSDE provides and recommends technical assistance. Each local school system has a responsibility to access the Technical Assistance and Determination Network at <http://spp-apr-calendar.rfcnetwork.org> and other sources of technical assistance to improve performance and/or correct noncompliance. You will be directed to a list of indicators. Select a specific indicator for a list of centers, documents, web seminars, and other sources of relevant technical assistance.

Those local school systems that were below the State's target on any indicator are required to access sources of technical assistance and inform the MSDE of the type, amount, and frequency of assistance needed to address specific needs. Attached is a list of Division personnel, with contact information for monitoring specialists and each SPP indicator. The specific indicators most critical to improving results for PGCPs are: Indicator 4 (Suspension/ Expulsion), Indicator 11 (Initial Evaluation Timeline), Indicator 15 (General Supervision), Indicator 20 (Timely and Accurate Data), Indicator 1 (Graduation), and Indicator 5 (Least Restrictive Environment).

Dr. William R. Hite
May 18, 2010
Page Three

As you know, the State must report annually to the public on the performance of each local school system on the targets in the SPP under IDEA. The public may access the MSDE IDEA performance report at <http://mdideareport.org>. The requirement for public reporting on local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. MSDE will continue to provide technical assistance opportunities as you work to improve performance under Part B of the IDEA.

If you have any comments on our past technical assistance efforts or the need for guidance, we would appreciate your feedback as we work to develop further mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the PGCPs to improve results for students with disabilities. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



Carol Ann Heath, Ed.D.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

CAH/DRR/ALP

Attachments

c: Nancy S. Grasmick
Joan Rothgeb
Branch/Section Chiefs

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2008 (reporting period July 1, 2008 – June 30, 2009)

| | | Meets Target or Substantial Compliance Zero Points | | Below Target One Point | | Significantly Below The Target Two Points | |
|--|--|--|----------------------------------|---------------------------|---|---|-------------------------------------|
| Section 1 & 2: | Compliance Indicators | 4 | 0.00 – 1.49 | 4 | 1.50 – 1.99 | 4 | ≥ 2.00 |
| | | 9 | Yes/0.0% | 9 | NA | 9 | No |
| | | 10 | Yes/0.0% | 10 | NA | 10 | No |
| | | 11 | 95 - 100% | 11 | 85.0 - 94.9% | 11 | < 85.0% |
| | | 12 | 95 - 100% | 12 | 85.0 - 94.9% | 12 | < 85.0% |
| | | 13 | 95 - 100% | 13 | 85.0 - 94.9% | 13 | < 85.0% |
| | Performance Indicators | 1 | ≥ 85.50% | 1 | 85.49 – 77.26% | 1 | ≤ 77.25% |
| | | 2 | ≤ 3.54% | 2 | 3.55 – 6.73% | 2 | ≥ 6.74% |
| | | 3a | AYP met R/M all bands | 3a | AYP not met R/M on all bands | 3a | NA |
| | | 3b | ≥ 95% in R and M | 3b | < 95% in R and M | 3b | NA |
| | | 3cR | All grade targets are met | 3cR | Below target one or more grades | 3cR | NA |
| | | 3cM | All grade targets are met | 3cM | Below target one or more grades | 3cM | NA |
| | | 5a | ≥ 61.11% | 5a | 61.10 – 57.10% | 5a | ≤ 57.09% |
| | | 5b | ≤ 16.11% | 5b | 16.12 - 20.12% | 5b | ≥ 20.13% |
| | | 5c | ≤ 6.92% | 5c | 6.93 – 7.92% | 5c | ≥ 7.93% |
| Section 3: Correction of Noncompliance | 15 | <u>All</u> findings corrected within 12 months. or No corrective actions. | 15 | | 15 | <u>Each</u> finding not corrected within 12 months. Applies to findings identified 7/1/06 - 6/30/07 with correction by 6/30/08. | |
| | Section 4: Data Are Timely and Accurate | 20 | Data are timely and accurate. | 20 | Data are timely but not accurate or Data are accurate but not timely. | 20 | Data are not timely or accurate. |

Indicator targets are identified in the MSDE's State Performance Plan (SPP).
Results are reported annually in the Annual Performance Report (APR).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial¹ compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

¹ Full compliance means a local school system or public agency provided data showing 100% for the identified indicators. Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (95% or better).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2008 (SFY 2009 – Reporting Period July 1, 2008 – June 30, 2009)

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2009.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

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

In addition, States could also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org>, no later than May 27, 2010. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting
- 4a. Family Outcomes – Know Their Rights
- 4b. Family Outcomes – Effectively Communicate Their Children's Needs
- 4c. Family Outcomes – Help Their Children Develop and Learn
5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline
- 8a. Transition (Transition Outcomes)
- 8b. Transition (Notification to LEA)
- 8c. Transition (Timely Planning Meeting)
9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to Part B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes, but is not limited to, teleconference calls, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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

- (1) Take any of the actions described in 34 CFR §300.604(a);
- (2) Take one or more of the following actions:
 - (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
 - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.*

- (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
- (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
 - (iv) Seeks to recover funds under section 452 of GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

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

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

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

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)

Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|-------------------------------------|---|--|
| 1 | Graduation | 85.50% of youth with IEPs will graduate with a regular diploma. | Not Met – 67.23% |
| 2 | Dropout | The dropout rate of students with IEPs will be 3.00% or less. | Not Met – 4.31% |
| 3A | Student Achievement - AYP | 50% of the State's local school systems will meet AYP for the subgroup of students with disabilities. | Not Met – 20% (5 of 25 LSS) |
| 3B | Student Achievement - Participation | 95% of students with disabilities will participate in the Statewide assessment system. | Met – 99.03% for Math; and 99.18% for Reading. |
| 3C | Student Achievement - Proficiency | Meet the State designated AMOs for mathematics and reading at each assessed grade. | Not Met for Math or Reading |
| 4 | Suspension and Expulsion | ≤ four (4) or 16.67% of LSS will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for students with disabilities compared with nondisabled peers. | Met – 12.5% (3 of 24 LSS) |
| 5A | LRE 21% | ≥61.11% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day. | Met – 63.99% |
| 5B | LRE 60% | ≤ 16.11% of students with disabilities, ages 6-21, are served inside the regular class less than 40% of the day; | Met – 15.10% |
| 5C | LRE - Separate Schools | ≤ 6.92% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements. | Not Met – 7.59% |

Part B

FFY 2008 (SFY 2009)

Reporting Year 2008-2009

Indicators- At- Glance

05/17/2010

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)

Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met | |
|-----------|--------------------|--|--|--|
| 6 | Preschool LRE | | Not Reported | |
| 7A | Preschool Outcomes | Positive social-emotional skills (including social relationships) | 64.3% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited. | 68.5% of children participating in Maryland's Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7B | Preschool Outcomes | Acquisition and use of knowledge and skills including early language/communication [and early literacy]) | 64.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 55.3% of children participating in Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7C | Preschool Outcomes | Use of appropriate behaviors to meet their needs. | 58.7% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 66.2% of children participating in Part B preschool were functioning within age expectations by the time they exited the program. |

Part B
FFY 2008 (SFY 2009)
Reporting Year 2008-2009
Indicators- At- Glance
05/17/2010

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|--|---|--------------------|
| 8A | Parent Involvement - Preschool | 35% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results. | Met – 69% |
| 8B | Parent Involvement - School Age | 30% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results | Met – 57% |
| 9 | Disproportional Representation (Racial & Ethnic) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups receiving special education and related services that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 10 | Disproportional Representation (Specific Disability) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups in specific disability categories that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 11 | Evaluation | 100% of children were evaluated and eligibility determined within 60 days of parental consent to evaluate. (Compliance) | Not Met – 92% |
| 12 | C to B transition | 100% of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.(Compliance) | Not Met – 97.28% |
| 13 | Transition Goals on IEP | 100% of youth with disabilities, aged 16 and above, have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.(Compliance) | Not Met – 96.3% |

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|----------------------|--|--------------------|
| 14 | Post School Outcomes | Within one year of leaving high school: <ul style="list-style-type: none"> • 44% percent of youth who had IEPs are competitively employed • 4% percent of youth who had IEPs are enrolled in some type of postsecondary school; and • 24% percent of youth who had IEPs are competitively employed and enrolled in some type of postsecondary school. | Not Reported |
| 15 | General Supervision | 100% of corrective actions identified through monitoring, complaints, due process hearings, mediations, etc. will be corrected within one year from the date of identification. (Compliance) | Not Met – 97.19% |
| 16 | State Complaints | 100% of all complaint investigations are completed within the required timelines. (Compliance) | Met – 100% |
| 17 | Due process | 100% of all due process hearings are completed within the required timelines. (Compliance) | Not Met – 93% |
| 18 | Resolutions | 64 – 75% of all resolution meetings conducted will result in a settlement agreement. | Met – 79% |
| 19 | Mediations | Maintain 75 – 85% rate of mediations that result in mediation agreements. | Met – 77% |
| 20 | State Reported Data | 100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates. (Compliance) | Not Met – 98.71% |

Prince George's County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|---|--|
| Monitoring Priority: FAPE in the LRE | | |
| 1. Percent of youth with IEPs graduating from high school with a regular diploma. [Performance Indicator] | Prince George's County Public Schools' FFY 2008 data for this indicator is 68.72%. This is below the State's target of 85.50% by 16.78%. | Prince George's County Public Schools' data was below the State's target. The FFY 2008 data shows a decrease from the previous year's graduation rate of 83.83% for students with disabilities. MSDE looks forward to Prince George's County Public Schools' FFY 2009 data demonstrating improvement. |
| 2. Percent of youth with IEPs dropping out of high school. [Performance Indicator] | Prince George's County Public Schools' FFY 2008 data for this indicator is 0.39%. This exceeds the State's target of 3.54% by 3.15%. | Prince George's County Public Schools' data exceeds the State's target for this indicator. MSDE looks forward to Prince George's County Public Schools' FFY 2009 data demonstrating improvement. |
| 4. 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. [Compliance Indicator] | Prince George's County Public Schools' FFY 2008 ratio for multiple suspensions summing to greater than 10 days is 2.54 and for single event suspensions is 0.00 when compared to nondisabled peers. The State's target for both multiple and single event suspensions is 0.00 – 1.49. | Prince George's County Public Schools' data met the State's target for single event suspensions and did not meet the State's target for multiple suspensions summing to greater than 10 days. MSDE looks forward to Prince George's County Public Schools' FFY 2009 meeting the State's target. |

Prince George's County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis/Next Steps |
|---|---|--|
| <p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Performance Indicator]</p> | <p>A. Prince George's County Public Schools' FFY 2008 data for this indicator is 48.46%. This does not meet the State's target of 61.11% for FFY 2008 by 12.65%.</p> <p>B. Prince George's County Public Schools' FFY 2008 data for this indicator is 27.59%. This does not meet the State's target of 16.11 % for FFY 2008 by 11.48%.</p> <p>C. Prince George's County Public Schools' FFY 2008 data for this indicator is 11.34%. This does not meet the State's target of 6.92% for FFY 2008 by 4.42%.</p> | <p>Prince George's County Public Schools' data was below the State's targets for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to Prince George's County Public Schools' FFY 2009 data demonstrating improvement.</p> |
| Monitoring Priority: Disproportionality | | |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Prince George's County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Prince George's County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Prince George's County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |

Prince George's County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|---|---|--|
| <p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p> | <p>Prince George's County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Prince George's County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Prince George's County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |
| Monitoring Priority: Effective General Supervision | | |
| <p>11. Percent of children who are evaluated within 60 days of receiving parental consent for initial evaluation or, if the State established a timeframe within which the evaluation must be conducted, within that timeframe.</p> <p>[Compliance Indicator]</p> | <p>Prince George's County Public Schools' FFY 2008 data for this indicator is 92.71%. The State's target is 100%.</p> | <p>Prince George's County Public Schools' data did not meet the State's target of 100% for this compliance indicator.</p> <p>MSDE looks forward to Prince George's County Public Schools' FFY 2009 data demonstrating 100% compliance.</p> |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Prince George's County Public Schools' FFY 2008 data for this indicator is 98.40%. The State's target is 100%.</p> | <p>Prince George's County Public Schools' data did not meet the State's target of 100% for this compliance indicator, but was substantially compliant (95-99.9%).</p> <p>MSDE looks forward to Prince George's County Public Schools' FFY 2009 data demonstrating 100% compliance.</p> |

Prince George's County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|---|---|---|
| <p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.</p> <p>[Compliance Indicator]</p> | <p>Prince George's County Public Schools' FFY 2008 data for this indicator is 95.10%. The State's target is 100%.</p> | <p>Prince George's County Public Schools' data did not meet the State's target of 100% for this compliance indicator, but was substantially compliant (95-99.9%).</p> <p>MSDE looks forward to Prince George's Public Schools' FFY 2009 data demonstrating 100% compliance.</p> |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Prince George's County Public Schools had three corrective action plans due during FFY 2008.</p> | <p>Prince George's County Public Schools had three findings of noncompliance identified by MSDE that was due for correction in FFY 2008. One finding was corrected within timelines and two were not corrected within timelines.</p> <p>MSDE expects all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p> |
| <p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p> | <p>Prince George's County Public Schools did not submit accurate required 618 data.</p> | <p>Prince George's County Public Schools' data did not meet the State's target for the accurate submission of required 618 data and other data required by the State for FFY 2008.</p> <p>MSDE expects Prince George's County Public Schools' submission of required data to be timely and accurate.</p> |



Nancy S. Grasmick
State Superintendent of Schools

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

May 18, 2010

Dr. Carol A. Williamson
Superintendent
Queen Anne's County Public Schools
202 Chesterfield Avenue
Centreville, MD 21617

Dear Dr. Williamson:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through review of the APR and other data sources, OSEP evaluates each state's performance on these indicators, and assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Federal Fiscal Year (FFY) 2008 [State Fiscal Year (SFY) 2009 (2008-2009 School Year)] Part B in early June 2010. In accordance with 34 CFR §300.606, if OSEP identifies MSDE as Needs Assistance, Needs Intervention, or Needs Substantial Intervention, MSDE is required to notify local school systems, public agencies, the media, and the public of this action.

Pursuant to 20 U.S.C. §1416(a)(1)(C)(i) and 34 C.F.R. §300.600, MSDE is also required to make determinations annually on the performance of each local school system in the State using the categories in 34 C.F.R. §300.603(b)(1), use appropriate enforcement mechanisms, consistent with 34 C.F.R. §300.604, which must include, if applicable, the enforcement mechanisms identified in §300.604(a)(1) (technical assistance), (a)(3) (conditions on funding of a local school system), (b)(2)(i) (a corrective action plan or improvement plan), (b)(2)(v) (withholding funds, in whole or in part, by MSDE), and (c)(2) (withholding funds, in whole or in part, by MSDE). In accordance with 20 U.S.C. §1416(e) and 34 C.F.R. §300.603(b)(1), MSDE also must use one of the following four categories to assign a determination to each local school system: Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each local public agency's performance in meeting the State's targets for FFY 2008. Attached is a document entitled, "Part C and Part B Public Agency Determination," that lists the Part B indicators considered in making determinations. MSDE carefully considered all aspects of this process. Based on FFY 2008 data, as well as information obtained through monitoring and complaint investigations, the Queen Anne's County Public Schools (QACPS) has been determined to be **Meets Requirements**.

