



Nancy S. Grasmick
State Superintendent of Schools

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

May 3, 2011

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 annually reviews each state's SPP and Annual Performance Report (APR). 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) 2009 [State Fiscal Year (SFY) 2010 (2009-2010 School Year)] Part B in early June 2011. 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 2009. 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 2009 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

Allegany County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

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 2009 data for this indicator is 78.22%. This is below the State's target of 85.50%.	Allegany County Public Schools' data did not meet the State's target. MSDE looks forward to Allegany County Public Schools' FFY 2010 data demonstrating improvement.
2. Percent of youth with IEPs dropping out of high school. [Performance Indicator]	Allegany County Public Schools' FFY 2009 data for this indicator is 2.61%. This met the State's target of 3.54%.	Allegany County Public Schools met the State's target for this indicator. MSDE looks forward to Allegany County Public Schools' FFY 2010 data demonstrating improvement.
4A. 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 2009 ratio for multiple suspensions summing to greater than 10 days is 1.80, 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 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 Allegany County Public Schools' FFY 2010 data demonstrating improvement to meet the State's target.

Allegany County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>4B. Percent of districts that have (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator]</p>	<p>Allegany County Public Schools' FFY 2009 ratio for multiple suspensions summing to greater than 10 days is 0.00, and for single event suspensions is 0.00, when compared by race or ethnicity. The State's target for both multiple and single event suspensions when compared by race or ethnicity is 0.00 – 1.49.</p>	<p>Allegany County Public Schools met the State's target for multiple suspensions summing to greater than 10 days and met the State's target for single event suspensions to greater than 10 days when compared by race or ethnicity.</p> <p>MSDE looks forward to Allegany County Public Schools' FFY 2010 data continuing to meet the State's target.</p>
<p>5. (LRE) 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 2009 data for this indicator is 82.59%. This met the State's target of 61.61% for FFY 2009.</p> <p>B. Allegany County Public Schools' FFY 2009 data for this indicator is 9.35%. This met the State's target of 15.86 % for FFY 2009.</p> <p>C. Allegany County Public Schools' FFY 2009 data for this indicator is 4.55%. This met the State's target of 6.67% for</p>	<p>Allegany County Public Schools' data met the State's targets for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to Allegany County Public Schools' FFY 2010 data meeting each of the State's LRE targets.</p>

Allegany County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7A. Percent of preschool children with IEPs who demonstrate positive social-emotional skills (including social relationships).</p> <p>A.1. Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>A.2. Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>FFY 2009.</p> <p>A.1. Allegany County Public Schools' FFY 2009 data for this indicator is 88.2%. This met the State's target of 65.3 % for FFY 2009.</p> <p>A.2. Allegany County Public Schools' FFY 2009 data for this indicator is 87.5%. This met the State's target of 70.5% for FFY 2009.</p>	<p>Allegany County Public Schools met the State's target for increasing the rate of growth for preschool children exiting the program (A.1); and, met the State's target for preschool children functioning within age-expectations, by the time of exit (A.2).</p> <p>MSDE looks forward to Allegany County Public Schools' FFY 2010 data exceeding each of the State's preschool social-emotional targets.</p>
<p>7B. Percent of preschool children with IEPs who demonstrate improved acquisition and use of knowledge and skills (including early language/communication and early literacy).</p> <p>B.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>B.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>B.1. Allegany County Public Schools' FFY 2009 data for this indicator is 68.6%. This met the State's target of 65.6 % for FFY 2009.</p> <p>B.2. Allegany County Public Schools' FFY 2009 data for this indicator is 72.9%. This met the State's target of 56.3% for FFY 2009.</p>	<p>Allegany County Public Schools met the State's target for increasing the rate of growth for preschool children exiting the program (B.1); and, met the State's target for preschool children functioning within age-expectations by the time of exit (B.2).</p> <p>MSDE looks forward to Allegany County Public Schools' FFY 2010 data exceeding each of the State's preschool language/communication/ early literacy targets.</p>

Allegany County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7C: Percent of preschool children with IEPs who demonstrate improved use of appropriate behaviors to meet their needs.</p> <p>C.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>C.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>C.1. Allegany County Public Schools' FFY 2009 data for this indicator is 80.0%. This met the State's target of 59.7 % for FFY 2009.</p> <p>C.2. Allegany County Public Schools' FFY 2009 data for this indicator is 83.3%. This met the State's target of 63.2% for FFY 2009.</p>	<p>Allegany County Public Schools met the State's target for increasing the rate of growth for preschool children exiting the program (C.1); and, met the State's target for preschool children functioning within age-expectations by the time of exit (C.2).</p> <p>MSDE looks forward to Allegany County Public Schools' FFY 2010 data exceeding each of the State's preschool behavioral targets.</p>
<p>Monitoring Priority: Disproportionate Representation</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>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 2009 data for this indicator is 0.0%. This met the State's target.</p> <p>Allegany County Public Schools' FFY 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</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 2010 data demonstrating continued compliance.</p>

Allegany County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
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>Allegany County Public Schools' FFY 2009 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 MSDE looks forward to Allegany County Public Schools' FFY 2010 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. [Compliance Indicator]</p>	<p>Allegany County Public Schools' FFY 2009 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. MSDE looks forward to Allegany County Public Schools' FFY 2010 data maintaining 100% compliance.</p>
<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>Allegany County Public Schools' FFY 2009 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. MSDE looks forward to Allegany County Public Schools' FFY 2010 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>Allegany County Public Schools had 1 corrective action due in FFY 2009.</p>	<p>Allegany County Public Schools had 1 finding of noncompliance identified by MSDE that was due for correction in FFY 2009. One finding was corrected within timelines. MSDE requires all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p>

Allegany County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	Allegany County Public Schools submitted required 618 data in a timely and accurate manner.	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 2009. MSDE requires Allegany County Public Schools' submission of required data to be timely and accurate.

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2009 (reporting period July 1, 2009 – June 30, 2010)

		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%
		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 2009 (July 1, 2009 – June 30, 2010) 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 2009 (July 1, 2009 – June 30, 2010) 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.

FFY 2009 SFY 2010 (2009-2010)

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 70.05% (Leaver) 53.13% (4 yr Cohort) 59.53% (5 yr Cohort)
2	Dropout	The dropout rate of students with IEPs will be 3.00% or less.	Not Met – 4.41%
3A	Student Achievement - AYP	50% of the State's local school systems will meet AYP for the subgroup of students with disabilities.	Not Met – 24% (6 of 25 LSS)
3B	Student Achievement - Participation	95% of students with disabilities will participate in the Statewide assessment system.	Met – 99.17% for Math; and 99.22% 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
4A	Suspension and Expulsion	≤ three (3) or 12.5% 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.	Not Met – 16.7% (4 of 24 LSS)
4B	Suspension and Expulsion (race/ ethnicity)	0% of districts will have: a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Not Met – 4.1% (1 of 24 LSS)
5A	LRE 21%	≥61.61% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day.	Met – 64.80%

Part B

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

Indicator	Description	SPP Target	Met/Not Met	
5B	LRE - 60%	≤ 15.86% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day;	Met – 14.55%	
5C	LRE – Separate Schools	≤ 7.37% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements.	Met – 7.33%	
6	Preschool LRE		Not Reported	
7A	Preschool Outcomes	Positive social-emotional skills (including social relationships)	64.4% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited.	64.9% 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)	65.3% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited.	52.7% 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.	60.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited.	62.1% of children participating in Part B preschool were functioning within age expectations by the time they exited the program.

FFY 2009 SFY 2010 (2009-2010)

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	37% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results.	Met – 43%
8B	Parent Involvement - School Age	32% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results	Met – 37%
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 – 94.03%
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)	Met – 100%
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 – 86.1%

FFY 2009 SFY 2010 (2009-2010)

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	82% of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Met – 82%
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 – 99.57%
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)	Met – 100%
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement.	Met – 70.20%
19	Mediations	Maintain 75 – 85% rate of mediations that result in mediation agreements.	Not Met – 74.3%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.(Compliance)	Met – 100%

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2009 (SFY 2010 – Reporting Period July 1, 2009 – June 30, 2010)

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 2011.

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, 2011. 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 Survey – Know their rights
- 4b. Family Survey – Effectively communicate their children's needs
- 4c. Family Survey – Help their children develop and learn
5. Child Find 0-1
6. Child Find 0-3
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.

Part B Local Determination Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. 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 IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

- A. The Department¹ is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.
- B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.
- C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.
- D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:
 - (1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

¹ Department means the Maryland State Department of Education (MSDE).

- (2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.
- E If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:
- (1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
 - (2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
 - (3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
 - (4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
 - (5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
 - (6) Assign Department staff on-site to assist in the completion of the corrective actions; and
 - (7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.
- F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

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

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

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

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

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

Needs Substantial Intervention

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

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

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

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

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410 767-7548
3	Karla Marty	410 767-7548
4	Nancy FitzGerald	410 767-0848
5	Sandi Marx	410 767-0848
6, 7 & 12	Nancy Vorobey	410 767-0557
8	Pat Shamer	410 767-0848
9 & 10	Nancy FitzGerald	410 767-0848
11	Ned Featherston	410 767-0848
13 & 14	Tom Barkley	410 767-7548
15	QAM Liaison (see below)	
	Martha Roulette Arthur	410 767-0255
16 - 19	Dori Wilson	410 767-7770
20	Ned Featherston	410 767-0848
LSS/PA	QAM Liaison Contact	Phone Number
Allegany	Nancy FitzGerald	410 767-0848
Anne Arundel	Sandi Marx	410 767-0848
Baltimore City	Bonnie Preis	410 767-0848
Baltimore	Nancy FitzGerald	410 767-0848
Calvert	Sandi Marx	410 767-0848
Caroline	Nancy FitzGerald	410 767-0848
Carroll	Bonnie Preis	410 767-0848
Cecil	Bonnie Preis	410 767-0848
Charles	Sandi Marx	410 767-0848
Dorchester	Nancy FitzGerald	410 767-0848
Frederick	Bonnie Preis	410 767-0848
Garrett	Nancy FitzGerald	410 767-0848
Harford	Bonnie Preis	410 767-0848
Howard	Nancy FitzGerald	410 767-0848
Kent	Nancy FitzGerald	410 767-0848
Montgomery	Nancy FitzGerald	410 767-0848
Prince George's	Bonnie Preis	410 767-0848
Queen Anne's	Nancy FitzGerald	410 767-0848
St. Mary's	Sandi Marx	410 767-0848
Somerset	Sandi Marx	410 767-0848
Talbot	Sandi Marx	410 767-0848
Washington	Bonnie Preis	410 767-0848
Wicomico	Sandi Marx	410 767-0848
Worcester	Sandi Marx	410 767-0848



Nancy S. Grasmick
State Superintendent of Schools

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

May 3, 2011

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

Dear Dr. 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 annually reviews each state's SPP and Annual Performance Report (APR). 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) 2009 [State Fiscal Year (SFY) 2010 (2009-2010 School Year)] Part B in early June 2011. 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 2009. 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 2009 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 3, 2011
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
Attachments

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

Anne Arundel County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

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 2009 data for this indicator is 66.83%. This is below the State's target of 85.50%.	Anne Arundel County Public Schools' data did not meet the State's target. MSDE looks forward to Anne Arundel County Public Schools' FFY 2010 data demonstrating improvement.
2. Percent of youth with IEPs dropping out of high school. [Performance Indicator]	Anne Arundel County Public Schools' FFY 2009 data for this indicator is 5.81%. This did not meet the State's target of 3.54%.	Anne Arundel County Public Schools did not meet the State's target for this indicator. MSDE looks forward to Anne Arundel County Public Schools' FFY 2010 data demonstrating improvement.
4A. 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 2009 ratio for multiple suspensions summing to greater than 10 days is 0.59 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 met 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 Anne Arundel County Public Schools' FFY 2010 data continuing to meet the State's target.

Anne Arundel County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>4B. Percent of districts that have (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator]</p>	<p>Anne Arundel County Public Schools' FFY 2009 ratio for multiple suspensions summing to greater than 10 days is 0.58, and for single event suspensions is 0.00, when compared by race or ethnicity. The State's target for both multiple and single event suspensions when compared by race or ethnicity is 0.00 – 1.49.</p>	<p>Anne Arundel County Public Schools met the State's target for multiple suspensions summing to greater than 10 days and met the State's target for single event suspensions of greater than 10 days when compared by race or ethnicity.</p> <p>MSDE looks forward to Anne Arundel County Public Schools' FFY 2010 data continuing to meet the State's target.</p>
<p>5. (LRE) 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 2009 data for this indicator is 66.96%. This met the State's target of 61.61% for FFY 2009.</p> <p>B. Anne Arundel County Public Schools' FFY 2009 data for this indicator is 12.05%. This met the State's target of 15.86 % for FFY 2009.</p> <p>C. Anne Arundel County Public Schools' FFY 2009 data for this indicator is 6.57%. This met the State's target of</p>	<p>Anne Arundel County Public Schools' data met the State's targets for Indicators 5A, 5B and 5C.</p> <p>MSDE looks forward to Anne Arundel County Public Schools' FFY 2010 data meeting each of the State's LRE targets.</p>

Anne Arundel County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7A. Percent of preschool children with IEPs who demonstrate positive social-emotional skills (including social relationships).</p> <p>A.1. Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>A.2. Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>6.67% for FFY 2009.</p> <p>A.1. Anne Arundel County Public Schools' FFY 2009 data for this indicator is 76.2%. This met the State's target of 65.3 % for FFY 2009.</p> <p>A.2. Anne Arundel County Public Schools' FFY 2009 data for this indicator is 68.7%. This did not meet the State's target of 70.5% for FFY 2009.</p>	<p>Anne Arundel County Public Schools met the State's target for increasing the rate of growth for preschool children exiting the program (A.1); and, did not meet the State's target for preschool children functioning within age-expectations, by the time of exit (A.2).</p> <p>MSDE looks forward to Anne Arundel County Public Schools' FFY 2010 data meeting each of the State's preschool social-emotional targets.</p>
<p>7B. Percent of preschool children with IEPs who demonstrate improved acquisition and use of knowledge and skills (including early language/communication and early literacy).</p> <p>B.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>B.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>B.1. Anne Arundel County Public Schools' FFY 2009 data for this indicator is 89.2%. This met the State's target of 65.6 % for FFY 2009.</p> <p>B.2. Anne Arundel County Public Schools' FFY 2009 data for this indicator is 74.1%. This met the State's target of 56.3% for FFY 2009.</p>	<p>Anne Arundel County Public Schools met the State's target for increasing the rate of growth for preschool children exiting the program (B.1); and, met the State's target for preschool children functioning within age-expectations by the time of exit (B.2).</p> <p>MSDE looks forward to Anne Arundel County Public Schools' FFY 2010 data exceeding each of the State's preschool language/communication/ early literacy targets.</p>

Anne Arundel County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7C: Percent of preschool children with IEPs who demonstrate improved use of appropriate behaviors to meet their needs.</p> <p>C.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>C.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>C.1. Anne Arundel County Public Schools' FFY 2009 data for this indicator is 86.6%. This met the State's target of 59.7 % for FFY 2009.</p> <p>C.2. Anne Arundel County Public Schools' FFY 2009 data for this indicator is 76.4%. This met the State's target of 63.2% for FFY 2009.</p>	<p>Anne Arundel County Public Schools met the State's target for increasing the rate of growth for preschool children exiting the program (C.1); and, met the State's target for preschool children functioning within age-expectations by the time of exit (C.2).</p> <p>MSDE looks forward to Anne Arundel County Public Schools' FFY 2010 data exceeding each of the State's preschool behavioral targets.</p>
Monitoring Priority: Disproportionate Representation		
<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 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>
<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 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>

Anne Arundel County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
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 2009 data for this indicator is 99.30%. 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 2010 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 2009 data for this indicator is 100%. The State's target is 100%.</p>	<p>Anne Arundel County Public Schools' data met the State's target of 100% for this compliance indicator.</p> <p>MSDE looks forward to Anne Arundel County Public Schools' FFY 2010 data maintaining 100% compliance.</p>
<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>Anne Arundel County Public Schools' FFY 2009 data for this indicator is 92.0%. 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 2010 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>Anne Arundel County Public Schools had 3 corrective actions due in FFY 2009.</p>	<p>Anne Arundel County Public Schools had 3 findings of noncompliance identified by MSDE that were due for correction in FFY 2009. Three findings were corrected within timelines.</p> <p>MSDE requires 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</p>	<p>Anne Arundel County Public</p>	<p>Anne Arundel County Public Schools' data met the State's target for the</p>

Anne Arundel County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	Schools submitted required 618 data in a timely and accurate manner.	timely and accurate submission of required 618 data and other data required by the State for FFY 2009. MSDE requires Anne Arundel County Public Schools' submission of required data to be timely and accurate.

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2009 (reporting period July 1, 2009 – June 30, 2010)

		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 2009 (July 1, 2009 – June 30, 2010) 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 2009 (July 1, 2009 – June 30, 2010) 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.

FFY 2009 SFY 2010 (2009-2010)

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 70.05% (Leaver) 53.13% (4 yr Cohort) 59.53% (5 yr Cohort)
2	Dropout	The dropout rate of students with IEPs will be 3.00% or less.	Not Met – 4.41%
3A	Student Achievement - AYP	50% of the State's local school systems will meet AYP for the subgroup of students with disabilities.	Not Met – 24% (6 of 25 LSS)
3B	Student Achievement - Participation	95% of students with disabilities will participate in the Statewide assessment system.	Met – 99.17% for Math; and 99.22% 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
4A	Suspension and Expulsion	≤ three (3) or 12.5% 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.	Not Met – 16.7% (4 of 24 LSS)
4B	Suspension and Expulsion (race/ ethnicity)	0% of districts will have: a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Not Met – 4.1% (1 of 24 LSS)
5A	LRE 21%	≥61.61% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day.	Met – 64.80%

Part B

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

Indicator	Description	SPP Target	Met/Not Met	
5B	LRE - 60%	≤ 15.86% of students with disabilities, ages 6-21, are served inside the regular class less than 40% of the day;	Met – 14.55%	
5C	LRE – Separate Schools	≤ 7.37% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements.	Met – 7.33%	
6	Preschool LRE		Not Reported	
7A	Preschool Outcomes	Positive social-emotional skills (including social relationships)	64.4% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited.	64.9% 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)	65.3% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited.	52.7% 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.	60.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time exited.	62.1% of children participating in Part B preschool were functioning within age expectations by the time they exited the program.

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	37% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results.	Met – 43%
8B	Parent Involvement - School Age	32% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results	Met – 37%
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 – 94.03%
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)	Met – 100%
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 – 86.1%

FFY 2009 SFY 2010 (2009-2010)

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	82% of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Met – 82%
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 – 99.57%
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)	Met – 100%
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement.	Met – 70.20%
19	Mediations	Maintain 75 – 85% rate of mediations that result in mediation agreements.	Not Met – 74.3%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates. (Compliance)	Met – 100%

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2009 (SFY 2010 – Reporting Period July 1, 2009 – June 30, 2010)

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 2011.

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, 2011. 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 Survey – Know their rights
- 4b. Family Survey – Effectively communicate their children's needs
- 4c. Family Survey – Help their children develop and learn
5. Child Find 0-1
6. Child Find 0-3
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.

Part B Local Determination Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. 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 IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

- A. The Department¹ is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.
- B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.
- C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.
- D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:
 - (1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

¹ Department means the Maryland State Department of Education (MSDE).

- (2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.

E If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:

- (1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
- (2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
- (3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
- (4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
- (5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
- (6) Assign Department staff on-site to assist in the completion of the corrective actions; and
- (7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

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

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

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

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

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

Needs Substantial Intervention

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

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

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

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

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410 767-7548
3	Karla Marty	410 767-7548
4	Nancy FitzGerald	410 767-0848
5	Sandi Marx	410 767-0848
6 ,7 & 12	Nancy Vorobey	410 767-0557
8	Pat Shamer	410 767-0848
9 & 10	Nancy FitzGerald	410 767-0848
11	Ned Featherston	410 767-0848
13 & 14	Tom Barkley	410 767-7548
15	QAM Liaison (see below)	
	Martha Roulette Arthur	410 767-0255
16 - 19	Dori Wilson	410 767-7770
20	Ned Featherston	410 767-0848
LSS/PA	QAM Liaison Contact	Phone Number
Allegany	Nancy FitzGerald	410 767-0848
Anne Arundel	Sandi Marx	410 767-0848
Baltimore City	Bonnie Preis	410 767-0848
Baltimore	Nancy FitzGerald	410 767-0848
Calvert	Sandi Marx	410 767-0848
Caroline	Nancy FitzGerald	410 767-0848
Carroll	Bonnie Preis	410 767-0848
Cecil	Bonnie Preis	410 767-0848
Charles	Sandi Marx	410 767-0848
Dorchester	Nancy FitzGerald	410 767-0848
Frederick	Bonnie Preis	410 767-0848
Garrett	Nancy FitzGerald	410 767-0848
Harford	Bonnie Preis	410 767-0848
Howard	Nancy FitzGerald	410 767-0848
Kent	Nancy FitzGerald	410 767-0848
Montgomery	Nancy FitzGerald	410 767-0848
Prince George's	Bonnie Preis	410 767-0848
Queen Anne's	Nancy FitzGerald	410 767-0848
St. Mary's	Sandi Marx	410 767-0848
Somerset	Sandi Marx	410 767-0848
Talbot	Sandi Marx	410 767-0848
Washington	Bonnie Preis	410 767-0848
Wicomico	Sandi Marx	410 767-0848
Worcester	Sandi Marx	410 767-0848



Nancy S. Grasmick
State Superintendent of Schools

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

May 3, 2011

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 annually reviews each state's SPP and Annual Performance Report (APR). 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) 2009 [State Fiscal Year (SFY) 2010 (2009-2010 School Year)] Part B in early June 2011. 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 2009. 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 2009 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 Five.**

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, FFY 2007, and FFY 2008 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) and COMAR 13A.05.02.07E 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.

BCPS must continue to work cooperatively with MSDE staff and the Settlement Agreement Liaison and actively seek available sources of technical and management assistance for improvement and correction of noncompliance identified through monitoring, Letters of Findings, and other applicable requirements. In conjunction with the Settlement Agreement, MSDE has assigned staff on-site to assist in the completion of the corrective actions. BCPS must continue to develop, implement, review and revise any MSDE directed CAPs to ensure correction of noncompliance. Currently, corrective actions required by MSDE's general supervisory responsibilities include:

- Indicator 4 – significant discrepancy in the rates of suspensions/expulsions of students with disabilities compared to nondisabled peers (data measurement);
- Disciplinary removal of students with disabilities for greater than 10 school days (regulatory requirements);
- Indicator 11 – 60-day initial evaluation timeline;
- Indicator 13 – Secondary Transition (data measurement and regulatory requirements);

- Provision of Related Services;
- LRE 6-21 (provision of supplementary aids and services);
- Indicator 20 –reporting 618 data to MSDE that is timely and accurate.

BCPS is also responsible for improving local outcomes for students with disabilities related to results indicators requiring submission of Improvement Plans in the following areas:

- Indicator 5A-C – Percentage of student with disabilities in LRE A, LRE C and separate facilities;
- Indicator 7A2 – Percent of preschool children with IEPs who demonstrate positive social-emotional skills;
- Indicator 7B1 & 2 – Percent of preschool children with IEPs who demonstrate improved acquisition and use of knowledge/skills; and
- Indicator 8 – Parent involvement.

The school system is also required to implement all corrective actions for each individual, school-based and systemic noncompliance identified through MSDE's general supervisory responsibilities. Any noncompliance must be corrected as soon as possible but in no case later than one year from identification.

Consistent with COMAR 13A.05.02.07E, and as a direct result of BCPS not fully correcting substantial violations as demonstrated by continued findings of noncompliance, MSDE initiates sanctions, including, but not limited to the following:

- BCPS shall redirect or target the use of funds allocated under IDEA Part B Discretionary funds toward all open CAPs;
- BCPS shall redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
- BCPS shall provide direct and complete access to MSDE staff to SMS discipline and attendance modules, Encounter Tracker system, and OSEMC reports as they relate to monitoring activities, CAPs and required compliance activities prior to the release of any federal 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.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.


Dr. Andrés Alonso
May 3, 2011
Page Four

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 13 (Secondary Transition), Indicator 15 (General Supervision), 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

Baltimore City Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

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 2009 data for this indicator is 42.25%. This is below the State's target of 85.50%.	Baltimore City Public Schools' data did not meet the State's target. MSDE looks forward to Baltimore City Public Schools' FFY 2010 data demonstrating improvement.
2. Percent of youth with IEPs dropping out of high school. [Performance Indicator]	Baltimore City Public Schools' FFY 2009 data for this indicator is 8.12%. This did not meet the State's target of 3.54%.	Baltimore City Public Schools did not meet the State's target for this indicator. MSDE looks forward to Baltimore City Public Schools' FFY 2010 data demonstrating improvement.
4A. 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 2009 ratio for multiple suspensions summing to greater than 10 days is 2.42, and for single event suspensions is 2.47, 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 did not meet the State's target for multiple suspensions summing to greater than 10 days and did not meet the State's target for single event suspensions. MSDE looks forward to Baltimore City Public Schools' FFY 2010 data demonstrating improvement to meet the State's target.

Baltimore City Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>4B. Percent of districts that have (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator]</p>	<p>Baltimore City Public Schools' FFY 2009 ratio for multiple suspensions summing to greater than 10 days is 2.45, and for single event suspensions is 2.49, when compared by race or ethnicity. The State's target for both multiple and single event suspensions when compared by race or ethnicity is 0.00 – 1.49.</p>	<p>Baltimore City Public Schools did not meet the State's target for multiple suspensions summing to greater than 10 days and did not meet the State's target for single event suspensions to greater than 10 days when compared by race or ethnicity.</p> <p>MSDE looks forward to Baltimore City Public Schools' FFY 2010 data demonstrating improvement to meet the State's target.</p>
<p>5. (LRE) 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 2009 data for this indicator is 50.21%. This did not meet the State's target of 61.61% for FFY 2009.</p> <p>B. Baltimore City Public Schools' FFY 2009 data for this indicator is 23.47%. This did not meet the State's target of 15.86 % for FFY 2009.</p> <p>C. Baltimore City Public Schools' FFY 2009 data for this indicator is 10.41%. This did not meet the State's target of</p>	<p>Baltimore City Public Schools' data did not meet the State's targets for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to Baltimore City Public Schools' FFY 2010 data meeting each of the State's LRE targets.</p>

Baltimore City Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7A. Percent of preschool children with IEPs who demonstrate positive social-emotional skills (including social relationships).</p> <p>A.1. Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>A.2. Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>6.67% for FFY 2009.</p> <p>A.1. Baltimore City Public Schools' FFY 2009 data for this indicator is 62.0%. This did not meet the State's target of 65.3 % for FFY 2009.</p> <p>A.2. Baltimore City Public Schools' FFY 2009 data for this indicator is 64.0%. This did not meet the State's target of 70.5% for FFY 2009.</p>	<p>Baltimore City Public Schools did not meet the State's target for increasing the rate of growth for preschool children exiting the program (A.1); and, did not meet the State's target for preschool children functioning within age-expectations, by the time of exit (A.2).</p> <p>MSDE looks forward to Baltimore City Public Schools' FFY 2010 data meeting each of the State's preschool social-emotional targets.</p>
<p>7B. Percent of preschool children with IEPs who demonstrate improved acquisition and use of knowledge and skills (including early language/communication and early literacy).</p> <p>B.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>B.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>B.1. Baltimore City Public Schools' FFY 2009 data for this indicator is 59.1%. This did not meet the State's target of 65.6 % for FFY 2009.</p> <p>B.2. Baltimore City Public Schools' FFY 2009 data for this indicator is 43.7%. This did not meet the State's target of 56.3% for FFY 2009.</p>	<p>Baltimore City Public Schools did not meet the State's target for increasing the rate of growth for preschool children exiting the program (B.1); and, did not meet the State's target for preschool children functioning within age-expectations by the time of exit (B.2).</p> <p>MSDE looks forward to Baltimore City Public Schools' FFY 2010 data meeting each of the State's preschool language/communication/ early literacy targets.</p>

Baltimore City Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7C: Percent of preschool children with IEPs who demonstrate improved use of appropriate behaviors to meet their needs.</p> <p>C.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>C.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>C.1. Baltimore City Public Schools' FFY 2009 data for this indicator is 68.3%. This met the State's target of 59.7 % for FFY 2009.</p> <p>C.2. Baltimore City Public Schools' FFY 2009 data for this indicator is 65.3%. This met the State's target of 63.2% for FFY 2009.</p>	<p>Baltimore City Public Schools met the State's target for increasing the rate of growth for preschool children exiting the program (C.1); and, met the State's target for preschool children functioning within age-expectations by the time of exit (C.2).</p> <p>MSDE looks forward to Baltimore City Public Schools' FFY 2010 data exceeding each of the State's preschool behavioral targets.</p>
Monitoring Priority: Disproportionate Representation		
<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 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>
<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>Baltimore City Public Schools' FFY 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>

Baltimore City Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
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>Baltimore City Public Schools' FFY 2009 data for this indicator is 96.46%. 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 MSDE looks forward to Baltimore City Public Schools' FFY 2010 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>Baltimore City Public Schools' FFY 2009 data for this indicator is 100%. The State's target is 100%.</p>	<p>Baltimore City Public Schools' data met the State's target of 100% for this compliance indicator. MSDE looks forward to Baltimore City Public Schools' FFY 2010 data maintaining 100% compliance.</p>
<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 City Public Schools' FFY 2009 data for this indicator is 65.00%. 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. MSDE looks forward to Baltimore City Public Schools' FFY 2010 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>Baltimore City Public Schools had 7 corrective actions due in FFY 2009.</p>	<p>Baltimore City Public Schools had 7 findings of noncompliance identified by MSDE that were due for correction in FFY 2009. Two findings were corrected within timelines. Five findings were not corrected within timelines. MSDE requires all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p>

Baltimore City Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	Baltimore City Public Schools submitted required 618 data in a timely and accurate manner.	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 2009. MSDE requires Baltimore City Public Schools' submission of required data to be timely and accurate.

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2009 (reporting period July 1, 2009 – June 30, 2010)

		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 2009 (July 1, 2009 – June 30, 2010) 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 2009 (July 1, 2009 – June 30, 2010) 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.

FFY 2009 SFY 2010 (2009-2010)

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 70.05% (Leaver) 53.13% (4 yr Cohort) 59.53% (5 yr Cohort)
2	Dropout	The dropout rate of students with IEPs will be 3.00% or less.	Not Met – 4.41%
3A	Student Achievement - AYP	50% of the State's local school systems will meet AYP for the subgroup of students with disabilities.	Not Met – 24% (6 of 25 LSS)
3B	Student Achievement - Participation	95% of students with disabilities will participate in the Statewide assessment system.	Met – 99.17% for Math; and 99.22% 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
4A	Suspension and Expulsion	≤ three (3) or 12.5% 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.	Not Met – 16.7% (4 of 24 LSS)
4B	Suspension and Expulsion (race/ ethnicity)	0% of districts will have: a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Not Met – 4.1% (1 of 24 LSS)
5A	LRE 21%	≥61.61% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day.	Met – 64.80%

Part B

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

Indicator	Description	SPP Target	Met/Not Met	
5B	LRE - 60%	≤ 15.86% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day;	Met – 14.55%	
5C	LRE – Separate Schools	≤ 7.37% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements.	Met – 7.33%	
6	Preschool LRE		Not Reported	
7A	Preschool Outcomes	Positive social-emotional skills (including social relationships)	64.4% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited.	64.9% 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)	65.3% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited.	52.7% 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.	60.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time exited.	62.1% of children participating in Part B preschool were functioning within age expectations by the time they exited the program.

FFY 2009 SFY 2010 (2009-2010)

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	37% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results.	Met – 43%
8B	Parent Involvement - School Age	32% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results	Met – 37%
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 – 94.03%
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)	Met – 100%
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 – 86.1%

FFY 2009 SFY 2010 (2009-2010)

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	82% of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Met – 82%
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 – 99.57%
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)	Met – 100%
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement.	Met – 70.20%
19	Mediations	Maintain 75 – 85% rate of mediations that result in mediation agreements.	Not Met – 74.3%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.(Compliance)	Met – 100%

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2009 (SFY 2010 – Reporting Period July 1, 2009 – June 30, 2010)

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 2011.