Dr. Carol A. Williamson
May 17, 2010
Page Two

To be in the category of Meets Requirements, the QACPS must have met or exceeded the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) or were not significantly below the target on LRE Indicators (5a, 5b, or 5c). In addition, the QACPS must have demonstrated compliance (100%) or substantial compliance (95-99.9%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), and had no corrective actions or had completed corrective actions within one year (15).

Attached to this letter are copies of the following documents:

- Part B Local Determination Table; and
- Part B Local Determination Framework for Technical Assistance and Intervention.

The "Part B Local Determination Table" provides an analysis of the QACPS' data. The "Part B Local Determination Framework for Technical Assistance and Intervention" provides additional information relative to technical assistance and support available to your local school system.

As you know, the State must report annually to the public on the performance of each local school system on the targets in the SPP under IDEA. The public may access the MSDE IDEA performance report at <http://mdideareport.org>. The requirement for public reporting on local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. MSDE will continue to provide technical assistance opportunities as you work to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any comments on our past technical assistance efforts or the need for guidance, we would appreciate your feedback as we work to develop further mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the QACPS to improve results for students with disabilities. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



Carol Ann Heath, Ed.D.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

CAH/DRR/ALP/gh
Attachments

c: Nancy S. Grasmick
Diane McGowan
Branch/Section Chiefs

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2008 (reporting period July 1, 2008 – June 30, 2009)

| | | Meets Target or Substantial Compliance Zero Points | | Below Target One Point | | Significantly Below The Target Two Points | |
|--|---------------------------|--|--|---------------------------|---|---|-------------------------------------|
| Section 1 & 2: | Compliance Indicators | 4 | 0.00 – 1.49 | 4 | 1.50 – 1.99 | 4 | ≥ 2.00 |
| | | 9 | Yes/0.0% | 9 | NA | 9 | No |
| | | 10 | Yes/0.0% | 10 | NA | 10 | No |
| | | 11 | 95 - 100% | 11 | 85.0 - 94.9% | 11 | < 85.0% |
| | | 12 | 95 - 100% | 12 | 85.0 - 94.9% | 12 | < 85.0% |
| | | 13 | 95 - 100% | 13 | 85.0 - 94.9% | 13 | < 85.0% |
| | Performance Indicators | 1 | ≥ 85.50% | 1 | 85.49 – 77.26% | 1 | ≤ 77.25% |
| | | 2 | ≤ 3.54% | 2 | 3.55 – 6.73% | 2 | ≥ 6.74% |
| | | 3a | AYP met R/M all bands | 3a | AYP not met R/M on all bands | 3a | NA |
| | | 3b | ≥ 95% in R and M | 3b | < 95% in R and M | 3b | NA |
| | | 3cR | All grade targets are met | 3cR | Below target one or more grades | 3cR | NA |
| | | 3cM | All grade targets are met | 3cM | Below target one or more grades | 3cM | NA |
| | | 5a | ≥ 61.11% | 5a | 61.10 – 57.10% | 5a | ≤ 57.09% |
| | | 5b | ≤ 16.11% | 5b | 16.12 - 20.12% | 5b | ≥ 20.13% |
| | | 5c | ≤ 6.92% | 5c | 6.93 – 7.92% | 5c | ≥ 7.93% |
| Section 3: Correction of Noncompliance | | 15 | <u>All</u> findings corrected within 12 months. or No corrective actions. | 15 | <u>Each</u> finding not corrected within 12 months. Applies to findings identified 7/1/06 - 6/30/07 with correction by 6/30/08. | | |
| Section 4: Data Are Timely and Accurate | | 20 | Data are timely and accurate. | 20 | Data are timely but not accurate or Data are accurate but not timely. | 20 | Data are not timely or accurate. |

Indicator targets are identified in the MSDE's State Performance Plan (SPP).
Results are reported annually in the Annual Performance Report (APR).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial¹ compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

¹ Full compliance means a local school system or public agency provided data showing 100% for the identified indicators. Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (95% or better).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2008 (SFY 2009 – Reporting Period July 1, 2008 – June 30, 2009)

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2009.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

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

In addition, States could also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org>, no later than May 27, 2010. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting
- 4a. Family Outcomes – Know Their Rights
- 4b. Family Outcomes – Effectively Communicate Their Children's Needs
- 4c. Family Outcomes – Help Their Children Develop and Learn
5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline
- 8a. Transition (Transition Outcomes)
- 8b. Transition (Notification to LEA)
- 8c. Transition (Timely Planning Meeting)
9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to Part B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes, but is not limited to, teleconference calls, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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

- (1) Take any of the actions described in 34 CFR §300.604(a);
- (2) Take one or more of the following actions:
 - (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
 - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.*

- (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
- (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
 - (iv) Seeks to recover funds under section 452 of GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

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

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

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

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|-------------------------------------|---|--|
| 1 | Graduation | 85.50% of youth with IEPs will graduate with a regular diploma. | Not Met – 67.23% |
| 2 | Dropout | The dropout rate of students with IEPs will be 3.00% or less. | Not Met – 4.31% |
| 3A | Student Achievement - AYP | 50% of the State's local school systems will meet AYP for the subgroup of students with disabilities. | Not Met – 20% (5 of 25 LSS) |
| 3B | Student Achievement - Participation | 95% of students with disabilities will participate in the Statewide assessment system. | Met – 99.03% for Math; and 99.18% for Reading. |
| 3C | Student Achievement - Proficiency | Meet the State designated AMOs for mathematics and reading at each assessed grade. | Not Met for Math or Reading |
| 4 | Suspension and Expulsion | ≤ four (4) or 16.67% of LSS will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for students with disabilities compared with nondisabled peers. | Met – 12.5% (3 of 24 LSS) |
| 5A | LRE 21% | ≥61.11% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day. | Met – 63.99% |
| 5B | LRE 60% | ≤ 16.11% of students with disabilities, ages 6-21, are served inside the regular class less than 40% of the day; | Met – 15.10% |
| 5C | LRE - Separate Schools | ≤ 6.92% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements. | Not Met – 7.59% |

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met | |
|-----------|--------------------|--|--|--|
| 6 | Preschool LRE | | Not Reported | |
| 7A | Preschool Outcomes | Positive social-emotional skills (including social relationships) | 64.3% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited. | 68.5% of children participating in Maryland's Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7B | Preschool Outcomes | Acquisition and use of knowledge and skills including early language/communication [and early literacy]) | 64.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 55.3% of children participating in Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7C | Preschool Outcomes | Use of appropriate behaviors to meet their needs. | 58.7% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 66.2% of children participating in Part B preschool were functioning within age expectations by the time they exited the program. |

Part B
FFY 2008 (SFY 2009)
Reporting Year 2008-2009
Indicators- At- Glance
05/17/2010

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|--|---|--------------------|
| 8A | Parent Involvement - Preschool | 35% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results. | Met – 69% |
| 8B | Parent Involvement - School Age | 30% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results | Met – 57% |
| 9 | Disproportional Representation (Racial & Ethnic) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups receiving special education and related services that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 10 | Disproportional Representation (Specific Disability) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups in specific disability categories that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 11 | Evaluation | 100% of children were evaluated and eligibility determined within 60 days of parental consent to evaluate. (Compliance) | Not Met – 92% |
| 12 | C to B transition | 100% of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.(Compliance) | Not Met – 97.28% |
| 13 | Transition Goals on IEP | 100% of youth with disabilities, aged 16 and above, have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.(Compliance) | Not Met – 96.3% |

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|----------------------|--|--------------------|
| 14 | Post School Outcomes | Within one year of leaving high school: <ul style="list-style-type: none"> • 44% percent of youth who had IEPs are competitively employed • 4% percent of youth who had IEPs are enrolled in some type of postsecondary school; and • 24% percent of youth who had IEPs are competitively employed and enrolled in some type of postsecondary school. | Not Reported |
| 15 | General Supervision | 100% of corrective actions identified through monitoring, complaints, due process hearings, mediations, etc. will be corrected within one year from the date of identification. (Compliance) | Not Met – 97.19% |
| 16 | State Complaints | 100% of all complaint investigations are completed within the required timelines. (Compliance) | Met – 100% |
| 17 | Due process | 100% of all due process hearings are completed within the required timelines. (Compliance) | Not Met – 93% |
| 18 | Resolutions | 64 – 75% of all resolution meetings conducted will result in a settlement agreement. | Met – 79% |
| 19 | Mediations | Maintain 75 – 85% rate of mediations that result in mediation agreements. | Met – 77% |
| 20 | State Reported Data | 100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.(Compliance) | Not Met – 98.71% |

**Queen Anne's County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009**

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|--|---|
| Monitoring Priority: FAPE in the LRE | | |
| 1. Percent of youth with IEPs graduating from high school with a regular diploma. [Performance Indicator] | Queen Anne's County Public Schools' FFY 2008 data for this indicator is 65.15%. This is below the State's target of 85.50% by 20.35%. | Queen Anne's County Public Schools' data was below the State's target. The FFY 2008 data shows a decrease from the previous year's graduation rate of 71.05% for students with disabilities. MSDE looks forward to Queen Anne's County Public Schools' FFY 2009 data demonstrating improvement. |
| 2. Percent of youth with IEPs dropping out of high school. [Performance Indicator] | Queen Anne's County Public Schools' FFY 2008 data for this indicator is 3.68%. This does not meet the State's target of 3.54% by 0.14 %. | Queen Anne's County Public Schools' data did not meet the State's target. The FFY 2008 data shows a decrease from the previous year's dropout rate of 4.09% for students with disabilities. MSDE looks forward to Queen Anne's County Public Schools' FFY 2009 data demonstrating improvement. |
| 4. 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. [Compliance Indicator] | Queen Anne's County Public Schools' FFY 2008 ratio for multiple suspensions summing to greater than 10 days is 0.00 and for single event suspensions is 0.00 when compared to nondisabled peers. The State's target for both multiple and single event suspensions is 0.00 – 1.49. | Queen Anne's County met the State target for multiple suspensions summing to greater than 10 days, and for single event suspensions. MSDE looks forward to Queen Anne's County Public Schools' FFY 2009 data continuing to meet the State's target. |

**Queen Anne's County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009**

| Monitoring Priorities and Indicators | Status | MSDE Analysis/Next Steps |
|---|---|---|
| <p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Performance Indicator]</p> | <p>A. Queen Anne's County Public Schools' FFY 2008 data for this indicator is 93.92%. This exceeds the State's target of 61.11% for FFY 2008 by 32.81%.</p> <p>B. Queen Anne's County Public Schools' FFY 2008 data for this indicator is 3.97%. This exceeds the State's target of 16.11% for FFY 2008 by 12.14%.</p> <p>C. Queen Anne's County Public Schools' FFY 2008 data for this indicator is 0.25%. This exceeds the State's target of 6.92% for FFY 2008 by 6.67%.</p> | <p>Queen Anne's County Public Schools' data exceeded the State's targets for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to Queen Anne's County Public Schools' FFY 2009 data demonstrating continued improvement.</p> |
| Monitoring Priority: Disproportionality | | |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Queen Anne's County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Queen Anne's County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Queen Anne's County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |

**Queen Anne's County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009**

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|---|--|
| 10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. [Compliance Indicator] | Queen Anne's County Public Schools' FFY 2008 data for this indicator is 0%. | Queen Anne's County Public Schools' data met the State's target for this compliance indicator. MSDE looks forward to Queen Anne's County Public Schools' FFY 2009 data demonstrating continued compliance. |
| Monitoring Priority: Effective General Supervision | | |
| 11. Percent of children who are evaluated within 60 days of receiving parental consent for initial evaluation or, if the State established a timeframe within which the evaluation must be conducted, within that timeframe. [Compliance Indicator] | Queen Anne's County Public Schools' FFY 2008 data for this indicator is 98.00%. The State's target is 100%. | Queen Anne County Public Schools' data did not meet the State's target of 100% for this compliance indicator, but was substantially compliant (95-99.9%). MSDE looks forward to Queen Anne's County Public Schools' FFY 2009 data demonstrating 100% compliance |
| 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. [Compliance Indicator] | Queen Anne's County Public Schools' FFY 2008 data for this indicator is 100%. The State's target is 100%. | Queen Anne's County Public Schools' data met the State's target of 100% for this compliance indicator. MSDE looks forward to Queen Anne's County Public Schools' FFY 2009 data maintaining 100% compliance. |

Queen Anne's County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|---|--|---|
| <p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.</p> <p>[Compliance Indicator]</p> | <p>Queen Anne's County Public Schools' FFY 2008 data for this indicator is 100%. The State's target is 100%.</p> | <p>Queen Anne's County Public Schools' data met the State's target of 100% for this compliance indicator.</p> <p>MSDE looks forward to Queen Anne's County Public Schools' FFY 2009 data maintaining 100% compliance.</p> |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Queen Anne's County Public Schools had two corrective actions due in FFY 2008.</p> | <p>Queen Anne's County Public Schools had two findings of noncompliance identified by MSDE that were due for correction in FFY 2008. The findings were corrected within timelines.</p> <p>MSDE expects all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p> |
| <p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p> | <p>Queen Anne's County Public Schools submitted required 618 data in a timely and accurate manner.</p> | <p>Queen Anne's County Public Schools' data met the State's target for the timely and accurate submission of required 618 data and other data required by the State for FFY 2008.</p> <p>MSDE expects Queen Anne's County Public Schools' submission of required data to be timely and accurate.</p> |



Nancy S. Grasmick
State Superintendent of Schools

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

May 18, 2010

Dr. Karen-Lee Brofee
Superintendent
Somerset County Public Schools
7982-A Tawes Campus Drive
Westover, MD 21871

Dear Dr. Brofee:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through review of the APR and other data sources, OSEP evaluates each state's performance on these indicators, and assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Federal Fiscal Year (FFY) 2008 [State Fiscal Year (SFY) 2009 (2008-2009 School Year)] Part B in early June 2010. In accordance with 34 CFR §300.606, if OSEP identifies MSDE as Needs Assistance, Needs Intervention, or Needs Substantial Intervention, MSDE is required to notify local school systems, public agencies, the media, and the public of this action.

Pursuant to 20 U.S.C. §1416(a)(1)(C)(i) and 34 C.F.R. §300.600, MSDE is also required to make determinations annually on the performance of each local school system in the State using the categories in 34 C.F.R. §300.603(b)(1), use appropriate enforcement mechanisms, consistent with 34 C.F.R. §300.604, which must include, if applicable, the enforcement mechanisms identified in §300.604(a)(1) (technical assistance), (a)(3) (conditions on funding of a local school system), (b)(2)(i) (a corrective action plan or improvement plan), (b)(2)(v) (withholding funds, in whole or in part, by MSDE), and (c)(2) (withholding funds, in whole or in part, by MSDE). In accordance with 20 U.S.C. §1416(e) and 34 C.F.R. §300.603(b)(1), MSDE also must use one of the following four categories to assign a determination to each local school system: Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each local public agency's performance in meeting the State's targets for FFY 2008. Attached is a document entitled, "Part C and Part B Public Agency Determination," that lists the Part B indicators considered in making determinations. MSDE carefully considered all aspects of this process. Based on FFY 2008 data, as well as information obtained through monitoring and complaint investigations, the Somerset County Public Schools (SCPS) has been determined to be **Meets Requirements**.

Dr. Karen-Lee Brofee
May 18, 2010
Page Two

To be in the category of Meets Requirements, the SCPS must have met or exceeded the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) or were not significantly below the target on LRE Indicators (5a, 5b, or 5c). In addition, the SCPS must have demonstrated compliance (100%) or substantial compliance (95-99.9%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), and had no corrective actions or had completed corrective actions within one year (15).

Attached to this letter are copies of the following documents:

- Part B Local Determination Table; and
- Part B Local Determination Framework for Technical Assistance and Intervention.

The "Part B Local Determination Table" provides an analysis of the SCPS' data. The "Part B Local Determination Framework for Technical Assistance and Intervention" provides additional information relative to technical assistance and support available to your local school system.

As you know, the State must report annually to the public on the performance of each local school system on the targets in the SPP under IDEA. The public may access the MSDE IDEA performance report at <http://mdideareport.org>. The requirement for public reporting on local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. MSDE will continue to provide technical assistance opportunities as you work to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any comments on our past technical assistance efforts or the need for guidance, we would appreciate your feedback as we work to develop further mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the SCPS to improve results for students with disabilities. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



Carol Ann Heath, Ed.D.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

CAH/DRR/ALP:gh
Attachments

c: Nancy S. Grasmick
Betsy Reich
Branch/Section Chiefs

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2008 (reporting period July 1, 2008 – June 30, 2009)

| | | Meets Target or Substantial Compliance Zero Points | | Below Target One Point | | Significantly Below The Target Two Points | |
|--|--|--|----------------------------------|---------------------------|---|---|-------------------------------------|
| Section 1 & 2: | Compliance Indicators | 4 | 0.00 – 1.49 | 4 | 1.50 – 1.99 | 4 | ≥ 2.00 |
| | | 9 | Yes/0.0% | 9 | NA | 9 | No |
| | | 10 | Yes/0.0% | 10 | NA | 10 | No |
| | | 11 | 95 - 100% | 11 | 85.0 - 94.9% | 11 | < 85.0% |
| | | 12 | 95 - 100% | 12 | 85.0 - 94.9% | 12 | < 85.0% |
| | | 13 | 95 - 100% | 13 | 85.0 - 94.9% | 13 | < 85.0% |
| | Performance Indicators | 1 | ≥ 85.50% | 1 | 85.49 – 77.26% | 1 | ≤ 77.25% |
| | | 2 | ≤ 3.54% | 2 | 3.55 – 6.73% | 2 | ≥ 6.74% |
| | | 3a | AYP met R/M all bands | 3a | AYP not met R/M on all bands | 3a | NA |
| | | 3b | ≥ 95% in R and M | 3b | < 95% in R and M | 3b | NA |
| | | 3cR | All grade targets are met | 3cR | Below target one or more grades | 3cR | NA |
| | | 3cM | All grade targets are met | 3cM | Below target one or more grades | 3cM | NA |
| | | 5a | ≥ 61.11% | 5a | 61.10 – 57.10% | 5a | ≤ 57.09% |
| | | 5b | ≤ 16.11% | 5b | 16.12 - 20.12% | 5b | ≥ 20.13% |
| | 5c | ≤ 6.92% | 5c | 6.93 – 7.92% | 5c | ≥ 7.93% | |
| Section 3: Correction of Noncompliance | 15 | <u>All</u> findings corrected within 12 months. or No corrective actions. | 15 | | 15 | <u>Each</u> finding not corrected within 12 months. Applies to findings identified 7/1/06 - 6/30/07 with correction by 6/30/08. | |
| | Section 4: Data Are Timely and Accurate | 20 | Data are timely and accurate. | 20 | Data are timely but not accurate or Data are accurate but not timely. | 20 | Data are not timely or accurate. |

Indicator targets are identified in the MSDE's State Performance Plan (SPP).
Results are reported annually in the Annual Performance Report (APR).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial¹ compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

¹ Full compliance means a local school system or public agency provided data showing 100% for the identified indicators. Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (95% or better).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2008 (SFY 2009 – Reporting Period July 1, 2008 – June 30, 2009)

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2009.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

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

In addition, States could also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org>, no later than May 27, 2010. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting
- 4a. Family Outcomes – Know Their Rights
- 4b. Family Outcomes – Effectively Communicate Their Children's Needs
- 4c. Family Outcomes – Help Their Children Develop and Learn
5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline
- 8a. Transition (Transition Outcomes)
- 8b. Transition (Notification to LEA)
- 8c. Transition (Timely Planning Meeting)
9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to Part B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes, but is not limited to, teleconference calls, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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

- (1) Take any of the actions described in 34 CFR §300.604(a);
- (2) Take one or more of the following actions:
 - (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
 - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.*

- (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
- (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
 - (iv) Seeks to recover funds under section 452 of GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

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

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

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

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|-------------------------------------|---|--|
| 1 | Graduation | 85.50% of youth with IEPs will graduate with a regular diploma. | Not Met – 67.23% |
| 2 | Dropout | The dropout rate of students with IEPs will be 3.00% or less. | Not Met – 4.31% |
| 3A | Student Achievement - AYP | 50% of the State's local school systems will meet AYP for the subgroup of students with disabilities. | Not Met – 20% (5 of 25 LSS) |
| 3B | Student Achievement - Participation | 95% of students with disabilities will participate in the Statewide assessment system. | Met – 99.03% for Math; and 99.18% for Reading. |
| 3C | Student Achievement - Proficiency | Meet the State designated AMOs for mathematics and reading at each assessed grade. | Not Met for Math or Reading |
| 4 | Suspension and Expulsion | ≤ four (4) or 16.67% of LSS will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for students with disabilities compared with nondisabled peers. | Met – 12.5% (3 of 24 LSS) |
| 5A | LRE 21% | ≥61.11% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day. | Met – 63.99% |
| 5B | LRE 60% | ≤ 16.11% of students with disabilities, ages 6-21, are served inside the regular class less than 40% of the day; | Met – 15.10% |
| 5C | LRE - Separate Schools | ≤ 6.92% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements. | Not Met – 7.59% |

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met | |
|-----------|--------------------|--|--|--|
| 6 | Preschool LRE | | Not Reported | |
| 7A | Preschool Outcomes | Positive social-emotional skills (including social relationships) | 64.3% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited. | 68.5% of children participating in Maryland's Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7B | Preschool Outcomes | Acquisition and use of knowledge and skills including early language/communication [and early literacy]) | 64.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 55.3% of children participating in Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7C | Preschool Outcomes | Use of appropriate behaviors to meet their needs. | 58.7% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 66.2% of children participating in Part B preschool were functioning within age expectations by the time they exited the program. |

Part B
FFY 2008 (SFY 2009)
Reporting Year 2008-2009
Indicators- At- Glance
05/17/2010

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|--|---|--------------------|
| 8A | Parent Involvement - Preschool | 35% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results. | Met – 69% |
| 8B | Parent Involvement - School Age | 30% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results | Met – 57% |
| 9 | Disproportional Representation (Racial & Ethnic) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups receiving special education and related services that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 10 | Disproportional Representation (Specific Disability) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups in specific disability categories that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 11 | Evaluation | 100% of children were evaluated and eligibility determined within 60 days of parental consent to evaluate. (Compliance) | Not Met – 92% |
| 12 | C to B transition | 100% of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.(Compliance) | Not Met – 97.28% |
| 13 | Transition Goals on IEP | 100% of youth with disabilities, aged 16 and above, have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.(Compliance) | Not Met – 96.3% |

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|----------------------|--|--------------------|
| 14 | Post School Outcomes | Within one year of leaving high school: <ul style="list-style-type: none"> • 44% percent of youth who had IEPs are competitively employed • 4% percent of youth who had IEPs are enrolled in some type of postsecondary school; and • 24% percent of youth who had IEPs are competitively employed and enrolled in some type of postsecondary school. | Not Reported |
| 15 | General Supervision | 100% of corrective actions identified through monitoring, complaints, due process hearings, mediations, etc. will be corrected within one year from the date of identification. (Compliance) | Not Met – 97.19% |
| 16 | State Complaints | 100% of all complaint investigations are completed within the required timelines. (Compliance) | Met – 100% |
| 17 | Due process | 100% of all due process hearings are completed within the required timelines. (Compliance) | Not Met – 93% |
| 18 | Resolutions | 64 – 75% of all resolution meetings conducted will result in a settlement agreement. | Met – 79% |
| 19 | Mediations | Maintain 75 – 85% rate of mediations that result in mediation agreements. | Met – 77% |
| 20 | State Reported Data | 100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates. (Compliance) | Not Met – 98.71% |

Somerset County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|--|--|
| Monitoring Priority: FAPE in the LRE | | |
| 1. Percent of youth with IEPs graduating from high school with a regular diploma. [Performance Indicator] | Somerset County Public Schools' FFY 2008 data for this indicator is 43.48%. This is below the State's target of 85.50% by 42.02%. | Somerset County Public Schools' data was below the State's target. The FFY 2008 data shows a decrease from the previous year's graduation rate of 46.15% for students with disabilities. MSDE looks forward to Somerset County Public Schools' FFY 2009 data demonstrating improvement. |
| 2. Percent of youth with IEPs dropping out of high school. [Performance Indicator] | Somerset County Public Schools' FFY 2008 data for this indicator is 8.13%. This does not meet the State's target of 3.54% by 4.59%. | Somerset County Public Schools' data did not meet the State's target. The FFY 2008 data shows an increase from the previous year's dropout rate of 5.98% for students with disabilities. MSDE looks forward to Somerset County Public Schools' FFY 2009 data demonstrating improvement. |
| 4. 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. [Compliance Indicator] | Somerset County Public Schools' FFY 2008 ratio for multiple suspensions summing to greater than 10 days is 0.00 and for single event suspensions is 0.00 when compared to nondisabled peers. The State's target for both multiple and single event suspensions is 0.00 – 1.49. | Somerset County met the State's target for multiple suspensions summing to greater than 10 days and for single event suspensions. MSDE looks forward to Somerset County Public Schools' FFY 2009 data continuing to meet the State's target. |

Somerset County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis/Next Steps |
|---|---|---|
| <p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Performance Indicator]</p> | <p>A. Somerset County Public Schools' FFY 2008 data for this indicator is 83.71%. This exceeds the State's target of 61.11% for FFY 2008 by 22.60%.</p> <p>B. Somerset County Public Schools' FFY 2008 data for this indicator is 11.24%. This exceeds the State's target of 16.11% for FFY 2008 by 4.87%.</p> <p>C. Somerset County Public Schools' FFY 2008 data for this indicator is 0.56%. This exceeds the State's target of 6.92% for FFY 2008 by 6.36%.</p> | <p>Somerset County Public Schools' data exceeded the State's targets for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to Somerset County Public Schools' FFY 2009 data demonstrating continued improvement.</p> |
| Monitoring Priority: Disproportionality | | |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Somerset County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Somerset County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Somerset County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |

Somerset County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|---|--|--|
| <p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p> | <p>Somerset County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Somerset County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Somerset County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |
| Monitoring Priority: Effective General Supervision | | |
| <p>11. Percent of children who are evaluated within 60 days of receiving parental consent for initial evaluation or, if the State established a timeframe within which the evaluation must be conducted, within that timeframe.</p> <p>[Compliance Indicator]</p> | <p>Somerset County Public Schools' FFY 2008 data for this indicator is 96.72%. The State's target is 100%.</p> | <p>Somerset County Public Schools' data did not meet the State's target of 100% for this compliance indicator, but was substantially compliant (95-99.9%).</p> <p>MSDE looks forward to Somerset County Public Schools' FFY 2009 data demonstrating 100% compliance.</p> |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Somerset County Public Schools' FFY 2008 data for this indicator is 100%. The State's target is 100%.</p> | <p>Somerset County Public Schools' data met the State's target of 100% for this compliance indicator.</p> <p>MSDE looks forward to Somerset County Public Schools' FFY 2009 data maintaining 100% compliance.</p> |

**Somerset County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009**

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|--|---|
| <p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals. [Compliance Indicator]</p> | <p>Somerset County Public Schools' FFY 2008 data for this indicator is 100%. The State's target is 100%.</p> | <p>Somerset County Public Schools' data met the State's target of 100% for this compliance indicator. MSDE looks forward to Somerset County Public Schools' FFY 2009 data maintaining 100% compliance</p> |
| <p>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. [Compliance Indicator]</p> | <p>Somerset County Public Schools had one corrective action due in FFY 2008.</p> | <p>Somerset County Public Schools had one finding of noncompliance identified by MSDE that was due for correction in FFY 2008. The finding was corrected within timelines. MSDE expects all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p> |
| <p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]</p> | <p>Somerset County Public Schools submitted required 618 data in a timely and accurate manner.</p> | <p>Somerset County Public Schools' data met the State's target for the timely submission of required 618 data and other data required by the State for FFY 2007. MSDE expects Somerset County Public Schools' submission of required data to be timely and accurate.</p> |



Nancy S. Grasmick
State Superintendent of Schools

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

May 18, 2010

Dr. Michael J. Martirano
Superintendent
St. Mary's County Public Schools
P.O. Box 641
Leonardtown, MD 20650

Dear Dr. Martirano:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through review of the APR and other data sources, OSEP evaluates each state's performance on these indicators, and assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Federal Fiscal Year (FFY) 2008 [State Fiscal Year (SFY) 2009 (2008-2009 School Year)] Part B in early June 2010. In accordance with 34 CFR §300.606, if OSEP identifies MSDE as Needs Assistance, Needs Intervention, or Needs Substantial Intervention, MSDE is required to notify local school systems, public agencies, the media, and the public of this action.