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, 2011. 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 Survey – Know their rights
- 4b. Family Survey – Effectively communicate their children's needs
- 4c. Family Survey – Help their children develop and learn
5. Child Find 0-1
6. Child Find 0-3
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.

Part B Local Determination Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. 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 IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

- A. The Department¹ is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.
- B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.
- C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.
- D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:
 - (1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

¹ Department means the Maryland State Department of Education (MSDE).

- (2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.
- E If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:
- (1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
 - (2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
 - (3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
 - (4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
 - (5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
 - (6) Assign Department staff on-site to assist in the completion of the corrective actions; and
 - (7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.
- F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

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

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

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

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

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

Needs Substantial Intervention

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

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

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

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

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410 767-7548
3	Karla Marty	410 767-7548
4	Nancy FitzGerald	410 767-0848
5	Sandi Marx	410 767-0848
6,7 & 12	Nancy Vorobey	410 767-0557
8	Pat Shamer	410 767-0848
9 & 10	Nancy FitzGerald	410 767-0848
11	Ned Featherston	410 767-0848
13 & 14	Tom Barkley	410 767-7548
15	QAM Liaison (see below)	
	Martha Roulette Arthur	410 767-0255
16 - 19	Dori Wilson	410 767-7770
20	Ned Featherston	410 767-0848
LSS/PA	QAM Liaison Contact	Phone Number
Allegany	Nancy FitzGerald	410 767-0848
Anne Arundel	Sandi Marx	410 767-0848
Baltimore City	Bonnie Preis	410 767-0848
Baltimore	Nancy FitzGerald	410 767-0848
Calvert	Sandi Marx	410 767-0848
Caroline	Nancy FitzGerald	410 767-0848
Carroll	Bonnie Preis	410 767-0848
Cecil	Bonnie Preis	410 767-0848
Charles	Sandi Marx	410 767-0848
Dorchester	Nancy FitzGerald	410 767-0848
Frederick	Bonnie Preis	410 767-0848
Garrett	Nancy FitzGerald	410 767-0848
Harford	Bonnie Preis	410 767-0848
Howard	Nancy FitzGerald	410 767-0848
Kent	Nancy FitzGerald	410 767-0848
Montgomery	Nancy FitzGerald	410 767-0848
Prince George's	Bonnie Preis	410 767-0848
Queen Anne's	Nancy FitzGerald	410 767-0848
St. Mary's	Sandi Marx	410 767-0848
Somerset	Sandi Marx	410 767-0848
Talbot	Sandi Marx	410 767-0848
Washington	Bonnie Preis	410 767-0848
Wicomico	Sandi Marx	410 767-0848
Worcester	Sandi Marx	410 767-0848

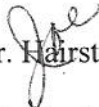


Nancy S. Grasmick
State Superintendent of Schools

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

May 3, 2011

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 annually reviews each state's SPP and Annual Performance Report (APR). 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) 2009 [State Fiscal Year (SFY) 2010 (2009-2010 School Year)] Part B in early June 2011. 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 2009. 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 2009 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 Five**.

Dr. Joe A. Hairston
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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, FFY 2007, and FFY 2008 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 12 (Early Childhood Transition), Indicator 1 (Graduation), Indicator 2 (Drop Out), and Indicator 5 (Least Restrictive Environment).

Dr. Joe A. Hairston
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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

Attachments

c: Nancy S. Grasmick
Kalisha Miller
Branch/Section Chiefs

Baltimore County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

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 2009 data for this indicator is 72.01%. This is below the State's target of 85.50%.	Baltimore County Public Schools' data did not meet the State's target. MSDE looks forward to Baltimore County Public Schools' FFY 2010 data demonstrating improvement.
2. Percent of youth with IEPs dropping out of high school. [Performance Indicator]	Baltimore County Public Schools' FFY 2009 data for this indicator is 5.81%. This did not meet the State's target of 3.54%.	Baltimore County Public Schools did not meet the State's target for this indicator. MSDE looks forward to Baltimore County Public Schools' FFY 2010 data demonstrating improvement.
4A. 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 2009 ratio for multiple suspensions summing to greater than 10 days is 2.83, and for single event suspensions is 1.81, 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 did not meet the State's target for multiple suspensions summing to greater than 10 days and did not meet the State's target for single event suspensions. MSDE looks forward to Baltimore County Public Schools' FFY 2010 data demonstrating improvement to meet the State's target.

Baltimore County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>4B. Percent of districts that have (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator]</p>	<p>Baltimore County Public Schools' FFY 2009 ratio for multiple suspensions summing to greater than 10 days is 2.56, and for single event suspensions is 0.00, when compared by race or ethnicity. The State's target for both multiple and single event suspensions when compared by race or ethnicity is 0.00 – 1.49.</p>	<p>Baltimore County Public Schools 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 to greater than 10 days when compared by race or ethnicity.</p> <p>MSDE looks forward to Baltimore County Public Schools' FFY 2010 data demonstrating improvement to meet the State's target.</p>
<p>5. (LRE) 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 County Public Schools' FFY 2009 data for this indicator is 64.32%. This met the State's target of 61.61% for FFY 2009.</p> <p>B. Baltimore County Public Schools' FFY 2009 data for this indicator is 13.14%. This met the State's target of 15.86 % for FFY 2009.</p> <p>C. Baltimore County Public Schools' FFY 2009 data for this indicator is 7.61%. This did not meet the State's target of</p>	<p>Baltimore County Public Schools' data met the State's targets for Indicators 5A and 5B and did not meet the State's target for Indicator 5C.</p> <p>MSDE looks forward to Baltimore County Public Schools' FFY 2010 data meeting each of the State's LRE targets.</p>

Baltimore County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7A. Percent of preschool children with IEPs who demonstrate positive social-emotional skills (including social relationships).</p> <p>A.1. Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>A.2. Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>6.67% for FFY 2009.</p> <p>A.1. Baltimore County Public Schools' FFY 2009 data for this indicator is 62.7%. This did not meet the State's target of 65.3 % for FFY 2009.</p> <p>A.2. Baltimore County Public Schools' FFY 2009 data for this indicator is 64.3%. This did not meet the State's target of 70.5% for FFY 2009.</p>	<p>Baltimore County Public Schools did not meet the State's target for increasing the rate of growth for preschool children exiting the program (A.1); and, did not meet the State's target for preschool children functioning within age-expectations, by the time of exit (A.2).</p> <p>MSDE looks forward to Baltimore County Public Schools' FFY 2010 data meeting each of the State's preschool social-emotional targets.</p>
<p>7B. Percent of preschool children with IEPs who demonstrate improved acquisition and use of knowledge and skills (including early language/communication and early literacy).</p> <p>B.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>B.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>B.1. Baltimore County Public Schools' FFY 2009 data for this indicator is 58.9%. This did not meet the State's target of 65.6 % for FFY 2009.</p> <p>B.2. Baltimore County Public Schools' FFY 2009 data for this indicator is 46.7%. This did not meet the State's target of 56.3% for FFY 2009.</p>	<p>Baltimore County Public Schools did not meet the State's target for increasing the rate of growth for preschool children exiting the program (B.1); and, did not meet the State's target for preschool children functioning within age-expectations by the time of exit (B.2).</p> <p>MSDE looks forward to Baltimore County Public Schools' FFY 2010 data meeting each of the State's preschool language/communication/ early literacy targets.</p>

Baltimore County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7C: Percent of preschool children with IEPs who demonstrate improved use of appropriate behaviors to meet their needs.</p> <p>C.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>C.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>C.1. Baltimore County Public Schools' FFY 2009 data for this indicator is 52.8%. This did not meet the State's target of 59.7 % for FFY 2009.</p> <p>C.2. Baltimore County Public Schools' FFY 2009 data for this indicator is 53.6%. This did not meet the State's target of 63.2% for FFY 2009.</p>	<p>Baltimore County Public Schools did not meet the State's target for increasing the rate of growth for preschool children exiting the program (C.1); and, did not meet the State's target for preschool children functioning within age-expectations by the time of exit (C.2).</p> <p>MSDE looks forward to Baltimore County Public Schools' FFY 2010 data meeting each of the State's preschool behavioral targets.</p>
Monitoring Priority: Disproportionate Representation		
<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 County Public Schools' FFY 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>
<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>Baltimore County Public Schools' FFY 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>

Baltimore County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
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>Baltimore County Public Schools' FFY 2009 data for this indicator is 97.38%. The State's target is 100%.</p>	<p>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 2010 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>Baltimore County Public Schools' FFY 2009 data for this indicator is 97.46%. The State's target is 100%.</p>	<p>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 2010 data demonstrating 100% compliance.</p>
<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 2009 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 2010 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 3 corrective actions due in FFY 2009.</p>	<p>Baltimore County Public Schools had 3 findings of noncompliance identified by MSDE that were due for correction in FFY 2009. Three findings were corrected within timelines. MSDE requires all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p>

Baltimore County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	Baltimore County Public Schools submitted required 618 data in a timely and accurate manner.	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 2009. MSDE requires Baltimore County Public Schools' submission of required data to be timely and accurate.

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2009 (reporting period July 1, 2009 – June 30, 2010)

		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 2009 (July 1, 2009 – June 30, 2010) 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 2009 (July 1, 2009 – June 30, 2010) 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.

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 70.05% (Leaver) 53.13% (4 yr Cohort) 59.53% (5 yr Cohort)
2	Dropout	The dropout rate of students with IEPs will be 3.00% or less.	Not Met – 4.41%
3A	Student Achievement - AYP	50% of the State's local school systems will meet AYP for the subgroup of students with disabilities.	Not Met – 24% (6 of 25 LSS)
3B	Student Achievement - Participation	95% of students with disabilities will participate in the Statewide assessment system.	Met – 99.17% for Math; and 99.22% 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
4A	Suspension and Expulsion	≤ three (3) or 12.5% 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.	Not Met – 16.7% (4 of 24 LSS)
4B	Suspension and Expulsion (race/ ethnicity)	0% of districts will have: a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Not Met – 4.1% (1 of 24 LSS)
5A	LRE 21%	≥61.61% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day.	Met – 64.80%

Part B

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

Indicator Performance At-A-Glance

Indicator	Description	SPP Target	Met/Not Met	
5B	LRE - 60%	≤ 15.86% of students with disabilities, ages 6-21, are served inside the regular class less than 40% of the day;	Met – 14.55%	
5C	LRE – Separate Schools	≤ 7.37% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements.	Met – 7.33%	
6	Preschool LRE		Not Reported	
7A	Preschool Outcomes	Positive social-emotional skills (including social relationships)	64.4% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited.	64.9% 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)	65.3% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited.	52.7% 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.	60.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time exited.	62.1% of children participating in Part B preschool were functioning within age expectations by the time they exited the program.

FFY 2009 SFY 2010 (2009-2010)

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	37% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results.	Met – 43%
8B	Parent Involvement - School Age	32% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results	Met – 37%
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 – 94.03%
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)	Met – 100%
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 – 86.1%

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	82% of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Met – 82%
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 – 99.57%
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)	Met – 100%
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement.	Met – 70.20%
19	Mediations	Maintain 75 – 85% rate of mediations that result in mediation agreements.	Not Met – 74.3%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates. (Compliance)	Met – 100%

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2009 (SFY 2010 – Reporting Period July 1, 2009 – June 30, 2010)

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 2011.

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, 2011. 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 Survey – Know their rights
- 4b. Family Survey – Effectively communicate their children's needs
- 4c. Family Survey – Help their children develop and learn
5. Child Find 0-1
6. Child Find 0-3
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.

Part B Local Determination Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. 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 IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

- A. The Department¹ is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.
- B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.
- C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.
- D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:
 - (1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

¹ Department means the Maryland State Department of Education (MSDE).

- (2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.

E If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:

- (1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
- (2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
- (3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
- (4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
- (5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
- (6) Assign Department staff on-site to assist in the completion of the corrective actions; and
- (7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

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

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

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

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

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

Needs Substantial Intervention

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

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

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

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

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410 767-7548
3	Karla Marty	410 767-7548
4	Nancy FitzGerald	410 767-0848
5	Sandi Marx	410 767-0848
6, 7 & 12	Nancy Vorobey	410 767-0557
8	Pat Shamer	410 767-0848
9 & 10	Nancy FitzGerald	410 767-0848
11	Ned Featherston	410 767-0848
13 & 14	Tom Barkley	410 767-7548
15	QAM Liaison (see below)	
	Martha Roulette Arthur	410 767-0255
16 - 19	Dori Wilson	410 767-7770
20	Ned Featherston	410 767-0848
LSS/PA	QAM Liaison Contact	Phone Number
Allegany	Nancy FitzGerald	410 767-0848
Anne Arundel	Sandi Marx	410 767-0848
Baltimore City	Bonnie Preis	410 767-0848
Baltimore	Nancy FitzGerald	410 767-0848
Calvert	Sandi Marx	410 767-0848
Caroline	Nancy FitzGerald	410 767-0848
Carroll	Bonnie Preis	410 767-0848
Cecil	Bonnie Preis	410 767-0848
Charles	Sandi Marx	410 767-0848
Dorchester	Nancy FitzGerald	410 767-0848
Frederick	Bonnie Preis	410 767-0848
Garrett	Nancy FitzGerald	410 767-0848
Harford	Bonnie Preis	410 767-0848
Howard	Nancy FitzGerald	410 767-0848
Kent	Nancy FitzGerald	410 767-0848
Montgomery	Nancy FitzGerald	410 767-0848
Prince George's	Bonnie Preis	410 767-0848
Queen Anne's	Nancy FitzGerald	410 767-0848
St. Mary's	Sandi Marx	410 767-0848
Somerset	Sandi Marx	410 767-0848
Talbot	Sandi Marx	410 767-0848
Washington	Bonnie Preis	410 767-0848
Wicomico	Sandi Marx	410 767-0848
Worcester	Sandi Marx	410 767-0848



Nancy S. Grasmick
State Superintendent of Schools

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

May 3, 2011

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 annually reviews each state's SPP and Annual Performance Report (APR). 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) 2009 [State Fiscal Year (SFY) 2010 (2009-2010 School Year)] Part B in early June 2011. 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 2009. 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 2009 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 Three**.

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, FFY 2007 and FFY 2008'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 11 (Initial Evaluation Timeline), Indicator 13 (Early Childhood Transition), Indicator 1 (Graduation), Indicator 2 (Drop Out), and Indicator 5 (Least Restrictive Environment).

Dr. Jack R. Smith
May 3, 2011
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 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

Calvert County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

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 2009 data for this indicator is 69.61%. This is below the State's target of 85.50%.	Calvert County Public Schools' data did not meet the State's target. MSDE looks forward to Calvert County Public Schools' FFY 2010 data demonstrating improvement.
2. Percent of youth with IEPs dropping out of high school. [Performance Indicator]	Calvert County Public Schools' FFY 2009 data for this indicator is 2.77%. This did not meet the State's target of 3.54%.	Calvert County Public Schools met the State's target for this indicator. MSDE looks forward to Calvert County Public Schools' FFY 2010 data demonstrating improvement.
4A. 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 2009 ratio for multiple suspensions summing to greater than 10 days is 2.21 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 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 2010 data demonstrating improvement to meet the State's target.

Calvert County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>4B. Percent of districts that have (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator]</p>	<p>Calvert County Public Schools' FFY 2009 ratio for multiple suspensions summing to greater than 10 days is 0.00, and for single event suspensions is 0.00, when compared by race or ethnicity. The State's target for both multiple and single event suspensions when compared by race or ethnicity is 0.00 – 1.49.</p>	<p>Calvert County Public Schools met the State's target for multiple suspensions summing to greater than 10 days and met the State's target for single event suspensions of greater than 10 days when compared by race or ethnicity.</p> <p>MSDE looks forward to Calvert County Public Schools' FFY 2010 data continuing to meet the State's target.</p>
<p>5. (LRE) 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 2009 data for this indicator is 55.11%. This did not meet the State's target of 61.61% for FFY 2009.</p> <p>B. Calvert County Public Schools' FFY 2009 data for this indicator is 7.39%. This met the State's target of 15.86 % for FFY 2009.</p> <p>C. Calvert County Public Schools' FFY 2009 data for this indicator is 6.17%. This met the State's target of 6.67% for</p>	<p>Calvert County Public Schools' data met the State's targets for Indicators 5B and 5C and did not meet the State's target for Indicator 5A.</p> <p>MSDE looks forward to Calvert County Public Schools' FFY 2010 data meeting each of the State's LRE targets.</p>

Calvert County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7A. Percent of preschool children with IEPs who demonstrate positive social-emotional skills (including social relationships).</p> <p>A.1. Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>A.2. Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>FFY 2009.</p> <p>A.1. Calvert County Public Schools' FFY 2009 data for this indicator is 78.4%. This met the State's target of 65.3 % for FFY 2009.</p> <p>A.2. Calvert County Public Schools' FFY 2009 data for this indicator is 80.6%. This met the State's target of 70.5% for FFY 2009.</p>	<p>Calvert County Public Schools met the State's target for increasing the rate of growth for preschool children exiting the program (A.1); and, met the State's target for preschool children functioning within age-expectations, by the time of exit (A.2).</p> <p>MSDE looks forward to Calvert County Public Schools' FFY 2010 data exceeding each of the State's preschool social-emotional targets.</p>
<p>7B. Percent of preschool children with IEPs who demonstrate improved acquisition and use of knowledge and skills (including early language/communication and early literacy).</p> <p>B.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>B.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>B.1. Calvert County Public Schools' FFY 2009 data for this indicator is 67.6%. This met the State's target of 65.6 % for FFY 2009.</p> <p>B.2. Calvert County Public Schools' FFY 2009 data for this indicator is 54.2%. This did not meet the State's target of 56.3% for FFY 2009.</p>	<p>Calvert County Public Schools met the State's target for increasing the rate of growth for preschool children exiting the program (B.1); and, did not meet the State's target for preschool children functioning within age-expectations by the time of exit (B.2).</p> <p>MSDE looks forward to Calvert County Public Schools' FFY 2010 data meeting each of the State's preschool language/communication/ early literacy targets.</p>

Calvert County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7C: Percent of preschool children with IEPs who demonstrate improved use of appropriate behaviors to meet their needs.</p> <p>C.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>C.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>C.1. Calvert County Public Schools' FFY 2009 data for this indicator is 67.3%. This met the State's target of 59.7 % for FFY 2009.</p> <p>C.2. Calvert County Public Schools' FFY 2009 data for this indicator is 69.4%. This met the State's target of 63.2% for FFY 2009.</p>	<p>Calvert County Public Schools met the State's target for increasing the rate of growth for preschool children exiting the program (C.1); and, met the State's target for preschool children functioning within age-expectations by the time of exit (C.2).</p> <p>MSDE looks forward to Calvert County Public Schools' FFY 2010 data exceeding each of the State's preschool behavioral targets.</p>
Monitoring Priority: Disproportionate Representation		
<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 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>
<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 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>

Calvert County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
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>Calvert County Public Schools' FFY 2009 data for this indicator is 98.58%. 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 2010 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>Calvert County Public Schools' FFY 2009 data for this indicator is 100%. The State's target is 100%.</p>	<p>Calvert County Public Schools' data met the State's target of 100% for this compliance indicator. MSDE looks forward to Calvert County Public Schools' FFY 2010 data maintaining 100% compliance.</p>
<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 2009 data for this indicator is 34.0%. 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 2010 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>Calvert County Public Schools had 5 corrective actions due in FFY 2009.</p>	<p>Calvert County Public Schools had 5 findings of noncompliance identified by MSDE that were due for correction in FFY 2009. Five findings were corrected within timelines. MSDE requires 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</p>	<p>Calvert County Public</p>	<p>Calvert County Public Schools' data met the State's target for the timely</p>

Calvert County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	Schools submitted required 618 data in a timely and accurate manner.	and accurate submission of required 618 data and other data required by the State for FFY 2009. MSDE requires Calvert County Public Schools' submission of required data to be timely and accurate.

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2009 (reporting period July 1, 2009 – June 30, 2010)

		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 2009 (July 1, 2009 – June 30, 2010) 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 2009 (July 1, 2009 – June 30, 2010) 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.

FFY 2009 SFY 2010 (2009-2010)

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 70.05% (Leaver) 53.13% (4 yr Cohort) 59.53% (5 yr Cohort)
2	Dropout	The dropout rate of students with IEPs will be 3.00% or less.	Not Met – 4.41%
3A	Student Achievement - AYP	50% of the State's local school systems will meet AYP for the subgroup of students with disabilities.	Not Met – 24% (6 of 25 LSS)
3B	Student Achievement - Participation	95% of students with disabilities will participate in the Statewide assessment system.	Met – 99.17% for Math; and 99.22% 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
4A	Suspension and Expulsion	≤ three (3) or 12.5% 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.	Not Met – 16.7% (4 of 24 LSS)
4B	Suspension and Expulsion (race/ ethnicity)	0% of districts will have: a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Not Met – 4.1% (1 of 24 LSS)
5A	LRE 21%	≥61.61% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day.	Met – 64.80%

FFY 2009 SFY 2010 (2009-2010)

Part B

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

Indicator	Description	SPP Target	Met/Not Met	
5B	LRE - 60%	≤ 15.86% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day;	Met – 14.55%	
5C	LRE – Separate Schools	≤ 7.37% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements.	Met – 7.33%	
6	Preschool LRE		Not Reported	
7A	Preschool Outcomes	Positive social-emotional skills (including social relationships)	64.4% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited.	64.9% 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)	65.3% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited.	52.7% 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.	60.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time exited.	62.1% of children participating in Part B preschool were functioning within age expectations by the time they exited the program.

FFY 2009 SFY 2010 (2009-2010)

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	37% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results.	Met – 43%
8B	Parent Involvement - School Age	32% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results	Met – 37%
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 – 94.03%
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)	Met – 100%
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 – 86.1%

FFY 2009 SFY 2010 (2009-2010)

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	82% of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Met – 82%
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 – 99.57%
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)	Met – 100%
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement.	Met – 70.20%
19	Mediations	Maintain 75 – 85% rate of mediations that result in mediation agreements.	Not Met – 74.3%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates. (Compliance)	Met – 100%

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2009 (SFY 2010 – Reporting Period July 1, 2009 – June 30, 2010)

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 2011.

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, 2011. 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 Survey – Know their rights
- 4b. Family Survey – Effectively communicate their children's needs
- 4c. Family Survey – Help their children develop and learn
5. Child Find 0-1
6. Child Find 0-3
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.

Part B Local Determination Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. 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 IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

- A. The Department¹ is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.
- B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.
- C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.
- D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:
 - (1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

¹ Department means the Maryland State Department of Education (MSDE).

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

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

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

Needs Substantial Intervention

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

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

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

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

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410 767-7548
3	Karla Marty	410 767-7548
4	Nancy FitzGerald	410 767-0848
5	Sandi Marx	410 767-0848
6,7 & 12	Nancy Vorobey	410 767-0557
8	Pat Shamer	410 767-0848
9 & 10	Nancy FitzGerald	410 767-0848
11	Ned Featherston	410 767-0848
13 & 14	Tom Barkley	410 767-7548
15	QAM Liaison (see below)	
	Martha Roulette Arthur	410 767-0255
16 - 19	Dori Wilson	410 767-7770
20	Ned Featherston	410 767-0848
LSS/PA	QAM Liaison Contact	Phone Number
Allegany	Nancy FitzGerald	410 767-0848
Anne Arundel	Sandi Marx	410 767-0848
Baltimore City	Bonnie Preis	410 767-0848
Baltimore	Nancy FitzGerald	410 767-0848
Calvert	Sandi Marx	410 767-0848
Caroline	Nancy FitzGerald	410 767-0848
Carroll	Bonnie Preis	410 767-0848
Cecil	Bonnie Preis	410 767-0848
Charles	Sandi Marx	410 767-0848
Dorchester	Nancy FitzGerald	410 767-0848
Frederick	Bonnie Preis	410 767-0848
Garrett	Nancy FitzGerald	410 767-0848
Harford	Bonnie Preis	410 767-0848
Howard	Nancy FitzGerald	410 767-0848
Kent	Nancy FitzGerald	410 767-0848
Montgomery	Nancy FitzGerald	410 767-0848
Prince George's	Bonnie Preis	410 767-0848
Queen Anne's	Nancy FitzGerald	410 767-0848
St. Mary's	Sandi Marx	410 767-0848
Somerset	Sandi Marx	410 767-0848
Talbot	Sandi Marx	410 767-0848
Washington	Bonnie Preis	410 767-0848
Wicomico	Sandi Marx	410 767-0848
Worcester	Sandi Marx	410 767-0848



Nancy S. Grasmick
State Superintendent of Schools

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

May 3, 2011

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 annually reviews each state's SPP and Annual Performance Report (APR). 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) 2009 [State Fiscal Year (SFY) 2010 (2009-2010 School Year)] Part B in early June 2011. 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 2009. 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 2009 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 3, 2011
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:

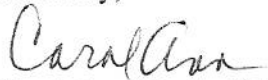
- Part B Local Determination Table; and
- Part B Local Determination Framework for Technical Assistance and Intervention.

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
Rosemary Thomas
Branch/Section Chiefs

Caroline County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

4

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 2009 data for this indicator is 67.74%. This is below the State's target of 85.50%.	Caroline County Public Schools' data did not meet the State's target. MSDE looks forward to Caroline County Public Schools' FFY 2010 data demonstrating improvement.
2. Percent of youth with IEPs dropping out of high school. [Performance Indicator]	Caroline County Public Schools' FFY 2009 data for this indicator is 4.32%. This did not meet the State's target of 3.54%.	Caroline County Public Schools did not meet the State's target for this indicator. MSDE looks forward to Caroline County Public Schools' FFY 2010 data demonstrating improvement.
4A. 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 2009 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'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 Caroline County Public Schools' FFY 2010 data continuing to meet the State's target.

Caroline County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>4B. Percent of districts that have (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator]</p>	<p>Caroline County Public Schools' FFY 2009 ratio for multiple suspensions summing to greater than 10 days is 0.00, and for single event suspensions is 0.00, when compared by race or ethnicity. The State's target for both multiple and single event suspensions when compared by race or ethnicity is 0.00 – 1.49.</p>	<p>Caroline County Public Schools met the State's target for multiple suspensions summing to greater than 10 days and met the State's target for single event suspensions to greater than 10 days when compared by race or ethnicity.</p> <p>MSDE looks forward to Caroline County Public Schools' FFY 2010 data continuing to meet the State's target.</p>
<p>5. (LRE) 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 2009 data for this indicator is 82.64%. This met the State's target of 61.61% for FFY 2009.</p> <p>B. Caroline County Public Schools' FFY 2009 data for this indicator is 10.12%. This met the State's target of 15.86 % for FFY 2009.</p> <p>C. Caroline County Public Schools' FFY 2009 data for this indicator is 1.86%. This met the State's target of 6.67% for</p>	<p>Caroline County Public Schools' data met the State's targets for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to Caroline County Public Schools' FFY 2010 data meeting each of the State's LRE targets.</p>

Caroline County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7A. Percent of preschool children with IEPs who demonstrate positive social-emotional skills (including social relationships).</p> <p>A.1. Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>A.2. Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>FFY 2009.</p> <p>A.1. Caroline County Public Schools' FFY 2009 data for this indicator is 75.0%. This met the State's target of 65.3 % for FFY 2009.</p> <p>A.2. Caroline County Public Schools' FFY 2009 data for this indicator is 50.0%. This did not meet the State's target of 70.5% for FFY 2009.</p>	<p>Caroline County Public Schools met the State's target for increasing the rate of growth for preschool children exiting the program (A.1); and, did not meet the State's target for preschool children functioning within age-expectations, by the time of exit (A.2).</p> <p>MSDE looks forward to Caroline County Public Schools' FFY 2010 data meeting each of the State's preschool social-emotional targets.</p>
<p>7B. Percent of preschool children with IEPs who demonstrate improved acquisition and use of knowledge and skills (including early language/communication and early literacy).</p> <p>B.1. Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>B.2. Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>B.1. Caroline County Public Schools' FFY 2009 data for this indicator is 50.0%. This did not meet the State's target of 65.6 % for FFY 2009.</p> <p>B.2. Caroline County Public Schools' FFY 2009 data for this indicator is 25.0%. This did not meet the State's target of 56.3% for FFY 2009.</p>	<p>Caroline County Public Schools did not meet the State's target for increasing the rate of growth for preschool children exiting the program (B.1); and, did not meet the State's target for preschool children functioning within age-expectations by the time of exit (B.2).</p> <p>MSDE looks forward to Caroline County Public Schools' FFY 2010 data meeting each of the State's preschool language/communication/ early literacy targets.</p>

Caroline County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7C: Percent of preschool children with IEPs who demonstrate improved use of appropriate behaviors to meet their needs.</p> <p>C.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>C.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>C.1. Caroline County Public Schools' FFY 2009 data for this indicator is 0.0%. This did not meet the State's target of 59.7% for FFY 2009.</p> <p>C.2. Caroline County Public Schools' FFY 2009 data for this indicator is 25.0%. This did not meet the State's target of 63.2% for FFY 2009.</p>	<p>Caroline County Public Schools did not meet the State's target for increasing the rate of growth for preschool children exiting the program (C.1); and, did not meet the State's target for preschool children functioning within age-expectations by the time of exit (C.2).</p> <p>MSDE looks forward to Caroline County Public Schools' FFY 2010 data meeting each of the State's preschool behavioral targets.</p>
Monitoring Priority: Disproportionate Representation		
<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 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>
<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>Caroline County Public Schools' FFY 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>

Caroline County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
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>Caroline County Public Schools' FFY 2009 data for this indicator is 100%. The State's target is 100%.</p>	<p>Caroline County Public Schools' data met the State's target of 100% for this compliance indicator</p> <p>MSDE looks forward to Caroline County Public Schools' FFY 2010 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>Caroline County Public Schools' FFY 2009 data for this indicator is 100%. The State's target is 100%.</p>	<p>Caroline County Public Schools' data met the State's target of 100% for this compliance indicator.</p> <p>MSDE looks forward to Caroline County Public Schools' FFY 2010 data maintaining 100% compliance.</p>
<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>Caroline County Public Schools' FFY 2009 data for this indicator is 97.0%. The State's target is 100%.</p>	<p>Caroline County Public Schools' data did not meet the State's target of 100% for this compliance indicator.</p> <p>MSDE looks forward to Caroline County Public Schools' FFY 2010 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>Caroline County Public Schools had no corrective actions due in FFY 2009.</p>	<p>Caroline County Public Schools had no findings of noncompliance identified by MSDE that were due for correction in FFY 2009.</p> <p>MSDE requires all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p>

Caroline County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	Caroline County Public Schools did not submit required 618 data in a timely and accurate manner.	Caroline County Public Schools' data did not meet the State's target for the timely and accurate submission of required 618 data and other data required by the State for FFY 2009. MSDE requires Caroline County Public Schools' submission of required data to be timely and accurate.

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2009 (reporting period July 1, 2009 – June 30, 2010)

		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 2009 (July 1, 2009 – June 30, 2010) 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 2009 (July 1, 2009 – June 30, 2010) 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.

FFY 2009 SFY 2010 (2009-2010)

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 70.05% (Leaver) 53.13% (4 yr Cohort) 59.53% (5 yr Cohort)
2	Dropout	The dropout rate of students with IEPs will be 3.00% or less.	Not Met – 4.41%
3A	Student Achievement - AYP	50% of the State's local school systems will meet AYP for the subgroup of students with disabilities.	Not Met – 24% (6 of 25 LSS)
3B	Student Achievement - Participation	95% of students with disabilities will participate in the Statewide assessment system.	Met – 99.17% for Math; and 99.22% 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
4A	Suspension and Expulsion	≤ three (3) or 12.5% 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.	Not Met – 16.7% (4 of 24 LSS)
4B	Suspension and Expulsion (race/ ethnicity)	0% of districts will have: a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Not Met – 4.1% (1 of 24 LSS)
5A	LRE 21%	≥61.61% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day.	Met – 64.80%

Part B

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

Indicator	Description	SPP Target	Met/Not Met	
5B	LRE - 60%	≤ 15.86% of students with disabilities, ages 6-21, are served inside the regular class less than 40% of the day;	Met – 14.55%	
5C	LRE – Separate Schools	≤ 7.37% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements.	Met – 7.33%	
6	Preschool LRE		Not Reported	
7A	Preschool Outcomes	Positive social-emotional skills (including social relationships)	64.4% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited.	64.9% 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)	65.3% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited.	52.7% 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.	60.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time exited.	62.1% of children participating in Part B preschool were functioning within age expectations by the time they exited the program.

FFY 2009 SFY 2010 (2009-2010)

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	37% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results.	Met – 43%
8B	Parent Involvement - School Age	32% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results	Met – 37%
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 – 94.03%
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)	Met – 100%
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 – 86.1%

FFY 2009 SFY 2010 (2009-2010)

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	82% of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Met – 82%
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 – 99.57%
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)	Met – 100%
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement.	Met – 70.20%
19	Mediations	Maintain 75 – 85% rate of mediations that result in mediation agreements.	Not Met – 74.3%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates. (Compliance)	Met – 100%

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2009 (SFY 2010 – Reporting Period July 1, 2009 – June 30, 2010)

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 2011.

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, 2011. 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 Survey – Know their rights
- 4b. Family Survey – Effectively communicate their children's needs
- 4c. Family Survey – Help their children develop and learn
5. Child Find 0-1
6. Child Find 0-3
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.

Part B Local Determination Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. 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 IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

- A. The Department¹ is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.
- B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.
- C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.
- D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:
 - (1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

¹ Department means the Maryland State Department of Education (MSDE).

- (2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.
- E If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:
- (1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
 - (2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
 - (3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
 - (4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
 - (5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
 - (6) Assign Department staff on-site to assist in the completion of the corrective actions; and
 - (7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.
- F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

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

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

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

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

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

Needs Substantial Intervention

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

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

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

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

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410 767-7548
3	Karla Marty	410 767-7548
4	Nancy FitzGerald	410 767-0848
5	Sandi Marx	410 767-0848
6,7 & 12	Nancy Vorobey	410 767-0557
8	Pat Shamer	410 767-0848
9 & 10	Nancy FitzGerald	410 767-0848
11	Ned Featherston	410 767-0848
13 & 14	Tom Barkley	410 767-7548
15	QAM Liaison (see below)	
	Martha Roulette Arthur	410 767-0255
16 - 19	Dori Wilson	410 767-7770
20	Ned Featherston	410 767-0848
LSS/PA	QAM Liaison Contact	Phone Number
Allegany	Nancy FitzGerald	410 767-0848
Anne Arundel	Sandi Marx	410 767-0848
Baltimore City	Bonnie Preis	410 767-0848
Baltimore	Nancy FitzGerald	410 767-0848
Calvert	Sandi Marx	410 767-0848
Caroline	Nancy FitzGerald	410 767-0848
Carroll	Bonnie Preis	410 767-0848
Cecil	Bonnie Preis	410 767-0848
Charles	Sandi Marx	410 767-0848
Dorchester	Nancy FitzGerald	410 767-0848
Frederick	Bonnie Preis	410 767-0848
Garrett	Nancy FitzGerald	410 767-0848
Harford	Bonnie Preis	410 767-0848
Howard	Nancy FitzGerald	410 767-0848
Kent	Nancy FitzGerald	410 767-0848
Montgomery	Nancy FitzGerald	410 767-0848
Prince George's	Bonnie Preis	410 767-0848
Queen Anne's	Nancy FitzGerald	410 767-0848
St. Mary's	Sandi Marx	410 767-0848
Somerset	Sandi Marx	410 767-0848
Talbot	Sandi Marx	410 767-0848
Washington	Bonnie Preis	410 767-0848
Wicomico	Sandi Marx	410 767-0848
Worcester	Sandi Marx	410 767-0848



Nancy S. Grasmick
State Superintendent of Schools

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

May 3, 2011

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

Dear Mr. Guthrie:

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 annually reviews each state's SPP and Annual Performance Report (APR). 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) 2009 [State Fiscal Year (SFY) 2010 (2009-2010 School Year)] Part B in early June 2011. 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 2009. 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 2009 data, as well as information obtained through monitoring and complaint investigations, the Carroll County Public Schools (CCPS) has been determined to be **Meets Requirements**.

Mr. Stephen H. Guthrie
May 3, 2011
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:

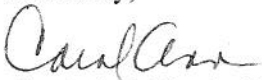
- Part B Local Determination Table; and
- Part B Local Determination Framework for Technical Assistance and Intervention.

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
Russell Gray
Branch/Section Chiefs

Carroll County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

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 2009 data for this indicator is 91.43%. This is above the State's target of 85.50%.	Carroll County Public Schools' data met the State's target. MSDE looks forward to Carroll County Public Schools' FFY 2010 data demonstrating improvement.
2. Percent of youth with IEPs dropping out of high school. [Performance Indicator]	Carroll County Public Schools' FFY 2009 data for this indicator is 2.72%. This met the State's target of 3.54%.	Carroll County Public Schools met the State's target for this indicator. MSDE looks forward to Carroll County Public Schools' FFY 2010 data demonstrating improvement.
4A. 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 2009 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 Public Schools met 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 Carroll County Public Schools' FFY 2010 data continuing to meet the State's target.

Carroll County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>4B. Percent of districts that have (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator]</p>	<p>Carroll County Public Schools' FFY 2009 ratio for multiple suspensions summing to greater than 10 days is 0.00, and for single event suspensions is 0.00, when compared by race or ethnicity. The State's target for both multiple and single event suspensions when compared by race or ethnicity is 0.00 – 1.49.</p>	<p>Carroll County Public Schools met the State's target for multiple suspensions summing to greater than 10 days and met the State's target for single event suspensions to greater than 10 days when compared by race or ethnicity.</p> <p>MSDE looks forward to Carroll County Public Schools' FFY 2010 data continuing to meet the State's target.</p>
<p>5. (LRE) 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 2009 data for this indicator is 74.68%. This met the State's target of 61.61% for FFY 2009.</p> <p>B. Carroll County Public Schools' FFY 2009 data for this indicator is 8.21%. This met the State's target of 15.86 % for FFY 2009.</p> <p>C. Carroll County Public Schools' FFY 2009 data for this indicator is 5.31%. This met the State's target of 6.67% for</p>	<p>Carroll County Public Schools' data met the State's targets for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to Carroll County Public Schools' FFY 2010 data meeting each of the State's LRE targets.</p>

Carroll County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7A. Percent of preschool children with IEPs who demonstrate positive social-emotional skills (including social relationships).</p> <p>A.1. Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>A.2. Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>FFY 2009.</p> <p>A.1. Carroll County Public Schools' FFY 2009 data for this indicator is 100%. This met the State's target of 65.3 % for FFY 2009.</p> <p>A.2. Carroll County Public Schools' FFY 2009 data for this indicator is 100%. This met the State's target of 70.5% for FFY 2009.</p>	<p>Carroll County Public Schools met the State's target for increasing the rate of growth for preschool children exiting the program (A.1); and, met the State's target for preschool children functioning within age-expectations, by the time of exit (A.2).</p> <p>MSDE looks forward to Carroll County Public Schools' FFY 2010 data exceeding each of the State's preschool social-emotional targets.</p>
<p>7B. Percent of preschool children with IEPs who demonstrate improved acquisition and use of knowledge and skills (including early language/communication and early literacy).</p> <p>B.1. Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>B.2. Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>B.1. Carroll County Public Schools' FFY 2009 data for this indicator is 100%. This met the State's target of 65.6 % for FFY 2009.</p> <p>B.2. Carroll County Public Schools' FFY 2009 data for this indicator is 100%. This met the State's target of 56.3% for FFY 2009.</p>	<p>Carroll County Public Schools met the State's target for increasing the rate of growth for preschool children exiting the program (B.1); and, met the State's target for preschool children functioning within age-expectations by the time of exit (B.2).</p> <p>MSDE looks forward to Carroll County Public Schools' FFY 2010 data exceeding each of the State's preschool language/communication/ early literacy targets.</p>

Carroll County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7C: Percent of preschool children with IEPs who demonstrate improved use of appropriate behaviors to meet their needs.</p> <p>C.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>C.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>C.1. Carroll County Public Schools' FFY 2009 data for this indicator is 100%. This met the State's target of 59.7 % for FFY 2009.</p> <p>C.2. Carroll County Public Schools' FFY 2009 data for this indicator is 100%. This met the State's target of 63.2% for FFY 2009.</p>	<p>Carroll County Public Schools met the State's target for increasing the rate of growth for preschool children exiting the program (C.1); and, met the State's target for preschool children functioning within age-expectations by the time of exit (C.2).</p> <p>MSDE looks forward to Carroll County Public Schools' FFY 2010 data exceeding each of the State's preschool behavioral targets.</p>
Monitoring Priority: Disproportionate Representation		
<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 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>
<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>Carroll County Public Schools' FFY 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>

Carroll County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
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>Carroll County Public Schools' FFY 2009 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 MSDE looks forward to Carroll County Public Schools' FFY 2010 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. [Compliance Indicator]</p>	<p>Carroll County Public Schools' FFY 2009 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. MSDE looks forward to Carroll County Public Schools' FFY 2010 data maintaining 100% compliance.</p>
<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>Carroll County Public Schools' FFY 2009 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. MSDE looks forward to Carroll County Public Schools' FFY 2010 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>Carroll County Public Schools had no corrective actions due in FFY 2009.</p>	<p>Carroll County Public Schools had no findings of noncompliance identified by MSDE that were due for correction in FFY 2009. MSDE requires all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p>

Carroll County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	Carroll County Public Schools submitted required 618 data in a timely and accurate manner.	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 2009. MSDE requires Carroll County Public Schools' submission of required data to be timely and accurate.

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2009 (reporting period July 1, 2009 – June 30, 2010)

		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 2009 (July 1, 2009 – June 30, 2010) 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 2009 (July 1, 2009 – June 30, 2010) 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.

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 70.05% (Leaver) 53.13% (4 yr Cohort) 59.53% (5 yr Cohort)
2	Dropout	The dropout rate of students with IEPs will be 3.00% or less.	Not Met – 4.41%
3A	Student Achievement - AYP	50% of the State's local school systems will meet AYP for the subgroup of students with disabilities.	Not Met – 24% (6 of 25 LSS)
3B	Student Achievement - Participation	95% of students with disabilities will participate in the Statewide assessment system.	Met – 99.17% for Math; and 99.22% 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
4A	Suspension and Expulsion	≤ three (3) or 12.5% 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.	Not Met – 16.7% (4 of 24 LSS)
4B	Suspension and Expulsion (race/ ethnicity)	0% of districts will have: a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Not Met – 4.1% (1 of 24 LSS)
5A	LRE 21%	≥61.61% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day.	Met – 64.80%

Part B

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

Indicator	Description	SPP Target	Met/Not Met	
5B	LRE - 60%	≤ 15.86% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day;	Met – 14.55%	
5C	LRE – Separate Schools	≤ 7.37% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements.	Met – 7.33%	
6	Preschool LRE		Not Reported	
7A	Preschool Outcomes	Positive social-emotional skills (including social relationships)	64.4% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited.	64.9% 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)	65.3% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited.	52.7% 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.	60.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time exited.	62.1% of children participating in Part B preschool were functioning within age expectations by the time they exited the program.

FFY 2009 SFY 2010 (2009-2010)

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	37% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results.	Met – 43%
8B	Parent Involvement - School Age	32% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results	Met – 37%
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 – 94.03%
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)	Met – 100%
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 – 86.1%

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	82% of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Met – 82%
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 – 99.57%
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)	Met – 100%
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement.	Met – 70.20%
19	Mediations	Maintain 75 – 85% rate of mediations that result in mediation agreements.	Not Met – 74.3%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates. (Compliance)	Met – 100%

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2009 (SFY 2010 – Reporting Period July 1, 2009 – June 30, 2010)

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 2011.

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, 2011. 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 Survey – Know their rights
- 4b. Family Survey – Effectively communicate their children's needs
- 4c. Family Survey – Help their children develop and learn
5. Child Find 0-1
6. Child Find 0-3
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.

Part B Local Determination Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. 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 IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

- A. The Department¹ is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.
- B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.
- C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.
- D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:
 - (1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

¹ Department means the Maryland State Department of Education (MSDE).

- (2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.

E If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:

- (1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
- (2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
- (3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
- (4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
- (5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
- (6) Assign Department staff on-site to assist in the completion of the corrective actions; and
- (7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

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

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

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

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

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

Needs Substantial Intervention

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

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

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

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

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410 767-7548
3	Karla Marty	410 767-7548
4	Nancy FitzGerald	410 767-0848
5	Sandi Marx	410 767-0848
6 ,7 & 12	Nancy Vorobey	410 767-0557
8	Pat Shamer	410 767-0848
9 & 10	Nancy FitzGerald	410 767-0848
11	Ned Featherston	410 767-0848
13 & 14	Tom Barkley	410 767-7548
15	QAM Liaison (see below)	
	Martha Roulette Arthur	410 767-0255
16 - 19	Dori Wilson	410 767-7770
20	Ned Featherston	410 767-0848
LSS/PA	QAM Liaison Contact	Phone Number
Allegany	Nancy FitzGerald	410 767-0848
Anne Arundel	Sandi Marx	410 767-0848
Baltimore City	Bonnie Preis	410 767-0848
Baltimore	Nancy FitzGerald	410 767-0848
Calvert	Sandi Marx	410 767-0848
Caroline	Nancy FitzGerald	410 767-0848
Carroll	Bonnie Preis	410 767-0848
Cecil	Bonnie Preis	410 767-0848
Charles	Sandi Marx	410 767-0848
Dorchester	Nancy FitzGerald	410 767-0848
Frederick	Bonnie Preis	410 767-0848
Garrett	Nancy FitzGerald	410 767-0848
Harford	Bonnie Preis	410 767-0848
Howard	Nancy FitzGerald	410 767-0848
Kent	Nancy FitzGerald	410 767-0848
Montgomery	Nancy FitzGerald	410 767-0848
Prince George's	Bonnie Preis	410 767-0848
Queen Anne's	Nancy FitzGerald	410 767-0848
St. Mary's	Sandi Marx	410 767-0848
Somerset	Sandi Marx	410 767-0848
Talbot	Sandi Marx	410 767-0848
Washington	Bonnie Preis	410 767-0848
Wicomico	Sandi Marx	410 767-0848
Worcester	Sandi Marx	410 767-0848



Nancy S. Grasmick
State Superintendent of Schools

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

May 3, 2011

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

Dear Dr. Devine:

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 annually reviews each state's SPP and Annual Performance Report (APR). 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) 2009 [State Fiscal Year (SFY) 2010 (2009-2010 School Year)] Part B in early June 2011. 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 2009. 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 2009 data, as well as information obtained through monitoring and complaint investigations, the Cecil County Public Schools (CCPS) has been determined to be **Meets Requirements**.

Dr. D'Ette W. Devine
May 3, 2011
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
Sarah Farr
Branch/Section Chiefs

Cecil County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

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 2009 data for this indicator is 58.56%. This is below the State's target of 85.50%.	Cecil County Public Schools' data did not meet the State's target. MSDE looks forward to Cecil County Public Schools' FFY 2010 data demonstrating improvement.
2. Percent of youth with IEPs dropping out of high school. [Performance Indicator]	Cecil County Public Schools' FFY 2009 data for this indicator is 6.79%. This did not meet the State's target of 3.54%.	Cecil County Public Schools did not meet the State's target for this indicator. MSDE looks forward to Cecil County Public Schools' FFY 2010 data demonstrating improvement.
4A. 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 2009 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 Public Schools met 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 Cecil County Public Schools' FFY 2010 data continuing to meet the State's target.

Cecil County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>4B. Percent of districts that have (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator]</p>	<p>Cecil County Public Schools' FFY 2009 ratio for multiple suspensions summing to greater than 10 days is 0.00, and for single event suspensions is 0.00, when compared by race or ethnicity. The State's target for both multiple and single event suspensions when compared by race or ethnicity is 0.00 – 1.49.</p>	<p>Cecil County Public Schools met the State's target for multiple suspensions summing to greater than 10 days and met the State's target for single event suspensions to greater than 10 days when compared by race or ethnicity. MSDE looks forward to Cecil County Public Schools' FFY 2010 data continuing to meet the State's target.</p>
<p>5. (LRE) 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 2009 data for this indicator is 90.24%. This met the State's target of 61.61% for FFY 2009.</p> <p>B. Cecil County Public Schools' FFY 2009 data for this indicator is 2.16%. This met the State's target of 15.86 % for FFY 2009.</p> <p>C. Cecil County Public Schools' FFY 2009 data for this indicator is 4.16%. This met the State's target of 6.67% for</p>	<p>Cecil County Public Schools' data met the State's targets for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to Cecil County Public Schools' FFY 2010 data meeting each of the State's LRE targets.</p>

Cecil County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7A. Percent of preschool children with IEPs who demonstrate positive social-emotional skills (including social relationships).</p> <p>A.1. Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>A.2. Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>FFY 2009.</p> <p>A.1. Cecil County Public Schools' FFY 2009 data for this indicator is 61.7%. This did not meet the State's target of 65.3 % for FFY 2009.</p> <p>A.2. Cecil County Public Schools' FFY 2009 data for this indicator is 56.7%. This did not meet the State's target of 70.5% for FFY 2009.</p>	<p>Cecil County Public Schools did not meet the State's target for increasing the rate of growth for preschool children exiting the program (A.1); and did not meet the State's target for preschool children functioning within age-expectations, by the time of exit (A.2).</p> <p>MSDE looks forward to Cecil County Public Schools' FFY 2010 data meeting each of the State's preschool social-emotional targets.</p>
<p>7B. Percent of preschool children with IEPs who demonstrate improved acquisition and use of knowledge and skills (including early language/communication and early literacy).</p> <p>B.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>B.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>B.1. Cecil County Public Schools' FFY 2009 data for this indicator is 52.7%. This did not meet the State's target of 65.6 % for FFY 2009.</p> <p>B.2. Cecil County Public Schools' FFY 2009 data for this indicator is 43.3%. This did not meet the State's target of 56.3% for FFY 2009.</p>	<p>Cecil County Public Schools did not meet the State's target for increasing the rate of growth for preschool children exiting the program (B.1); and, did not meet the State's target for preschool children functioning within age-expectations by the time of exit (B.2).</p> <p>MSDE looks forward to Cecil County Public Schools' FFY 2010 data meeting each of the State's preschool language/communication/ early literacy targets.</p>

Cecil County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7C: Percent of preschool children with IEPs who demonstrate improved use of appropriate behaviors to meet their needs.</p> <p>C.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>C.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>C.1. Cecil County Public Schools' FFY 2009 data for this indicator is 53.8%. This did not meet the State's target of 59.7 % for FFY 2009.</p> <p>C.2. Cecil County Public Schools' FFY 2009 data for this indicator is 47.8%. This did not meet the State's target of 63.2% for FFY 2009.</p>	<p>Cecil County Public Schools did not meet the State's target for increasing the rate of growth for preschool children exiting the program (C.1); and, did not meet the State's target for preschool children functioning within age-expectations by the time of exit (C.2).</p> <p>MSDE looks forward to Cecil County Public Schools' FFY 2010 data meeting each of the State's preschool behavioral targets.</p>
Monitoring Priority: Disproportionate Representation		
<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 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>
<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 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>

Cecil County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
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>Cecil County Public Schools' FFY 2009 data for this indicator is 97.65%. 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 MSDE looks forward to Cecil County Public Schools' FFY 2010 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>Cecil County Public Schools' FFY 2009 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. MSDE looks forward to Cecil County Public Schools' FFY 2010 data maintaining 100% compliance.</p>
<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>Cecil County Public Schools' FFY 2009 data for this indicator is 44.0%. 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. MSDE looks forward to Cecil County Public Schools' FFY 2010 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>Cecil County Public Schools had no corrective actions due in FFY 2009.</p>	<p>Cecil County Public Schools had no findings of noncompliance identified by MSDE that were due for correction in FFY 2009. MSDE requires all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p>

Cecil County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	Cecil County Public Schools submitted required 618 data in a timely and accurate manner.	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 2009. MSDE requires Cecil County Public Schools' submission of required data to be timely and accurate.

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2009 (reporting period July 1, 2009 – June 30, 2010)

		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 2009 (July 1, 2009 – June 30, 2010) 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 2009 (July 1, 2009 – June 30, 2010) 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.

FFY 2009 SFY 2010 (2009-2010)

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 70.05% (Leaver) 53.13% (4 yr Cohort) 59.53% (5 yr Cohort)
2	Dropout	The dropout rate of students with IEPs will be 3.00% or less.	Not Met – 4.41%
3A	Student Achievement - AYP	50% of the State's local school systems will meet AYP for the subgroup of students with disabilities.	Not Met – 24% (6 of 25 LSS)
3B	Student Achievement - Participation	95% of students with disabilities will participate in the Statewide assessment system.	Met – 99.17% for Math; and 99.22% 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
4A	Suspension and Expulsion	≤ three (3) or 12.5% 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.	Not Met – 16.7% (4 of 24 LSS)
4B	Suspension and Expulsion (race/ ethnicity)	0% of districts will have: a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Not Met – 4.1% (1 of 24 LSS)
5A	LRE 21%	≥61.61% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day.	Met – 64.80%

FFY 2009 SFY 2010 (2009-2010)

Part B

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

Indicator	Description	SPP Target	Met/Not Met	
5B	LRE - 60%	≤ 15.86% of students with disabilities, ages 6-21, are served inside the regular class less than 40% of the day;	Met – 14.55%	
5C	LRE – Separate Schools	≤ 7.37% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements.	Met – 7.33%	
6	Preschool LRE		Not Reported	
7A	Preschool Outcomes	Positive social-emotional skills (including social relationships)	64.4% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited.	64.9% 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)	65.3% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited.	52.7% 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.	60.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time exited.	62.1% of children participating in Part B preschool were functioning within age expectations by the time they exited the program.

FFY 2009 SFY 2010 (2009-2010)

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	37% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results.	Met – 43%
8B	Parent Involvement - School Age	32% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results	Met – 37%
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 – 94.03%
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)	Met – 100%
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 – 86.1%

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	82% of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Met – 82%
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 – 99.57%
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)	Met – 100%
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement.	Met – 70.20%
19	Mediations	Maintain 75 – 85% rate of mediations that result in mediation agreements.	Not Met – 74.3%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates. (Compliance)	Met – 100%

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2009 (SFY 2010 – Reporting Period July 1, 2009 – June 30, 2010)

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 2011.

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, 2011. 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 Survey – Know their rights
- 4b. Family Survey – Effectively communicate their children's needs
- 4c. Family Survey – Help their children develop and learn
5. Child Find 0-1
6. Child Find 0-3
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.

Part B Local Determination Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. 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 IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

- A. The Department¹ is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.
- B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.
- C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.
- D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:
 - (1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

¹ Department means the Maryland State Department of Education (MSDE).

- (2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.
- E If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:
- (1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
 - (2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
 - (3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
 - (4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
 - (5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
 - (6) Assign Department staff on-site to assist in the completion of the corrective actions; and
 - (7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.
- F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

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

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

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

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

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

Needs Substantial Intervention

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

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

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

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

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410 767-7548
3	Karla Marty	410 767-7548
4	Nancy FitzGerald	410 767-0848
5	Sandi Marx	410 767-0848
6,7 & 12	Nancy Vorobey	410 767-0557
8	Pat Shamer	410 767-0848
9 & 10	Nancy FitzGerald	410 767-0848
11	Ned Featherston	410 767-0848
13 & 14	Tom Barkley	410 767-7548
15	QAM Liaison (see below)	
	Martha Roulette Arthur	410 767-0255
16 - 19	Dori Wilson	410 767-7770
20	Ned Featherston	410 767-0848
LSS/PA	QAM Liaison Contact	Phone Number
Allegany	Nancy FitzGerald	410 767-0848
Anne Arundel	Sandi Marx	410 767-0848
Baltimore City	Bonnie Preis	410 767-0848
Baltimore	Nancy FitzGerald	410 767-0848
Calvert	Sandi Marx	410 767-0848
Caroline	Nancy FitzGerald	410 767-0848
Carroll	Bonnie Preis	410 767-0848
Cecil	Bonnie Preis	410 767-0848
Charles	Sandi Marx	410 767-0848
Dorchester	Nancy FitzGerald	410 767-0848
Frederick	Bonnie Preis	410 767-0848
Garrett	Nancy FitzGerald	410 767-0848
Harford	Bonnie Preis	410 767-0848
Howard	Nancy FitzGerald	410 767-0848
Kent	Nancy FitzGerald	410 767-0848
Montgomery	Nancy FitzGerald	410 767-0848
Prince George's	Bonnie Preis	410 767-0848
Queen Anne's	Nancy FitzGerald	410 767-0848
St. Mary's	Sandi Marx	410 767-0848
Somerset	Sandi Marx	410 767-0848
Talbot	Sandi Marx	410 767-0848
Washington	Bonnie Preis	410 767-0848
Wicomico	Sandi Marx	410 767-0848
Worcester	Sandi Marx	410 767-0848



Nancy S. Grasmick
State Superintendent of Schools

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

May 3, 2011

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 annually reviews each state's SPP and Annual Performance Report (APR). 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) 2009 [State Fiscal Year (SFY) 2010 (2009-2010 School Year)] Part B in early June 2011. 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 2009. 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 2009 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 3, 2011
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:

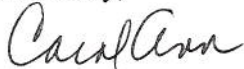
- Part B Local Determination Table; and
- Part B Local Determination Framework for Technical Assistance and Intervention.

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 Sotomayor
Branch/Section Chiefs

Charles County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

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 2009 data for this indicator is 78.62%. This is below the State's target of 85.50%.	Charles County Public Schools' data did not meet the State's target. MSDE looks forward to Charles County Public Schools' FFY 2010 data demonstrating improvement.
2. Percent of youth with IEPs dropping out of high school. [Performance Indicator]	Charles County Public Schools' FFY 2009 data for this indicator is 2.98%. This met the State's target of 3.54%.	Charles County Public Schools met the State's target for this indicator. MSDE looks forward to Charles County Public Schools' FFY 2010 data demonstrating improvement.
4A. 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 2009 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.	Charles County Public Schools met 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 Charles County Public Schools' FFY 2010 data continuing to meet the State's target.

Charles County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>4B. Percent of districts that have (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator]</p>	<p>Charles County Public Schools' FFY 2009 ratio for multiple suspensions summing to greater than 10 days is 0.00, and for single event suspensions is 0.00, when compared by race or ethnicity. The State's target for both multiple and single event suspensions when compared by race or ethnicity is 0.00 – 1.49.</p>	<p>Charles County Public Schools met the State's target for multiple suspensions summing to greater than 10 days and met the State's target for single event suspensions of greater than 10 days when compared by race or ethnicity.</p> <p>MSDE looks forward to Charles County Public Schools' FFY 2010 data continuing to meet the State's target.</p>
<p>5. (LRE) 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 2009 data for this indicator is 62.64%. This met the State's target of 61.61% for FFY 2009.</p> <p>B. Charles County Public Schools' FFY 2009 data for this indicator is 17.97%. This did not meet the State's target of 15.86 % for FFY 2009.</p> <p>C. Charles County Public Schools' FFY 2009 data for this indicator is 2.68%. This met the State's target of 6.67% for</p>	<p>Charles County Public Schools' data met the State's targets for Indicators 5A and 5C and did not meet the State's target for Indicator 5B.</p> <p>MSDE looks forward to Charles County Public Schools' FFY 2010 data meeting each of the State's LRE targets.</p>

Charles County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7A. Percent of preschool children with IEPs who demonstrate positive social-emotional skills (including social relationships).</p> <p>A.1. Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>A.2. Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>FFY 2009.</p> <p>A.1. Charles County Public Schools' FFY 2009 data for this indicator is 00.0%. This did not meet the State's target of 65.3 % for FFY 2009.</p> <p>A.2. Charles County Public Schools' FFY 2009 data for this indicator is 100%. This met the State's target of 70.5% for FFY 2009.</p>	<p>Charles County Public Schools did not meet the State's target for increasing the rate of growth for preschool children exiting the program (A.1); and, met the State's target for preschool children functioning within age-expectations, by the time of exit (A.2).</p> <p>MSDE looks forward to Charles County Public Schools' FFY 2010 data meeting each of the State's preschool social-emotional targets.</p>
<p>7B. Percent of preschool children with IEPs who demonstrate improved acquisition and use of knowledge and skills (including early language/communication and early literacy).</p> <p>B.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>B.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>B.1. Charles County Public Schools' FFY 2009 data for this indicator is 00.0%. This did not meet the State's target of 65.6 % for FFY 2009.</p> <p>B.2. Charles County Public Schools' FFY 2009 data for this indicator is 100%. This met the State's target of 56.3% for FFY 2009.</p>	<p>Charles County Public Schools did not meet the State's target for increasing the rate of growth for preschool children exiting the program (B.1); and, met the State's target for preschool children functioning within age-expectations by the time of exit (B.2).</p> <p>MSDE looks forward to Charles County Public Schools' FFY 2010 data meeting each of the State's preschool language/communication/ early literacy targets.</p>

Charles County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7C: Percent of preschool children with IEPs who demonstrate improved use of appropriate behaviors to meet their needs.</p> <p>C.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>C.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>C.1. Charles County Public Schools' FFY 2009 data for this indicator is 0.00%. This did not meet the State's target of 59.7 % for FFY 2009.</p> <p>C.2. Charles County Public Schools' FFY 2009 data for this indicator is 100%. This met the State's target of 63.2% for FFY 2009.</p>	<p>Charles County Public Schools did not meet the State's target for increasing the rate of growth for preschool children exiting the program (C.1); and, met the State's target for preschool children functioning within age-expectations by the time of exit (C.2).</p> <p>MSDE looks forward to Charles County Public Schools' FFY 2010 data meeting each of the State's preschool behavioral targets.</p>
Monitoring Priority: Disproportionate Representation		
<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 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>
<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 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>

Charles County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
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>Charles County Public Schools' FFY 2009 data for this indicator is 99.04%. 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 MSDE looks forward to Charles County Public Schools' FFY 2010 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>Charles County Public Schools' FFY 2009 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. MSDE looks forward to Charles County Public Schools' FFY 2010 data maintaining 100% compliance.</p>
<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>Charles County Public Schools' FFY 2009 data for this indicator is 72.0%. 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. MSDE looks forward to Charles County Public Schools' FFY 2010 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>Charles County Public Schools had 1 corrective action due in FFY 2009.</p>	<p>Charles County Public Schools had 1 finding of noncompliance identified by MSDE that was due for correction in FFY 2009. One finding was corrected within timelines. MSDE requires 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</p>	<p>Charles County Public</p>	<p>Charles County Public Schools' data met the State's target for the timely</p>

Charles County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	Schools submitted required 618 data in a timely and accurate manner.	and accurate submission of required 618 data and other data required by the State for FFY 2009. MSDE requires Charles County Public Schools' submission of required data to be timely and accurate.

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2009 (reporting period July 1, 2009 – June 30, 2010)

		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	

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 2009 (July 1, 2009 – June 30, 2010) 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 2009 (July 1, 2009 – June 30, 2010) 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.

FFY 2009 SFY 2010 (2009-2010)

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 70.05% (Leaver) 53.13% (4 yr Cohort) 59.53% (5 yr Cohort)
2	Dropout	The dropout rate of students with IEPs will be 3.00% or less.	Not Met – 4.41%
3A	Student Achievement - AYP	50% of the State's local school systems will meet AYP for the subgroup of students with disabilities.	Not Met – 24% (6 of 25 LSS)
3B	Student Achievement - Participation	95% of students with disabilities will participate in the Statewide assessment system.	Met – 99.17% for Math; and 99.22% 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
4A	Suspension and Expulsion	≤ three (3) or 12.5% 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.	Not Met – 16.7% (4 of 24 LSS)
4B	Suspension and Expulsion (race/ ethnicity)	0% of districts will have: a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Not Met – 4.1% (1 of 24 LSS)
5A	LRE 21%	≥61.61% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day.	Met – 64.80%

Part B

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

Indicator	Description	SPP Target	Met/Not Met	
5B	LRE - 60%	≤ 15.86% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day;	Met – 14.55%	
5C	LRE – Separate Schools	≤ 7.37% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements.	Met – 7.33%	
6	Preschool LRE		Not Reported	
7A	Preschool Outcomes	Positive social-emotional skills (including social relationships)	64.4% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited.	64.9% 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)	65.3% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited.	52.7% 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.	60.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time exited.	62.1% of children participating in Part B preschool were functioning within age expectations by the time they exited the program.