Pursuant to 20 U.S.C. §1416(a)(1)(C)(i) and 34 C.F.R. §300.600, MSDE is also required to make determinations annually on the performance of each local school system in the State using the categories in 34 C.F.R. §300.603(b)(1), use appropriate enforcement mechanisms, consistent with 34 C.F.R. §300.604, which must include, if applicable, the enforcement mechanisms identified in §300.604(a)(1) (technical assistance), (a)(3) (conditions on funding of a local school system), (b)(2)(i) (a corrective action plan or improvement plan), (b)(2)(v) (withholding funds, in whole or in part, by MSDE), and (c)(2) (withholding funds, in whole or in part, by MSDE). In accordance with 20 U.S.C. §1416(e) and 34 C.F.R. §300.603(b)(1), MSDE also must use one of the following four categories to assign a determination to each local school system: Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each local public agency's performance in meeting the State's targets for FFY 2008. Attached is a document entitled, "Part C and Part B Public Agency Determination," that lists the Part B indicators considered in making determinations. MSDE carefully considered all aspects of this process. Based on FFY 2008 data, as well as information obtained through monitoring and complaint investigations, the St. Mary's County Public Schools (SMCPS) has been determined to be **Meets Requirements**.

Dr. Michael J. Martirano
May 18, 2010
Page Two

To be in the category of Meets Requirements, the SMCPS must have met or exceeded the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) or were not significantly below the target on LRE Indicators (5a, 5b, or 5c). In addition, the SMCPS must have demonstrated compliance (100%) or substantial compliance (95-99.9%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), and had no corrective actions or had completed corrective actions within one year (15).

Attached to this letter are copies of the following documents:

- Part B Local Determination Table; and
- Part B Local Determination Framework for Technical Assistance and Intervention.

The "Part B Local Determination Table" provides an analysis of the SMCPS' data. The "Part B Local Determination Framework for Technical Assistance and Intervention" provides additional information relative to technical assistance and support available to your local school system.

As you know, the State must report annually to the public on the performance of each local school system on the targets in the SPP under IDEA. The public may access the MSDE IDEA performance report at <http://mdideareport.org>. The requirement for public reporting on local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. MSDE will continue to provide technical assistance opportunities as you work to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any comments on our past technical assistance efforts or the need for guidance, we would appreciate your feedback as we work to develop further mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the SMCPS to improve results for students with disabilities. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



Carol Ann Heath, Ed.D.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

CAH/DRR/ALP:gh
Attachments

c: Nancy S. Grasmick
Melissa Charbonnet
Branch/Section Chiefs

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2008 (reporting period July 1, 2008 – June 30, 2009)

| | | Meets Target or Substantial Compliance Zero Points | | Below Target One Point | | Significantly Below The Target Two Points | |
|--|--|--|----------------------------------|---------------------------|---|---|-------------------------------------|
| Section 1 & 2: | Compliance Indicators | 4 | 0.00 – 1.49 | 4 | 1.50 – 1.99 | 4 | ≥ 2.00 |
| | | 9 | Yes/0.0% | 9 | NA | 9 | No |
| | | 10 | Yes/0.0% | 10 | NA | 10 | No |
| | | 11 | 95 - 100% | 11 | 85.0 - 94.9% | 11 | < 85.0% |
| | | 12 | 95 - 100% | 12 | 85.0 - 94.9% | 12 | < 85.0% |
| | | 13 | 95 - 100% | 13 | 85.0 - 94.9% | 13 | < 85.0% |
| | Performance Indicators | 1 | ≥ 85.50% | 1 | 85.49 – 77.26% | 1 | ≤ 77.25% |
| | | 2 | ≤ 3.54% | 2 | 3.55 – 6.73% | 2 | ≥ 6.74% |
| | | 3a | AYP met R/M all bands | 3a | AYP not met R/M on all bands | 3a | NA |
| | | 3b | ≥ 95% in R and M | 3b | < 95% in R and M | 3b | NA |
| | | 3cR | All grade targets are met | 3cR | Below target one or more grades | 3cR | NA |
| | | 3cM | All grade targets are met | 3cM | Below target one or more grades | 3cM | NA |
| | | 5a | ≥ 61.11% | 5a | 61.10 – 57.10% | 5a | ≤ 57.09% |
| | | 5b | ≤ 16.11% | 5b | 16.12 - 20.12% | 5b | ≥ 20.13% |
| | | 5c | ≤ 6.92% | 5c | 6.93 – 7.92% | 5c | ≥ 7.93% |
| Section 3: Correction of Noncompliance | 15 | <u>All</u> findings corrected within 12 months. or No corrective actions. | 15 | | 15 | <u>Each</u> finding not corrected within 12 months. Applies to findings identified 7/1/06 - 6/30/07 with correction by 6/30/08. | |
| | Section 4: Data Are Timely and Accurate | 20 | Data are timely and accurate. | 20 | Data are timely but not accurate or Data are accurate but not timely. | 20 | Data are not timely or accurate. |

Indicator targets are identified in the MSDE's State Performance Plan (SPP).
Results are reported annually in the Annual Performance Report (APR).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial¹ compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

¹ Full compliance means a local school system or public agency provided data showing 100% for the identified indicators. Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (95% or better).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2008 (SFY 2009 – Reporting Period July 1, 2008 – June 30, 2009)

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2009.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

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

In addition, States could also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org>, no later than May 27, 2010. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting
- 4a. Family Outcomes – Know Their Rights
- 4b. Family Outcomes – Effectively Communicate Their Children's Needs
- 4c. Family Outcomes – Help Their Children Develop and Learn
5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline
- 8a. Transition (Transition Outcomes)
- 8b. Transition (Notification to LEA)
- 8c. Transition (Timely Planning Meeting)
9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to Part B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes, but is not limited to, teleconference calls, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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

- (1) Take any of the actions described in 34 CFR §300.604(a);
- (2) Take one or more of the following actions:
 - (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
 - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.*

- (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
- (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
 - (iv) Seeks to recover funds under section 452 of GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

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

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

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

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|-------------------------------------|---|--|
| 1 | Graduation | 85.50% of youth with IEPs will graduate with a regular diploma. | Not Met – 67.23% |
| 2 | Dropout | The dropout rate of students with IEPs will be 3.00% or less. | Not Met – 4.31% |
| 3A | Student Achievement - AYP | 50% of the State's local school systems will meet AYP for the subgroup of students with disabilities. | Not Met – 20% (5 of 25 LSS) |
| 3B | Student Achievement - Participation | 95% of students with disabilities will participate in the Statewide assessment system. | Met – 99.03% for Math; and 99.18% for Reading. |
| 3C | Student Achievement - Proficiency | Meet the State designated AMOs for mathematics and reading at each assessed grade. | Not Met for Math or Reading |
| 4 | Suspension and Expulsion | ≤ four (4) or 16.67% of LSS will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for students with disabilities compared with nondisabled peers. | Met – 12.5% (3 of 24 LSS) |
| 5A | LRE 21% | ≥61.11% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day. | Met – 63.99% |
| 5B | LRE 60% | ≤ 16.11% of students with disabilities, ages 6-21, are served inside the regular class less than 40% of the day; | Met – 15.10% |
| 5C | LRE - Separate Schools | ≤ 6.92% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements. | Not Met – 7.59% |

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met | |
|-----------|--------------------|--|--|--|
| 6 | Preschool LRE | | Not Reported | |
| 7A | Preschool Outcomes | Positive social-emotional skills (including social relationships) | 64.3% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited. | 68.5% of children participating in Maryland's Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7B | Preschool Outcomes | Acquisition and use of knowledge and skills including early language/communication [and early literacy]) | 64.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 55.3% of children participating in Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7C | Preschool Outcomes | Use of appropriate behaviors to meet their needs. | 58.7% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 66.2% of children participating in Part B preschool were functioning within age expectations by the time they exited the program. |

Part B
FFY 2008 (SFY 2009)
Reporting Year 2008-2009
Indicators- At- Glance
05/17/2010

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|--|---|--------------------|
| 8A | Parent Involvement - Preschool | 35% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results. | Met – 69% |
| 8B | Parent Involvement - School Age | 30% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results | Met – 57% |
| 9 | Disproportional Representation (Racial & Ethnic) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups receiving special education and related services that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 10 | Disproportional Representation (Specific Disability) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups in specific disability categories that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 11 | Evaluation | 100% of children were evaluated and eligibility determined within 60 days of parental consent to evaluate. (Compliance) | Not Met – 92% |
| 12 | C to B transition | 100% of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.(Compliance) | Not Met – 97.28% |
| 13 | Transition Goals on IEP | 100% of youth with disabilities, aged 16 and above, have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.(Compliance) | Not Met – 96.3% |

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|----------------------|--|--------------------|
| 14 | Post School Outcomes | Within one year of leaving high school: <ul style="list-style-type: none"> • 44% percent of youth who had IEPs are competitively employed • 4% percent of youth who had IEPs are enrolled in some type of postsecondary school; and • 24% percent of youth who had IEPs are competitively employed and enrolled in some type of postsecondary school. | Not Reported |
| 15 | General Supervision | 100% of corrective actions identified through monitoring, complaints, due process hearings, mediations, etc. will be corrected within one year from the date of identification. (Compliance) | Not Met – 97.19% |
| 16 | State Complaints | 100% of all complaint investigations are completed within the required timelines. (Compliance) | Met – 100% |
| 17 | Due process | 100% of all due process hearings are completed within the required timelines. (Compliance) | Not Met – 93% |
| 18 | Resolutions | 64 – 75% of all resolution meetings conducted will result in a settlement agreement. | Met – 79% |
| 19 | Mediations | Maintain 75 – 85% rate of mediations that result in mediation agreements. | Met – 77% |
| 20 | State Reported Data | 100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.(Compliance) | Not Met – 98.71% |

St. Mary's County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|--|--|
| Monitoring Priority: FAPE in the LRE | | |
| 1. Percent of youth with IEPs graduating from high school with a regular diploma. [Performance Indicator] | St. Mary's County Public Schools' FFY 2008 data for this indicator is 71.95%. This is below the State's target of 85.50% by 13.55%. | St. Mary's County Public Schools' data was below the State's target. The FFY 2008 data shows a decrease from the previous year's graduation rate of 77.11% for students with disabilities. MSDE looks forward to St. Mary's County Public Schools' FFY 2009 data demonstrating improvement. |
| 2. Percent of youth with IEPs dropping out of high school.. [Performance Indicator] | St. Mary's County Public Schools' FFY 2008 data for this indicator is 4.14%. This does not meet the State's target of 3.54% by 0.60%. | St. Mary's County Public Schools' data did not meet the State's target. The FFY 2008 data shows a decrease from the previous year's dropout rate of 5.69% for students with disabilities. MSDE looks forward to St. Mary's County Public Schools' FFY 2009 data demonstrating improvement. |
| 4. 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. [Compliance Indicator] | St. Mary's County Public Schools' FFY 2008 ratio for multiple suspensions summing to greater than 10 days is 0.00 and for single event suspensions is 0.00 when compared to nondisabled peers. The State's target for both multiple and single event suspensions is 0.00 – 1.49. | St. Mary's County Public Schools' met the State target for multiple suspensions summing to greater than 10 days and single event suspensions. MSDE looks forward to St. Mary's County Public Schools' FFY 2009 data continuing to meet the State's target. |

**St. Mary's County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009**

| Monitoring Priorities and Indicators | Status | MSDE Analysis/Next Steps |
|---|--|---|
| <p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Performance Indicator]</p> | <p>A. St. Mary's County Public Schools' FFY 2008 data for this indicator is 77.34%. This exceeds the State's target of 61.11% for FFY 2008 by 16.23%.</p> <p>B. St. Mary's County Public Schools' FFY 2008 data for this indicator is 8.99%. This exceeds the State's target of 16.11% for FFY 2008 by 7.12%.</p> <p>C. St. Mary's County Public Schools' FFY 2008 data for this indicator is 2.37%. This exceeds the State's target of 6.92% for FFY 2008 by 4.55%.</p> | <p>St. Mary's County Public Schools' data exceeded the State's targets for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to St. Mary's County Public Schools' FFY 2009 data demonstrating continued improvement.</p> |
| Monitoring Priority: Disproportionality | | |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>St. Mary's County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>St. Mary's County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to St. Mary's County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |

**St. Mary's County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009**

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|--|---|
| <p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. [Compliance Indicator]</p> | <p>St. Mary's County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>St. Mary's County Public Schools' data met the State's target for this compliance indicator. MSDE looks forward to St. Mary's County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |
| Monitoring Priority: Effective General Supervision | | |
| <p>11. Percent of children who are evaluated within 60 days of receiving parental consent for initial evaluation or, if the State established a timeframe within which the evaluation must be conducted, within that timeframe. [Compliance Indicator]</p> | <p>St. Mary's County Public Schools' FFY 2008 data for this indicator is 90.35%. The State's target is 100%.</p> | <p>St. Mary's County Public Schools' data did not meet the State's target of 100% for this compliance indicator. MSDE looks forward to St. Mary's County Public Schools' FFY 2009 data demonstrating 100% compliance.</p> |
| <p>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. [Compliance Indicator]</p> | <p>St. Mary's County Public Schools' FFY 2008 data for this indicator is 97.83%. The State's target is 100%.</p> | <p>St. Mary's County Public Schools' data did not meet the State's target of 100% for this compliance indicator, but was substantially compliant (95-99.9%). MSDE looks forward to St. Mary's County Public Schools' FFY 2009 data demonstrating 100% compliance.</p> |

St. Mary's County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|---|--|--|
| <p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.</p> <p>[Compliance Indicator]</p> | <p>St. Mary's County Public Schools' FFY 2008 data for this indicator is 100%. The State's target is 100%.</p> | <p>St. Mary's County Public Schools' data met the State's target of 100% for this compliance indicator.</p> <p>MSDE looks forward to St. Mary's County Public Schools' FFY 2009 data maintaining 100% compliance.</p> |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>St. Mary's County Public Schools had two corrective actions due in FFY 2008.</p> | <p>St. Mary's County Public Schools had two findings of noncompliance identified by MSDE that were due for correction in FFY 2008. Both findings were corrected within timelines.</p> <p>MSDE expects all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p> |
| <p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p> | <p>St. Mary's County Public Schools submitted required 618 data in a timely and accurate manner.</p> | <p>St. Mary's County Public Schools' data met the State's target for the timely and accurate submission of required 618 data and other data required by the State for FFY 2008.</p> <p>MSDE expects St. Mary's County Public Schools' submission of required data to be timely and accurate.</p> |



Nancy S. Grasmick
State Superintendent of Schools

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

May 18, 2010

Dr. Karen Salmon
Superintendent
Talbot County Public Schools
P.O. Box 1029
Easton, MD 21601

Dear Dr. Salmon:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through review of the APR and other data sources, OSEP evaluates each state's performance on these indicators, and assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Federal Fiscal Year (FFY) 2008 [State Fiscal Year (SFY) 2009 (2008-2009 School Year)] Part B in early June 2010. In accordance with 34 CFR §300.606, if OSEP identifies MSDE as Needs Assistance, Needs Intervention, or Needs Substantial Intervention, MSDE is required to notify local school systems, public agencies, the media, and the public of this action.