FFY 2009 SFY 2010 (2009-2010)

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	37% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results.	Met – 43%
8B	Parent Involvement - School Age	32% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results	Met – 37%
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 – 94.03%
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)	Met – 100%
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 – 86.1%

FFY 2009 SFY 2010 (2009-2010)

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	82% of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Met – 82%
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 – 99.57%
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)	Met – 100%
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement.	Met – 70.20%
19	Mediations	Maintain 75 – 85% rate of mediations that result in mediation agreements.	Not Met – 74.3%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates. (Compliance)	Met – 100%

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2009 (SFY 2010 – Reporting Period July 1, 2009 – June 30, 2010)

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 2011.

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, 2011. 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 Survey – Know their rights
 - 4b. Family Survey – Effectively communicate their children's needs
 - 4c. Family Survey – Help their children develop and learn
5. Child Find 0-1
6. Child Find 0-3
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 agency's 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.

Part B Local Determination Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. 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 IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

- A. The Department¹ is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.
- B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.
- C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.
- D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:
 - (1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

¹ Department means the Maryland State Department of Education (MSDE).

- (2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.

- E If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:
- (1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
 - (2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
 - (3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
 - (4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
 - (5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
 - (6) Assign Department staff on-site to assist in the completion of the corrective actions; and
 - (7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.
- F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

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

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

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

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

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

Needs Substantial Intervention

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

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

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

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

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410 767-7548
3	Karla Marty	410 767-7548
4	Nancy FitzGerald	410 767-0848
5	Sandi Marx	410 767-0848
6 ,7 & 12	Nancy Vorobey	410 767-0557
8	Pat Shamer	410 767-0848
9 & 10	Nancy FitzGerald	410 767-0848
11	Ned Featherston	410 767-0848
13 & 14	Tom Barkley	410 767-7548
15	QAM Liaison (see below)	
	Martha Roulette Arthur	410 767-0255
16 - 19	Dori Wilson	410 767-7770
20	Ned Featherston	410 767-0848
LSS/PA	QAM Liaison Contact	Phone Number
Allegany	Nancy FitzGerald	410 767-0848
Anne Arundel	Sandi Marx	410 767-0848
Baltimore City	Bonnie Preis	410 767-0848
Baltimore	Nancy FitzGerald	410 767-0848
Calvert	Sandi Marx	410 767-0848
Caroline	Nancy FitzGerald	410 767-0848
Carroll	Bonnie Preis	410 767-0848
Cecil	Bonnie Preis	410 767-0848
Charles	Sandi Marx	410 767-0848
Dorchester	Nancy FitzGerald	410 767-0848
Frederick	Bonnie Preis	410 767-0848
Garrett	Nancy FitzGerald	410 767-0848
Harford	Bonnie Preis	410 767-0848
Howard	Nancy FitzGerald	410 767-0848
Kent	Nancy FitzGerald	410 767-0848
Montgomery	Nancy FitzGerald	410 767-0848
Prince George's	Bonnie Preis	410 767-0848
Queen Anne's	Nancy FitzGerald	410 767-0848
St. Mary's	Sandi Marx	410 767-0848
Somerset	Sandi Marx	410 767-0848
Talbot	Sandi Marx	410 767-0848
Washington	Bonnie Preis	410 767-0848
Wicomico	Sandi Marx	410 767-0848
Worcester	Sandi Marx	410 767-0848



Nancy S. Grasmick
State Superintendent of Schools

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

May 3, 2011

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

Dear Mr. Wagner:

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 annually reviews each state's SPP and Annual Performance Report (APR). 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) 2009 [State Fiscal Year (SFY) 2010 (2009-2010 School Year)] Part B in early June 2011. 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 2009. 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 2009 data, as well as information obtained through monitoring and complaint investigations, the Dorchester County Public Schools (DCPS) has been determined to be **Meets Requirements**.

Mr. Henry V. Wagner, Jr.
May 3, 2011
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
Attachments

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

Dorchester County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

4

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 2009 data for this indicator is 80.56%. This is below the State's target of 85.50%.	Dorchester County Public Schools' data did not meet the State's target. MSDE looks forward to Dorchester County Public Schools' FFY 2010 data demonstrating improvement.
2. Percent of youth with IEPs dropping out of high school. [Performance Indicator]	Dorchester County Public Schools' FFY 2009 data for this indicator is 0.00%. This met the State's target of 3.54%.	Dorchester County Public Schools met the State's target for this indicator. MSDE looks forward to Dorchester County Public Schools' FFY 2010 data demonstrating improvement.
4A. 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 2009 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 Public Schools met 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 Dorchester County Public Schools' FFY 2010 data continuing to meet the State's target.

Dorchester County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>4B. Percent of districts that have (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator]</p>	<p>Dorchester County Public Schools' FFY 2009 ratio for multiple suspensions summing to greater than 10 days is 0.00, and for single event suspensions is 0.00, when compared by race or ethnicity. The State's target for both multiple and single event suspensions when compared by race or ethnicity is 0.00 – 1.49.</p>	<p>Dorchester County Public Schools met the State's target for multiple suspensions summing to greater than 10 days and met the State's target for single event suspensions to greater than 10 days when compared by race or ethnicity.</p> <p>MSDE looks forward to Dorchester County Public Schools' FFY 2010 data continuing to meet the State's target.</p>
<p>5. (LRE) 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 2009 data for this indicator is 71.64%. This met the State's target of 61.61% for FFY 2009.</p> <p>B. Dorchester County Public Schools' FFY 2009 data for this indicator is 3.98%. This met the State's target of 15.86 % for FFY 2009.</p> <p>C. Dorchester County Public Schools' FFY 2009 data for this indicator is 1.74%. This met the State's target of 6.67% for</p>	<p>Dorchester County Public Schools' data met the State's targets for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to Dorchester County Public Schools' FFY 2010 data meeting each of the State's LRE targets.</p>

Dorchester County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7A. Percent of preschool children with IEPs who demonstrate positive social-emotional skills (including social relationships).</p> <p>A.1. Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>A.2. Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>FFY 2009.</p> <p>A.1. Dorchester County Public Schools' FFY 2009 data for this indicator is 0.0%. This did not meet the State's target of 65.3 % for FFY 2009.</p> <p>A.2. Dorchester County Public Schools' FFY 2009 data for this indicator is 0.0%. This did not meet the State's target of 70.5% for FFY 2009.</p>	<p>Dorchester County Public Schools did not meet the State's target for increasing the rate of growth for preschool children exiting the program (A.1); and, did not meet the State's target for preschool children functioning within age-expectations, by the time of exit (A.2).</p> <p>MSDE looks forward to Dorchester County Public Schools' FFY 2010 data meeting each of the State's preschool social-emotional targets.</p>
<p>7B. Percent of preschool children with IEPs who demonstrate improved acquisition and use of knowledge and skills (including early language/communication and early literacy).</p> <p>B.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>B.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>B.1. Dorchester County Public Schools' FFY 2009 data for this indicator is 0.0%. This did not meet the State's target of 65.6 % for FFY 2009.</p> <p>B.2. Dorchester County Public Schools' FFY 2009 data for this indicator is 0.0%. This did not meet the State's target of 56.3% for FFY 2009.</p>	<p>Dorchester County Public Schools did not meet the State's target for increasing the rate of growth for preschool children exiting the program (B.1); and, did not meet the State's target for preschool children functioning within age-expectations by the time of exit (B.2).</p> <p>MSDE looks forward to Dorchester County Public Schools' FFY 2010 data meeting each of the State's preschool language/communication/ early literacy targets.</p>

Dorchester County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7C: Percent of preschool children with IEPs who demonstrate improved use of appropriate behaviors to meet their needs.</p> <p>C.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>C.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>C.1. Dorchester County Public Schools' FFY 2009 data for this indicator is 0.00%. This did not meet the State's target of 59.7 % for FFY 2009.</p> <p>C.2. Dorchester County Public Schools' FFY 2009 data for this indicator is 0.0%. This did not meet the State's target of 63.2% for FFY 2009.</p>	<p>Dorchester County Public Schools did not meet the State's target for increasing the rate of growth for preschool children exiting the program (C.1); and, did not meet the State's target for preschool children functioning within age-expectations by the time of exit (C.2).</p> <p>MSDE looks forward to Dorchester County Public Schools' FFY 2010 data meeting each of the State's preschool behavioral targets.</p>
Monitoring Priority: Disproportionate Representation		
<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 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>
<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>Dorchester County Public Schools' FFY 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>

Dorchester County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
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 2009 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 2010 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. [Compliance Indicator]</p>	<p>Dorchester County Public Schools' FFY 2009 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 2010 data maintaining 100% compliance.</p>
<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 2009 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 2010 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 one corrective action due in FFY 2009.</p>	<p>Dorchester County Public Schools had one finding of noncompliance identified by MSDE that was due for correction in FFY 2009. One finding was corrected within timelines. MSDE requires all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p>

Dorchester County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	Dorchester County Public Schools submitted required 618 data in a timely and accurate manner.	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 2009. MSDE requires Dorchester County Public Schools' submission of required data to be timely and accurate.

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2009 (reporting period July 1, 2009 – June 30, 2010)

		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 2009 (July 1, 2009 – June 30, 2010) 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 2009 (July 1, 2009 – June 30, 2010) 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.

FFY 2009 SFY 2010 (2009-2010)

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 70.05% (Leaver) 53.13% (4 yr Cohort) 59.53% (5 yr Cohort)
2	Dropout	The dropout rate of students with IEPs will be 3.00% or less.	Not Met – 4.41%
3A	Student Achievement - AYP	50% of the State's local school systems will meet AYP for the subgroup of students with disabilities.	Not Met – 24% (6 of 25 LSS)
3B	Student Achievement - Participation	95% of students with disabilities will participate in the Statewide assessment system.	Met – 99.17% for Math; and 99.22% 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
4A	Suspension and Expulsion	≤ three (3) or 12.5% 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.	Not Met – 16.7% (4 of 24 LSS)
4B	Suspension and Expulsion (race/ ethnicity)	0% of districts will have: a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Not Met – 4.1% (1 of 24 LSS)
5A	LRE 21%	≥61.61% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day.	Met – 64.80%

FFY 2009 SFY 2010 (2009-2010)

Part B

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

Indicator Performance At-A-Glance

Indicator	Description	SPP Target	Met/Not Met	
5B	LRE - 60%	≤ 15.86% of students with disabilities, ages 6-21, are served inside the regular class less than 40% of the day;	Met – 14.55%	
5C	LRE – Separate Schools	≤ 7.37% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements.	Met – 7.33%	
6	Preschool LRE		Not Reported	
7A	Preschool Outcomes	Positive social-emotional skills (including social relationships)	64.4% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited.	64.9% 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)	65.3% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited.	52.7% 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.	60.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time exited.	62.1% of children participating in Part B preschool were functioning within age expectations by the time they exited the program.

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	37% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results.	Met – 43%
8B	Parent Involvement - School Age	32% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results	Met – 37%
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 – 94.03%
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)	Met – 100%
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 – 86.1%

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	82% of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Met – 82%
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 – 99.57%
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)	Met – 100%
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement.	Met – 70.20%
19	Mediations	Maintain 75 – 85% rate of mediations that result in mediation agreements.	Not Met – 74.3%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates. (Compliance)	Met – 100%

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2009 (SFY 2010 – Reporting Period July 1, 2009 – June 30, 2010)

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 2011.

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, 2011. 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 Survey – Know their rights
- 4b. Family Survey – Effectively communicate their children's needs
- 4c. Family Survey – Help their children develop and learn
5. Child Find 0-1
6. Child Find 0-3
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.

Part B Local Determination Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. 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 IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

- A. The Department¹ is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.
- B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.
- C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.
- D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:
 - (1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action;
and

¹ Department means the Maryland State Department of Education (MSDE).

- (2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.
- E If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:
- (1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
 - (2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
 - (3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
 - (4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
 - (5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
 - (6) Assign Department staff on-site to assist in the completion of the corrective actions; and
 - (7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.
- F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

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

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

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

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

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

Needs Substantial Intervention

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

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

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

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

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410 767-7548
3	Karla Marty	410 767-7548
4	Nancy FitzGerald	410 767-0848
5	Sandi Marx	410 767-0848
6,7 & 12	Nancy Vorobey	410 767-0557
8	Pat Shamer	410 767-0848
9 & 10	Nancy FitzGerald	410 767-0848
11	Ned Featherston	410 767-0848
13 & 14	Tom Barkley	410 767-7548
15	QAM Liaison (see below)	
	Martha Roulette Arthur	410 767-0255
16 - 19	Dori Wilson	410 767-7770
20	Ned Featherston	410 767-0848
LSS/PA	QAM Liaison Contact	Phone Number
Allegany	Nancy FitzGerald	410 767-0848
Anne Arundel	Sandi Marx	410 767-0848
Baltimore City	Bonnie Preis	410 767-0848
Baltimore	Nancy FitzGerald	410 767-0848
Calvert	Sandi Marx	410 767-0848
Caroline	Nancy FitzGerald	410 767-0848
Carroll	Bonnie Preis	410 767-0848
Cecil	Bonnie Preis	410 767-0848
Charles	Sandi Marx	410 767-0848
Dorchester	Nancy FitzGerald	410 767-0848
Frederick	Bonnie Preis	410 767-0848
Garrett	Nancy FitzGerald	410 767-0848
Harford	Bonnie Preis	410 767-0848
Howard	Nancy FitzGerald	410 767-0848
Kent	Nancy FitzGerald	410 767-0848
Montgomery	Nancy FitzGerald	410 767-0848
Prince George's	Bonnie Preis	410 767-0848
Queen Anne's	Nancy FitzGerald	410 767-0848
St. Mary's	Sandi Marx	410 767-0848
Somerset	Sandi Marx	410 767-0848
Talbot	Sandi Marx	410 767-0848
Washington	Bonnie Preis	410 767-0848
Wicomico	Sandi Marx	410 767-0848
Worcester	Sandi Marx	410 767-0848



Nancy S. Grasmick
State Superintendent of Schools

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

May 3, 2011

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 annually reviews each state's SPP and Annual Performance Report (APR). 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) 2009 [State Fiscal Year (SFY) 2010 (2009-2010 School Year)] Part B in early June 2011. 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 2009. 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 2009 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 3, 2011
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:

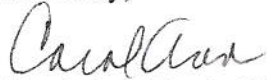
- Part B Local Determination Table; and
- Part B Local Determination Framework for Technical Assistance and Intervention.

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
Attachments

c: Nancy S. Grasmick
Daniel Martz
Branch/Section Chiefs

Frederick County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

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 2009 data for this indicator is 93.04%. This is above the State's target of 85.50%.	Frederick County Public Schools' data met the State's target. MSDE looks forward to Frederick County Public Schools' FFY 2010 data demonstrating improvement.
2. Percent of youth with IEPs dropping out of high school. [Performance Indicator]	Frederick County Public Schools' FFY 2009 data for this indicator is 2.21%. This met the State's target of 3.54%.	Frederick County Public Schools met the State's target for this indicator. MSDE looks forward to Frederick County Public Schools' FFY 2010 data demonstrating improvement.
4A. 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 2009 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.	Frederick County Public Schools met 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 Frederick County Public Schools' FFY 2010 data continuing to meet the State's target.

Frederick County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>4B. Percent of districts that have (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator]</p>	<p>Frederick County Public Schools' FFY 2009 ratio for multiple suspensions summing to greater than 10 days is 0.00, and for single event suspensions is 0.00, when compared by race or ethnicity. The State's target for both multiple and single event suspensions when compared by race or ethnicity is 0.00 – 1.49.</p>	<p>Frederick County Public Schools met the State's target for multiple suspensions summing to greater than 10 days and met the State's target for single event suspensions to greater than 10 days when compared by race or ethnicity.</p> <p>MSDE looks forward to Frederick County Public Schools' FFY 2010 data continuing to meet the State's target.</p>
<p>5. (LRE) 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. Frederick County Public Schools' FFY 2009 data for this indicator is 80.33%. This met the State's target of 61.61% for FFY 2009.</p> <p>B. Frederick County Public Schools' FFY 2009 data for this indicator is 6.59%. This met the State's target of 15.86 % for FFY 2009.</p> <p>C. Frederick County Public Schools' FFY 2009 data for this indicator is 4.65%. This met the State's target of 6.67% for</p>	<p>Frederick County Public Schools' data met the State's targets for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to Frederick County Public Schools' FFY 2010 data meeting each of the State's LRE targets.</p>

Frederick County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7A. Percent of preschool children with IEPs who demonstrate positive social-emotional skills (including social relationships).</p> <p>A.1. Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>A.2. Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>FFY 2009.</p> <p>A.1. Frederick County Public Schools' FFY 2009 data for this indicator is 66.7%. This met the State's target of 65.3 % for FFY 2009.</p> <p>A.2. Frederick County Public Schools' FFY 2009 data for this indicator is 73.3%. This met the State's target of 70.5% for FFY 2009.</p>	<p>Frederick County Public Schools met the State's target for increasing the rate of growth for preschool children exiting the program (A.1); and, met the State's target for preschool children functioning within age-expectations, by the time of exit (A.2).</p> <p>MSDE looks forward to Frederick County Public Schools' FFY 2010 data exceeding each of the State's preschool social-emotional targets.</p>
<p>7B. Percent of preschool children with IEPs who demonstrate improved acquisition and use of knowledge and skills (including early language/communication and early literacy).</p> <p>B.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>B.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>B.1. Frederick County Public Schools' FFY 2009 data for this indicator is 73.3%. This met the State's target of 65.6 % for FFY 2009.</p> <p>B.2. Frederick County Public Schools' FFY 2009 data for this indicator is 62.4%. This met the State's target of 56.3% for FFY 2009.</p>	<p>Frederick County Public Schools met the State's target for increasing the rate of growth for preschool children exiting the program (B.1); and, met the State's target for preschool children functioning within age-expectations by the time of exit (B.2).</p> <p>MSDE looks forward to Frederick County Public Schools' FFY 2010 data exceeding each of the State's preschool language/communication/ early literacy targets.</p>

Frederick County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7C: Percent of preschool children with IEPs who demonstrate improved use of appropriate behaviors to meet their needs.</p> <p>C.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>C.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>C.1. Frederick County Public Schools' FFY 2009 data for this indicator is 65.5%. This met the State's target of 59.7 % for FFY 2009.</p> <p>C.2. Frederick County Public Schools' FFY 2009 data for this indicator is 70.8%. This met the State's target of 63.2% for FFY 2009.</p>	<p>Frederick County Public Schools met the State's target for increasing the rate of growth for preschool children exiting the program (C.1); and, met the State's target for preschool children functioning within age-expectations by the time of exit (C.2).</p> <p>MSDE looks forward to Frederick County Public Schools' FFY 2010 data exceeding each of the State's preschool behavioral targets.</p>
Monitoring Priority: Disproportionate Representation		
<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>Frederick County Public Schools' FFY 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>
<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>Frederick County Public Schools' FFY 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>

Frederick County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
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]	Frederick County Public Schools' FFY 2009 data for this indicator is 99.78%. The State's target is 100%.	Frederick County Public Schools' data did not meet the State's target of 100% for this compliance indicator MSDE looks forward to Frederick County Public Schools' FFY 2010 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]	Frederick County Public Schools' FFY 2009 data for this indicator is 100%. The State's target is 100%.	Frederick County Public Schools' data met the State's target of 100% for this compliance indicator. MSDE looks forward to Frederick County Public Schools' FFY 2010 data maintaining 100% compliance.
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]	Frederick County Public Schools' FFY 2009 data for this indicator is 100%. The State's target is 100%.	Frederick County Public Schools' data met the State's target of 100% for this compliance indicator. MSDE looks forward to Frederick County Public Schools' FFY 2010 data maintaining 100% compliance.
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]	Frederick County Public Schools had no corrective actions due in FFY 2009.	Frederick County Public Schools had no findings of noncompliance identified by MSDE that were due for correction in FFY 2009. MSDE requires all identified noncompliance to be corrected as soon as possible but in no case later than one year.

Frederick County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	Frederick County Public Schools submitted required 618 data in a timely and accurate manner.	Frederick 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 2009. MSDE requires Frederick County Public Schools' submission of required data to be timely and accurate.

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2009 (reporting period July 1, 2009 – June 30, 2010)

		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 2009 (July 1, 2009 – June 30, 2010) 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 2009 (July 1, 2009 – June 30, 2010) 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.

FFY 2009 SFY 2010 (2009-2010)

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 70.05% (Leaver) 53.13% (4 yr Cohort) 59.53% (5 yr Cohort)
2	Dropout	The dropout rate of students with IEPs will be 3.00% or less.	Not Met – 4.41%
3A	Student Achievement - AYP	50% of the State's local school systems will meet AYP for the subgroup of students with disabilities.	Not Met – 24% (6 of 25 LSS)
3B	Student Achievement - Participation	95% of students with disabilities will participate in the Statewide assessment system.	Met – 99.17% for Math; and 99.22% 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
4A	Suspension and Expulsion	≤ three (3) or 12.5% 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.	Not Met – 16.7% (4 of 24 LSS)
4B	Suspension and Expulsion (race/ ethnicity)	0% of districts will have: a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Not Met – 4.1% (1 of 24 LSS)
5A	LRE 21%	≥61.61% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day.	Met – 64.80%

FFY 2009 SFY 2010 (2009-2010)

Part B

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

Indicator Performance At-A-Glance

Indicator	Description	SPP Target	Met/Not Met	
5B	LRE - 60%	≤ 15.86% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day;	Met – 14.55%	
5C	LRE – Separate Schools	≤ 7.37% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements.	Met – 7.33%	
6	Preschool LRE		Not Reported	
7A	Preschool Outcomes	Positive social-emotional skills (including social relationships)	64.4% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited.	64.9% 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)	65.3% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited.	52.7% 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.	60.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time exited.	62.1% of children participating in Part B preschool were functioning within age expectations by the time they exited the program.

FFY 2009 SFY 2010 (2009-2010)

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	37% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results.	Met – 43%
8B	Parent Involvement - School Age	32% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results	Met – 37%
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 – 94.03%
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)	Met – 100%
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 – 86.1%

FFY 2009 SFY 2010 (2009-2010)

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	82% of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Met – 82%
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 – 99.57%
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)	Met – 100%
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement.	Met – 70.20%
19	Mediations	Maintain 75 – 85% rate of mediations that result in mediation agreements.	Not Met – 74.3%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates. (Compliance)	Met – 100%

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2009 (SFY 2010 – Reporting Period July 1, 2009 – June 30, 2010)

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 2011.

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, 2011. 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 Survey – Know their rights
 - 4b. Family Survey – Effectively communicate their children's needs
 - 4c. Family Survey – Help their children develop and learn
5. Child Find 0-1
6. Child Find 0-3
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.

Part B Local Determination Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. 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 IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

- A. The Department¹ is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.
- B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.
- C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.
- D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:
 - (1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

¹ Department means the Maryland State Department of Education (MSDE).

- (2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.
- E If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:
- (1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
 - (2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
 - (3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
 - (4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
 - (5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
 - (6) Assign Department staff on-site to assist in the completion of the corrective actions; and
 - (7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.
- F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

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

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

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

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

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

Needs Substantial Intervention

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

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

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

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

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410 767-7548
3	Karla Marty	410 767-7548
4	Nancy FitzGerald	410 767-0848
5	Sandi Marx	410 767-0848
6,7 & 12	Nancy Vorobey	410 767-0557
8	Pat Shamer	410 767-0848
9 & 10	Nancy FitzGerald	410 767-0848
11	Ned Featherston	410 767-0848
13 & 14	Tom Barkley	410 767-7548
15	QAM Liaison (see below)	
	Martha Roulette Arthur	410 767-0255
16 - 19	Dori Wilson	410 767-7770
20	Ned Featherston	410 767-0848
LSS/PA	QAM Liaison Contact	Phone Number
Allegany	Nancy FitzGerald	410 767-0848
Anne Arundel	Sandi Marx	410 767-0848
Baltimore City	Bonnie Preis	410 767-0848
Baltimore	Nancy FitzGerald	410 767-0848
Calvert	Sandi Marx	410 767-0848
Caroline	Nancy FitzGerald	410 767-0848
Carroll	Bonnie Preis	410 767-0848
Cecil	Bonnie Preis	410 767-0848
Charles	Sandi Marx	410 767-0848
Dorchester	Nancy FitzGerald	410 767-0848
Frederick	Bonnie Preis	410 767-0848
Garrett	Nancy FitzGerald	410 767-0848
Harford	Bonnie Preis	410 767-0848
Howard	Nancy FitzGerald	410 767-0848
Kent	Nancy FitzGerald	410 767-0848
Montgomery	Nancy FitzGerald	410 767-0848
Prince George's	Bonnie Preis	410 767-0848
Queen Anne's	Nancy FitzGerald	410 767-0848
St. Mary's	Sandi Marx	410 767-0848
Somerset	Sandi Marx	410 767-0848
Talbot	Sandi Marx	410 767-0848
Washington	Bonnie Preis	410 767-0848
Wicomico	Sandi Marx	410 767-0848
Worcester	Sandi Marx	410 767-0848



Nancy S. Grasmick
State Superintendent of Schools

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

May 3, 2011

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 annually reviews each state's SPP and Annual Performance Report (APR). 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) 2009 [State Fiscal Year (SFY) 2010 (2009-2010 School Year)] Part B in early June 2011. 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 2009. 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 2009 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 3, 2011
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:

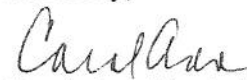
- Part B Local Determination Table; and
- Part B Local Determination Framework for Technical Assistance and Intervention.

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 GCPS 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
Jennifer Kotulak
Branch/Section Chiefs

Garrett County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

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 2009 data for this indicator is 74.42%. This is below the State's target of 85.50%.	Garrett County Public Schools' data did not meet the State's target. MSDE looks forward to Garrett County Public Schools' FFY 2010 data demonstrating improvement.
2. Percent of youth with IEPs dropping out of high school. [Performance Indicator]	Garrett County Public Schools' FFY 2009 data for this indicator is 5.70%. This did not meet the State's target of 3.54%.	Garrett County Public Schools did not meet the State's target for this indicator. MSDE looks forward to Garrett County Public Schools' FFY 2010 data demonstrating improvement.
4A. 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 2009 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 Public Schools met 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 Garrett County Public Schools' FFY 2010 data continuing to meet the State's target.

Garrett County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>4B. Percent of districts that have (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator]</p>	<p>Garrett County Public Schools' FFY 2009 ratio for multiple suspensions summing to greater than 10 days is 0.00, and for single event suspensions is 0.00, when compared by race or ethnicity. The State's target for both multiple and single event suspensions when compared by race or ethnicity is 0.00 – 1.49.</p>	<p>Garrett County Public Schools met the State's target for multiple suspensions summing to greater than 10 days and met the State's target for single event suspensions to greater than 10 days when compared by race or ethnicity.</p> <p>MSDE looks forward to Garrett County Public Schools' FFY 2010 data continuing to meet the State's target.</p>
<p>5. (LRE) 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 2009 data for this indicator is 76.69%. This met the State's target of 61.61% for FFY 2009.</p> <p>B. Garrett County Public Schools' FFY 2009 data for this indicator is 9.96%. This met the State's target of 15.86 % for FFY 2009.</p> <p>C. Garrett County Public Schools' FFY 2009 data for this indicator is 3.81%. This met the State's target of 6.67% for</p>	<p>Garrett County Public Schools' data met the State's targets for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to Garrett County Public Schools' FFY 2010 data meeting each of the State's LRE targets.</p>

Garrett County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7A. Percent of preschool children with IEPs who demonstrate positive social-emotional skills (including social relationships).</p> <p>A.1. Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>A.2. Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>FFY 2009.</p> <p>A.1. Garrett County Public Schools' FFY 2009 data for this indicator is 100%. This met the State's target of 65.3 % for FFY 2009.</p> <p>A.2. Garrett County Public Schools' FFY 2009 data for this indicator is 100%. This met the State's target of 70.5% for FFY 2009.</p>	<p>Garrett County Public Schools met the State's target for increasing the rate of growth for preschool children exiting the program (A.1); and, met the State's target for preschool children functioning within age-expectations, by the time of exit (A.2).</p> <p>MSDE looks forward to Garrett County Public Schools' FFY 2010 data exceeding each of the State's preschool social-emotional targets.</p>
<p>7B. Percent of preschool children with IEPs who demonstrate improved acquisition and use of knowledge and skills (including early language/communication and early literacy).</p> <p>B.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>B.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>B.1. Garrett County Public Schools' FFY 2009 data for this indicator is 50.0%. This did not meet the State's target of 65.6% for FFY 2009.</p> <p>B.2. Garrett County Public Schools' FFY 2009 data for this indicator is 75.0%. This met the State's target of 56.3% for FFY 2009.</p>	<p>Garrett County Public Schools did not meet the State's target for increasing the rate of growth for preschool children exiting the program (B.1); and, met the State's target for preschool children functioning within age-expectations by the time of exit (B.2).</p> <p>MSDE looks forward to Garrett County Public Schools' FFY 2010 data meeting each of the State's preschool language/communication/ early literacy targets.</p>

Garrett County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7C: Percent of preschool children with IEPs who demonstrate improved use of appropriate behaviors to meet their needs.</p> <p>C.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>C.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>C.1. Garrett County Public Schools' FFY 2009 data for this indicator is 50.0%. This did not meet the State's target of 59.7 % for FFY 2009.</p> <p>C.2. Garrett County Public Schools' FFY 2009 data for this indicator is 75.0%. This met the State's target of 63.2% for FFY 2009.</p>	<p>Garrett County Public Schools did not meet the State's target for increasing the rate of growth for preschool children exiting the program (C.1); and, met the State's target for preschool children functioning within age-expectations by the time of exit (C.2).</p> <p>MSDE looks forward to Garrett County Public Schools' FFY 2010 data meeting each of the State's preschool behavioral targets.</p>
Monitoring Priority: Disproportionate Representation		
<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 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>
<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 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>

Garrett County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
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]	Garrett County Public Schools' FFY 2009 data for this indicator is 100%. The State's target is 100%.	Garrett County Public Schools' data met the State's target of 100% for this compliance indicator MSDE looks forward to Garrett County Public Schools' FFY 2010 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]	Garrett County Public Schools' FFY 2009 data for this indicator is 100%. The State's target is 100%.	Garrett County Public Schools' data met the State's target of 100% for this compliance indicator. MSDE looks forward to Garrett County Public Schools' FFY 2010 data maintaining 100% compliance.
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]	Garrett County Public Schools' FFY 2009 data for this indicator is 100%. The State's target is 100%.	Garrett County Public Schools' data met the State's target of 100% for this compliance indicator. MSDE looks forward to Garrett County Public Schools' FFY 2010 data maintaining 100% compliance.
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]	Garrett County Public Schools had 1 corrective action due in FFY 2009.	Garrett County Public Schools had 1 finding of noncompliance identified by MSDE that was due for correction in FFY 2009. One finding was corrected within timelines. MSDE requires all identified noncompliance to be corrected as soon as possible but in no case later than one year.

Garrett County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	Garrett County Public Schools submitted required 618 data in a timely and accurate manner.	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 2009. MSDE requires Garrett County Public Schools' submission of required data to be timely and accurate.

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2009 (reporting period July 1, 2009 – June 30, 2010)

		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 9 Yes/0.0% 10 Yes/0.0% 11 95 - 100% 12 95 - 100% 13 95 - 100%	4 1.50 – 1.99 9 NA 10 NA 11 85.0 - 94.9% 12 85.0 - 94.9% 13 85.0 - 94.9%	4 ≥ 2.00 9 No 10 No 11 $< 85.0\%$ 12 $< 85.0\%$ 13 $< 85.0\%$
	Performance Indicators	1 $\geq 85.50\%$ 2 $\leq 3.54\%$ 3a AYP met R/M all bands 3b $\geq 95\%$ in R and M 3cR All grade targets are met 3cM All grade targets are met 5a $\geq 61.11\%$ 5b $\leq 16.11\%$ 5c $\leq 6.92\%$	1 85.49 – 77.26% 2 3.55 – 6.73% 3a AYP not met R/M on all bands 3b $< 95\%$ in R and M 3cR Below target one or more grades 3cM Below target one or more grades 5a 61.10 – 57.10% 5b 16.12 - 20.12% 5c 6.93 – 7.92%	1 $\leq 77.25\%$ 2 $\geq 6.74\%$ 3a NA 3b NA 3cR NA 3cM NA 5a $\leq 57.09\%$ 5b $\geq 20.13\%$ 5c $\geq 7.93\%$
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 2009 (July 1, 2009 – June 30, 2010) 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 2009 (July 1, 2009 – June 30, 2010) 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.