Pursuant to 20 U.S.C. §1416(a)(1)(C)(i) and 34 C.F.R. §300.600, MSDE is also required to make determinations annually on the performance of each local school system in the State using the categories in 34 C.F.R. §300.603(b)(1), use appropriate enforcement mechanisms, consistent with 34 C.F.R. §300.604, which must include, if applicable, the enforcement mechanisms identified in §300.604(a)(1) (technical assistance), (a)(3) (conditions on funding of a local school system), (b)(2)(i) (a corrective action plan or improvement plan), (b)(2)(v) (withholding funds, in whole or in part, by MSDE), and (c)(2) (withholding funds, in whole or in part, by MSDE). In accordance with 20 U.S.C. §1416(e) and 34 C.F.R. §300.603(b)(1), MSDE also must use one of the following four categories to assign a determination to each local school system: Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each local public agency's performance in meeting the State's targets for FFY 2008. Attached is a document entitled, "Part C and Part B Public Agency Determination," that lists the Part B indicators considered in making determinations. MSDE carefully considered all aspects of this process. Based on FFY 2008 data, as well as information obtained through monitoring and complaint investigations, the Talbot County Public Schools (TCPS) has been determined to be **Meets Requirements**.

Dr. Karen Salmon
May 18, 2010
Page Two

To be in the category of Meets Requirements, the TCPS must have met or exceeded the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) or were not significantly below the target on LRE Indicators (5a, 5b, or 5c). In addition, the TCPS must have demonstrated compliance (100%) or substantial compliance (95-99.9%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), and had no corrective actions or had completed corrective actions within one year (15).

Attached to this letter are copies of the following documents:

- Part B Local Determination Table; and
- Part B Local Determination Framework for Technical Assistance and Intervention.

The "Part B Local Determination Table" provides an analysis of the TCPS' data. The "Part B Local Determination Framework for Technical Assistance and Intervention" provides additional information relative to technical assistance and support available to your local school system.

As you know, the State must report annually to the public on the performance of each local school system on the targets in the SPP under IDEA. The public may access the MSDE IDEA performance report at <http://mdideareport.org>. The requirement for public reporting on local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. MSDE will continue to provide technical assistance opportunities as you work to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any comments on our past technical assistance efforts or the need for guidance, we would appreciate your feedback as we work to develop further mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the TCPS to improve results for students with disabilities. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



Carol Ann Heath, Ed.D.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

CAH/DRR/ALP
Attachments

c: Nancy S. Grasmick
Jean Carrion
Branch/Section Chiefs

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2008 (reporting period July 1, 2008 – June 30, 2009)

| | | Meets Target or Substantial Compliance Zero Points | | Below Target One Point | | Significantly Below The Target Two Points | |
|--|---------------------------|--|--|---------------------------|---|---|---|
| Section 1 & 2: | Compliance Indicators | 4 | 0.00 – 1.49 | 4 | 1.50 – 1.99 | 4 | ≥ 2.00 |
| | | 9 | Yes/0.0% | 9 | NA | 9 | No |
| | | 10 | Yes/0.0% | 10 | NA | 10 | No |
| | | 11 | 95 - 100% | 11 | 85.0 - 94.9% | 11 | < 85.0% |
| | | 12 | 95 - 100% | 12 | 85.0 - 94.9% | 12 | < 85.0% |
| | | 13 | 95 - 100% | 13 | 85.0 - 94.9% | 13 | < 85.0% |
| | Performance Indicators | 1 | ≥ 85.50% | 1 | 85.49 – 77.26% | 1 | ≤ 77.25% |
| | | 2 | ≤ 3.54% | 2 | 3.55 – 6.73% | 2 | ≥ 6.74% |
| | | 3a | AYP met R/M all bands | 3a | AYP not met R/M on all bands | 3a | NA |
| | | 3b | ≥ 95% in R and M | 3b | < 95% in R and M | 3b | NA |
| | | 3cR | All grade targets are met | 3cR | Below target one or more grades | 3cR | NA |
| | | 3cM | All grade targets are met | 3cM | Below target one or more grades | 3cM | NA |
| | | 5a | ≥ 61.11% | 5a | 61.10 – 57.10% | 5a | ≤ 57.09% |
| | | 5b | ≤ 16.11% | 5b | 16.12 - 20.12% | 5b | ≥ 20.13% |
| 5c | ≤ 6.92% | 5c | 6.93 – 7.92% | 5c | ≥ 7.93% | | |
| Section 3: Correction of Noncompliance | | 15 | <u>All</u> findings corrected within 12 months. or No corrective actions. | 15 | | 15 | <u>Each</u> finding not corrected within 12 months. Applies to findings identified 7/1/06 - 6/30/07 with correction by 6/30/08. |
| Section 4: Data Are Timely and Accurate | | 20 | Data are timely and accurate. | 20 | Data are timely but not accurate or Data are accurate but not timely. | 20 | Data are not timely or accurate. |

Indicator targets are identified in the MSDE's State Performance Plan (SPP).
Results are reported annually in the Annual Performance Report (APR).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial¹ compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

¹ Full compliance means a local school system or public agency provided data showing 100% for the identified indicators. Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (95% or better).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2008 (SFY 2009 – Reporting Period July 1, 2008 – June 30, 2009)

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2009.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

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

In addition, States could also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org>, no later than May 27, 2010. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting
- 4a. Family Outcomes – Know Their Rights
- 4b. Family Outcomes – Effectively Communicate Their Children's Needs
- 4c. Family Outcomes – Help Their Children Develop and Learn
5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline
- 8a. Transition (Transition Outcomes)
- 8b. Transition (Notification to LEA)
- 8c. Transition (Timely Planning Meeting)
9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to Part B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes, but is not limited to, teleconference calls, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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

- (1) Take any of the actions described in 34 CFR §300.604(a);
- (2) Take one or more of the following actions:
 - (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
 - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.*

- (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
- (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
 - (iv) Seeks to recover funds under section 452 of GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

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

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

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

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met |
|-----------|-------------------------------------|---|--|
| 1 | Graduation | 85.50% of youth with IEPs will graduate with a regular diploma. | Not Met – 67.23% |
| 2 | Dropout | The dropout rate of students with IEPs will be 3.00% or less. | Not Met – 4.31% |
| 3A | Student Achievement - AYP | 50% of the State's local school systems will meet AYP for the subgroup of students with disabilities. | Not Met – 20% (5 of 25 LSS) |
| 3B | Student Achievement - Participation | 95% of students with disabilities will participate in the Statewide assessment system. | Met – 99.03% for Math; and 99.18% for Reading. |
| 3C | Student Achievement - Proficiency | Meet the State designated AMOs for mathematics and reading at each assessed grade. | Not Met for Math or Reading |
| 4 | Suspension and Expulsion | ≤ four (4) or 16.67% of LSS will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for students with disabilities compared with nondisabled peers. | Met – 12.5% (3 of 24 LSS) |
| 5A | LRE 21% | ≥61.11% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day. | Met – 63.99% |
| 5B | LRE 60% | ≤ 16.11% of students with disabilities, ages 6-21, are served inside the regular class less than 40% of the day; | Met – 15.10% |
| 5C | LRE - Separate Schools | ≤ 6.92% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements. | Not Met – 7.59% |

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)

Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met | |
|-----------|--------------------|---|--|--|
| 6 | Preschool LRE | | Not Reported | |
| 7A | Preschool Outcomes | Positive social-emotional skills (including social relationships) | 64.3% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited. | 68.5% of children participating in Maryland's Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7B | Preschool Outcomes | Acquisition and use of knowledge and skills including early language/communication [and early literacy] | 64.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 55.3% of children participating in Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7C | Preschool Outcomes | Use of appropriate behaviors to meet their needs. | 58.7% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 66.2% of children participating in Part B preschool were functioning within age expectations by the time they exited the program. |

Part B
FFY 2008 (SFY 2009)
Reporting Year 2008-2009
Indicators- At- Glance
05/17/2010

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|--|---|--------------------|
| 8A | Parent Involvement - Preschool | 35% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results. | Met – 69% |
| 8B | Parent Involvement - School Age | 30% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results | Met – 57% |
| 9 | Disproportional Representation (Racial & Ethnic) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups receiving special education and related services that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 10 | Disproportional Representation (Specific Disability) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups in specific disability categories that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 11 | Evaluation | 100% of children were evaluated and eligibility determined within 60 days of parental consent to evaluate. (Compliance) | Not Met – 92% |
| 12 | C to B transition | 100% of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.(Compliance) | Not Met – 97.28% |
| 13 | Transition Goals on IEP | 100% of youth with disabilities, aged 16 and above, have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.(Compliance) | Not Met – 96.3% |

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|----------------------|--|--------------------|
| 14 | Post School Outcomes | Within one year of leaving high school: <ul style="list-style-type: none"> • 44% percent of youth who had IEPs are competitively employed • 4% percent of youth who had IEPs are enrolled in some type of postsecondary school; and • 24% percent of youth who had IEPs are competitively employed and enrolled in some type of postsecondary school. | Not Reported |
| 15 | General Supervision | 100% of corrective actions identified through monitoring, complaints, due process hearings, mediations, etc. will be corrected within one year from the date of identification. (Compliance) | Not Met – 97.19% |
| 16 | State Complaints | 100% of all complaint investigations are completed within the required timelines. (Compliance) | Met – 100% |
| 17 | Due process | 100% of all due process hearings are completed within the required timelines. (Compliance) | Not Met – 93% |
| 18 | Resolutions | 64 – 75% of all resolution meetings conducted will result in a settlement agreement. | Met – 79% |
| 19 | Mediations | Maintain 75 – 85% rate of mediations that result in mediation agreements. | Met – 77% |
| 20 | State Reported Data | 100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.(Compliance) | Not Met – 98.71% |

Talbot County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|--|---|
| Monitoring Priority: FAPE in the LRE | | |
| 1. Percent of youth with IEPs graduating from high school with a regular diploma. [Performance Indicator] | Talbot County Public Schools' FFY 2008 data for this indicator is 62.50%. This is below the State's target of 85.50% by 23.00%. | Talbot County Public Schools' data was below the State's target. The FFY 2008 data shows a decrease from the previous year's graduation rate of 70.00% for students with disabilities. MSDE looks forward to Talbot County Public Schools' FFY 2009 data demonstrating improvement. |
| 2. Percent of youth with IEPs dropping out of high school. [Performance Indicator] | Talbot County Public Schools' FFY 2008 data for this indicator is 2.48%. This exceeds the State's target of 3.54% by 1.06%. | Talbot County Public Schools' data exceeded the State's target. The FFY 2008 data shows a decrease from the previous year's dropout rate of 8.26% for students with disabilities. MSDE looks forward to Talbot County Public Schools' FFY 2009 data demonstrating continued improvement. |
| 4. 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. [Compliance Indicator] | Talbot County Public Schools' FFY 2008 ratio for multiple suspensions summing to greater than 10 days is 0.00 and for single event suspensions is 0.00 when compared to nondisabled peers. The State's target for both multiple and single event suspensions is 0.00 – 1.49. | Talbot County Schools' exceeded the States' target for multiple suspensions summing to greater than 10 days and single event suspensions. MSDE looks forward to Talbot County Public Schools' FFY 2009 data continuing to meet the State's target. |

Talbot County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis/Next Steps |
|---|---|---|
| <p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Performance Indicator]</p> | <p>A. Talbot County Public Schools' FFY 2008 data for this indicator is 76.83%. This exceeds the State's target of 61.11% for FFY 2008 by 15.72%.</p> <p>B. Talbot County Public Schools' FFY 2008 data for this indicator is 5.71%. This exceeds the State's target of 16.11% for FFY 2008 by 10.40%.</p> <p>C. Talbot County Public Schools' FFY 2008 data for this indicator is 0.63%. This exceeds the State's target of 6.92% for FFY 2008 by 6.29%.</p> | <p>Talbot County Public Schools' data exceeded the State's targets for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to Talbot County Public Schools' FFY 2009 data demonstrating continued improvement.</p> |
| Monitoring Priority: Disproportionality | | |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Talbot County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Talbot County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Talbot County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |

Talbot County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|---|--|--|
| <p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p> | <p>Talbot County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Talbot County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Talbot County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |
| <p>Monitoring Priority: Effective General Supervision</p> | | |
| <p>11. Percent of children who are evaluated within 60 days of receiving parental consent for initial evaluation or, if the State established a timeframe within which the evaluation must be conducted, within that timeframe.</p> <p>[Compliance Indicator]</p> | <p>Talbot County Public Schools' FFY 2008 data for this indicator is 100%. The State's target is 100%.</p> | <p>Talbot County Public Schools' data met the State's target of 100% for this compliance indicator.</p> <p>MSDE looks forward to Talbot County Public Schools' FFY 2009 data demonstrating 100% compliance.</p> |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Talbot County Public Schools' FFY 2008 data for this indicator is 83.33%. The State's target is 100%.</p> | <p>Talbot County Public Schools' data did not meet the State's target of 100% for this compliance indicator.</p> <p>MSDE looks forward to Talbot County Public Schools' FFY 2009 data demonstrating improvement.</p> |

Talbot County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|---|--|--|
| <p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.</p> <p>[Compliance Indicator]</p> | <p>Talbot County Public Schools' FFY 2008 data for this indicator is 100%. The State's target is 100%.</p> | <p>Talbot County Public Schools' data met the State's target of 100% for this compliance indicator.</p> <p>MSDE looks forward to Talbot County Public Schools' FFY 2009 data maintaining 100% compliance.</p> |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Talbot County Public Schools had two corrective actions due in FFY 2008.</p> | <p>Talbot County Public Schools had two findings of noncompliance identified by MSDE that were due for correction in FFY 2008. Both findings were corrected within timelines.</p> <p>MSDE expects all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p> |
| <p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p> | <p>Talbot County Public Schools submitted required 618 data in a timely and accurate manner.</p> | <p>Talbot County Public Schools' data met the State's target for the timely and accurate submission of required 618 data and other data required by the State for FFY 2008.</p> <p>MSDE expects Talbot County Public Schools' submission of required data to be timely and accurate.</p> |



Nancy S. Grasmick
State Superintendent of Schools

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

May 18, 2010

Dr. Elizabeth M. Morgan
Superintendent
Washington County Board of Education
P.O. Box 730
Hagerstown, MD 21741

Dear Dr. Morgan:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through review of the APR and other data sources, OSEP evaluates each state's performance on these indicators, and assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Federal Fiscal Year (FFY) 2008 [State Fiscal Year (SFY) 2009 (2008-2009 School Year)] Part B in early June 2010. In accordance with 34 CFR §300.606, if OSEP identifies MSDE as Needs Assistance, Needs Intervention, or Needs Substantial Intervention, MSDE is required to notify local school systems, public agencies, the media, and the public of this action.