FFY 2009 SFY 2010 (2009-2010)

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 70.05% (Leaver) 53.13% (4 yr Cohort) 59.53% (5 yr Cohort)
2	Dropout	The dropout rate of students with IEPs will be 3.00% or less.	Not Met – 4.41%
3A	Student Achievement - AYP	50% of the State's local school systems will meet AYP for the subgroup of students with disabilities.	Not Met – 24% (6 of 25 LSS)
3B	Student Achievement - Participation	95% of students with disabilities will participate in the Statewide assessment system.	Met – 99.17% for Math; and 99.22% 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
4A	Suspension and Expulsion	≤ three (3) or 12.5% 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.	Not Met – 16.7% (4 of 24 LSS)
4B	Suspension and Expulsion (race/ ethnicity)	0% of districts will have: a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Not Met – 4.1% (1 of 24 LSS)
5A	LRE 21%	≥61.61% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day.	Met – 64.80%

FFY 2009 SFY 2010 (2009-2010)

Part B

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

Indicator	Description	SPP Target	Met/Not Met	
5B	LRE - 60%	≤ 15.86% of students with disabilities, ages 6-21, are served inside the regular class less than 40% of the day;	Met – 14.55%	
5C	LRE – Separate Schools	≤ 7.37% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements.	Met – 7.33%	
6	Preschool LRE		Not Reported	
7A	Preschool Outcomes	Positive social-emotional skills (including social relationships)	64.4% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited.	64.9% 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)	65.3% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited.	52.7% 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.	60.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time exited.	62.1% of children participating in Part B preschool were functioning within age expectations by the time they exited the program.

FFY 2009 SFY 2010 (2009-2010)

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	37% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results.	Met – 43%
8B	Parent Involvement - School Age	32% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results	Met – 37%
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 – 94.03%
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)	Met – 100%
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 – 86.1%

FFY 2009 SFY 2010 (2009-2010)

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	82% of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Met – 82%
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 – 99.57%
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)	Met – 100%
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement.	Met – 70.20%
19	Mediations	Maintain 75 – 85% rate of mediations that result in mediation agreements.	Not Met – 74.3%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates. (Compliance)	Met – 100%

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2009 (SFY 2010 – Reporting Period July 1, 2009 – June 30, 2010)

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 2011.

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, 2011. 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 Survey – Know their rights
- 4b. Family Survey – Effectively communicate their children's needs
- 4c. Family Survey – Help their children develop and learn
5. Child Find 0-1
6. Child Find 0-3
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.

Part B Local Determination Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. 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 IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

- A. The Department¹ is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.
- B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.
- C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.
- D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:
 - (1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

¹ Department means the Maryland State Department of Education (MSDE).

- (2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.

E If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:

- (1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
- (2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
- (3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
- (4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
- (5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
- (6) Assign Department staff on-site to assist in the completion of the corrective actions; and
- (7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

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

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

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

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

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

Needs Substantial Intervention

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

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

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

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

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410 767-7548
3	Karla Marty	410 767-7548
4	Nancy FitzGerald	410 767-0848
5	Sandi Marx	410 767-0848
6, 7 & 12	Nancy Vorobey	410 767-0557
8	Pat Shamer	410 767-0848
9 & 10	Nancy FitzGerald	410 767-0848
11	Ned Featherston	410 767-0848
13 & 14	Tom Barkley	410 767-7548
15	QAM Liaison (see below)	
	Martha Roulette Arthur	410 767-0255
16 - 19	Dori Wilson	410 767-7770
20	Ned Featherston	410 767-0848
LSS/PA	QAM Liaison Contact	Phone Number
Allegany	Nancy FitzGerald	410 767-0848
Anne Arundel	Sandi Marx	410 767-0848
Baltimore City	Bonnie Preis	410 767-0848
Baltimore	Nancy FitzGerald	410 767-0848
Calvert	Sandi Marx	410 767-0848
Caroline	Nancy FitzGerald	410 767-0848
Carroll	Bonnie Preis	410 767-0848
Cecil	Bonnie Preis	410 767-0848
Charles	Sandi Marx	410 767-0848
Dorchester	Nancy FitzGerald	410 767-0848
Frederick	Bonnie Preis	410 767-0848
Garrett	Nancy FitzGerald	410 767-0848
Harford	Bonnie Preis	410 767-0848
Howard	Nancy FitzGerald	410 767-0848
Kent	Nancy FitzGerald	410 767-0848
Montgomery	Nancy FitzGerald	410 767-0848
Prince George's	Bonnie Preis	410 767-0848
Queen Anne's	Nancy FitzGerald	410 767-0848
St. Mary's	Sandi Marx	410 767-0848
Somerset	Sandi Marx	410 767-0848
Talbot	Sandi Marx	410 767-0848
Washington	Bonnie Preis	410 767-0848
Wicomico	Sandi Marx	410 767-0848
Worcester	Sandi Marx	410 767-0848



Nancy S. Grasmick
State Superintendent of Schools

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

May 3, 2011

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 annually reviews each state's SPP and Annual Performance Report (APR). 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) 2009 [State Fiscal Year (SFY) 2010 (2009-2010 School Year)] Part B in early June 2011. 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 2009. 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 2009 data, as well as information obtained through monitoring and complaint investigations, the Harford County Public Schools (HCPS) has been determined to be **Needs Assistance**.

Dr. Robert M. Tomback
May 3, 2011
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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.

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 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 (Early Childhood Transition), Indicator 13 (Secondary Transition), and Indicator 1 (Graduation).

Dr. Robert M. Tomback
May 3, 2011
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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 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

Harford County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

4

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 2009 data for this indicator is 70.37%. This is below the State's target of 85.50%.	Harford County Public Schools' data did not meet the State's target. MSDE looks forward to Harford County Public Schools' FFY 2010 data demonstrating improvement.
2. Percent of youth with IEPs dropping out of high school. [Performance Indicator]	Harford County Public Schools' FFY 2009 data for this indicator is 4.12%. This did not meet the State's target of 3.54%.	Harford County Public Schools did not meet the State's target for this indicator. MSDE looks forward to Harford County Public Schools' FFY 2010 data demonstrating improvement.
4A. 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 2009 ratio for multiple suspensions summing to greater than 10 days is 1.23, 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.	Harford County Public Schools met 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 Harford County Public Schools' FFY 2010 data continuing to meet the State's target.

Harford County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>4B. Percent of districts that have (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator]</p>	<p>Harford County Public Schools' FFY 2009 ratio for multiple suspensions summing to greater than 10 days is 0.00, and for single event suspensions is 0.00, when compared by race or ethnicity. The State's target for both multiple and single event suspensions when compared by race or ethnicity is 0.00 – 1.49.</p>	<p>Harford County Public Schools met the State's target for multiple suspensions summing to greater than 10 days and met the State's target for single event suspensions to greater than 10 days when compared by race or ethnicity.</p> <p>MSDE looks forward to Harford County Public Schools' FFY 2010 data continuing to meet the State's target.</p>
<p>5. (LRE) 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 2009 data for this indicator is 81.78%. This met the State's target of 61.61% for FFY 2009.</p> <p>B. Harford County Public Schools' FFY 2009 data for this indicator is 4.40%. This met the State's target of 15.86 % for FFY 2009.</p> <p>C. Harford County Public Schools' FFY 2009 data for this indicator is 4.45%. This met the State's target of 6.67% for</p>	<p>Harford County Public Schools' data met the State's targets for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to Harford County Public Schools' FFY 2010 data meeting each of the State's LRE targets.</p>

Harford County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7A. Percent of preschool children with IEPs who demonstrate positive social-emotional skills (including social relationships).</p> <p>A.1. Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>A.2. Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>FFY 2009.</p> <p>A.1. Harford County Public Schools' FFY 2009 data for this indicator is 43.4%. This did not meet the State's target of 65.3 % for FFY 2009.</p> <p>A.2. Harford County Public Schools' FFY 2009 data for this indicator is 48.9%. This did not meet the State's target of 70.5% for FFY 2009.</p>	<p>Harford County Public Schools did not meet the State's target for increasing the rate of growth for preschool children exiting the program (A.1); and, did not meet the State's target for preschool children functioning within age-expectations, by the time of exit (A.2).</p> <p>MSDE looks forward to Harford County Public Schools' FFY 2010 data meeting each of the State's preschool social-emotional targets.</p>
<p>7B. Percent of preschool children with IEPs who demonstrate improved acquisition and use of knowledge and skills (including early language/communication and early literacy).</p> <p>B.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>B.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>B.1. Harford County Public Schools' FFY 2009 data for this indicator is 41.7%. This did not meet the State's target of 65.6 % for FFY 2009.</p> <p>B.2. Harford County Public Schools' FFY 2009 data for this indicator is 41.5%. This did not meet the State's target of 56.3% for FFY 2009.</p>	<p>Harford County Public Schools did not meet the State's target for increasing the rate of growth for preschool children exiting the program (B.1); and, did not meet the State's target for preschool children functioning within age-expectations by the time of exit (B.2).</p> <p>MSDE looks forward to Harford County Public Schools' FFY 2010 data meeting each of the State's preschool language/communication/ early literacy targets.</p>

Harford County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7C: Percent of preschool children with IEPs who demonstrate improved use of appropriate behaviors to meet their needs.</p> <p>C.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>C.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>C.1. Harford County Public Schools' FFY 2009 data for this indicator is 32.2%. This did not meet the State's target of 59.7 % for FFY 2009.</p> <p>C.2. Harford County Public Schools' FFY 2009 data for this indicator is 48.9%. This did not meet the State's target of 63.2% for FFY 2009.</p>	<p>Harford County Public Schools did not meet the State's target for increasing the rate of growth for preschool children exiting the program (C.1); and, did not meet the State's target for preschool children functioning within age-expectations by the time of exit (C.2).</p> <p>MSDE looks forward to Harford County Public Schools' FFY 2010 data meeting each of the State's preschool behavioral targets.</p>
Monitoring Priority: Disproportionate Representation		
<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 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>
<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 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>

Harford County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
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 2009 data for this indicator is 98.78%. 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 2010 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 2009 data for this indicator is 98.39%. 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 2010 data demonstrating 100% compliance.</p>
<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 2009 data for this indicator is 89.0%. 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 2010 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>Harford County Public Schools had 3 corrective actions due in FFY 2009.</p>	<p>Harford County Public Schools had 3 findings of noncompliance identified by MSDE that were due for correction in FFY 2009. Three findings were corrected within timelines.</p> <p>MSDE requires all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p>

Harford County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	Harford County Public Schools submitted required 618 data in a timely and accurate manner.	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 2009. MSDE requires Harford County Public Schools' submission of required data to be timely and accurate.

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2009 (reporting period July 1, 2009 – June 30, 2010)

		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 9 Yes/0.0% 10 Yes/0.0% 11 95 - 100% 12 95 - 100% 13 95 - 100%	4 1.50 – 1.99 9 NA 10 NA 11 85.0 - 94.9% 12 85.0 - 94.9% 13 85.0 - 94.9%	4 ≥ 2.00 9 No 10 No 11 $< 85.0\%$ 12 $< 85.0\%$ 13 $< 85.0\%$
	Performance Indicators	1 $\geq 85.50\%$ 2 $\leq 3.54\%$ 3a AYP met R/M all bands 3b $\geq 95\%$ in R and M 3cR All grade targets are met 3cM All grade targets are met 5a $\geq 61.11\%$ 5b $\leq 16.11\%$ 5c $\leq 6.92\%$	1 85.49 – 77.26% 2 3.55 – 6.73% 3a AYP not met R/M on all bands 3b $< 95\%$ in R and M 3cR Below target one or more grades 3cM Below target one or more grades 5a 61.10 – 57.10% 5b 16.12 - 20.12% 5c 6.93 – 7.92%	1 $\leq 77.25\%$ 2 $\geq 6.74\%$ 3a NA 3b NA 3cR NA 3cM NA 5a $\leq 57.09\%$ 5b $\geq 20.13\%$ 5c $\geq 7.93\%$
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 2009 (July 1, 2009 – June 30, 2010) 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 2009 (July 1, 2009 – June 30, 2010) 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.

FFY 2009 SFY 2010 (2009-2010)

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 70.05% (Leaver) 53.13% (4 yr Cohort) 59.53% (5 yr Cohort)
2	Dropout	The dropout rate of students with IEPs will be 3.00% or less.	Not Met – 4.41%
3A	Student Achievement - AYP	50% of the State's local school systems will meet AYP for the subgroup of students with disabilities.	Not Met – 24% (6 of 25 LSS)
3B	Student Achievement - Participation	95% of students with disabilities will participate in the Statewide assessment system.	Met – 99.17% for Math; and 99.22% 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
4A	Suspension and Expulsion	≤ three (3) or 12.5% 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.	Not Met – 16.7% (4 of 24 LSS)
4B	Suspension and Expulsion (race/ ethnicity)	0% of districts will have: a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Not Met – 4.1% (1 of 24 LSS)
5A	LRE 21%	≥61.61% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day.	Met – 64.80%

FFY 2009 SFY 2010 (2009-2010)

Part B

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

Indicator	Description	SPP Target	Met/Not Met	
5B	LRE - 60%	≤ 15.86% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day;	Met – 14.55%	
5C	LRE – Separate Schools	≤ 7.37% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements.	Met – 7.33%	
6	Preschool LRE		Not Reported	
7A	Preschool Outcomes	Positive social-emotional skills (including social relationships)	64.4% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited.	64.9% 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)	65.3% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited.	52.7% 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.	60.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time exited.	62.1% of children participating in Part B preschool were functioning within age expectations by the time they exited the program.

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	37% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results.	Met – 43%
8B	Parent Involvement - School Age	32% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results	Met – 37%
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 – 94.03%
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)	Met – 100%
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 – 86.1%

FFY 2009 SFY 2010 (2009-2010)

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	82% of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Met – 82%
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 – 99.57%
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)	Met – 100%
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement.	Met – 70.20%
19	Mediations	Maintain 75 – 85% rate of mediations that result in mediation agreements.	Not Met – 74.3%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.(Compliance)	Met – 100%

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2009 (SFY 2010 – Reporting Period July 1, 2009 – June 30, 2010)

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 2011.

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, 2011. 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 Survey – Know their rights
- 4b. Family Survey – Effectively communicate their children's needs
- 4c. Family Survey – Help their children develop and learn
5. Child Find 0-1
6. Child Find 0-3
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.

Part B Local Determination Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. 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 IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

- A. The Department¹ is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.
- B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.
- C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.
- D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:
 - (1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

¹ Department means the Maryland State Department of Education (MSDE).

- (2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.

- E If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:
- (1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
 - (2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
 - (3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
 - (4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
 - (5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
 - (6) Assign Department staff on-site to assist in the completion of the corrective actions; and
 - (7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.
- F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

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

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

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

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

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

Needs Substantial Intervention

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

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

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

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

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410 767-7548
3	Karla Marty	410 767-7548
4	Nancy FitzGerald	410 767-0848
5	Sandi Marx	410 767-0848
6, 7 & 12	Nancy Vorobey	410 767-0557
8	Pat Shamer	410 767-0848
9 & 10	Nancy FitzGerald	410 767-0848
11	Ned Featherston	410 767-0848
13 & 14	Tom Barkley	410 767-7548
15	QAM Liaison (see below)	
	Martha Roulette Arthur	410 767-0255
16 - 19	Dori Wilson	410 767-7770
20	Ned Featherston	410 767-0848
LSS/PA	QAM Liaison Contact	Phone Number
Allegany	Nancy FitzGerald	410 767-0848
Anne Arundel	Sandi Marx	410 767-0848
Baltimore City	Bonnie Preis	410 767-0848
Baltimore	Nancy FitzGerald	410 767-0848
Calvert	Sandi Marx	410 767-0848
Caroline	Nancy FitzGerald	410 767-0848
Carroll	Bonnie Preis	410 767-0848
Cecil	Bonnie Preis	410 767-0848
Charles	Sandi Marx	410 767-0848
Dorchester	Nancy FitzGerald	410 767-0848
Frederick	Bonnie Preis	410 767-0848
Garrett	Nancy FitzGerald	410 767-0848
Harford	Bonnie Preis	410 767-0848
Howard	Nancy FitzGerald	410 767-0848
Kent	Nancy FitzGerald	410 767-0848
Montgomery	Nancy FitzGerald	410 767-0848
Prince George's	Bonnie Preis	410 767-0848
Queen Anne's	Nancy FitzGerald	410 767-0848
St. Mary's	Sandi Marx	410 767-0848
Somerset	Sandi Marx	410 767-0848
Talbot	Sandi Marx	410 767-0848
Washington	Bonnie Preis	410 767-0848
Wicomico	Sandi Marx	410 767-0848
Worcester	Sandi Marx	410 767-0848



Nancy S. Grasmick
State Superintendent of Schools

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

May 3, 2011

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 annually reviews each state's SPP and Annual Performance Report (APR). 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) 2009 [State Fiscal Year (SFY) 2010 (2009-2010 School Year)] Part B in early June 2011. 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 2009. 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 2009 data, as well as information obtained through monitoring and complaint investigations, the Howard County Public Schools (HCPS) has been determined to be **Meets Requirements**.

Dr. Sydney L. Cousin
May 3, 2011
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.

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 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
Patricia Daley
Branch/Section Chiefs

Howard County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

4

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 2009 data for this indicator is 88.13%. This is above the State's target of 85.50%.	Howard County Public Schools' data met the State's target. MSDE looks forward to Howard County Public Schools' FFY 2010 data demonstrating improvement.
2. Percent of youth with IEPs dropping out of high school. [Performance Indicator]	Howard County Public Schools' FFY 2009 data for this indicator is 2.71%. This met the State's target of 3.54%.	Howard County Public Schools met the State's target for this indicator. MSDE looks forward to Howard County Public Schools' FFY 2010 data demonstrating improvement.
4A. 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 2009 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.	Howard County Public Schools met 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 Howard County Public Schools' FFY 2010 data continuing to meet the State's target.

Howard County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>4B. Percent of districts that have (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator]</p>	<p>Howard County Public Schools' FFY 2009 ratio for multiple suspensions summing to greater than 10 days is 0.00, and for single event suspensions is 0.00, when compared by race or ethnicity. The State's target for both multiple and single event suspensions when compared by race or ethnicity is 0.00 – 1.49.</p>	<p>Howard County Public Schools met the State's target for multiple suspensions summing to greater than 10 days and met the State's target for single event suspensions to greater than 10 days when compared by race or ethnicity.</p> <p>MSDE looks forward to Howard County Public Schools' FFY 2010 data continuing to meet the State's target.</p>
<p>5. (LRE) 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 2009 data for this indicator is 76.25%. This met the State's target of 61.61% for FFY 2009.</p> <p>B. Howard County Public Schools' FFY 2009 data for this indicator is 5.52%. This met the State's target of 15.86 % for FFY 2009.</p> <p>C. Howard County Public Schools' FFY 2009 data for this indicator is 5.47%. This met the State's target of 6.67% for</p>	<p>Howard County Public Schools' data met the State's targets for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to Howard County Public Schools' FFY 2010 data meeting each of the State's LRE targets.</p>

Howard County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7A. Percent of preschool children with IEPs who demonstrate positive social-emotional skills (including social relationships).</p> <p>A.1. Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>A.2. Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>FFY 2009.</p> <p>A.1. Howard County Public Schools' FFY 2009 data for this indicator is 79.6%. This met the State's target of 65.3 % for FFY 2009.</p> <p>A.2. Howard County Public Schools' FFY 2009 data for this indicator is 70.5%. This met the State's target of 70.5% for FFY 2009.</p>	<p>Howard County Public Schools met the State's target for increasing the rate of growth for preschool children exiting the program (A.1); and, met the State's target for preschool children functioning within age-expectations, by the time of exit (A.2).</p> <p>MSDE looks forward to Howard County Public Schools' FFY 2010 data exceeding each of the State's preschool social-emotional targets.</p>
<p>7B. Percent of preschool children with IEPs who demonstrate improved acquisition and use of knowledge and skills (including early language/communication and early literacy).</p> <p>B.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>B.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>B.1. Howard County Public Schools' FFY 2009 data for this indicator is 89.7%. This met the State's target of 65.6 % for FFY 2009.</p> <p>B.2. Howard County Public Schools' FFY 2009 data for this indicator is 68.9%. This met the State's target of 56.3% for FFY 2009.</p>	<p>Howard County Public Schools met the State's target for increasing the rate of growth for preschool children exiting the program (B.1); and, met the State's target for preschool children functioning within age-expectations by the time of exit (B.2).</p> <p>MSDE looks forward to Howard County Public Schools' FFY 2010 data exceeding each of the State's preschool language/communication/ early literacy targets.</p>

Howard County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7C: Percent of preschool children with IEPs who demonstrate improved use of appropriate behaviors to meet their needs.</p> <p>C.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>C.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>C.1. Howard County Public Schools' FFY 2009 data for this indicator is 66.0%. This met the State's target of 59.7 % for FFY 2009.</p> <p>C.2. Howard County Public Schools' FFY 2009 data for this indicator is 67.2%. This met the State's target of 63.2% for FFY 2009.</p>	<p>Howard County Public Schools met the State's target for increasing the rate of growth for preschool children exiting the program (C.1); and, met the State's target for preschool children functioning within age-expectations by the time of exit (C.2).</p> <p>MSDE looks forward to Howard County Public Schools' FFY 2010 data exceeding each of the State's preschool behavioral targets.</p>
Monitoring Priority: Disproportionate Representation		
<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 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>
<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 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>

Howard County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
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>Howard County Public Schools' FFY 2009 data for this indicator is 99.85%. 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 MSDE looks forward to Howard County Public Schools' FFY 2010 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>Howard County Public Schools' FFY 2009 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. MSDE looks forward to Howard County Public Schools' FFY 2010 data maintaining 100% compliance.</p>
<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>Howard County Public Schools' FFY 2009 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. MSDE looks forward to Howard County Public Schools' FFY 2010 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>Howard County Public Schools had 1 corrective action due in FFY 2009.</p>	<p>Howard County Public Schools had 1 finding of noncompliance identified by MSDE that was due for correction in FFY 2009. One finding was corrected within timelines. MSDE requires all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p>

**Howard County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010**

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [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 2009. MSDE requires Howard County Public Schools' submission of required data to be timely and accurate.</p>

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2009 (reporting period July 1, 2009 – June 30, 2010)

		Meets Target or Substantial Compliance Zero Points		Below Target One Point		Significantly Below The Target Two Points	
Section 1 & 2:	Compliance Indicators	4 9 10 11 12 13	0.00 – 1.49 Yes/0.0% Yes/0.0% 95 - 100% 95 - 100% 95 - 100%	4 9 10 11 12 13	1.50 – 1.99 NA NA 85.0 - 94.9% 85.0 - 94.9% 85.0 - 94.9%	4 9 10 11 12 13	≥ 2.00 No No < 85.0% < 85.0% < 85.0%
	Performance Indicators	1 2 3a 3b 3cR 3cM 5a 5b 5c	≥ 85.50% ≤ 3.54% AYP met R/M all bands ≥ 95% in R and M All grade targets are met All grade targets are met ≥ 61.11% ≤ 16.11% ≤ 6.92%	1 2 3a 3b 3cR 3cM 5a 5b 5c	85.49 – 77.26% 3.55 – 6.73% AYP not met R/M on all bands < 95% in R and M Below target one or more grades Below target one or more grades 61.10 – 57.10% 16.12 - 20.12% 6.93 – 7.92%	1 2 3a 3b 3cR 3cM 5a 5b 5c	≤ 77.25% ≥ 6.74% NA NA NA NA ≤ 57.09% ≥ 20.13% ≥ 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 2009 (July 1, 2009 – June 30, 2010) 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 2009 (July 1, 2009 – June 30, 2010) 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.

FFY 2009 SFY 2010 (2009-2010)

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 70.05% (Leaver) 53.13% (4 yr Cohort) 59.53% (5 yr Cohort)
2	Dropout	The dropout rate of students with IEPs will be 3.00% or less.	Not Met – 4.41%
3A	Student Achievement - AYP	50% of the State's local school systems will meet AYP for the subgroup of students with disabilities.	Not Met – 24% (6 of 25 LSS)
3B	Student Achievement - Participation	95% of students with disabilities will participate in the Statewide assessment system.	Met – 99.17% for Math; and 99.22% 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
4A	Suspension and Expulsion	≤ three (3) or 12.5% 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.	Not Met – 16.7% (4 of 24 LSS)
4B	Suspension and Expulsion (race/ ethnicity)	0% of districts will have: a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Not Met – 4.1% (1 of 24 LSS)
5A	LRE 21%	≥61.61% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day.	Met – 64.80%

Part B

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

Indicator	Description	SPP Target	Met/Not Met	
5B	LRE - 60%	≤ 15.86% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day;	Met – 14.55%	
5C	LRE – Separate Schools	≤ 7.37% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements.	Met – 7.33%	
6	Preschool LRE		Not Reported	
7A	Preschool Outcomes	Positive social-emotional skills (including social relationships)	64.4% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited.	64.9% 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)	65.3% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited.	52.7% 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.	60.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time exited.	62.1% of children participating in Part B preschool were functioning within age expectations by the time they exited the program.

FFY 2009 SFY 2010 (2009-2010)

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	37% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results.	Met – 43%
8B	Parent Involvement - School Age	32% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results	Met – 37%
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 – 94.03%
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)	Met – 100%
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 – 86.1%

FFY 2009 SFY 2010 (2009-2010)

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	82% of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Met – 82%
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 – 99.57%
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)	Met – 100%
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement.	Met – 70.20%
19	Mediations	Maintain 75 – 85% rate of mediations that result in mediation agreements.	Not Met – 74.3%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.(Compliance)	Met – 100%

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2009 (SFY 2010 – Reporting Period July 1, 2009 – June 30, 2010)

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 2011.

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, 2011. 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 Survey – Know their rights
- 4b. Family Survey – Effectively communicate their children's needs
- 4c. Family Survey – Help their children develop and learn
5. Child Find 0-1
6. Child Find 0-3
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.

Part B Local Determination Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. 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 IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

- A. The Department¹ is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.
- B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.
- C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.
- D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:
 - (1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

¹ Department means the Maryland State Department of Education (MSDE).

- (2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.
- E If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:
- (1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
 - (2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
 - (3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
 - (4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
 - (5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
 - (6) Assign Department staff on-site to assist in the completion of the corrective actions; and
 - (7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.
- F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

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

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

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

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

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

Needs Substantial Intervention

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

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

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

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

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410 767-7548
3	Karla Marty	410 767-7548
4	Nancy FitzGerald	410 767-0848
5	Sandi Marx	410 767-0848
6 ,7 & 12	Nancy Vorobey	410 767-0557
8	Pat Shamer	410 767-0848
9 & 10	Nancy FitzGerald	410 767-0848
11	Ned Featherston	410 767-0848
13 & 14	Tom Barkley	410 767-7548
15	QAM Liaison (see below)	
	Martha Roulette Arthur	410 767-0255
16 - 19	Dori Wilson	410 767-7770
20	Ned Featherston	410 767-0848
LSS/PA	QAM Liaison Contact	Phone Number
Allegany	Nancy FitzGerald	410 767-0848
Anne Arundel	Sandi Marx	410 767-0848
Baltimore City	Bonnie Preis	410 767-0848
Baltimore	Nancy FitzGerald	410 767-0848
Calvert	Sandi Marx	410 767-0848
Caroline	Nancy FitzGerald	410 767-0848
Carroll	Bonnie Preis	410 767-0848
Cecil	Bonnie Preis	410 767-0848
Charles	Sandi Marx	410 767-0848
Dorchester	Nancy FitzGerald	410 767-0848
Frederick	Bonnie Preis	410 767-0848
Garrett	Nancy FitzGerald	410 767-0848
Harford	Bonnie Preis	410 767-0848
Howard	Nancy FitzGerald	410 767-0848
Kent	Nancy FitzGerald	410 767-0848
Montgomery	Nancy FitzGerald	410 767-0848
Prince George's	Bonnie Preis	410 767-0848
Queen Anne's	Nancy FitzGerald	410 767-0848
St. Mary's	Sandi Marx	410 767-0848
Somerset	Sandi Marx	410 767-0848
Talbot	Sandi Marx	410 767-0848
Washington	Bonnie Preis	410 767-0848
Wicomico	Sandi Marx	410 767-0848
Worcester	Sandi Marx	410 767-0848



Nancy S. Grasmick
State Superintendent of Schools

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

May 3, 2011

Dr. A. Barbara Wheeler
Superintendent
Kent County Public Schools
5608 Boundary Avenue
Rock Hall, MD 21661

Dear Dr. 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 annually reviews each state's SPP and Annual Performance Report (APR). 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) 2009 [State Fiscal Year (SFY) 2010 (2009-2010 School Year)] Part B in early June 2011. 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 2009. 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 2009 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 3, 2011
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
Attachments

c: Nancy S. Grasmick
Laura Cochran
Branch/Section Chiefs

Kent County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

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 2009 data for this indicator is 65.22%. This is below the State's target of 85.50%.	Kent County Public Schools' data did not meet the State's target. MSDE looks forward to Kent County Public Schools' FFY 2010 data demonstrating improvement.
2. Percent of youth with IEPs dropping out of high school. [Performance Indicator]	Kent County Public Schools' FFY 2009 data for this indicator is 0.93%. This met the State's target of 3.54%.	Kent County Public Schools met the State's target for this indicator. MSDE looks forward to Kent County Public Schools' FFY 2010 data demonstrating improvement.
4A. 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 2009 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'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 Kent County Public Schools' FFY 2010 data continuing to meet the State's target.

Kent County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>4B. Percent of districts that have (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator]</p>	<p>Kent County Public Schools' FFY 2009 ratio for multiple suspensions summing to greater than 10 days is 0.00, and for single event suspensions is 0.00, when compared by race or ethnicity. The State's target for both multiple and single event suspensions when compared by race or ethnicity is 0.00 – 1.49.</p>	<p>Kent County Public Schools met the State's target for multiple suspensions summing to greater than 10 days and met the State's target for single event suspensions to greater than 10 days when compared by race or ethnicity.</p> <p>MSDE looks forward to Kent County Public Schools' FFY 2010 data continuing to meet the State's target.</p>
<p>5. (LRE) 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 2009 data for this indicator is 77.88%. This met the State's target of 61.61% for FFY 2009.</p> <p>B. Kent County Public Schools' FFY 2009 data for this indicator is 8.72%. This met the State's target of 15.86 % for FFY 2009.</p> <p>C. Kent County Public Schools' FFY 2009 data for this indicator is 1.56%. This met the State's target of 6.67% for</p>	<p>Kent County Public Schools' data met the State's targets for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to Kent County Public Schools' FFY 2010 data meeting each of the State's LRE targets.</p>

Kent County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7A. Percent of preschool children with IEPs who demonstrate positive social-emotional skills (including social relationships).</p> <p>A.1. Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>A.2. Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>FFY 2009.</p> <p>No children entered into ECAS database as having exited preschool special education during the reporting period.</p>	<p>MSDE looks forward to Kent County Public Schools' FFY 2010 data.</p>
<p>7B. Percent of preschool children with IEPs who demonstrate improved acquisition and use of knowledge and skills (including early language/communication and early literacy).</p> <p>B.1. Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>B.2. Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>No children entered into ECAS database as having exited preschool special education during the reporting period.</p>	<p>MSDE looks forward to Kent County Public Schools' FFY 2010 data.</p>

Kent County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7C: Percent of preschool children with IEPs who demonstrate improved use of appropriate behaviors to meet their needs.</p> <p>C.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>C.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>No children entered into ECAS database as having exited preschool special education during the reporting period.</p>	<p>MSDE looks forward to Kent County Public Schools' FFY 2010 data.</p>
Monitoring Priority: Disproportionate Representation		
<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 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>
<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 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>

Kent County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
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>Kent County Public Schools' FFY 2009 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 MSDE looks forward to Kent County Public Schools' FFY 2010 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. [Compliance Indicator]</p>	<p>No children were reported as transitioned from Part C to Part B.</p>	<p>MSDE looks forward to Kent County Public Schools' FFY 2010 data.</p>
<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>Kent County Public Schools' FFY 2009 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. MSDE looks forward to Kent County Public Schools' FFY 2010 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>Kent County Public Schools had no corrective actions due in FFY 2009.</p>	<p>Kent County Public Schools had no findings of noncompliance identified by MSDE that were due for correction in FFY 2009. MSDE requires all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p>

Kent County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	Kent County Public Schools did not submit required 618 data in a timely and accurate manner.	Kent County Public Schools' data did not meet the State's target for the timely and accurate submission of required 618 data and other data required by the State for FFY 2009. MSDE requires Kent County Public Schools' submission of required data to be timely and accurate.

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2009 (reporting period July 1, 2009 – June 30, 2010)

		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 2009 (July 1, 2009 – June 30, 2010) 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 2009 (July 1, 2009 – June 30, 2010) 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.

FFY 2009 SFY 2010 (2009-2010)

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 70.05% (Leaver) 53.13% (4 yr Cohort) 59.53% (5 yr Cohort)
2	Dropout	The dropout rate of students with IEPs will be 3.00% or less.	Not Met – 4.41%
3A	Student Achievement - AYP	50% of the State's local school systems will meet AYP for the subgroup of students with disabilities.	Not Met – 24% (6 of 25 LSS)
3B	Student Achievement - Participation	95% of students with disabilities will participate in the Statewide assessment system.	Met – 99.17% for Math; and 99.22% 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
4A	Suspension and Expulsion	≤ three (3) or 12.5% 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.	Not Met – 16.7% (4 of 24 LSS)
4B	Suspension and Expulsion (race/ ethnicity)	0% of districts will have: a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Not Met – 4.1% (1 of 24 LSS)
5A	LRE 21%	≥61.61% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day.	Met – 64.80%

FFY 2009 SFY 2010 (2009-2010)

Part B

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

Indicator	Description	SPP Target	Met/Not Met	
5B	LRE - 60%	≤ 15.86% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day;	Met – 14.55%	
5C	LRE – Separate Schools	≤ 7.37% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements.	Met – 7.33%	
6	Preschool LRE		Not Reported	
7A	Preschool Outcomes	Positive social-emotional skills (including social relationships)	64.4% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited.	64.9% 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)	65.3% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited.	52.7% 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.	60.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time exited.	62.1% of children participating in Part B preschool were functioning within age expectations by the time they exited the program.

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	37% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results.	Met – 43%
8B	Parent Involvement - School Age	32% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results	Met – 37%
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 – 94.03%
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)	Met – 100%
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 – 86.1%

FFY 2009 SFY 2010 (2009-2010)

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	82% of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Met – 82%
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 – 99.57%
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)	Met – 100%
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement.	Met – 70.20%
19	Mediations	Maintain 75 – 85% rate of mediations that result in mediation agreements.	Not Met – 74.3%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates. (Compliance)	Met – 100%

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2009 (SFY 2010 – Reporting Period July 1, 2009 – June 30, 2010)

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 2011.

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, 2011. 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 Survey – Know their rights
- 4b. Family Survey – Effectively communicate their children's needs
- 4c. Family Survey – Help their children develop and learn
5. Child Find 0-1
6. Child Find 0-3
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.

Part B Local Determination Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. 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 IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

- A. The Department¹ is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.
- B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.
- C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.
- D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:
 - (1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

¹ Department means the Maryland State Department of Education (MSDE).

- (2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.
- E If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:
- (1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
 - (2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
 - (3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
 - (4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
 - (5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
 - (6) Assign Department staff on-site to assist in the completion of the corrective actions; and
 - (7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.
- F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

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

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

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

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

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

Needs Substantial Intervention

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

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

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

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

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410 767-7548
3	Karla Marty	410 767-7548
4	Nancy FitzGerald	410 767-0848
5	Sandi Marx	410 767-0848
6,7 & 12	Nancy Vorobey	410 767-0557
8	Pat Shamer	410 767-0848
9 & 10	Nancy FitzGerald	410 767-0848
11	Ned Featherston	410 767-0848
13 & 14	Tom Barkley	410 767-7548
15	QAM Liaison (see below)	
	Martha Roulette Arthur	410 767-0255
16 -19	Dori Wilson	410 767-7770
20	Ned Featherston	410 767-0848
LSS/PA	QAM Liaison Contact	Phone Number
Allegany	Nancy FitzGerald	410 767-0848
Anne Arundel	Sandi Marx	410 767-0848
Baltimore City	Bonnie Preis	410 767-0848
Baltimore	Nancy FitzGerald	410 767-0848
Calvert	Sandi Marx	410 767-0848
Caroline	Nancy FitzGerald	410 767-0848
Carroll	Bonnie Preis	410 767-0848
Cecil	Bonnie Preis	410 767-0848
Charles	Sandi Marx	410 767-0848
Dorchester	Nancy FitzGerald	410 767-0848
Frederick	Bonnie Preis	410 767-0848
Garrett	Nancy FitzGerald	410 767-0848
Harford	Bonnie Preis	410 767-0848
Howard	Nancy FitzGerald	410 767-0848
Kent	Nancy FitzGerald	410 767-0848
Montgomery	Nancy FitzGerald	410 767-0848
Prince George's	Bonnie Preis	410 767-0848
Queen Anne's	Nancy FitzGerald	410 767-0848
St. Mary's	Sandi Marx	410 767-0848
Somerset	Sandi Marx	410 767-0848
Talbot	Sandi Marx	410 767-0848
Washington	Bonnie Preis	410 767-0848
Wicomico	Sandi Marx	410 767-0848
Worcester	Sandi Marx	410 767-0848

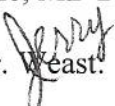


Nancy S. Grasmick
State Superintendent of Schools

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

May 3, 2011

Dr. Jerry D. Weast
Superintendent
Montgomery County Public Schools
850 Hungerford Drive
Rockville, MD 20850

Dear Dr.  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 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) 2009 [State Fiscal Year (SFY) 2010 (2009-2010 School Year)] Part B in early June 2011. 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

Dr. Jerry D. Weast
May 3, 2011
Page Two

State's targets for FFY 2009. 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 2009 data, as well as information obtained through monitoring and complaint investigations, the Montgomery County Public Schools (MCPS) has been determined to be **Meets Requirements**.

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 recognizes and appreciates the significant improvements made by MCPS over the past year. Your incredible progress is evident in that the MSDE FFY 2006, FFY 2007, and FFY 2008 determinations for MCPS were Needs Intervention. This history stands in stark contrast to your current (FFY 2009) determination of Meets Requirements. Your hard work and dedication to this purpose is both noteworthy and celebratory.

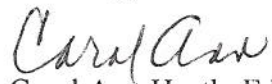
As you know, the State must report annually to the public on the performance of each local school system on the targets in the SPP under IDEA. The public may access the MSDE IDEA performance report at <http://mdideareport.org>. The requirement for public reporting on local school system performance is 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

Dr. Jerry D. Weast
May 3, 2011
Page Three

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

Montgomery County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

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 2009 data for this indicator is 80.95%. This is below the State's target of 85.50%.	Montgomery County Public Schools' data did not meet the State's target. MSDE looks forward to Montgomery County Public Schools' FFY 2010 data demonstrating improvement.
2. Percent of youth with IEPs dropping out of high school. [Performance Indicator]	Montgomery County Public Schools' FFY 2009 data for this indicator is 2.95%. This met the State's target of 3.54%.	Montgomery County Public Schools met the State's target for this indicator. MSDE looks forward to Montgomery County Public Schools' FFY 2010 data demonstrating improvement.
4A. 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 2009 ratio for multiple suspensions summing to greater than 10 days is 2.14, and for single event suspensions is 2.73, 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 did not meet the State's target for multiple suspensions summing to greater than 10 days and did not meet the State's target for single event suspensions. MSDE looks forward to Montgomery County Public Schools' FFY 2010 data demonstrating improvement to meet the State's target.

Montgomery County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>4B. Percent of districts that have (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator]</p>	<p>Montgomery County Public Schools' FFY 2009 ratio for multiple suspensions summing to greater than 10 days is 0.00, and for single event suspensions is 2.58, when compared by race or ethnicity. The State's target for both multiple and single event suspensions when compared by race or ethnicity is 0.00 – 1.49.</p>	<p>Montgomery County Public Schools met the State's target for multiple suspensions summing to greater than 10 days and did not meet the State's target for single event suspensions to greater than 10 days when compared by race or ethnicity.</p> <p>MSDE looks forward to Montgomery County Public Schools' FFY 2010 data demonstrating improvement to meet the State's target.</p>
<p>5. (LRE) 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 2009 data for this indicator is 66.58%. This met the State's target of 61.61% for FFY 2009.</p> <p>B. Montgomery County Public Schools' FFY 2009 data for this indicator is 12.70%. This met the State's target of 15.86 % for FFY 2009.</p> <p>C. Montgomery County Public Schools' FFY 2009 data for this indicator is 5.69%. This met the State's target of</p>	<p>Montgomery County Public Schools' data met the State's targets for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to Montgomery County Public Schools' FFY 2010 data meeting each of the State's LRE targets.</p>

**Montgomery County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010**

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7A. Percent of preschool children with IEPs who demonstrate positive social-emotional skills (including social relationships).</p> <p>A.1. Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>A.2. Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>6.67% for FFY 2009.</p> <p>A.1. Montgomery County Public Schools' FFY 2009 data for this indicator is 57.6%. This did not meet the State's target of 65.3 % for FFY 2009.</p> <p>A.2. Montgomery County Public Schools' FFY 2009 data for this indicator is 61.9%. This did not meet the State's target of 70.5% for FFY 2009.</p>	<p>Montgomery County Public Schools did not meet the State's target for increasing the rate of growth for preschool children exiting the program (A.1); and, did not meet the State's target for preschool children functioning within age-expectations, by the time of exit (A.2).</p> <p>MSDE looks forward to Montgomery County Public Schools' FFY 2010 data meeting each of the State's preschool social-emotional targets.</p>
<p>7B. Percent of preschool children with IEPs who demonstrate improved acquisition and use of knowledge and skills (including early language/communication and early literacy).</p> <p>B.1. Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>B.2. Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>B.1. Montgomery County Public Schools' FFY 2009 data for this indicator is 62.1%. This did not meet the State's target of 65.6 % for FFY 2009.</p> <p>B.2. Montgomery County Public Schools' FFY 2009 data for this indicator is 49.8%. This did not meet the State's target of 56.3% for FFY 2009.</p>	<p>Montgomery County Public Schools did not meet the State's target for increasing the rate of growth for preschool children exiting the program (B.1); and, did not meet the State's target for preschool children functioning within age-expectations by the time of exit (B.2).</p> <p>MSDE looks forward to Montgomery County Public Schools' FFY 2010 data meeting each of the State's preschool language/communication/ early literacy targets.</p>

Montgomery County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7C: Percent of preschool children with IEPs who demonstrate improved use of appropriate behaviors to meet their needs.</p> <p>C.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>C.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>C.1. Montgomery County Public Schools' FFY 2009 data for this indicator is 54.0%. This did not meet the State's target of 59.7 % for FFY 2009.</p> <p>C.2. Montgomery County Public Schools' FFY 2009 data for this indicator is 57.8%. This did not meet the State's target of 63.2% for FFY 2009.</p>	<p>Montgomery County Public Schools did not meet the State's target for increasing the rate of growth for preschool children exiting the program (C.1); and, did not meet the State's target for preschool children functioning within age-expectations by the time of exit (C.2).</p> <p>MSDE looks forward to Montgomery County Public Schools' FFY 2010 data meeting each of the State's preschool behavioral targets.</p>
Monitoring Priority: Disproportionate Representation		
<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 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>
<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>Montgomery County Public Schools' FFY 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>

Montgomery County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
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>Montgomery County Public Schools' FFY 2009 data for this indicator is 96.04%. 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</p> <p>MSDE looks forward to Montgomery County Public Schools' FFY 2010 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>Montgomery County Public Schools' FFY 2009 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.</p> <p>MSDE looks forward to Montgomery County Public Schools' FFY 2010 data maintaining 100% compliance.</p>
<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>Montgomery County Public Schools' FFY 2009 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.</p> <p>MSDE looks forward to Montgomery County Public Schools' FFY 2010 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>Montgomery County Public Schools had 5 corrective actions due in FFY 2009.</p>	<p>Montgomery County Public Schools had 5 findings of noncompliance identified by MSDE that were due for correction in FFY 2009. Five findings were corrected within timelines.</p> <p>MSDE requires all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p>

**Montgomery County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010**

Monitoring Priorities and Indicators	Status	MSDE Analysis
<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 submitted required 618 data in a timely and accurate manner.</p>	<p>Montgomery 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 2009. MSDE requires Montgomery County Public Schools' submission of required data to be timely and accurate.</p>

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2009 (reporting period July 1, 2009 – June 30, 2010)

		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.

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 2009 (July 1, 2009 – June 30, 2010) 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 2009 (July 1, 2009 – June 30, 2010) 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.

FFY 2009 SFY 2010 (2009-2010)

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 70.05% (Leaver) 53.13% (4 yr Cohort) 59.53% (5 yr Cohort)
2	Dropout	The dropout rate of students with IEPs will be 3.00% or less.	Not Met – 4.41%
3A	Student Achievement - AYP	50% of the State's local school systems will meet AYP for the subgroup of students with disabilities.	Not Met – 24% (6 of 25 LSS)
3B	Student Achievement - Participation	95% of students with disabilities will participate in the Statewide assessment system.	Met – 99.17% for Math; and 99.22% 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
4A	Suspension and Expulsion	≤ three (3) or 12.5% 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.	Not Met – 16.7% (4 of 24 LSS)
4B	Suspension and Expulsion (race/ ethnicity)	0% of districts will have: a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Not Met – 4.1% (1 of 24 LSS)
5A	LRE 21%	≥61.61% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day.	Met – 64.80%

FFY 2009 SFY 2010 (2009-2010)

Part B

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

Indicator	Description	SPP Target	Met/Not Met	
5B	LRE - 60%	≤ 15.86% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day;	Met – 14.55%	
5C	LRE – Separate Schools	≤ 7.37% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements.	Met – 7.33%	
6	Preschool LRE		Not Reported	
7A	Preschool Outcomes	Positive social-emotional skills (including social relationships)	64.4% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited.	64.9% 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)	65.3% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited.	52.7% 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.	60.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time exited.	62.1% of children participating in Part B preschool were functioning within age expectations by the time they exited the program.

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	37% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results.	Met – 43%
8B	Parent Involvement - School Age	32% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results	Met – 37%
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 – 94.03%
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)	Met – 100%
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 – 86.1%

FFY 2009 SFY 2010 (2009-2010)

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	82% of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Met – 82%
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 – 99.57%
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)	Met – 100%
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement.	Met – 70.20%
19	Mediations	Maintain 75 – 85% rate of mediations that result in mediation agreements.	Not Met – 74.3%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.(Compliance)	Met – 100%

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2009 (SFY 2010 – Reporting Period July 1, 2009 – June 30, 2010)

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 2011.

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, 2011. 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 Survey – Know their rights
- 4b. Family Survey – Effectively communicate their children's needs
- 4c. Family Survey – Help their children develop and learn
5. Child Find 0-1
6. Child Find 0-3
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.

Part B Local Determination Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. 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 IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

- A. The Department¹ is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.
- B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.
- C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.
- D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:
 - (1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

¹ Department means the Maryland State Department of Education (MSDE).

- (2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.
- E If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:
- (1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
 - (2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
 - (3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
 - (4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
 - (5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
 - (6) Assign Department staff on-site to assist in the completion of the corrective actions; and
 - (7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.
- F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

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

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

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

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

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

Needs Substantial Intervention

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

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

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

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

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410 767-7548
3	Karla Marty	410 767-7548
4	Nancy FitzGerald	410 767-0848
5	Sandi Marx	410 767-0848
6 ,7 & 12	Nancy Vorobey	410 767-0557
8	Pat Shamer	410 767-0848
9 & 10	Nancy FitzGerald	410 767-0848
11	Ned Featherston	410 767-0848
13 & 14	Tom Barkley	410 767-7548
15	QAM Liaison (see below)	
	Martha Roulette Arthur	410 767-0255
16 - 19	Dori Wilson	410 767-7770
20	Ned Featherston	410 767-0848
LSS/PA	QAM Liaison Contact	Phone Number
Allegany	Nancy FitzGerald	410 767-0848
Anne Arundel	Sandi Marx	410 767-0848
Baltimore City	Bonnie Preis	410 767-0848
Baltimore	Nancy FitzGerald	410 767-0848
Calvert	Sandi Marx	410 767-0848
Caroline	Nancy FitzGerald	410 767-0848
Carroll	Bonnie Preis	410 767-0848
Cecil	Bonnie Preis	410 767-0848
Charles	Sandi Marx	410 767-0848
Dorchester	Nancy FitzGerald	410 767-0848
Frederick	Bonnie Preis	410 767-0848
Garrett	Nancy FitzGerald	410 767-0848
Harford	Bonnie Preis	410 767-0848
Howard	Nancy FitzGerald	410 767-0848
Kent	Nancy FitzGerald	410 767-0848
Montgomery	Nancy FitzGerald	410 767-0848
Prince George's	Bonnie Preis	410 767-0848
Queen Anne's	Nancy FitzGerald	410 767-0848
St. Mary's	Sandi Marx	410 767-0848
Somerset	Sandi Marx	410 767-0848
Talbot	Sandi Marx	410 767-0848
Washington	Bonnie Preis	410 767-0848
Wicomico	Sandi Marx	410 767-0848
Worcester	Sandi Marx	410 767-0848



Nancy S. Grasmick
State Superintendent of Schools

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

May 3, 2011

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 annually reviews each state's SPP and Annual Performance Report (APR). 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) 2009 [State Fiscal Year (SFY) 2010 (2009-2010 School Year)] Part B in early June 2011. 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 2009. 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 2009 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, Year 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. FFY 2008's determination was once again 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.

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.

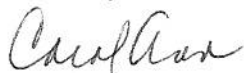
Those local school systems that were below the State's target on any indicator are required to access sources of technical assistance and inform the MSDE of the type, amount, and frequency of assistance needed to address specific needs. Attached is a list of Division personnel, with contact information for monitoring specialists and each SPP indicator. The specific indicators most critical to improving results for PGCPs are: Indicator 4 (Suspension/ Expulsion), Indicator 11 (Initial Evaluation Timeline), Indicator 13 (Secondary Transition), Indicator 15 (General Supervision), Indicator 20 (Timely and Accurate Data), and Indicator 5 (Least Restrictive Environment).

Dr. William R. Hite
May 3, 2011
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

Prince George's County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

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 2009 data for this indicator is 86.65%. This is above the State's target of 85.50%.	Prince George's County Public Schools' data met the State's target. MSDE looks forward to Prince George's County Public Schools' FFY 2010 data demonstrating improvement.
2. Percent of youth with IEPs dropping out of high school. [Performance Indicator]	Prince George's County Public Schools' FFY 2009 data for this indicator is 2.57%. This met the State's target of 3.54%.	Prince George's County Public Schools met the State's target for this indicator. MSDE looks forward to Prince George's County Public Schools' FFY 2010 data demonstrating improvement.
4A. 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 2009 ratio for multiple suspensions summing to greater than 10 days is 3.03, 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.	Prince George's County Public Schools did not meet the State's target for multiple suspensions summing to greater than 10 days and did not meet the State's target for single event suspensions. MSDE looks forward to Prince George's County Public Schools' FFY 2010 data demonstrating improvement to meet the State's target.

Prince George's County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>4B. Percent of districts that have (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator]</p>	<p>Prince George's County Public Schools' FFY 2009 ratio for multiple suspensions summing to greater than 10 days is 3.00, and for single event suspensions is 1.76, when compared by race or ethnicity. The State's target for both multiple and single event suspensions when compared by race or ethnicity is 0.00 – 1.49.</p>	<p>Prince George's County Public Schools did not meet the State's target for multiple suspensions summing to greater than 10 days and did not meet the State's target for single event suspensions to greater than 10 days when compared by race or ethnicity.</p> <p>MSDE looks forward to Prince George's County Public Schools' FFY 2010 data demonstrating improvement to meet the State's target.</p>
<p>5. (LRE) 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 2009 data for this indicator is 49.08%. This did not meet the State's target of 61.61% for FFY 2009.</p> <p>B. Prince George's County Public Schools' FFY 2009 data for this indicator is 28.53%. This did not meet the State's target of 15.86 % for FFY 2009.</p> <p>C. Prince George's County Public Schools' FFY 2009 data for this</p>	<p>Prince George's County Public Schools' data did not meet the State's targets for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to Prince George's County Public Schools' FFY 2010 data meeting each of the State's LRE targets.</p>

Prince George's County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
	indicator is 10.34%. This did not meet the State's target of 6.67% for FFY 2009.	
<p>7A. Percent of preschool children with IEPs who demonstrate positive social-emotional skills (including social relationships).</p> <p>A.1. Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>A.2. Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>A.1. Prince George's County Public Schools' FFY 2009 data for this indicator is 65.7%. This met the State's target of 65.3 % for FFY 2009.</p> <p>A.2. Prince George's County Public Schools' FFY 2009 data for this indicator is 58.0%. This did not meet the State's target of 70.5% for FFY 2009.</p>	<p>Prince George's County Public Schools met the State's target for increasing the rate of growth for preschool children exiting the program (A.1); and, did not meet the State's target for preschool children functioning within age-expectations, by the time of exit (A.2).</p> <p>MSDE looks forward to Prince George's County Public Schools' FFY 2010 data meeting each of the State's preschool social-emotional targets.</p>
<p>7B. Percent of preschool children with IEPs who demonstrate improved acquisition and use of knowledge and skills (including early language/communication and early literacy).</p> <p>B.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>B.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>B.1. Prince George's County Public Schools' FFY 2009 data for this indicator is 65.2%. This did not meet the State's target of 65.6 % for FFY 2009.</p> <p>B.2. Prince George's County Public Schools' FFY 2009 data for this indicator is 41.4%. This did not meet the State's target of 56.3% for FFY 2009.</p>	<p>Prince George's County Public Schools did not meet the State's target for increasing the rate of growth for preschool children exiting the program (B.1); and, did not meet the State's target for preschool children functioning within age-expectations by the time of exit (B.2).</p> <p>MSDE looks forward to Prince George's County Public Schools' FFY 2010 data meeting each of the State's preschool language/communication/ early literacy targets.</p>

Prince George's County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7C: Percent of preschool children with IEPs who demonstrate improved use of appropriate behaviors to meet their needs.</p> <p>C.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>C.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>C.1. Prince George's County Public Schools' FFY 2009 data for this indicator is 53.5%. This did not meet the State's target of 59.7 % for FFY 2009.</p> <p>C.2. Prince George's County Public Schools' FFY 2009 data for this indicator is 55.1%. This did not meet the State's target of 63.2% for FFY 2009.</p>	<p>Prince George's County Public Schools did not meet the State's target for increasing the rate of growth for preschool children exiting the program (C.1); and, did not meet the State's target for preschool children functioning within age-expectations by the time of exit (C.2).</p> <p>MSDE looks forward to Prince George's County Public Schools' FFY 2010 data meeting each of the State's preschool behavioral targets.</p>
Monitoring Priority: Disproportionate Representation		
<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 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>
<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 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>

Prince George's County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
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>Prince George's County Public Schools' FFY 2009 data for this indicator is 91.28%. 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. MSDE looks forward to Prince George's County Public Schools' FFY 2010 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>Prince George's County Public Schools' FFY 2009 data for this indicator is 100%. The State's target is 100%.</p>	<p>Prince George's County Public Schools' data met the State's target of 100% for this compliance indicator. MSDE looks forward to Prince George's County Public Schools' FFY 2010 data maintaining 100% compliance.</p>
<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>Prince George's County Public Schools' FFY 2009 data for this indicator is 63.0%. 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. MSDE looks forward to Prince George's County Public Schools' FFY 2010 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>Prince George's County Public Schools had 4 corrective actions due in FFY 2009.</p>	<p>Prince George's County Public Schools had 4 findings of noncompliance identified by MSDE that were due for correction in FFY 2009. One finding was corrected within timelines. Three findings were not corrected within timelines. MSDE requires all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p>

Prince George's County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	Prince George's County Public Schools did not submit required 618 data in a timely and accurate manner.	Prince George's County Public Schools' data did not meet the State's target for the timely and accurate submission of required 618 data and other data required by the State for FFY 2009. MSDE requires Prince George's County Public Schools' submission of required data to be timely and accurate.

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2009 (reporting period July 1, 2009 – June 30, 2010)

		Meets Target or Substantial Compliance Zero Points		Below Target One Point		Significantly Below The Target Two Points	
Section 1 & 2:	Compliance Indicators	4 9 10 11 12 13	0.00 – 1.49 Yes/0.0% Yes/0.0% 95 - 100% 95 - 100% 95 - 100%	4 9 10 11 12 13	1.50 – 1.99 NA NA 85.0 - 94.9% 85.0 - 94.9% 85.0 - 94.9%	4 9 10 11 12 13	≥ 2.00 No No < 85.0% < 85.0% < 85.0%
	Performance Indicators	1 2 3a 3b 3cR 3cM 5a 5b 5c	≥ 85.50% ≤ 3.54% AYP met R/M all bands ≥ 95% in R and M All grade targets are met All grade targets are met ≥ 61.11% ≤ 16.11% ≤ 6.92%	1 2 3a 3b 3cR 3cM 5a 5b 5c	85.49 – 77.26% 3.55 – 6.73% AYP not met R/M on all bands < 95% in R and M Below target one or more grades Below target one or more grades 61.10 – 57.10% 16.12 - 20.12% 6.93 – 7.92%	1 2 3a 3b 3cR 3cM 5a 5b 5c	≤ 77.25% ≥ 6.74% NA NA NA NA ≤ 57.09% ≥ 20.13% ≥ 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 2009 (July 1, 2009 – June 30, 2010) 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 2009 (July 1, 2009 – June 30, 2010) 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.

FFY 2009 SFY 2010 (2009-2010)

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 70.05% (Leaver) 53.13% (4 yr Cohort) 59.53% (5 yr Cohort)
2	Dropout	The dropout rate of students with IEPs will be 3.00% or less.	Not Met – 4.41%
3A	Student Achievement - AYP	50% of the State's local school systems will meet AYP for the subgroup of students with disabilities.	Not Met – 24% (6 of 25 LSS)
3B	Student Achievement - Participation	95% of students with disabilities will participate in the Statewide assessment system.	Met – 99.17% for Math; and 99.22% 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
4A	Suspension and Expulsion	≤ three (3) or 12.5% 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.	Not Met – 16.7% (4 of 24 LSS)
4B	Suspension and Expulsion (race/ ethnicity)	0% of districts will have: a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Not Met – 4.1% (1 of 24 LSS)
5A	LRE 21%	≥61.61% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day.	Met – 64.80%

Part B

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

Indicator	Description	SPP Target	Met/Not Met	
5B	LRE - 60%	≤ 15.86% of students with disabilities, ages 6-21, are served inside the regular class less than 40% of the day;	Met – 14.55%	
5C	LRE – Separate Schools	≤ 7.37% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements.	Met – 7.33%	
6	Preschool LRE		Not Reported	
7A	Preschool Outcomes	Positive social-emotional skills (including social relationships)	64.4% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited.	64.9% 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)	65.3% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited.	52.7% 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.	60.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time exited.	62.1% of children participating in Part B preschool were functioning within age expectations by the time they exited the program.

FFY 2009 SFY 2010 (2009-2010)

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	37% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results.	Met – 43%
8B	Parent Involvement - School Age	32% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results	Met – 37%
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 – 94.03%
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)	Met – 100%
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 – 86.1%

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	82% of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Met – 82%
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 – 99.57%
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)	Met – 100%
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement.	Met – 70.20%
19	Mediations	Maintain 75 – 85% rate of mediations that result in mediation agreements.	Not Met – 74.3%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates. (Compliance)	Met – 100%

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2009 (SFY 2010 – Reporting Period July 1, 2009 – June 30, 2010)

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 2011.

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, 2011. 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 Survey – Know their rights
 - 4b. Family Survey – Effectively communicate their children's needs
 - 4c. Family Survey – Help their children develop and learn
5. Child Find 0-1
6. Child Find 0-3
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.

Part B Local Determination Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. 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 IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

- A. The Department¹ is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.
- B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.
- C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.
- D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:
 - (1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

¹ Department means the Maryland State Department of Education (MSDE).

- (2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.
- E If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:
- (1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
 - (2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
 - (3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
 - (4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
 - (5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
 - (6) Assign Department staff on-site to assist in the completion of the corrective actions; and
 - (7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.
- F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

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

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

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

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

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

Needs Substantial Intervention

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

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

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

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

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410 767-7548
3	Karla Marty	410 767-7548
4	Nancy FitzGerald	410 767-0848
5	Sandi Marx	410 767-0848
6, 7 & 12	Nancy Vorobey	410 767-0557
8	Pat Shamer	410 767-0848
9 & 10	Nancy FitzGerald	410 767-0848
11	Ned Featherston	410 767-0848
13 & 14	Tom Barkley	410 767-7548
15	QAM Liaison (see below)	
	Martha Roulette Arthur	410 767-0255
16 - 19	Dori Wilson	410 767-7770
20	Ned Featherston	410 767-0848
LSS/PA	QAM Liaison Contact	Phone Number
Allegany	Nancy FitzGerald	410 767-0848
Anne Arundel	Sandi Marx	410 767-0848
Baltimore City	Bonnie Preis	410 767-0848
Baltimore	Nancy FitzGerald	410 767-0848
Calvert	Sandi Marx	410 767-0848
Caroline	Nancy FitzGerald	410 767-0848
Carroll	Bonnie Preis	410 767-0848
Cecil	Bonnie Preis	410 767-0848
Charles	Sandi Marx	410 767-0848
Dorchester	Nancy FitzGerald	410 767-0848
Frederick	Bonnie Preis	410 767-0848
Garrett	Nancy FitzGerald	410 767-0848
Harford	Bonnie Preis	410 767-0848
Howard	Nancy FitzGerald	410 767-0848
Kent	Nancy FitzGerald	410 767-0848
Montgomery	Nancy FitzGerald	410 767-0848
Prince George's	Bonnie Preis	410 767-0848
Queen Anne's	Nancy FitzGerald	410 767-0848
St. Mary's	Sandi Marx	410 767-0848
Somerset	Sandi Marx	410 767-0848
Talbot	Sandi Marx	410 767-0848
Washington	Bonnie Preis	410 767-0848
Wicomico	Sandi Marx	410 767-0848
Worcester	Sandi Marx	410 767-0848



Nancy S. Grasmick
State Superintendent of Schools

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

May 3, 2011

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 annually reviews each state's SPP and Annual Performance Report (APR). 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) 2009 [State Fiscal Year (SFY) 2010 (2009-2010 School Year)] Part B in early June 2011. 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 2009. 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 2009 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 3, 2011
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
Attachments

c: Nancy S. Grasmick
Diane McGowan
Branch/Section Chiefs

Queen Anne's County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

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 2009 data for this indicator is 79.25%. This is below the State's target of 85.50%.	Queen Anne's County Public Schools' data did not meet the State's target. MSDE looks forward to Queen Anne's County Public Schools' FFY 2010 data demonstrating improvement.
2. Percent of youth with IEPs dropping out of high school. [Performance Indicator]	Queen Anne's County Public Schools' FFY 2009 data for this indicator is 2.47%. This met the State's target of 3.54%.	Queen Anne's County Public Schools met the State's target for this indicator. MSDE looks forward to Queen Anne's County Public Schools' FFY 2010 data demonstrating improvement.
4A. 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 2009 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 Public Schools met 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 Queen Anne's County Public Schools' FFY 2010 data continuing to meet the State's target.