Pursuant to 20 U.S.C. §1416(a)(1)(C)(i) and 34 C.F.R. §300.600, MSDE is also required to make determinations annually on the performance of each local school system in the State using the categories in 34 C.F.R. §300.603(b)(1), use appropriate enforcement mechanisms, consistent with 34 C.F.R. §300.604, which must include, if applicable, the enforcement mechanisms identified in §300.604(a)(1) (technical assistance), (a)(3) (conditions on funding of a local school system), (b)(2)(i) (a corrective action plan or improvement plan), (b)(2)(v) (withholding funds, in whole or in part, by MSDE), and (c)(2) (withholding funds, in whole or in part, by MSDE). In accordance with 20 U.S.C. §1416(e) and 34 C.F.R. §300.603(b)(1), MSDE also must use one of the following four categories to assign a determination to each local school system: Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each local public agency's performance in meeting the State's targets for FFY 2008. Attached is a document entitled, "Part C and Part B Public Agency Determination," that lists the Part B indicators considered in making determinations. MSDE carefully considered all aspects of this process. Based on FFY 2008 data, as well as information obtained through monitoring and complaint investigations, the Washington County Public Schools (WCPS) has been determined to be **Meets Requirements**.

Dr. Elizabeth M. Morgan
May 18, 2010
Page Two

To be in the category of Meets Requirements, the WCPS must have met or exceeded the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) or were not significantly below the target on LRE Indicators (5a, 5b, or 5c). In addition, the WCPS must have demonstrated compliance (100%) or substantial compliance (95-99.9%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), and had no corrective actions or had completed corrective actions within one year (15).

Attached to this letter are copies of the following documents:

- Part B Local Determination Table; and
- Part B Local Determination Framework for Technical Assistance and Intervention.

The "Part B Local Determination Table" provides an analysis of the WCPS' data. The "Part B Local Determination Framework for Technical Assistance and Intervention" provides additional information relative to technical assistance and support available to your local school system.

As you know, the State must report annually to the public on the performance of each local school system on the targets in the SPP under IDEA. The public may access the MSDE IDEA performance report at <http://mdideareport.org>. The requirement for public reporting on local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. MSDE will continue to provide technical assistance opportunities as you work to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any comments on our past technical assistance efforts or the need for guidance, we would appreciate your feedback as we work to develop further mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the Washington County Public Schools to improve results for students with disabilities. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



Carol Ann Heath, Ed.D.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

CAH/DRR/ALP:gh
Attachments

c: Nancy S. Grasmick
Jeff Gladhill
Branch/Section Chiefs

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2008 (reporting period July 1, 2008 – June 30, 2009)

| | | Meets Target or Substantial Compliance Zero Points | | Below Target One Point | | Significantly Below The Target Two Points | | |
|--|---------------------------|--|--|---------------------------|----------------------------------|---|---|----|
| Section 1 & 2: | Compliance Indicators | 4 | 0.00 – 1.49 | 4 | 1.50 – 1.99 | 4 | ≥ 2.00 | |
| | | 9 | Yes/0.0% | 9 | NA | 9 | No | |
| | | 10 | Yes/0.0% | 10 | NA | 10 | No | |
| | | 11 | 95 - 100% | 11 | 85.0 - 94.9% | 11 | < 85.0% | |
| | | 12 | 95 - 100% | 12 | 85.0 - 94.9% | 12 | < 85.0% | |
| | | 13 | 95 - 100% | 13 | 85.0 - 94.9% | 13 | < 85.0% | |
| | Performance Indicators | 1 | ≥ 85.50% | 1 | 85.49 – 77.26% | 1 | ≤ 77.25% | |
| | | 2 | ≤ 3.54% | 2 | 3.55 – 6.73% | 2 | ≥ 6.74% | |
| | | 3a | AYP met R/M all bands | 3a | AYP not met R/M on all bands | 3a | NA | |
| | | 3b | ≥ 95% in R and M | 3b | < 95% in R and M | 3b | NA | |
| | | 3cR | All grade targets are met | 3cR | Below target one or more grades | 3cR | NA | |
| | | 3cM | All grade targets are met | 3cM | Below target one or more grades | 3cM | NA | |
| | | 5a | ≥ 61.11% | 5a | 61.10 – 57.10% | 5a | ≤ 57.09% | |
| | | 5b | ≤ 16.11% | 5b | 16.12 - 20.12% | 5b | ≥ 20.13% | |
| | | 5c | ≤ 6.92% | 5c | 6.93 – 7.92% | 5c | ≥ 7.93% | |
| Section 3: Correction of Noncompliance | | 15 | <u>All</u> findings corrected within 12 months. or No corrective actions. | 15 | | 15 | <u>Each</u> finding not corrected within 12 months. Applies to findings identified 7/1/06 - 6/30/07 with correction by 6/30/08. | |
| | | Section 4: Data Are Timely and Accurate | | 20 | Data are timely and accurate. | 20 | Data are timely but not accurate or Data are accurate but not timely. | 20 |

Indicator targets are identified in the MSDE's State Performance Plan (SPP).
Results are reported annually in the Annual Performance Report (APR).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial¹ compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

¹ Full compliance means a local school system or public agency provided data showing 100% for the identified indicators. Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (95% or better).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2008 (SFY 2009 – Reporting Period July 1, 2008 – June 30, 2009)

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2009.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

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

In addition, States could also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org>, no later than May 27, 2010. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting
- 4a. Family Outcomes – Know Their Rights
- 4b. Family Outcomes – Effectively Communicate Their Children's Needs
- 4c. Family Outcomes – Help Their Children Develop and Learn
5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline
- 8a. Transition (Transition Outcomes)
- 8b. Transition (Notification to LEA)
- 8c. Transition (Timely Planning Meeting)
9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to Part B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes, but is not limited to, teleconference calls, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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

- (1) Take any of the actions described in 34 CFR §300.604(a);
- (2) Take one or more of the following actions:
 - (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
 - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.*

- (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
- (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
 - (iv) Seeks to recover funds under section 452 of GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

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

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

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

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|-------------------------------------|---|--|
| 1 | Graduation | 85.50% of youth with IEPs will graduate with a regular diploma. | Not Met – 67.23% |
| 2 | Dropout | The dropout rate of students with IEPs will be 3.00% or less. | Not Met – 4.31% |
| 3A | Student Achievement - AYP | 50% of the State's local school systems will meet AYP for the subgroup of students with disabilities. | Not Met – 20% (5 of 25 LSS) |
| 3B | Student Achievement - Participation | 95% of students with disabilities will participate in the Statewide assessment system. | Met – 99.03% for Math; and 99.18% for Reading. |
| 3C | Student Achievement - Proficiency | Meet the State designated AMOs for mathematics and reading at each assessed grade. | Not Met for Math or Reading |
| 4 | Suspension and Expulsion | ≤ four (4) or 16.67% of LSS will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for students with disabilities compared with nondisabled peers. | Met – 12.5% (3 of 24 LSS) |
| 5A | LRE 21% | ≥61.11% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day. | Met – 63.99% |
| 5B | LRE 60% | ≤ 16.11% of students with disabilities, ages 6-21, are served inside the regular class less than 40% of the day; | Met – 15.10% |
| 5C | LRE - Separate Schools | ≤ 6.92% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements. | Not Met – 7.59% |

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)

Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met | |
|------------------|---------------------------|--|--|--|
| 6 | Preschool LRE | | Not Reported | |
| 7A | Preschool Outcomes | Positive social-emotional skills (including social relationships) | 64.3% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited. | 68.5% of children participating in Maryland's Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7B | Preschool Outcomes | Acquisition and use of knowledge and skills including early language/communication [and early literacy] | 64.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 55.3% of children participating in Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7C | Preschool Outcomes | Use of appropriate behaviors to meet their needs. | 58.7% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 66.2% of children participating in Part B preschool were functioning within age expectations by the time they exited the program. |

Part B
 FFY 2008 (SFY 2009)
 Reporting Year 2008-2009
 Indicators- At- Glance
 05/17/2010

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|--|---|--------------------|
| 8A | Parent Involvement - Preschool | 35% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results. | Met – 69% |
| 8B | Parent Involvement - School Age | 30% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results | Met – 57% |
| 9 | Disproportional Representation (Racial & Ethnic) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups receiving special education and related services that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 10 | Disproportional Representation (Specific Disability) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups in specific disability categories that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 11 | Evaluation | 100% of children were evaluated and eligibility determined within 60 days of parental consent to evaluate. (Compliance) | Not Met – 92% |
| 12 | C to B transition | 100% of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.(Compliance) | Not Met – 97.28% |
| 13 | Transition Goals on IEP | 100% of youth with disabilities, aged 16 and above, have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.(Compliance) | Not Met – 96.3% |

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|----------------------|--|--------------------|
| 14 | Post School Outcomes | Within one year of leaving high school: <ul style="list-style-type: none"> • 44% percent of youth who had IEPs are competitively employed • 4% percent of youth who had IEPs are enrolled in some type of postsecondary school; and • 24% percent of youth who had IEPs are competitively employed and enrolled in some type of postsecondary school. | Not Reported |
| 15 | General Supervision | 100% of corrective actions identified through monitoring, complaints, due process hearings, mediations, etc. will be corrected within one year from the date of identification. (Compliance) | Not Met – 97.19% |
| 16 | State Complaints | 100% of all complaint investigations are completed within the required timelines. (Compliance) | Met – 100% |
| 17 | Due process | 100% of all due process hearings are completed within the required timelines. (Compliance) | Not Met – 93% |
| 18 | Resolutions | 64 – 75% of all resolution meetings conducted will result in a settlement agreement. | Met – 79% |
| 19 | Mediations | Maintain 75 – 85% rate of mediations that result in mediation agreements. | Met – 77% |
| 20 | State Reported Data | 100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.(Compliance) | Not Met – 98.71% |

**Washington County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009**

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|--|--|
| Monitoring Priority: FAPE in the LRE | | |
| 1. Percent of youth with IEPs graduating from high school with a regular diploma. [Performance Indicator] | Washington County Public Schools' FFY 2008 data for this indicator is 83.82%. This is below the State's target of 85.50% by 1.68%. | Washington County Public Schools' data was below the State's target. The FFY 2008 data shows an increase from the previous year's graduation rate of 82.32 % for students with disabilities. MSDE looks forward to Washington County Public Schools' FFY 2009 data demonstrating improvement. |
| 2. Percent of youth with IEPs dropping out of high school. [Performance Indicator] | Washington County Public Schools' FFY 2008 data for this indicator is 1.83%. This exceeds the State's target of 3.54% by 1.71%. | Washington County Public Schools' data exceeded the State's target. MSDE looks forward to Washington County Public Schools' FFY 2009 data demonstrating improvement. |
| 4. 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. [Compliance Indicator] | Washington County Public Schools' FFY 2008 ratio for multiple suspensions summing to greater than 10 days is 0.00 and for single event suspensions is 0.00 when compared to nondisabled peers. The State's target for both multiple and single event suspensions is 0.00 – 1.49. | Washington County Public School's data met the State target for multiple suspensions summing to greater than 10 days and single event suspensions. MSDE looks forward to Washington County Public Schools' FFY 2009 continuing to meet the State's target. |

**Washington County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009**

| Monitoring Priorities and Indicators | Status | MSDE Analysis/Next Steps |
|--|--|---|
| <p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements. [Performance Indicator]</p> | <p>A. Washington County Public Schools' FFY 2008 data for this indicator is 78.84%. This exceeds the State's target of 61.11% for FFY 2008 by 17.73%.</p> <p>B. Washington County Public Schools' FFY 2008 data for this indicator is 7.95%. This exceeds the State's target of 16.11% for FFY 2008 by 8.16%.</p> <p>C. Washington County Public Schools' FFY 2008 data for this indicator is 7.08%. This does not meet the State's target of 6.92% for FFY 2008 by 0.16%.</p> | <p>Washington County Public Schools' data exceeded the State's targets for Indicators 5A and 5B and was slightly below the State's target for Indicator 5C.</p> <p>MSDE looks forward to Washington County Public Schools' FFY 2009 data demonstrating improvement.</p> |
| <p>Monitoring Priority: Disproportionality</p> <p>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. [Compliance Indicator]</p> | <p>Washington County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Washington County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Washington County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |

Washington County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|---|--|
| 10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. [Compliance Indicator] | Washington County Public Schools' FFY 2008 data for this indicator is 0%. | Washington County Public Schools' data met the State's target for this compliance indicator. MSDE looks forward to Washington County Public Schools' FFY 2009 data demonstrating continued compliance. |
| Monitoring Priority: Effective General Supervision | | |
| 11. Percent of children who are evaluated within 60 days of receiving parental consent for initial evaluation or, if the State established a timeframe within which the evaluation must be conducted, within that timeframe. [Compliance Indicator] | Washington County Public Schools' FFY 2008 data for this indicator is 99.75%. The State's target is 100%. | Washington County Public Schools' data did not meet the State's target of 100% for this compliance indicator, but was substantially compliant (95-99.9%). MSDE looks forward to Washington County Public Schools' FFY 2009 data demonstrating 100% compliance |
| 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. [Compliance Indicator] | Washington County Public Schools' FFY 2008 data for this indicator is 100%. The State's target is 100%. | Washington County Public Schools' data met the State's target of 100% for this compliance indicator. MSDE looks forward to Washington County Public Schools' FFY 2009 data maintaining 100% compliance. |

Washington County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|---|--|--|
| <p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.</p> <p>[Compliance Indicator]</p> | <p>Washington County Public Schools' FFY 2008 data for this indicator is 100%. The State's target is 100%.</p> | <p>Washington County Public Schools' data met the State's target of 100% for this compliance indicator.</p> <p>MSDE looks forward to Washington County Public Schools' FFY 2009 data maintaining 100% compliance.</p> |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Washington County Public Schools had two corrective action plans during FFY 2008.</p> | <p>Washington County Public Schools had two findings of noncompliance identified by MSDE that was due for correction in FFY 2008. The findings were corrected within timelines.</p> <p>MSDE expects all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p> |
| <p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p> | <p>Washington County Public Schools submitted required 618 data in a timely and accurate manner.</p> | <p>Washington County Public Schools' data met the State's target for the timely and accurate submission of required 618 data and other data required by the State for FFY 2008.</p> <p>MSDE expects Washington County Public Schools' submission of required data to be timely and accurate.</p> |



Nancy S. Grasmick
State Superintendent of Schools

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

May 18, 2010

Dr. John Fredericksen
Superintendent
Wicomico County Board of Education
P.O. Box 1538
Salisbury, MD 21802-1538

Dear Dr. Fredericksen:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through review of the APR and other data sources, OSEP evaluates each state's performance on these indicators, and assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Federal Fiscal Year (FFY) 2008 [State Fiscal Year (SFY) 2009 (2008-2009 School Year)] Part B in early June 2010. In accordance with 34 CFR §300.606, if OSEP identifies MSDE as Needs Assistance, Needs Intervention, or Needs Substantial Intervention, MSDE is required to notify local school systems, public agencies, the media, and the public of this action.