Queen Anne's County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>4B. Percent of districts that have (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator]</p>	<p>Queen Anne's County Public Schools' FFY 2009 ratio for multiple suspensions summing to greater than 10 days is 0.00, and for single event suspensions is 0.00, when compared by race or ethnicity. The State's target for both multiple and single event suspensions when compared by race or ethnicity is 0.00 – 1.49.</p>	<p>Queen Anne's County Public Schools met the State's target for multiple suspensions summing to greater than 10 days and met the State's target for single event suspensions to greater than 10 days when compared by race or ethnicity.</p> <p>MSDE looks forward to Queen Anne's County Public Schools' FFY 2010 data continuing to meet the State's target.</p>
<p>5. (LRE) 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 2009 data for this indicator is 92.19%. This met the State's target of 61.61% for FFY 2009.</p> <p>B. Queen Anne's County Public Schools' FFY 2009 data for this indicator is 4.09%. This met the State's target of 15.86 % for FFY 2009.</p> <p>C. Queen Anne's County Public Schools' FFY 2009 data for this indicator is 0.84%. This met the State's target of</p>	<p>Queen Anne's County Public Schools' data met the State's targets for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to Queen Anne's County Public Schools' FFY 2010 data meeting each of the State's LRE targets.</p>

Queen Anne's County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7A. Percent of preschool children with IEPs who demonstrate positive social-emotional skills (including social relationships).</p> <p>A.1. Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>A.2. Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>6.67% for FFY 2009.</p> <p>A.1. Queen Anne's County Public Schools' FFY 2009 data for this indicator is 87.5%. This met the State's target of 65.3 % for FFY 2009.</p> <p>A.2. Queen Anne's County Public Schools' FFY 2009 data for this indicator is 71.4%. This met the State's target of 70.5% for FFY 2009.</p>	<p>Queen Anne's County Public Schools met the State's target for increasing the rate of growth for preschool children exiting the program (A.1); and, met the State's target for preschool children functioning within age-expectations, by the time of exit (A.2).</p> <p>MSDE looks forward to Queen Anne's County Public Schools' FFY 2010 data exceeding each of the State's preschool social-emotional targets.</p>
<p>7B. Percent of preschool children with IEPs who demonstrate improved acquisition and use of knowledge and skills (including early language/communication and early literacy).</p> <p>B.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>B.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>B.1. Queen Anne's County Public Schools' FFY 2009 data for this indicator is 76.7%. This met the State's target of 65.6 % for FFY 2009.</p> <p>B.2. Queen Anne's County Public Schools' FFY 2009 data for this indicator is 65.7%. This met the State's target of 56.3% for FFY 2009.</p>	<p>Queen Anne's County Public Schools met the State's target for increasing the rate of growth for preschool children exiting the program (B.1); and, met the State's target for preschool children functioning within age-expectations by the time of exit (B.2).</p> <p>MSDE looks forward to Queen Anne's County Public Schools' FFY 2010 data exceeding each of the State's preschool language/communication/ early literacy targets.</p>

Queen Anne's County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7C: Percent of preschool children with IEPs who demonstrate improved use of appropriate behaviors to meet their needs.</p> <p>C.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>C.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>C.1. Queen Anne's County Public Schools' FFY 2009 data for this indicator is 81.0%. This met the State's target of 59.7 % for FFY 2009.</p> <p>C.2. Queen Anne's County Public Schools' FFY 2009 data for this indicator is 71.4%. This met the State's target of 63.2% for FFY 2009.</p>	<p>Queen Anne's County Public Schools met the State's target for increasing the rate of growth for preschool children exiting the program (C.1); and, met the State's target for preschool children functioning within age-expectations by the time of exit (C.2).</p> <p>MSDE looks forward to Queen Anne's County Public Schools' FFY 2010 data exceeding each of the State's preschool behavioral targets.</p>
Monitoring Priority: Disproportionate Representation		
<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 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>
<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>Queen Anne's County Public Schools' FFY 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>

Queen Anne's County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
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>Queen Anne's County Public Schools' FFY 2009 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 2010 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>Queen Anne's County Public Schools' FFY 2009 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 2010 data maintaining 100% compliance.</p>
<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 2009 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 2010 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 3 corrective actions due in FFY 2009.</p>	<p>Queen Anne's County Public Schools had 3 findings of noncompliance identified by MSDE that were due for correction in FFY 2009. Three findings were corrected within timelines.</p> <p>MSDE requires all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p>

Queen Anne's County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	Queen Anne's County Public Schools did not submit required 618 data in a timely and accurate manner.	Queen Anne's County Public Schools' data did not meet the State's target for the timely and accurate submission of required 618 data and other data required by the State for FFY 2009. MSDE requires Queen Anne's County Public Schools' submission of required data to be timely and accurate.

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2009 (reporting period July 1, 2009 – June 30, 2010)

		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 2009 (July 1, 2009 – June 30, 2010) 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 2009 (July 1, 2009 – June 30, 2010) 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.

FFY 2009 SFY 2010 (2009-2010)

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 70.05% (Leaver) 53.13% (4 yr Cohort) 59.53% (5 yr Cohort)
2	Dropout	The dropout rate of students with IEPs will be 3.00% or less.	Not Met – 4.41%
3A	Student Achievement - AYP	50% of the State's local school systems will meet AYP for the subgroup of students with disabilities.	Not Met – 24% (6 of 25 LSS)
3B	Student Achievement - Participation	95% of students with disabilities will participate in the Statewide assessment system.	Met – 99.17% for Math; and 99.22% 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
4A	Suspension and Expulsion	≤ three (3) or 12.5% 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.	Not Met – 16.7% (4 of 24 LSS)
4B	Suspension and Expulsion (race/ ethnicity)	0% of districts will have: a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Not Met – 4.1% (1 of 24 LSS)
5A	LRE 21%	≥61.61% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day.	Met – 64.80%

Part B

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

Indicator	Description	SPP Target	Met/Not Met	
5B	LRE - 60%	≤ 15.86% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day;	Met – 14.55%	
5C	LRE – Separate Schools	≤ 7.37% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements.	Met – 7.33%	
6	Preschool LRE		Not Reported	
7A	Preschool Outcomes	Positive social-emotional skills (including social relationships)	64.4% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited.	64.9% 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)	65.3% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited.	52.7% 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.	60.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time exited.	62.1% of children participating in Part B preschool were functioning within age expectations by the time they exited the program.

FFY 2009 SFY 2010 (2009-2010)

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	37% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results.	Met – 43%
8B	Parent Involvement - School Age	32% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results	Met – 37%
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 – 94.03%
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)	Met – 100%
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 – 86.1%

FFY 2009 SFY 2010 (2009-2010)

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	82% of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Met – 82%
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 – 99.57%
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)	Met – 100%
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement.	Met – 70.20%
19	Mediations	Maintain 75 – 85% rate of mediations that result in mediation agreements.	Not Met – 74.3%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.(Compliance)	Met – 100%

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2009 (SFY 2010 – Reporting Period July 1, 2009 – June 30, 2010)

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 2011.

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, 2011. 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 Survey – Know their rights
- 4b. Family Survey – Effectively communicate their children's needs
- 4c. Family Survey – Help their children develop and learn
5. Child Find 0-1
6. Child Find 0-3
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.

Part B Local Determination Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. 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 IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

- A. The Department¹ is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.
- B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.
- C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.
- D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:
 - (1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

¹ Department means the Maryland State Department of Education (MSDE).

- (2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.

E If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:

- (1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
- (2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
- (3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
- (4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
- (5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
- (6) Assign Department staff on-site to assist in the completion of the corrective actions; and
- (7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

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

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

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

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

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

Needs Substantial Intervention

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

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

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

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

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410 767-7548
3	Karla Marty	410 767-7548
4	Nancy FitzGerald	410 767-0848
5	Sandi Marx	410 767-0848
6,7 & 12	Nancy Vorobey	410 767-0557
8	Pat Shamer	410 767-0848
9 & 10	Nancy FitzGerald	410 767-0848
11	Ned Featherston	410 767-0848
13 & 14	Tom Barkley	410 767-7548
15	QAM Liaison (see below)	
	Martha Roulette Arthur	410 767-0255
16 - 19	Dori Wilson	410 767-7770
20	Ned Featherston	410 767-0848
LSS/PA	QAM Liaison Contact	Phone Number
Allegany	Nancy FitzGerald	410 767-0848
Anne Arundel	Sandi Marx	410 767-0848
Baltimore City	Bonnie Preis	410 767-0848
Baltimore	Nancy FitzGerald	410 767-0848
Calvert	Sandi Marx	410 767-0848
Caroline	Nancy FitzGerald	410 767-0848
Carroll	Bonnie Preis	410 767-0848
Cecil	Bonnie Preis	410 767-0848
Charles	Sandi Marx	410 767-0848
Dorchester	Nancy FitzGerald	410 767-0848
Frederick	Bonnie Preis	410 767-0848
Garrett	Nancy FitzGerald	410 767-0848
Harford	Bonnie Preis	410 767-0848
Howard	Nancy FitzGerald	410 767-0848
Kent	Nancy FitzGerald	410 767-0848
Montgomery	Nancy FitzGerald	410 767-0848
Prince George's	Bonnie Preis	410 767-0848
Queen Anne's	Nancy FitzGerald	410 767-0848
St. Mary's	Sandi Marx	410 767-0848
Somerset	Sandi Marx	410 767-0848
Talbot	Sandi Marx	410 767-0848
Washington	Bonnie Preis	410 767-0848
Wicomico	Sandi Marx	410 767-0848
Worcester	Sandi Marx	410 767-0848



Nancy S. Grasmick
State Superintendent of Schools

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

May 3, 2011

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 annually reviews each state's SPP and Annual Performance Report (APR). 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) 2009 [State Fiscal Year (SFY) 2010 (2009-2010 School Year)] Part B in early June 2011. 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 2009. 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 2009 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 3, 2011
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
Attachments

c: Nancy S. Grasmick
Betsy Reich
Branch/Section Chiefs

Somerset County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

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 2009 data for this indicator is 56.52%. This is below the State's target of 85.50%.	Somerset County Public Schools' data did not meet the State's target. MSDE looks forward to Somerset County Public Schools' FFY 2010 data demonstrating improvement.
2. Percent of youth with IEPs dropping out of high school. [Performance Indicator]	Somerset County Public Schools' FFY 2009 data for this indicator is 4.72%. This did not meet the State's target of 3.54%.	Somerset County Public Schools did not meet the State's target for this indicator. MSDE looks forward to Somerset County Public Schools' FFY 2010 data demonstrating improvement.
4A. 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 2009 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 Public Schools met 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 Somerset County Public Schools' FFY 2010 data continuing to meet the State's target.

Somerset County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>4B. Percent of districts that have (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator]</p>	<p>Somerset County Public Schools' FFY 2009 ratio for multiple suspensions summing to greater than 10 days is 0.00, and for single event suspensions is 0.00, when compared by race or ethnicity. The State's target for both multiple and single event suspensions when compared by race or ethnicity is 0.00 – 1.49.</p>	<p>Somerset County Public Schools met the State's target for multiple suspensions summing to greater than 10 days and met the State's target for single event suspensions to greater than 10 days when compared by race or ethnicity.</p> <p>MSDE looks forward to Somerset County Public Schools' FFY 2010 data continuing to meet the State's target.</p>
<p>5. (LRE) 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 2009 data for this indicator is 85.71%. This met the State's target of 61.61% for FFY 2009.</p> <p>B. Somerset County Public Schools' FFY 2009 data for this indicator is 9.89%. This met the State's target of 15.86 % for FFY 2009.</p> <p>C. Somerset County Public Schools' FFY 2009 data for this indicator is 1.65%. This met the State's target of 6.67% for</p>	<p>Somerset County Public Schools' data met the State's targets for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to Somerset County Public Schools' FFY 2010 data meeting each of the State's LRE targets.</p>

Somerset County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7A. Percent of preschool children with IEPs who demonstrate positive social-emotional skills (including social relationships).</p> <p>A.1. Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>A.2. Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>FFY 2009.</p> <p>A.1. Somerset County Public Schools' FFY 2009 data for this indicator is 75.0%. This met the State's target of 65.3 % for FFY 2009.</p> <p>A.2. Somerset County Public Schools' FFY 2009 data for this indicator is 80.0%. This met the State's target of 70.5% for FFY 2009.</p>	<p>Somerset County Public Schools met the State's target for increasing the rate of growth for preschool children exiting the program (A.1); and, met the State's target for preschool children functioning within age-expectations, by the time of exit (A.2).</p> <p>MSDE looks forward to Somerset County Public Schools' FFY 2010 data exceeding each of the State's preschool social-emotional targets.</p>
<p>7B. Percent of preschool children with IEPs who demonstrate improved acquisition and use of knowledge and skills (including early language/communication and early literacy).</p> <p>B.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>B.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>B.1. Somerset County Public Schools' FFY 2009 data for this indicator is 80.0%. This met the State's target of 65.6 % for FFY 2009.</p> <p>B.2. Somerset County Public Schools' FFY 2009 data for this indicator is 80.0%. This met the State's target of 56.3% for FFY 2009.</p>	<p>Somerset County Public Schools met the State's target for increasing the rate of growth for preschool children exiting the program (B.1); and, met the State's target for preschool children functioning within age-expectations by the time of exit (B.2).</p> <p>MSDE looks forward to Somerset County Public Schools' FFY 2010 data exceeding each of the State's preschool language/communication/ early literacy targets.</p>

Somerset County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7C: Percent of preschool children with IEPs who demonstrate improved use of appropriate behaviors to meet their needs.</p> <p>C.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>C.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>C.1. Somerset County Public Schools' FFY 2009 data for this indicator is 100%. This met the State's target of 59.7 % for FFY 2009.</p> <p>C.2. Somerset County Public Schools' FFY 2009 data for this indicator is 100%. This met the State's target of 63.2% for FFY 2009.</p>	<p>Somerset County Public Schools met the State's target for increasing the rate of growth for preschool children exiting the program (C.1); and, met the State's target for preschool children functioning within age-expectations by the time of exit (C.2).</p> <p>MSDE looks forward to Somerset County Public Schools' FFY 2010 data exceeding each of the State's preschool behavioral targets.</p>
Monitoring Priority: Disproportionate Representation		
<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 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>
<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 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>

Somerset County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
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]	Somerset County Public Schools' FFY 2009 data for this indicator is 98.63%. The State's target is 100%.	Somerset County Public Schools' data did not meet the State's target of 100% for this compliance indicator MSDE looks forward to Somerset County Public Schools' FFY 2010 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]	Somerset County Public Schools' FFY 2009 data for this indicator is 100%. The State's target is 100%.	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 2010 data maintaining 100% compliance.
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]	Somerset County Public Schools' FFY 2009 data for this indicator is 100%. The State's target is 100%.	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 2010 data maintaining 100% compliance.
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]	Somerset County Public Schools had 1 corrective action due in FFY 2009.	Somerset County Public Schools had 1 finding of noncompliance identified by MSDE that was due for correction in FFY 2009. One finding was corrected within timelines. MSDE requires all identified noncompliance to be corrected as soon as possible but in no case later than one year.
20. State reported data (618 and State	Somerset County Public	Somerset County Public Schools' data met the State's target for the timely

**Somerset County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010**

Monitoring Priorities and Indicators	Status	MSDE Analysis
Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	Schools submitted required 618 data in a timely and accurate manner.	and accurate submission of required 618 data and other data required by the State for FFY 2009. MSDE requires Somerset County Public Schools' submission of required data to be timely and accurate.

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2009 (reporting period July 1, 2009 – June 30, 2010)

		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 2009 (July 1, 2009 – June 30, 2010) 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 2009 (July 1, 2009 – June 30, 2010) 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.

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 70.05% (Leaver) 53.13% (4 yr Cohort) 59.53% (5 yr Cohort)
2	Dropout	The dropout rate of students with IEPs will be 3.00% or less.	Not Met – 4.41%
3A	Student Achievement - AYP	50% of the State's local school systems will meet AYP for the subgroup of students with disabilities.	Not Met – 24% (6 of 25 LSS)
3B	Student Achievement - Participation	95% of students with disabilities will participate in the Statewide assessment system.	Met – 99.17% for Math; and 99.22% 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
4A	Suspension and Expulsion	≤ three (3) or 12.5% 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.	Not Met – 16.7% (4 of 24 LSS)
4B	Suspension and Expulsion (race/ ethnicity)	0% of districts will have: a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Not Met – 4.1% (1 of 24 LSS)
5A	LRE 21%	≥61.61% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day.	Met – 64.80%

FFY 2009 SFY 2010 (2009-2010)

Part B

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

Indicator	Description	SPP Target	Met/Not Met	
5B	LRE - 60%	≤ 15.86% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day;	Met – 14.55%	
5C	LRE – Separate Schools	≤ 7.37% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements.	Met – 7.33%	
6	Preschool LRE		Not Reported	
7A	Preschool Outcomes	Positive social-emotional skills (including social relationships)	64.4% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited.	64.9% 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)	65.3% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited.	52.7% 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.	60.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time exited.	62.1% of children participating in Part B preschool were functioning within age expectations by the time they exited the program.

FFY 2009 SFY 2010 (2009-2010)

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	37% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results.	Met – 43%
8B	Parent Involvement - School Age	32% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results	Met – 37%
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 – 94.03%
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)	Met – 100%
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 – 86.1%

FFY 2009 SFY 2010 (2009-2010)

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	82% of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Met – 82%
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 – 99.57%
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)	Met – 100%
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement.	Met – 70.20%
19	Mediations	Maintain 75 – 85% rate of mediations that result in mediation agreements.	Not Met – 74.3%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates. (Compliance)	Met – 100%

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2009 (SFY 2010 – Reporting Period July 1, 2009 – June 30, 2010)

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 2011.

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, 2011. 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 Survey – Know their rights
- 4b. Family Survey – Effectively communicate their children's needs
- 4c. Family Survey – Help their children develop and learn
5. Child Find 0-1
6. Child Find 0-3
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.

Part B Local Determination Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. 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 IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

- A. The Department¹ is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.
- B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.
- C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.
- D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:
 - (1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

¹ Department means the Maryland State Department of Education (MSDE).

- (2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.

E If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:

- (1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
- (2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
- (3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
- (4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
- (5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
- (6) Assign Department staff on-site to assist in the completion of the corrective actions; and
- (7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

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

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

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

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

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

Needs Substantial Intervention

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

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

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

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

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410 767-7548
3	Karla Marty	410 767-7548
4	Nancy FitzGerald	410 767-0848
5	Sandi Marx	410 767-0848
6, 7 & 12	Nancy Vorobey	410 767-0557
8	Pat Shamer	410 767-0848
9 & 10	Nancy FitzGerald	410 767-0848
11	Ned Featherston	410 767-0848
13 & 14	Tom Barkley	410 767-7548
15	QAM Liaison (see below)	
	Martha Roulette Arthur	410 767-0255
16 - 19	Dori Wilson	410 767-7770
20	Ned Featherston	410 767-0848
LSS/PA	QAM Liaison Contact	Phone Number
Allegany	Nancy FitzGerald	410 767-0848
Anne Arundel	Sandi Marx	410 767-0848
Baltimore City	Bonnie Preis	410 767-0848
Baltimore	Nancy FitzGerald	410 767-0848
Calvert	Sandi Marx	410 767-0848
Caroline	Nancy FitzGerald	410 767-0848
Carroll	Bonnie Preis	410 767-0848
Cecil	Bonnie Preis	410 767-0848
Charles	Sandi Marx	410 767-0848
Dorchester	Nancy FitzGerald	410 767-0848
Frederick	Bonnie Preis	410 767-0848
Garrett	Nancy FitzGerald	410 767-0848
Harford	Bonnie Preis	410 767-0848
Howard	Nancy FitzGerald	410 767-0848
Kent	Nancy FitzGerald	410 767-0848
Montgomery	Nancy FitzGerald	410 767-0848
Prince George's	Bonnie Preis	410 767-0848
Queen Anne's	Nancy FitzGerald	410 767-0848
St. Mary's	Sandi Marx	410 767-0848
Somerset	Sandi Marx	410 767-0848
Talbot	Sandi Marx	410 767-0848
Washington	Bonnie Preis	410 767-0848
Wicomico	Sandi Marx	410 767-0848
Worcester	Sandi Marx	410 767-0848



Nancy S. Grasmick
State Superintendent of Schools

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

May 3, 2011

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 annually reviews each state's SPP and Annual Performance Report (APR). 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) 2009 [State Fiscal Year (SFY) 2010 (2009-2010 School Year)] Part B in early June 2011. 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 2009. 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 2009 data, as well as information obtained through monitoring and complaint investigations, the Saint Mary's County Public Schools (SMCPS) has been determined to be **Meets Requirements**.

Dr. Michael J. Martirano
May 3, 2011
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
Attachments

c: Nancy S. Grasmick
Melissa Charbonnet
Branch/Section Chiefs



Nancy S. Grasmick
State Superintendent of Schools

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

May 3, 2011

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Superintendent
St. Mary's County Public Schools
P.O. Box 641
Leonardtown, MD 20650

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Dr. Michael J. Martirano
May 3, 2011
Page Two

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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.

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
Attachments

c: Nancy S. Grasmick
Melissa Charbonnet
Branch/Section Chiefs



Nancy S. Grasmick
State Superintendent of Schools

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

May 3, 2011

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 annually reviews each state's SPP and Annual Performance Report (APR). 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) 2009 [State Fiscal Year (SFY) 2010 (2009-2010 School Year)] Part B in early June 2011. 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 2009. 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 2009 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 3, 2011
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
Kristin Mentges
Branch/Section Chiefs

Talbot County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

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 2009 data for this indicator is 57.14%. This is below the State's target of 85.50%.	Talbot County Public Schools' data did not meet the State's target. MSDE looks forward to Talbot County Public Schools' FFY 2010 data demonstrating improvement.
2. Percent of youth with IEPs dropping out of high school. [Performance Indicator]	Talbot County Public Schools' FFY 2009 data for this indicator is 2.36%. This met the State's target of 3.54%.	Talbot County Public Schools met the State's target for this indicator. MSDE looks forward to Talbot County Public Schools' FFY 2010 data demonstrating improvement.
4A. 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 2009 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 Public Schools met 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 Talbot County Public Schools' FFY 2010 data continuing to meet the State's target.

Talbot County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>4B. Percent of districts that have (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator]</p>	<p>Talbot County Public Schools' FFY 2009 ratio for multiple suspensions summing to greater than 10 days is 0.00, and for single event suspensions is 0.00, when compared by race or ethnicity. The State's target for both multiple and single event suspensions when compared by race or ethnicity is 0.00 – 1.49.</p>	<p>Talbot County Public Schools met the State's target for multiple suspensions summing to greater than 10 days and met the State's target for single event suspensions to greater than 10 days when compared by race or ethnicity.</p> <p>MSDE looks forward to Talbot County Public Schools' FFY 2010 data continuing to meet the State's target.</p>
<p>5. (LRE) 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 2009 data for this indicator is 74.75%. This met the State's target of 61.61% for FFY 2009.</p> <p>B. Talbot County Public Schools' FFY 2009 data for this indicator is 5.26%. This met the State's target of 15.86 % for FFY 2009.</p> <p>C. Talbot County Public Schools' FFY 2009 data for this indicator is 1.32%. This met the State's target of 6.67% for</p>	<p>Talbot County Public Schools' data met the State's targets for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to Talbot County Public Schools' FFY 2010 data meeting each of the State's LRE targets.</p>

Talbot County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7A. Percent of preschool children with IEPs who demonstrate positive social-emotional skills (including social relationships).</p> <p>A.1. Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>A.2. Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>FFY 2009.</p> <p>A.1. Talbot County Public Schools' FFY 2009 data for this indicator is 50.0%. This did not meet the State's target of 65.3 % for FFY 2009.</p> <p>A.2. Talbot County Public Schools' FFY 2009 data for this indicator is 63.6%. This did not meet the State's target of 70.5% for FFY 2009.</p>	<p>Talbot County Public Schools did not meet the State's target for increasing the rate of growth for preschool children exiting the program (A.1); and, did not meet the State's target for preschool children functioning within age-expectations, by the time of exit (A.2).</p> <p>MSDE looks forward to Talbot County Public Schools' FFY 2010 data meeting each of the State's preschool social-emotional targets.</p>
<p>7B. Percent of preschool children with IEPs who demonstrate improved acquisition and use of knowledge and skills (including early language/communication and early literacy).</p> <p>B.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>B.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>B.1. Talbot County Public Schools' FFY 2009 data for this indicator is 70.0%. This met the State's target of 65.6 % for FFY 2009.</p> <p>B.2. Talbot County Public Schools' FFY 2009 data for this indicator is 72.7%. This met the State's target of 56.3% for FFY 2009.</p>	<p>Talbot County Public Schools met the State's target for increasing the rate of growth for preschool children exiting the program (B.1); and, met the State's target for preschool children functioning within age-expectations by the time of exit (B.2).</p> <p>MSDE looks forward to Talbot County Public Schools' FFY 2010 data exceeding each of the State's preschool language/communication/ early literacy targets.</p>

Talbot County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7C: Percent of preschool children with IEPs who demonstrate improved use of appropriate behaviors to meet their needs.</p> <p>C.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>C.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>C.1. Talbot County Public Schools' FFY 2009 data for this indicator is 57.1%. This did not meet the State's target of 59.7 % for FFY 2009.</p> <p>C.2. Talbot County Public Schools' FFY 2009 data for this indicator is 72.7%. This met the State's target of 63.2% for FFY 2009.</p>	<p>Talbot County Public Schools did not meet the State's target for increasing the rate of growth for preschool children exiting the program (C.1); and, met the State's target for preschool children functioning within age-expectations by the time of exit (C.2).</p> <p>MSDE looks forward to Talbot County Public Schools' FFY 2010 data meeting each of the State's preschool behavioral targets.</p>
Monitoring Priority: Disproportionate Representation		
<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 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>
<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 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>

Talbot County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
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>Talbot County Public Schools' FFY 2009 data for this indicator is 98.94%. 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 MSDE looks forward to Talbot County Public Schools' FFY 2010 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>Talbot County Public Schools' FFY 2009 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. MSDE looks forward to Talbot County Public Schools' FFY 2010 data maintaining 100% compliance.</p>
<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>Talbot County Public Schools' FFY 2009 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. MSDE looks forward to Talbot County Public Schools' FFY 2010 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>Talbot County Public Schools had 1 corrective action due in FFY 2009.</p>	<p>Talbot County Public Schools had 1 finding of noncompliance identified by MSDE that was due for correction in FFY 2009. One finding was corrected within timelines. MSDE requires 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</p>	<p>Talbot County Public</p>	<p>Talbot County Public Schools' data met the State's target for the timely and</p>

Talbot County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	Schools submitted required 618 data in a timely and accurate manner.	accurate submission of required 618 data and other data required by the State for FFY 2009. MSDE requires Talbot County Public Schools' submission of required data to be timely and accurate.

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2009 (reporting period July 1, 2009 – June 30, 2010)

		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 2009 (July 1, 2009 – June 30, 2010) 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 2009 (July 1, 2009 – June 30, 2010) 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.

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 70.05% (Leaver) 53.13% (4 yr Cohort) 59.53% (5 yr Cohort)
2	Dropout	The dropout rate of students with IEPs will be 3.00% or less.	Not Met – 4.41%
3A	Student Achievement - AYP	50% of the State's local school systems will meet AYP for the subgroup of students with disabilities.	Not Met – 24% (6 of 25 LSS)
3B	Student Achievement - Participation	95% of students with disabilities will participate in the Statewide assessment system.	Met – 99.17% for Math; and 99.22% 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
4A	Suspension and Expulsion	≤ three (3) or 12.5% 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.	Not Met – 16.7% (4 of 24 LSS)
4B	Suspension and Expulsion (race/ ethnicity)	0% of districts will have: a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Not Met – 4.1% (1 of 24 LSS)
5A	LRE 21%	≥61.61% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day.	Met – 64.80%

FFY 2009 SFY 2010 (2009-2010)

Part B

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

Indicator	Description	SPP Target	Met/Not Met	
5B	LRE - 60%	≤ 15.86% of students with disabilities, ages 6-21, are served inside the regular class less than 40% of the day;	Met – 14.55%	
5C	LRE – Separate Schools	≤ 7.37% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements.	Met – 7.33%	
6	Preschool LRE		Not Reported	
7A	Preschool Outcomes	Positive social-emotional skills (including social relationships)	64.4% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited.	64.9% 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)	65.3% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited.	52.7% 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.	60.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time exited.	62.1% of children participating in Part B preschool were functioning within age expectations by the time they exited the program.

FFY 2009 SFY 2010 (2009-2010)

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	37% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results.	Met – 43%
8B	Parent Involvement - School Age	32% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results	Met – 37%
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 – 94.03%
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)	Met – 100%
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 – 86.1%

FFY 2009 SFY 2010 (2009-2010)

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	82% of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Met – 82%
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 – 99.57%
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)	Met – 100%
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement.	Met – 70.20%
19	Mediations	Maintain 75 – 85% rate of mediations that result in mediation agreements.	Not Met – 74.3%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates. (Compliance)	Met – 100%

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2009 (SFY 2010 – Reporting Period July 1, 2009 – June 30, 2010)

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 2011.

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, 2011. 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 Survey – Know their rights
- 4b. Family Survey – Effectively communicate their children's needs
- 4c. Family Survey – Help their children develop and learn
5. Child Find 0-1
6. Child Find 0-3
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.

Part B Local Determination Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. 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 IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

- A. The Department¹ is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.
- B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.
- C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.
- D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:
 - (1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

¹ Department means the Maryland State Department of Education (MSDE).

- (2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.
- E If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:
- (1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
 - (2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
 - (3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
 - (4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
 - (5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
 - (6) Assign Department staff on-site to assist in the completion of the corrective actions; and
 - (7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.
- F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

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

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

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

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

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

Needs Substantial Intervention

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

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

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

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

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410 767-7548
3	Karla Marty	410 767-7548
4	Nancy FitzGerald	410 767-0848
5	Sandi Marx	410 767-0848
6, 7 & 12	Nancy Vorobey	410 767-0557
8	Pat Shamer	410 767-0848
9 & 10	Nancy FitzGerald	410 767-0848
11	Ned Featherston	410 767-0848
13 & 14	Tom Barkley	410 767-7548
15	QAM Liaison (see below)	
	Martha Roulette Arthur	410 767-0255
16 - 19	Dori Wilson	410 767-7770
20	Ned Featherston	410 767-0848
LSS/PA	QAM Liaison Contact	Phone Number
Allegany	Nancy FitzGerald	410 767-0848
Anne Arundel	Sandi Marx	410 767-0848
Baltimore City	Bonnie Preis	410 767-0848
Baltimore	Nancy FitzGerald	410 767-0848
Calvert	Sandi Marx	410 767-0848
Caroline	Nancy FitzGerald	410 767-0848
Carroll	Bonnie Preis	410 767-0848
Cecil	Bonnie Preis	410 767-0848
Charles	Sandi Marx	410 767-0848
Dorchester	Nancy FitzGerald	410 767-0848
Frederick	Bonnie Preis	410 767-0848
Garrett	Nancy FitzGerald	410 767-0848
Harford	Bonnie Preis	410 767-0848
Howard	Nancy FitzGerald	410 767-0848
Kent	Nancy FitzGerald	410 767-0848
Montgomery	Nancy FitzGerald	410 767-0848
Prince George's	Bonnie Preis	410 767-0848
Queen Anne's	Nancy FitzGerald	410 767-0848
St. Mary's	Sandi Marx	410 767-0848
Somerset	Sandi Marx	410 767-0848
Talbot	Sandi Marx	410 767-0848
Washington	Bonnie Preis	410 767-0848
Wicomico	Sandi Marx	410 767-0848
Worcester	Sandi Marx	410 767-0848



Nancy S. Grasmick
State Superintendent of Schools

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

May 3, 2011

Mr. Stan Schaub
Interim Superintendent
Washington County Board of Education
P.O. Box 730
Hagerstown, MD 21741

Dear Mr. Schaub:

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 annually reviews each state's SPP and Annual Performance Report (APR). 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) 2009 [State Fiscal Year (SFY) 2010 (2009-2010 School Year)] Part B in early June 2011. 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 2009. 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 2009 data, as well as information obtained through monitoring and complaint investigations, the Washington County Public Schools (WCPS) has been determined to be **Meets Requirements**.

Mr. Stan Schaub
May 3, 2011
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
Jeff Gladhill
Branch/Section Chiefs

Washington County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

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 2009 data for this indicator is 82.84%. This is below the State's target of 85.50%.	Washington County Public Schools' data did not meet the State's target. MSDE looks forward to Washington County Public Schools' FFY 2010 data demonstrating improvement.
2. Percent of youth with IEPs dropping out of high school. [Performance Indicator]	Washington County Public Schools' FFY 2009 data for this indicator is 4.54%. This did not meet the State's target of 3.54%.	Washington County Public Schools did not meet the State's target for this indicator. MSDE looks forward to Washington County Public Schools' FFY 2010 data demonstrating improvement.
4A. 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 2009 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 Schools met 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 Washington County Public Schools' FFY 2010 data continuing to meet the State's target.