Pursuant to 20 U.S.C. §1416(a)(1)(C)(i) and 34 C.F.R. §300.600, MSDE is also required to make determinations annually on the performance of each local school system in the State using the categories in 34 C.F.R. §300.603(b)(1), use appropriate enforcement mechanisms, consistent with 34 C.F.R. §300.604, which must include, if applicable, the enforcement mechanisms identified in §300.604(a)(1) (technical assistance), (a)(3) (conditions on funding of a local school system), (b)(2)(i) (a corrective action plan or improvement plan), (b)(2)(v) (withholding funds, in whole or in part, by MSDE), and (c)(2) (withholding funds, in whole or in part, by MSDE). In accordance with 20 U.S.C. §1416(e) and 34 C.F.R. §300.603(b)(1), MSDE also must use one of the following four categories to assign a determination to each local school system: Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each local public agency's performance in meeting the State's targets for FFY 2008. Attached is a document entitled, "Part C and Part B Public Agency Determination," that lists the Part B indicators considered in making determinations. MSDE carefully considered all aspects of this process. Based on FFY 2008 data, as well as information obtained through monitoring and complaint investigations, the Wicomico County Public Schools (WCPS) has been determined to be **Meets Requirements**.

Dr. John Fredericksen
May 18, 2010
Page Two

To be in the category of Meets Requirements, the WCPS must have met or exceeded the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) or were not significantly below the target on LRE Indicators (5a, 5b, or 5c). In addition, the WCPS must have demonstrated compliance (100%) or substantial compliance (95-99.9%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), and had no corrective actions or had completed corrective actions within one year (15).

Attached to this letter are copies of the following documents:

- Part B Local Determination Table; and
- Part B Local Determination Framework for Technical Assistance and Intervention.

The "Part B Local Determination Table" provides an analysis of the WCPS' data. The "Part B Local Determination Framework for Technical Assistance and Intervention" provides additional information relative to technical assistance and support available to your local school system.

As you know, the State must report annually to the public on the performance of each local school system on the targets in the SPP under IDEA. The public may access the MSDE IDEA performance report at <http://mdideareport.org>. The requirement for public reporting on local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. MSDE will continue to provide technical assistance opportunities as you work to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any comments on our past technical assistance efforts or the need for guidance, we would appreciate your feedback as we work to develop further mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the WCPS to improve results for students with disabilities. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



Carol Ann Heath, Ed.D.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

CAH/DRR/ALP:gh
Attachments

c: Nancy S. Grasmick
Bonnie L. Walston
Branch/Section Chiefs

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2008 (reporting period July 1, 2008 – June 30, 2009)

| | | Meets Target or Substantial Compliance Zero Points | | Below Target One Point | | Significantly Below The Target Two Points | | |
|--|---------------------------|--|--|---------------------------|----------------------------------|---|---|----|
| Section 1 & 2: | Compliance Indicators | 4 | 0.00 – 1.49 | 4 | 1.50 – 1.99 | 4 | ≥ 2.00 | |
| | | 9 | Yes/0.0% | 9 | NA | 9 | No | |
| | | 10 | Yes/0.0% | 10 | NA | 10 | No | |
| | | 11 | 95 - 100% | 11 | 85.0 - 94.9% | 11 | < 85.0% | |
| | | 12 | 95 - 100% | 12 | 85.0 - 94.9% | 12 | < 85.0% | |
| | | 13 | 95 - 100% | 13 | 85.0 - 94.9% | 13 | < 85.0% | |
| | Performance Indicators | 1 | ≥ 85.50% | 1 | 85.49 – 77.26% | 1 | ≤ 77.25% | |
| | | 2 | ≤ 3.54% | 2 | 3.55 – 6.73% | 2 | ≥ 6.74% | |
| | | 3a | AYP met R/M all bands | 3a | AYP not met R/M on all bands | 3a | NA | |
| | | 3b | ≥ 95% in R and M | 3b | < 95% in R and M | 3b | NA | |
| | | 3cR | All grade targets are met | 3cR | Below target one or more grades | 3cR | NA | |
| | | 3cM | All grade targets are met | 3cM | Below target one or more grades | 3cM | NA | |
| | | 5a | ≥ 61.11% | 5a | 61.10 – 57.10% | 5a | ≤ 57.09% | |
| | | 5b | ≤ 16.11% | 5b | 16.12 - 20.12% | 5b | ≥ 20.13% | |
| | | 5c | ≤ 6.92% | 5c | 6.93 – 7.92% | 5c | ≥ 7.93% | |
| Section 3: Correction of Noncompliance | | 15 | <u>All</u> findings corrected within 12 months. or No corrective actions. | 15 | | 15 | <u>Each</u> finding not corrected within 12 months. Applies to findings identified 7/1/06 - 6/30/07 with correction by 6/30/08. | |
| | | Section 4: Data Are Timely and Accurate | | 20 | Data are timely and accurate. | 20 | Data are timely but not accurate or Data are accurate but not timely. | 20 |

Indicator targets are identified in the MSDE's State Performance Plan (SPP).
Results are reported annually in the Annual Performance Report (APR).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial¹ compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

¹ Full compliance means a local school system or public agency provided data showing 100% for the identified indicators. Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (95% or better).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2008 (SFY 2009 – Reporting Period July 1, 2008 – June 30, 2009)

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2009.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

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

In addition, States could also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org>, no later than May 27, 2010. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting
- 4a. Family Outcomes – Know Their Rights
- 4b. Family Outcomes – Effectively Communicate Their Children's Needs
- 4c. Family Outcomes – Help Their Children Develop and Learn
5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline
- 8a. Transition (Transition Outcomes)
- 8b. Transition (Notification to LEA)
- 8c. Transition (Timely Planning Meeting)
9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to Part B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes, but is not limited to, teleconference calls, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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

- (1) Take any of the actions described in 34 CFR §300.604(a);
- (2) Take one or more of the following actions:
 - (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
 - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.*

- (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
- (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
 - (iv) Seeks to recover funds under section 452 of GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

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

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

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

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|-------------------------------------|---|--|
| 1 | Graduation | 85.50% of youth with IEPs will graduate with a regular diploma. | Not Met – 67.23% |
| 2 | Dropout | The dropout rate of students with IEPs will be 3.00% or less. | Not Met – 4.31% |
| 3A | Student Achievement - AYP | 50% of the State's local school systems will meet AYP for the subgroup of students with disabilities. | Not Met – 20% (5 of 25 LSS) |
| 3B | Student Achievement - Participation | 95% of students with disabilities will participate in the Statewide assessment system. | Met – 99.03% for Math; and 99.18% for Reading. |
| 3C | Student Achievement - Proficiency | Meet the State designated AMOs for mathematics and reading at each assessed grade. | Not Met for Math or Reading |
| 4 | Suspension and Expulsion | ≤ four (4) or 16.67% of LSS will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for students with disabilities compared with nondisabled peers. | Met – 12.5% (3 of 24 LSS) |
| 5A | LRE 21% | ≥61.11% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day. | Met – 63.99% |
| 5B | LRE 60% | ≤ 16.11% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day; | Met – 15.10% |
| 5C | LRE - Separate Schools | ≤ 6.92% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements. | Not Met – 7.59% |

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)

Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met | |
|-----------|--------------------|--|--|--|
| 6 | Preschool LRE | | Not Reported | |
| 7A | Preschool Outcomes | Positive social-emotional skills (including social relationships) | 64.3% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited. | 68.5% of children participating in Maryland's Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7B | Preschool Outcomes | Acquisition and use of knowledge and skills including early language/communication [and early literacy]) | 64.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 55.3% of children participating in Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7C | Preschool Outcomes | Use of appropriate behaviors to meet their needs. | 58.7% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 66.2% of children participating in Part B preschool were functioning within age expectations by the time they exited the program. |

Part B
FFY 2008 (SFY 2009)
Reporting Year 2008-2009
Indicators- At- Glance
05/17/2010

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|--|---|--------------------|
| 8A | Parent Involvement - Preschool | 35% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results. | Met – 69% |
| 8B | Parent Involvement - School Age | 30% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results | Met – 57% |
| 9 | Disproportional Representation (Racial & Ethnic) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups receiving special education and related services that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 10 | Disproportional Representation (Specific Disability) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups in specific disability categories that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 11 | Evaluation | 100% of children were evaluated and eligibility determined within 60 days of parental consent to evaluate. (Compliance) | Not Met – 92% |
| 12 | C to B transition | 100% of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.(Compliance) | Not Met – 97.28% |
| 13 | Transition Goals on IEP | 100% of youth with disabilities, aged 16 and above, have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.(Compliance) | Not Met – 96.3% |

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|----------------------|--|--------------------|
| 14 | Post School Outcomes | Within one year of leaving high school: <ul style="list-style-type: none"> • 44% percent of youth who had IEPs are competitively employed • 4% percent of youth who had IEPs are enrolled in some type of postsecondary school; and • 24% percent of youth who had IEPs are competitively employed and enrolled in some type of postsecondary school. | Not Reported |
| 15 | General Supervision | 100% of corrective actions identified through monitoring, complaints, due process hearings, mediations, etc. will be corrected within one year from the date of identification. (Compliance) | Not Met – 97.19% |
| 16 | State Complaints | 100% of all complaint investigations are completed within the required timelines. (Compliance) | Met – 100% |
| 17 | Due process | 100% of all due process hearings are completed within the required timelines. (Compliance) | Not Met – 93% |
| 18 | Resolutions | 64 – 75% of all resolution meetings conducted will result in a settlement agreement. | Met – 79% |
| 19 | Mediations | Maintain 75 – 85% rate of mediations that result in mediation agreements. | Met – 77% |
| 20 | State Reported Data | 100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.(Compliance) | Not Met – 98.71% |

Wicomico County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|--|---|
| Monitoring Priority: FAPE in the LRE | | |
| 1. Percent of youth with IEPs graduating from high school with a regular diploma. [Performance Indicator] | Wicomico County Public Schools' FFY 2008 data for this indicator is 9.09%. This is significantly below the State's target of 85.50% by 76.41%. | Wicomico County Public Schools' data was significantly below the State's target. The FFY 2008 data shows a significant decrease from the previous year's graduation rate of 78.46% for students with disabilities. MSDE looks forward to Wicomico County Public Schools' FFY 2009 data demonstrating improvement. |
| 2. Percent of youth with IEPs dropping out of high school. [Performance Indicator] | Wicomico County Public Schools' FFY 2008 data for this indicator is 0.28%. This exceeds the State's target of 3.54% by 3.26%. | Wicomico County Public Schools' data exceeds the State's target for this indicator. MSDE looks forward to Wicomico County Public Schools' FFY 2009 data improving for this performance indicator. |
| 4. 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. [Compliance Indicator] | Wicomico County Public Schools' FFY 2008 ratio for multiple suspensions summing to greater than 10 days is 0.00 and for single event suspensions is 0.00 when compared to nondisabled peers. The State's target for both multiple and single event suspensions is 0.00 – 1.49. | Wicomico County Public Schools' met the State target for multiple suspensions summing to greater than 10 days and for single event suspensions. MSDE looks forward to Wicomico County Public Schools' FFY 2009 data continued compliance with this State's target. |

Wicomico County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis/Next Steps |
|---|---|---|
| <p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Performance Indicator]</p> | <p>A. Wicomico County Public Schools' FFY 2008 data for this indicator is 77.55%. This exceeds the State's target of 61.11% for FFY 2008 by 16.44%.</p> <p>B. Wicomico County Public Schools' FFY 2008 data for this indicator is 10.54%. This exceeds the State's target of 16.11% for FFY 2008 by 5.57%.</p> <p>C. Wicomico County Public Schools' FFY 2008 data for this indicator is 0.98%. This exceeds the State's target of 6.92% for FFY 2008 by 5.94%.</p> | <p>Wicomico County Public Schools' data exceeded the State's targets for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to Wicomico County Public Schools' FFY 2009 data demonstrating continued improvement.</p> |
| <p>Monitoring Priority: Disproportionality</p> <p>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.</p> <p>[Compliance Indicator]</p> | <p>Wicomico County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Wicomico County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Wicomico County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |

Wicomico County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|---|--|--|
| <p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p> | <p>Wicomico County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Wicomico County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Wicomico County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |
| Monitoring Priority: Effective General Supervision | | |
| <p>11. Percent of children who are evaluated within 60 days of receiving parental consent for initial evaluation or, if the State established a timeframe within which the evaluation must be conducted, within that timeframe.</p> <p>[Compliance Indicator]</p> | <p>Wicomico County Public Schools' FFY 2008 data for this indicator is 97.34%. The State's target is 100%.</p> | <p>Wicomico County Public Schools' data did not meet the State's target of 100% for this compliance indicator, but was substantially compliant (95-99.9%).</p> <p>MSDE looks forward to Wicomico County Public Schools FFY 2009 data maintaining 100% compliance</p> |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Wicomico County Public Schools' FFY 2008 data for this indicator is 100%. The State's target is 100%.</p> | <p>Wicomico County Public Schools' data met the State's target of 100% for this compliance indicator.</p> <p>MSDE looks forward to Wicomico County Public Schools' FFY 2009 data maintaining 100% compliance.</p> |

Wicomico County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|---|--|---|
| <p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.</p> <p>[Compliance Indicator]</p> | <p>Wicomico County Public Schools' FFY 2008 data for this indicator is 100%. The State's target is 100%.</p> | <p>Wicomico County Public Schools' data met the State's target of 100% for this compliance indicator.</p> <p>MSDE looks forward to Wicomico County Public Schools' FFY 2009 data maintaining 100% compliance.</p> |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Wicomico County Public Schools had two corrective actions due in FFY 2008.</p> | <p>Wicomico County Public Schools had two findings of noncompliance identified by MSDE that were due for correction in FFY 2008. Both were corrected within timelines.</p> <p>MSDE expects all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p> |
| <p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p> | <p>Wicomico County Public Schools submitted required 618 data in a timely and accurate manner.</p> | <p>Wicomico County Public Schools' data met the State's target for the timely and accurate submission of required 618 data and other data required by the State for FFY 2008.</p> <p>MSDE expects Wicomico County Public Schools' submission of required data to be timely and accurate.</p> |



Nancy S. Grasmick
State Superintendent of Schools

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

May 18, 2010

Dr. Jon Andes
Superintendent
Worcester County Board of Education
6270 Worcester Highway
Newark, MD 21841

Dear Dr. Andes:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through review of the APR and other data sources, OSEP evaluates each state's performance on these indicators, and assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Federal Fiscal Year (FFY) 2008 [State Fiscal Year (SFY) 2009 (2008-2009 School Year)] Part B in early June 2010. In accordance with 34 CFR §300.606, if OSEP identifies MSDE as Needs Assistance, Needs Intervention, or Needs Substantial Intervention, MSDE is required to notify local school systems, public agencies, the media, and the public of this action.

Pursuant to 20 U.S.C. §1416(a)(1)(C)(i) and 34 C.F.R. §300.600, MSDE is also required to make determinations annually on the performance of each local school system in the State using the categories in 34 C.F.R. §300.603(b)(1), use appropriate enforcement mechanisms consistent with 34 C.F.R. §300.604, which must include, if applicable, the enforcement mechanisms identified in §300.604(a)(1) (technical assistance), (a)(3) (conditions on funding of a local school system), (b)(2)(i) (a corrective action plan or improvement plan), (b)(2)(v) (withholding funds, in whole or in part, by MSDE), and (c)(2) (withholding funds, in whole or in part, by MSDE). In accordance with 20 U.S.C. §1416(e) and 34 C.F.R. §300.603(b)(1), MSDE also must use one of the following four categories to assign a determination to each local school system: Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each local public agency's performance in meeting the State's targets for FFY 2008. Attached is a document entitled, "Part C and Part B Public Agency Determination," that lists the Part B indicators considered in making determinations. MSDE carefully considered all aspects of this process. Based on FFY 2008 data, as well as information obtained through monitoring and complaint investigations, the Worcester County Public Schools (WCPS) has been determined to be **Meets Requirements**.

Dr. Jon Andes
May 18, 2010
Page Two

To be in the category of Meets Requirements, the WCPS must have met or exceeded the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) or were not significantly below the target on LRE Indicators (5a, 5b, or 5c). In addition, the WCPS must have demonstrated compliance (100%) or substantial compliance (95-99.9%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), and had no corrective actions or had completed corrective actions within one year (15).

Attached to this letter are copies of the following documents:

- Part B Local Determination Table; and
- Part B Local Determination Framework for Technical Assistance and Intervention.

The "Part B Local Determination Table" provides an analysis of the WCPS' data. The "Part B Local Determination Framework for Technical Assistance and Intervention" provides additional information relative to technical assistance and support available to your local school system.

As you know, the State must report annually to the public on the performance of each local school system on the targets in the SPP under IDEA. The public may access the MSDE IDEA performance report at <http://mdideareport.org>. The requirement for public reporting on local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. MSDE will continue to provide technical assistance opportunities as you work to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any comments on our past technical assistance efforts or the need for guidance, we would appreciate your feedback as we work to develop further mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the WCPS to improve results for students with disabilities. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,



Carol Ann Heath, Ed.D.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

CAH/DRR/ALP
Attachments

c: Nancy S. Grasmick
Glen Hammerbacher
Branch/Section Chiefs

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2008 (reporting period July 1, 2008 – June 30, 2009)

| | | Meets Target or Substantial Compliance Zero Points | | Below Target One Point | | Significantly Below The Target Two Points | |
|--|--|--|--|---|---------------------------------|---|---|
| Section 1 & 2: | Compliance Indicators | 4 | 0.00 – 1.49 | 4 | 1.50 – 1.99 | 4 | ≥ 2.00 |
| | | 9 | Yes/0.0% | 9 | NA | 9 | No |
| | | 10 | Yes/0.0% | 10 | NA | 10 | No |
| | | 11 | 95 - 100% | 11 | 85.0 - 94.9% | 11 | < 85.0% |
| | | 12 | 95 - 100% | 12 | 85.0 - 94.9% | 12 | < 85.0% |
| | | 13 | 95 - 100% | 13 | 85.0 - 94.9% | 13 | < 85.0% |
| | Performance Indicators | 1 | ≥ 85.50% | 1 | 85.49 – 77.26% | 1 | ≤ 77.25% |
| | | 2 | ≤ 3.54% | 2 | 3.55 – 6.73% | 2 | ≥ 6.74% |
| | | 3a | AYP met R/M all bands | 3a | AYP not met R/M on all bands | 3a | NA |
| | | 3b | ≥ 95% in R and M | 3b | < 95% in R and M | 3b | NA |
| | | 3cR | All grade targets are met | 3cR | Below target one or more grades | 3cR | NA |
| | | 3cM | All grade targets are met | 3cM | Below target one or more grades | 3cM | NA |
| | | 5a | ≥ 61.11% | 5a | 61.10 – 57.10% | 5a | ≤ 57.09% |
| | | 5b | ≤ 16.11% | 5b | 16.12 - 20.12% | 5b | ≥ 20.13% |
| | | 5c | ≤ 6.92% | 5c | 6.93 – 7.92% | 5c | ≥ 7.93% |
| | Section 3: Correction of Noncompliance | 15 | <u>All</u> findings corrected within 12 months. or No corrective actions. | 15 | | 15 | <u>Each</u> finding not corrected within 12 months. Applies to findings identified 7/1/06 - 6/30/07 with correction by 6/30/08. |
| 20 | | Data are timely and accurate. | 20 | Data are timely but not accurate or Data are accurate but not timely. | 20 | Data are not timely or accurate. | |
| Section 4: Data Are Timely and Accurate | | | | | | | |

Indicator targets are identified in the MSDE's State Performance Plan (SPP).
Results are reported annually in the Annual Performance Report (APR).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial¹ compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

¹ Full compliance means a local school system or public agency provided data showing 100% for the identified indicators. Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (95% or better).

Part B
Local Determination Scoring Criteria Based on
FFY 2008 (July 1, 2008 – June 30, 2009) Data

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5a, 5b, and 5c).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2008 (SFY 2009 – Reporting Period July 1, 2008 – June 30, 2009)

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2009.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

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

In addition, States could also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdideareport.org>, no later than May 27, 2010. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting
- 4a. Family Outcomes – Know Their Rights
- 4b. Family Outcomes – Effectively Communicate Their Children's Needs
- 4c. Family Outcomes – Help Their Children Develop and Learn
5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline
- 8a. Transition (Transition Outcomes)
- 8b. Transition (Notification to LEA)
- 8c. Transition (Timely Planning Meeting)
9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A result of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to Part B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes, but is not limited to, teleconference calls, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

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

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

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

- (1) Take any of the actions described in 34 CFR §300.604(a);
- (2) Take one or more of the following actions:
 - (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
 - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.*

- (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
- (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
 - (iv) Seeks to recover funds under section 452 of GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

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

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

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

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|-------------------------------------|---|--|
| 1 | Graduation | 85.50% of youth with IEPs will graduate with a regular diploma. | Not Met – 67.23% |
| 2 | Dropout | The dropout rate of students with IEPs will be 3.00% or less. | Not Met – 4.31% |
| 3A | Student Achievement - AYP | 50% of the State's local school systems will meet AYP for the subgroup of students with disabilities. | Not Met – 20% (5 of 25 LSS) |
| 3B | Student Achievement - Participation | 95% of students with disabilities will participate in the Statewide assessment system. | Met – 99.03% for Math; and 99.18% for Reading. |
| 3C | Student Achievement - Proficiency | Meet the State designated AMOs for mathematics and reading at each assessed grade. | Not Met for Math or Reading |
| 4 | Suspension and Expulsion | ≤ four (4) or 16.67% of LSS will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for students with disabilities compared with nondisabled peers. | Met – 12.5% (3 of 24 LSS) |
| 5A | LRE 21% | ≥61.11% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day. | Met – 63.99% |
| 5B | LRE 60% | ≤ 16.11% of students with disabilities, ages 6-21, are served inside the regular class less than 40% of the day; | Met – 15.10% |
| 5C | LRE - Separate Schools | ≤ 6.92% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements. | Not Met – 7.59% |

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met | |
|-----------|--------------------|--|--|--|
| 6 | Preschool LRE | | Not Reported | |
| 7A | Preschool Outcomes | Positive social-emotional skills (including social relationships) | 64.3% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited. | 68.5% of children participating in Maryland's Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7B | Preschool Outcomes | Acquisition and use of knowledge and skills including early language/communication [and early literacy]) | 64.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 55.3% of children participating in Part B preschool program were functioning within age expectations by the time they exited the program. |
| 7C | Preschool Outcomes | Use of appropriate behaviors to meet their needs. | 58.7% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited. | 66.2% of children participating in Part B preschool were functioning within age expectations by the time they exited the program. |

Part B
FFY 2008 (SFY 2009)
Reporting Year 2008-2009
Indicators- At- Glance
05/17/2010

FFY 2008 SFY 2009 (2008-2009)

Part B

State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance

| Indicator | Description | SPP Target | Met/Not Met |
|-----------|--|---|------------------|
| 8A | Parent Involvement - Preschool | 35% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results. | Met – 69% |
| 8B | Parent Involvement - School Age | 30% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results | Met – 57% |
| 9 | Disproportional Representation (Racial & Ethnic) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups receiving special education and related services that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 10 | Disproportional Representation (Specific Disability) | 0% of LSS are identified with a disproportionate representation of racial/ethnic groups in specific disability categories that is the result of inappropriate identification. (Compliance) | Met – 0% |
| 11 | Evaluation | 100% of children were evaluated and eligibility determined within 60 days of parental consent to evaluate. (Compliance) | Not Met – 92% |
| 12 | C to B transition | 100% of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.(Compliance) | Not Met – 97.28% |
| 13 | Transition Goals on IEP | 100% of youth with disabilities, aged 16 and above, have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.(Compliance) | Not Met – 96.3% |

FFY 2008 SFY 2009 (2008-2009)

Part B

**State Performance Plan (SPP) and Annual Performance Report (APR)
Indicator Performance At-A-Glance**

| Indicator | Description | SPP Target | Met/Not Met |
|------------------|----------------------|--|--------------------|
| 14 | Post School Outcomes | Within one year of leaving high school: <ul style="list-style-type: none"> • 44% percent of youth who had IEPs are competitively employed • 4% percent of youth who had IEPs are enrolled in some type of postsecondary school; and • 24% percent of youth who had IEPs are competitively employed and enrolled in some type of postsecondary school. | Not Reported |
| 15 | General Supervision | 100% of corrective actions identified through monitoring, complaints, due process hearings, mediations, etc. will be corrected within one year from the date of identification. (Compliance) | Not Met – 97.19% |
| 16 | State Complaints | 100% of all complaint investigations are completed within the required timelines. (Compliance) | Met – 100% |
| 17 | Due process | 100% of all due process hearings are completed within the required timelines. (Compliance) | Not Met – 93% |
| 18 | Resolutions | 64 – 75% of all resolution meetings conducted will result in a settlement agreement. | Met – 79% |
| 19 | Mediations | Maintain 75 – 85% rate of mediations that result in mediation agreements. | Met – 77% |
| 20 | State Reported Data | 100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates. (Compliance) | Not Met – 98.71% |

Worcester County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|---|--|
| Monitoring Priority: FAPE in the LRE | | |
| 1. Percent of youth with IEPs graduating from high school with a regular diploma. [Performance Indicator] | Worcester County Public Schools' FFY 2008 data for this indicator is 84.62%. This is below the State's target of 85.50% by 0.88%. | Worcester County Public Schools' data does not meet the State's target for this indicator. MSDE looks forward to Worcester County Public Schools' FFY 2009 data demonstrating improvement. |
| 2. Percent of youth with IEPs dropping out of high school.. [Performance Indicator] | Worcester County Public Schools' FFY 2008 data for this indicator is 3.10%. This exceeds the State's target of 3.54% by 0.44%. | Worcester County Public Schools' data exceeds the State's target for this indicator. MSDE looks forward to Worcester County Public Schools' FFY 2009 data demonstrating improvement. |
| 4. 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. [Compliance Indicator] | Worcester County Public Schools' FFY 2008 ratio for multiple suspensions summing to greater than 10 days is 0.00 and for single event suspensions is 0.00 when compared to nondisabled peers. The State's target for both multiple and single event suspensions is 0.00 – 1.49. | Worcester County Public Schools' data meets the State target for multiple suspensions summing to greater than 10 days and single event suspensions. MSDE looks forward to Worcester County Public Schools' FFY 2009 data continuing to meet the State's target. |

**Worcester County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009**

| Monitoring Priorities and Indicators | Status | MSDE Analysis/Next Steps |
|---|---|--|
| <p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Performance Indicator]</p> | <p>A. Worcester County Public Schools' FFY 2008 data for this indicator is 87.59%. This exceeds the State's target of 61.11% for FFY 2008 by 26.48 %.</p> <p>B. Worcester County Public Schools' FFY 2008 data for this indicator is 0.86%. This exceeds the State's target of 16.11% for FFY 2008 by 15.25%.</p> <p>C. Worcester County Public Schools' FFY 2008 data for this indicator is 7.59%. This does not meet the State's target of 6.92% for FFY 2008 by 0.67%.</p> | <p>Worcester County Public Schools' data exceeded the State's targets for Indicators 5A and 5B. Worcester County Public Schools did not meet the State target for 5C.</p> <p>MSDE looks forward to Worcester County Public Schools' FFY 2009 data demonstrating continued improvement.</p> |
| Monitoring Priority: Disproportionality | | |
| <p>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.</p> <p>[Compliance Indicator]</p> | <p>Worcester County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Worcester County Public Schools' data met the State's target for this compliance indicator.</p> <p>MSDE looks forward to Worcester County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |

**Worcester County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009**

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|--|---|
| <p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. [Compliance Indicator]</p> | <p>Worcester County Public Schools' FFY 2008 data for this indicator is 0%.</p> | <p>Worcester County Public Schools' data met the State's target for this compliance indicator. MSDE looks forward to Worcester County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |
| Monitoring Priority: Effective General Supervision | | |
| <p>11. Percent of children who are evaluated within 60 days of receiving parental consent for initial evaluation or, if the State established a timeframe within which the evaluation must be conducted, within that timeframe. [Compliance Indicator]</p> | <p>Worcester County Public Schools' FFY 2008 data for this indicator is 100.00%. The State's target is 100%.</p> | <p>Worcester County Public Schools' data met the State's target of 100% for this compliance indicator. MSDE looks forward to Worcester County Public Schools' FFY 2009 data demonstrating continued compliance.</p> |
| <p>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. [Compliance Indicator]</p> | <p>Worcester County Public Schools' FFY 2008 data for this indicator is 100%. The State's target is 100%.</p> | <p>Worcester County Public Schools' data met the State's target of 100% for this compliance indicator. MSDE looks forward to Worcester County Public Schools' FFY 2009 data maintaining 100% compliance.</p> |

**Worcester County Public Schools
Part B Local Determination Table
Federal Fiscal Year (FFY 2008)
July 1, 2008 through June 30, 2009**

| Monitoring Priorities and Indicators | Status | MSDE Analysis |
|--|---|---|
| <p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals. [Compliance Indicator]</p> | <p>Worcester County Public Schools' FFY 2008 data for this indicator is 100%. The State's target is 100%.</p> | <p>Worcester County Public Schools' data met the State's target of 100% for this compliance indicator. MSDE looks forward to Worcester County Public Schools' FFY 2009 data maintaining 100% compliance.</p> |
| <p>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. [Compliance Indicator]</p> | <p>Worcester County Public Schools had no corrective actions due in FFY 2008.</p> | <p>Worcester County Public Schools had no findings of noncompliance identified by MSDE that were due for correction in FFY 2008. MSDE expects all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p> |
| <p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]</p> | <p>Worcester County Public Schools submitted required 618 data in a timely and accurate manner.</p> | <p>Worcester County Public Schools' data met the State's target for the timely and accurate submission of required 618 data and other data required by the State for FFY 2008. MSDE expects Worcester County Public Schools' submission of required data to be timely and accurate.</p> |