Washington County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>4B. Percent of districts that have (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator]</p>	<p>Washington County Public Schools' FFY 2009 ratio for multiple suspensions summing to greater than 10 days is 0.00, and for single event suspensions is 0.00, when compared by race or ethnicity. The State's target for both multiple and single event suspensions when compared by race or ethnicity is 0.00 – 1.49.</p>	<p>Washington County Public Schools met the State's target for multiple suspensions summing to greater than 10 days and met the State's target for single event suspensions to greater than 10 days when compared by race or ethnicity.</p> <p>MSDE looks forward to Washington County Public Schools' FFY 2010 data continuing to meet the State's target.</p>
<p>5. (LRE) 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. Washington County Public Schools' FFY 2009 data for this indicator is 80.74%. This met the State's target of 61.61% for FFY 2009.</p> <p>B. Washington County Public Schools' FFY 2009 data for this indicator is 8.48%. This met the State's target of 15.86 % for FFY 2009.</p> <p>C. Washington County Public Schools' FFY 2009 data for this indicator is 5.67%. This met the State's target of</p>	<p>Washington County Public Schools' data met the State's targets for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to Washington County Public Schools' FFY 2010 data meeting each of the State's LRE targets.</p>

Washington County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7A. Percent of preschool children with IEPs who demonstrate positive social-emotional skills (including social relationships).</p> <p>A.1. Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>A.2. Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>6.67% for FFY 2009.</p> <p>A.1. Washington County Public Schools' FFY 2009 data for this indicator is 66.7%. This met the State's target of 65.3 % for FFY 2009.</p> <p>A.2. Washington County Public Schools' FFY 2009 data for this indicator is 33.3%. This did not meet the State's target of 70.5% for FFY 2009.</p>	<p>Washington County Public Schools met the State's target for increasing the rate of growth for preschool children exiting the program (A.1); and, did not meet the State's target for preschool children functioning within age-expectations, by the time of exit (A.2).</p> <p>MSDE looks forward to Washington County Public Schools' FFY 2010 data meeting each of the State's preschool social-emotional targets.</p>
<p>7B. Percent of preschool children with IEPs who demonstrate improved acquisition and use of knowledge and skills (including early language/communication and early literacy).</p> <p>B.1. Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>B.2. Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>B.1. Washington County Public Schools' FFY 2009 data for this indicator is 66.7%. This met the State's target of 65.6 % for FFY 2009.</p> <p>B.2. Washington County Public Schools' FFY 2009 data for this indicator is 00.0%. This did not meet the State's target of 56.3% for FFY 2009.</p>	<p>Washington County Public Schools met the State's target for increasing the rate of growth for preschool children exiting the program (B.1); and, did not meet the State's target for preschool children functioning within age-expectations by the time of exit (B.2).</p> <p>MSDE looks forward to Washington County Public Schools' FFY 2010 data meeting each of the State's preschool language/communication/ early literacy targets.</p>

Washington County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7C: Percent of preschool children with IEPs who demonstrate improved use of appropriate behaviors to meet their needs.</p> <p>C.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>C.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>C.1. Washington County Public Schools' FFY 2009 data for this indicator is 67.7%. This met the State's target of 59.7 % for FFY 2009.</p> <p>C.2. Washington County Public Schools' FFY 2009 data for this indicator is 33.3%. This did not meet the State's target of 63.2% for FFY 2009.</p>	<p>Washington County Public Schools met the State's target for increasing the rate of growth for preschool children exiting the program (C.1); and, did not meet the State's target for preschool children functioning within age-expectations by the time of exit (C.2).</p> <p>MSDE looks forward to Washington County Public Schools' FFY 2010 data meeting each of the State's preschool behavioral targets.</p>
<p>Monitoring Priority: Disproportionate Representation</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>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>Washington County Public Schools' FFY 2009 data for this indicator is 0.0%. This met the State's target.</p> <p>Washington County Public Schools' FFY 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</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 2010 data demonstrating continued compliance.</p>

Washington County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
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>Washington County Public Schools' FFY 2009 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 MSDE looks forward to Washington County Public Schools' FFY 2010 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. [Compliance Indicator]</p>	<p>Washington County Public Schools' FFY 2009 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. MSDE looks forward to Washington County Public Schools' FFY 2010 data maintaining 100% compliance.</p>
<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>Washington County Public Schools' FFY 2009 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. MSDE looks forward to Washington County Public Schools' FFY 2010 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>Washington County Public Schools had no corrective actions due in FFY 2009.</p>	<p>Washington County Public Schools had no findings of noncompliance identified by MSDE that were due for correction in FFY 2009. MSDE requires all identified noncompliance to be corrected as soon as possible but in no case later than one year.</p>

**Washington County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010**

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [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 2009. MSDE requires Washington County Public Schools' submission of required data to be timely and accurate.</p>

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2009 (reporting period July 1, 2009 – June 30, 2010)

		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 2009 (July 1, 2009 – June 30, 2010) 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 2009 (July 1, 2009 – June 30, 2010) 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.

FFY 2009 SFY 2010 (2009-2010)

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 70.05% (Leaver) 53.13% (4 yr Cohort) 59.53% (5 yr Cohort)
2	Dropout	The dropout rate of students with IEPs will be 3.00% or less.	Not Met – 4.41%
3A	Student Achievement - AYP	50% of the State's local school systems will meet AYP for the subgroup of students with disabilities.	Not Met – 24% (6 of 25 LSS)
3B	Student Achievement - Participation	95% of students with disabilities will participate in the Statewide assessment system.	Met – 99.17% for Math; and 99.22% 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
4A	Suspension and Expulsion	≤ three (3) or 12.5% 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.	Not Met – 16.7% (4 of 24 LSS)
4B	Suspension and Expulsion (race/ ethnicity)	0% of districts will have: a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Not Met – 4.1% (1 of 24 LSS)
5A	LRE 21%	≥61.61% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day.	Met – 64.80%

FFY 2009 SFY 2010 (2009-2010)

Part B

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

Indicator	Description	SPP Target	Met/Not Met	
5B	LRE - 60%	≤ 15.86% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day;	Met – 14.55%	
5C	LRE – Separate Schools	≤ 7.37% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements.	Met – 7.33%	
6	Preschool LRE		Not Reported	
7A	Preschool Outcomes	Positive social-emotional skills (including social relationships)	64.4% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited.	64.9% 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)	65.3% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited.	52.7% 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.	60.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time exited.	62.1% of children participating in Part B preschool were functioning within age expectations by the time they exited the program.

FFY 2009 SFY 2010 (2009-2010)

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	37% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results.	Met – 43%
8B	Parent Involvement - School Age	32% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results	Met – 37%
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 – 94.03%
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)	Met – 100%
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 – 86.1%

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	82% of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Met – 82%
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 – 99.57%
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)	Met – 100%
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement.	Met – 70.20%
19	Mediations	Maintain 75 – 85% rate of mediations that result in mediation agreements.	Not Met – 74.3%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates. (Compliance)	Met – 100%

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2009 (SFY 2010 – Reporting Period July 1, 2009 – June 30, 2010)

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 2011.

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, 2011. 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 Survey – Know their rights
- 4b. Family Survey – Effectively communicate their children's needs
- 4c. Family Survey – Help their children develop and learn
5. Child Find 0-1
6. Child Find 0-3
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.

Part B Local Determination Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. 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 IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

- A. The Department¹ is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.
- B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.
- C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.
- D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:
 - (1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

¹ Department means the Maryland State Department of Education (MSDE).

- (2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.
- E If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:
- (1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
 - (2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
 - (3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
 - (4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
 - (5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
 - (6) Assign Department staff on-site to assist in the completion of the corrective actions; and
 - (7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.
- F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

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

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

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

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

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

Needs Substantial Intervention

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

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

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

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

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410 767-7548
3	Karla Marty	410 767-7548
4	Nancy FitzGerald	410 767-0848
5	Sandi Marx	410 767-0848
6,7 & 12	Nancy Vorobey	410 767-0557
8	Pat Shamer	410 767-0848
9 & 10	Nancy FitzGerald	410 767-0848
11	Ned Featherston	410 767-0848
13 & 14	Tom Barkley	410 767-7548
15	QAM Liaison (see below)	
	Martha Roulette Arthur	410 767-0255
16 - 19	Dori Wilson	410 767-7770
20	Ned Featherston	410 767-0848
LSS/PA	QAM Liaison Contact	Phone Number
Allegany	Nancy FitzGerald	410 767-0848
Anne Arundel	Sandi Marx	410 767-0848
Baltimore City	Bonnie Preis	410 767-0848
Baltimore	Nancy FitzGerald	410 767-0848
Calvert	Sandi Marx	410 767-0848
Caroline	Nancy FitzGerald	410 767-0848
Carroll	Bonnie Preis	410 767-0848
Cecil	Bonnie Preis	410 767-0848
Charles	Sandi Marx	410 767-0848
Dorchester	Nancy FitzGerald	410 767-0848
Frederick	Bonnie Preis	410 767-0848
Garrett	Nancy FitzGerald	410 767-0848
Harford	Bonnie Preis	410 767-0848
Howard	Nancy FitzGerald	410 767-0848
Kent	Nancy FitzGerald	410 767-0848
Montgomery	Nancy FitzGerald	410 767-0848
Prince George's	Bonnie Preis	410 767-0848
Queen Anne's	Nancy FitzGerald	410 767-0848
St. Mary's	Sandi Marx	410 767-0848
Somerset	Sandi Marx	410 767-0848
Talbot	Sandi Marx	410 767-0848
Washington	Bonnie Preis	410 767-0848
Wicomico	Sandi Marx	410 767-0848
Worcester	Sandi Marx	410 767-0848



Nancy S. Grasmick
State Superintendent of Schools

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

May 3, 2011

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 annually reviews each state's SPP and Annual Performance Report (APR). 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) 2009 [State Fiscal Year (SFY) 2010 (2009-2010 School Year)] Part B in early June 2011. 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 2009. 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 2009 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 3, 2011
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
Bonnie L. Walston
Branch/Section Chiefs

Wicomico County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

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 2009 data for this indicator is 91.53%. This is above the State's target of 85.50%.	Wicomico County Public Schools' data met the State's target. MSDE looks forward to Wicomico County Public Schools' FFY 2010 data demonstrating improvement.
2. Percent of youth with IEPs dropping out of high school. [Performance Indicator]	Wicomico County Public Schools' FFY 2009 data for this indicator is 3.86%. This did not meet the State's target of 3.54%.	Wicomico County Public Schools did not meet the State's target for this indicator. MSDE looks forward to Wicomico County Public Schools' FFY 2010 data demonstrating improvement.
4A. 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 2009 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'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 Wicomico County Public Schools' FFY 2010 data continuing to meet the State's target.

Wicomico County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>4B. Percent of districts that have (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator]</p>	<p>Wicomico County Public Schools' FFY 2009 ratio for multiple suspensions summing to greater than 10 days is 0.00, and for single event suspensions is 0.00, when compared by race or ethnicity. The State's target for both multiple and single event suspensions when compared by race or ethnicity is 0.00 – 1.49.</p>	<p>Wicomico County Public Schools met the State's target for multiple suspensions summing to greater than 10 days and met the State's target for single event suspensions to greater than 10 days when compared by race or ethnicity.</p> <p>MSDE looks forward to Wicomico County Public Schools' FFY 2010 data continuing to meet the State's target.</p>
<p>5. (LRE) 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 2009 data for this indicator is 76.16%. This met the State's target of 61.61% for FFY 2009.</p> <p>B. Wicomico County Public Schools' FFY 2009 data for this indicator is 12.28%. This met the State's target of 15.86 % for FFY 2009.</p> <p>C. Wicomico County Public Schools' FFY 2009 data for this indicator is 0.65%. This met the State's target of 6.67% for</p>	<p>Wicomico County Public Schools' data met the State's targets for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to Wicomico County Public Schools' FFY 2010 data meeting each of the State's LRE targets.</p>

Wicomico County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7A. Percent of preschool children with IEPs who demonstrate positive social-emotional skills (including social relationships).</p> <p>A.1. Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>A.2. Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>FFY 2009.</p> <p>A.1. Wicomico County Public Schools' FFY 2009 data for this indicator is 60.9%. This did not meet the State's target of 65.3 % for FFY 2009.</p> <p>A.2. Wicomico County Public Schools' FFY 2009 data for this indicator is 68.4%. This did not meet the State's target of 70.5% for FFY 2009.</p>	<p>Wicomico County Public Schools did not meet the State's target for increasing the rate of growth for preschool children exiting the program (A.1); and, did not meet the State's target for preschool children functioning within age-expectations, by the time of exit (A.2).</p> <p>MSDE looks forward to Wicomico County Public Schools' FFY 2010 data meeting each of the State's preschool social-emotional targets.</p>
<p>7B. Percent of preschool children with IEPs who demonstrate improved acquisition and use of knowledge and skills (including early language/communication and early literacy).</p> <p>B.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>B.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>B.1. Wicomico County Public Schools' FFY 2009 data for this indicator is 56.3%. This did not meet the State's target of 65.6 % for FFY 2009.</p> <p>B.2. Wicomico County Public Schools' FFY 2009 data for this indicator is 47.4%. This did not meet the State's target of 56.3% for FFY 2009.</p>	<p>Wicomico County Public Schools did not meet the State's target for increasing the rate of growth for preschool children exiting the program (B.1); and, did not meet the State's target for preschool children functioning within age-expectations by the time of exit (B.2).</p> <p>MSDE looks forward to Wicomico County Public Schools' FFY 2010 data meeting each of the State's preschool language/communication/ early literacy targets.</p>

Wicomico County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7C: Percent of preschool children with IEPs who demonstrate improved use of appropriate behaviors to meet their needs.</p> <p>C.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>C.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>C.1. Wicomico County Public Schools' FFY 2009 data for this indicator is 50.0%. This did not meet the State's target of 59.7 % for FFY 2009.</p> <p>C.2. Wicomico County Public Schools' FFY 2009 data for this indicator is 73.7%. This met the State's target of 63.2% for FFY 2009.</p>	<p>Wicomico County Public Schools did not meet the State's target for increasing the rate of growth for preschool children exiting the program (C.1); and, met the State's target for preschool children functioning within age-expectations by the time of exit (C.2).</p> <p>MSDE looks forward to Wicomico County Public Schools' FFY 2010 data meeting each of the State's preschool behavioral targets.</p>
Monitoring Priority: Disproportionate Representation		
<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 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>
<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 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>

Wicomico County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
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 2009 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 2010 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 2009 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 2010 data maintaining 100% compliance.</p>
<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 2009 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 2010 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 1 corrective action due in FFY 2009.</p>	<p>Wicomico County Public Schools had 1 finding of noncompliance identified by MSDE that was due for correction in FFY 2009. One finding was corrected within timelines.</p> <p>MSDE requires 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</p>	<p>Wicomico County Public</p>	<p>Wicomico County Public Schools' data met the State's target for the timely</p>

Wicomico County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	Schools submitted required 618 data in a timely and accurate manner.	and accurate submission of required 618 data and other data required by the State for FFY 2009. MSDE requires Wicomico County Public Schools' submission of required data to be timely and accurate.

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2009 (reporting period July 1, 2009 – June 30, 2010)

		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	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.	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 2009 (July 1, 2009 – June 30, 2010) 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 2009 (July 1, 2009 – June 30, 2010) 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.

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 70.05% (Leaver) 53.13% (4 yr Cohort) 59.53% (5 yr Cohort)
2	Dropout	The dropout rate of students with IEPs will be 3.00% or less.	Not Met – 4.41%
3A	Student Achievement - AYP	50% of the State's local school systems will meet AYP for the subgroup of students with disabilities.	Not Met – 24% (6 of 25 LSS)
3B	Student Achievement - Participation	95% of students with disabilities will participate in the Statewide assessment system.	Met – 99.17% for Math; and 99.22% 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
4A	Suspension and Expulsion	≤ three (3) or 12.5% 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.	Not Met – 16.7% (4 of 24 LSS)
4B	Suspension and Expulsion (race/ ethnicity)	0% of districts will have: a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Not Met – 4.1% (1 of 24 LSS)
5A	LRE 21%	≥61.61% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day.	Met – 64.80%

FFY 2009 SFY 2010 (2009-2010)

Part B

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

Indicator Performance At-A-Glance

Indicator	Description	SPP Target	Met/Not Met	
5B	LRE - 60%	≤ 15.86% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day;	Met – 14.55%	
5C	LRE – Separate Schools	≤ 7.37% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements.	Met – 7.33%	
6	Preschool LRE		Not Reported	
7A	Preschool Outcomes	Positive social-emotional skills (including social relationships)	64.4% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited.	64.9% 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)	65.3% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited.	52.7% 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.	60.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time exited.	62.1% of children participating in Part B preschool were functioning within age expectations by the time they exited the program.

FFY 2009 SFY 2010 (2009-2010)

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	37% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results.	Met – 43%
8B	Parent Involvement - School Age	32% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results	Met – 37%
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 – 94.03%
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)	Met – 100%
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 – 86.1%

FFY 2009 SFY 2010 (2009-2010)

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	82% of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Met – 82%
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 – 99.57%
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)	Met – 100%
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement.	Met – 70.20%
19	Mediations	Maintain 75 – 85% rate of mediations that result in mediation agreements.	Not Met – 74.3%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates. (Compliance)	Met – 100%

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2009 (SFY 2010 – Reporting Period July 1, 2009 – June 30, 2010)

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 2011.

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, 2011. 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 Survey – Know their rights
 - 4b. Family Survey – Effectively communicate their children's needs
 - 4c. Family Survey – Help their children develop and learn
5. Child Find 0-1
6. Child Find 0-3
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.

Part B Local Determination Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. 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 IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

- A. The Department¹ is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.
- B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.
- C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.
- D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:
 - (1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

¹ Department means the Maryland State Department of Education (MSDE).

- (2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.
- E If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:
- (1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
 - (2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
 - (3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
 - (4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
 - (5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
 - (6) Assign Department staff on-site to assist in the completion of the corrective actions; and
 - (7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.
- F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

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

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

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

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

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

Needs Substantial Intervention

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

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

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

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

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410 767-7548
3	Karla Marty	410 767-7548
4	Nancy FitzGerald	410 767-0848
5	Sandi Marx	410 767-0848
6, 7 & 12	Nancy Vorobey	410 767-0557
8	Pat Shamer	410 767-0848
9 & 10	Nancy FitzGerald	410 767-0848
11	Ned Featherston	410 767-0848
13 & 14	Tom Barkley	410 767-7548
15	QAM Liaison (see below)	
	Martha Roulette Arthur	410 767-0255
16 - 19	Dori Wilson	410 767-7770
20	Ned Featherston	410 767-0848
LSS/PA	QAM Liaison Contact	Phone Number
Allegany	Nancy FitzGerald	410 767-0848
Anne Arundel	Sandi Marx	410 767-0848
Baltimore City	Bonnie Preis	410 767-0848
Baltimore	Nancy FitzGerald	410 767-0848
Calvert	Sandi Marx	410 767-0848
Caroline	Nancy FitzGerald	410 767-0848
Carroll	Bonnie Preis	410 767-0848
Cecil	Bonnie Preis	410 767-0848
Charles	Sandi Marx	410 767-0848
Dorchester	Nancy FitzGerald	410 767-0848
Frederick	Bonnie Preis	410 767-0848
Garrett	Nancy FitzGerald	410 767-0848
Harford	Bonnie Preis	410 767-0848
Howard	Nancy FitzGerald	410 767-0848
Kent	Nancy FitzGerald	410 767-0848
Montgomery	Nancy FitzGerald	410 767-0848
Prince George's	Bonnie Preis	410 767-0848
Queen Anne's	Nancy FitzGerald	410 767-0848
St. Mary's	Sandi Marx	410 767-0848
Somerset	Sandi Marx	410 767-0848
Talbot	Sandi Marx	410 767-0848
Washington	Bonnie Preis	410 767-0848
Wicomico	Sandi Marx	410 767-0848
Worcester	Sandi Marx	410 767-0848



Nancy S. Grasmick
State Superintendent of Schools

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

May 3, 2011

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 annually reviews each state's SPP and Annual Performance Report (APR). 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) 2009 [State Fiscal Year (SFY) 2010 (2009-2010 School Year)] Part B in early June 2011. 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 2009. 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 2009 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 3, 2011
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:

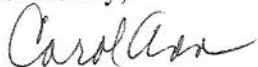
- Part B Local Determination Table; and
- Part B Local Determination Framework for Technical Assistance and Intervention.

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

Worcester County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

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 2009 data for this indicator is 83.33%. This is below the State's target of 85.50%.	Worcester County Public Schools' data did not meet the State's target. MSDE looks forward to Worcester County Public Schools' FFY 2010 data demonstrating improvement.
2. Percent of youth with IEPs dropping out of high school. [Performance Indicator]	Worcester County Public Schools' FFY 2009 data for this indicator is 0.87%. This met the State's target of 3.54%.	Worcester County Public Schools met the State's target for this indicator. MSDE looks forward to Worcester County Public Schools' FFY 2010 data demonstrating improvement.
4A. 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 2009 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 met 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 Worcester County Public Schools' FFY 2010 data continuing to meet the State's target.

Worcester County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>4B. Percent of districts that have (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator]</p>	<p>Worcester County Public Schools' FFY 2009 ratio for multiple suspensions summing to greater than 10 days is 0.00, and for single event suspensions is 0.00, when compared by race or ethnicity. The State's target for both multiple and single event suspensions when compared by race or ethnicity is 0.00 – 1.49.</p>	<p>Worcester County Public Schools met the State's target for multiple suspensions summing to greater than 10 days and met the State's target for single event suspensions to greater than 10 days when compared by race or ethnicity.</p> <p>MSDE looks forward to Worcester County Public Schools' FFY 2010 data continuing to meet the State's target.</p>
<p>5. (LRE) 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 2009 data for this indicator is 88.49%. This met the State's target of 61.61% for FFY 2009.</p> <p>B. Worcester County Public Schools' FFY 2009 data for this indicator is 0.63%. This met the State's target of 15.86 % for FFY 2009.</p> <p>C. Worcester County Public Schools' FFY 2009 data for this indicator is 5.84%. This met the State's target of 6.67% for</p>	<p>Worcester County Public Schools' data met the State's targets for Indicators 5A, 5B, and 5C.</p> <p>MSDE looks forward to Worcester County Public Schools' FFY 2010 data meeting each of the State's LRE targets.</p>

Worcester County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7A. Percent of preschool children with IEPs who demonstrate positive social-emotional skills (including social relationships).</p> <p>A.1. Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>A.2. Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>FFY 2009.</p> <p>A.1. Worcester County Public Schools' FFY 2009 data for this indicator is 100%. This met the State's target of 65.3 % for FFY 2009.</p> <p>A.2. Worcester County Public Schools' FFY 2009 data for this indicator is 100%. This met the State's target of 70.5% for FFY 2009.</p>	<p>Worcester County Public Schools met the State's target for increasing the rate of growth for preschool children exiting the program (A.1); and, met the State's target for preschool children functioning within age-expectations, by the time of exit (A.2).</p> <p>MSDE looks forward to Worcester County Public Schools' FFY 2010 data exceeding each of the State's preschool social-emotional targets.</p>
<p>7B. Percent of preschool children with IEPs who demonstrate improved acquisition and use of knowledge and skills (including early language/communication and early literacy).</p> <p>B.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>B.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>B.1. Worcester County Public Schools' FFY 2009 data for this indicator is 87.5%. This met the State's target of 65.6 % for FFY 2009.</p> <p>B.2. Worcester County Public Schools' FFY 2009 data for this indicator is 57.9%. This met the State's target of 56.3% for FFY 2009.</p>	<p>Worcester County Public Schools met the State's target for increasing the rate of growth for preschool children exiting the program (B.1); and, met the State's target for preschool children functioning within age-expectations by the time of exit (B.2).</p> <p>MSDE looks forward to Worcester County Public Schools' FFY 2010 data exceeding each of the State's preschool language/communication/ early literacy targets.</p>

Worcester County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
<p>7C: Percent of preschool children with IEPs who demonstrate improved use of appropriate behaviors to meet their needs.</p> <p>C.1 Percent of children who entered or exited the program below age-expectations will substantially increase their rate of growth by the time they exit the program.</p> <p>C.2 Percent of children will function within age-expectations by the time they exit the program.</p> <p>[Performance Indicator]</p>	<p>C.1. Worcester County Public Schools' FFY 2009 data for this indicator is 80.0%. This met the State's target of 59.7 % for FFY 2009.</p> <p>C.2. Worcester County Public Schools' FFY 2009 data for this indicator is 84.2%. This met the State's target of 63.2% for FFY 2009.</p>	<p>Worcester County Public Schools met the State's target for increasing the rate of growth for preschool children exiting the program (C.1); and, met the State's target for preschool children functioning within age-expectations by the time of exit (C.2).</p> <p>MSDE looks forward to Worcester County Public Schools' FFY 2010 data exceeding each of the State's preschool behavioral targets.</p>
Monitoring Priority: Disproportionate Representation		
<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 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>
<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>Worcester County Public Schools' FFY 2009 data for this indicator is 0.0%. This met the State's target.</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 2010 data demonstrating continued compliance.</p>

Worcester County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010

Monitoring Priorities and Indicators	Status	MSDE Analysis
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 2009 data for this indicator is 98.71%. The State's target is 100%.</p>	<p>Worcester County Public Schools' data did not meet the State's target of 100% for this compliance indicator MSDE looks forward to Worcester County Public Schools' FFY 2010 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>Worcester County Public Schools' FFY 2009 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 2010 data maintaining 100% compliance.</p>
<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 2009 data for this indicator is 99.0%. The State's target is 100%.</p>	<p>Worcester County Public Schools' data did not meet the State's target of 100% for this compliance indicator. MSDE looks forward to Worcester County Public Schools' FFY 2010 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>Worcester County Public Schools had 1 corrective action due in FFY 2009.</p>	<p>Worcester County Public Schools had 1 finding of noncompliance identified by MSDE that was due for correction in FFY 2009. One finding was corrected within timelines. MSDE requires 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</p>	<p>XXXX County Public</p>	<p>XXXX County Public Schools' data met/did not meet the State's target for</p>

**Worcester County Public Schools
Part B, Local Determination Table
Federal Fiscal Year (FFY 2010)
July 1, 2009 through June 30, 2010**

Monitoring Priorities and Indicators	Status	MSDE Analysis
Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	Schools submitted/did not submit required 618 data in a timely and accurate manner.	the timely and accurate submission of required 618 data and other data required by the State for FFY 2009. MSDE requires XXXXX County Public Schools' submission of required data to be timely and accurate.

MSDE Division of Special Education/ Early Intervention Services
Part B Public Agency Determination
Scoring Rubric
FFY 2009 (reporting period July 1, 2009 – June 30, 2010)

		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	<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.		
			or No corrective actions.				
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 2009 (July 1, 2009 – June 30, 2010) 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 2009 (July 1, 2009 – June 30, 2010) 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.

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 70.05% (Leaver) 53.13% (4 yr Cohort) 59.53% (5 yr Cohort)
2	Dropout	The dropout rate of students with IEPs will be 3.00% or less.	Not Met – 4.41%
3A	Student Achievement - AYP	50% of the State's local school systems will meet AYP for the subgroup of students with disabilities.	Not Met – 24% (6 of 25 LSS)
3B	Student Achievement - Participation	95% of students with disabilities will participate in the Statewide assessment system.	Met – 99.17% for Math; and 99.22% 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
4A	Suspension and Expulsion	≤ three (3) or 12.5% 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.	Not Met – 16.7% (4 of 24 LSS)
4B	Suspension and Expulsion (race/ ethnicity)	0% of districts will have: a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Not Met – 4.1% (1 of 24 LSS)
5A	LRE 21%	≥61.61% of students with disabilities, ages 6-21, are served inside the regular class 80% or more of the day.	Met – 64.80%

FFY 2009 SFY 2010 (2009-2010)

Part B

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

Indicator	Description	SPP Target	Met/Not Met	
5B	LRE - 60%	≤ 15.86% of students with disabilities, ages 6-21, are served inside the regular class less than 40% of the day;	Met – 14.55%	
5C	LRE – Separate Schools	≤ 7.37% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements.	Met – 7.33%	
6	Preschool LRE		Not Reported	
7A	Preschool Outcomes	Positive social-emotional skills (including social relationships)	64.4% of children who entered Maryland's Part B preschool program below age expectations substantially increased their rate of growth by the time they exited.	64.9% 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)	65.3% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time they exited.	52.7% 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.	60.6% of children who entered Part B preschool below age expectations substantially increased their rate of growth by the time exited.	62.1% of children participating in Part B preschool were functioning within age expectations by the time they exited the program.

FFY 2009 SFY 2010 (2009-2010)

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	37% of the parents of preschool-aged children will report that schools facilitated parent involvement as a means of improving services and results.	Met – 43%
8B	Parent Involvement - School Age	32% of the parents of school-aged children will report that schools facilitated parent involvement as a means of improving services and results	Met – 37%
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 – 94.03%
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)	Met – 100%
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 – 86.1%

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	82% of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Met – 82%
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 – 99.57%
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)	Met – 100%
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement.	Met – 70.20%
19	Mediations	Maintain 75 – 85% rate of mediations that result in mediation agreements.	Not Met – 74.3%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates. (Compliance)	Met – 100%

Overview
Maryland State Department of Education
Division of Special Education/ Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2009 (SFY 2010 – Reporting Period July 1, 2009 – June 30, 2010)

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 2011.

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, 2011. 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 Survey – Know their rights
- 4b. Family Survey – Effectively communicate their children's needs
- 4c. Family Survey – Help their children develop and learn
5. Child Find 0-1
6. Child Find 0-3
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.

Part B Local Determination Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. 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 IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

- A. The Department¹ is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.
- B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.
- C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.
- D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:
 - (1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

¹ Department means the Maryland State Department of Education (MSDE).

- (2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.
- E If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:
- (1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
 - (2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
 - (3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
 - (4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
 - (5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
 - (6) Assign Department staff on-site to assist in the completion of the corrective actions; and
 - (7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.
- F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

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

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

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

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

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

Needs Substantial Intervention

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

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

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

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

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410 767-7548
3	Karla Marty	410 767-7548
4	Nancy FitzGerald	410 767-0848
5	Sandi Marx	410 767-0848
6, 7 & 12	Nancy Vorobey	410 767-0557
8	Pat Shamer	410 767-0848
9 & 10	Nancy FitzGerald	410 767-0848
11	Ned Featherston	410 767-0848
13 & 14	Tom Barkley	410 767-7548
15	QAM Liaison (see below)	
	Martha Roulette Arthur	410 767-0255
16 - 19	Dori Wilson	410 767-7770
20	Ned Featherston	410 767-0848
LSS/PA	QAM Liaison Contact	Phone Number
Allegany	Nancy FitzGerald	410 767-0848
Anne Arundel	Sandi Marx	410 767-0848
Baltimore City	Bonnie Preis	410 767-0848
Baltimore	Nancy FitzGerald	410 767-0848
Calvert	Sandi Marx	410 767-0848
Caroline	Nancy FitzGerald	410 767-0848
Carroll	Bonnie Preis	410 767-0848
Cecil	Bonnie Preis	410 767-0848
Charles	Sandi Marx	410 767-0848
Dorchester	Nancy FitzGerald	410 767-0848
Frederick	Bonnie Preis	410 767-0848
Garrett	Nancy FitzGerald	410 767-0848
Harford	Bonnie Preis	410 767-0848
Howard	Nancy FitzGerald	410 767-0848
Kent	Nancy FitzGerald	410 767-0848
Montgomery	Nancy FitzGerald	410 767-0848
Prince George's	Bonnie Preis	410 767-0848
Queen Anne's	Nancy FitzGerald	410 767-0848
St. Mary's	Sandi Marx	410 767-0848
Somerset	Sandi Marx	410 767-0848
Talbot	Sandi Marx	410 767-0848
Washington	Bonnie Preis	410 767-0848
Wicomico	Sandi Marx	410 767-0848
Worcester	Sandi Marx	410 767-0848