



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUN 6 2008

Honorable Nancy Grasmick
State Superintendent of Schools
Maryland State Department of Education
200 West Baltimore Street
Baltimore, Maryland 21201

Dear Superintendent Grasmick:

Thank you for the timely submission of Maryland's FFY 2006 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part C of the Individuals with Disabilities Education Act (IDEA), as amended in 2004. We also acknowledge the revisions to Maryland's SPP and APR received on April 11, 2008. We appreciate the State's efforts in preparing these documents.

The Department has determined that, under IDEA sections 616(d) and 642, Maryland meets the requirements of Part C of the IDEA. The Department's determination is based on the totality of the State's data and information including the State's FFY 2006 APR and revised SPP, other State-reported data, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Section 616(d) of the IDEA in 2008" for further details.

Specific factors affecting OSEP's determination that Maryland met requirements under IDEA sections 616(d) and 642 include: (1) Maryland provided valid and reliable FFY 2006 data reflecting the measurement for each indicator; and (2) Maryland reported correction or high levels of compliance for Indicators 1, 7, 8A, 8B, 8C, 9, and 10. We commend Maryland for its performance.

The enclosed table provides OSEP's analysis of the State's FFY 2006 APR and revised SPP and identifies, by indicator, OSEP's review of any revisions made by the State to its targets, improvement activities (timelines and resources) and baseline data in the State's SPP. It also identifies, by indicator, the State's status in meeting its targets, whether the State's data reflect progress or slippage, and whether the State corrected noncompliance and provided valid and reliable data.

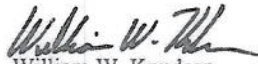
As you know, your State must report annually to the public on the performance of each early intervention service (EIS) program located in the State on the targets in the SPP under IDEA sections 616(b)(2)(C)(ii)(I) and 642. In addition, your State must review EIS program performance against targets in the State's SPP, determine if each EIS program meets the requirements of the IDEA and inform each EIS program of its determination. For further information regarding these requirements, see the SPP/APR Calendar at <http://spp-apr-calendar.rfcnetwork.org/>. Finally, if you included revisions to baseline, targets or improvement activities in your APR submission, and OSEP accepted those revisions, please ensure that you update your SPP accordingly and that the updated SPP is made available to the public.

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Our mission is to ensure equal access to education and to promote educational excellence throughout the Nation.

OSEP is committed to supporting Maryland's efforts to improve results for infants and toddlers with disabilities and their families and looks forward to working with your State over the next year. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call Alma McPherson, your OSEP State Contact, at 202-245-7443.

Sincerely,



William W. Knudsen
Acting Director
Office of Special Education Programs

Enclosures

cc: Part C Coordinator

Maryland Part C FFY 2006 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																
1. Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner. [Compliance Indicator]	The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions. The State's FFY 2006 reported data for this indicator are 99%. These data represent progress from the FFY 2005 data of 96%. The State did not meet its FFY 2006 target of 100%. The State reported that seven of seven findings of noncompliance identified in FFY 2005 related to this indicator were corrected in a timely manner.	The State reported that noncompliance identified in FFY 2005 with the timely service provision requirements in 34 CFR §§303.340(c), 303.342(e) and 303.344(f)(1) was corrected in a timely manner. OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2007 APR, due February 1, 2009, the State's data demonstrating that it is in compliance with the requirements in 34 CFR §§303.340(c), 303.342(e) and 303.344(f)(1), including reporting correction of the noncompliance identified in the FFY 2006 APR.																
2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or programs for typically developing children. [Results Indicator]	The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions. The State's FFY 2006 reported data for this indicator are 89.6%. The State met its FFY 2006 target of 89%.	OSEP appreciates the State's efforts to improve performance.																
3. Percent of infants and toddlers with IFSPs who demonstrate improved: A. Positive social-emotional skills (including social relationships); B. Acquisition and use of knowledge and skills (including early language/ communication); and C. Use of appropriate behaviors to meet their needs. [Results Indicator; New]	The State's FFY 2006 reported progress data for this indicator are: <table><tr><th>06-07 Infant and Toddler Outcome Progress Data</th><th>Social Emotional</th><th>Knowledge & Skills</th><th>Appropriate Behavior</th></tr><tr><td>a. % of infant & toddlers who did not improve functioning.</td><td>1.5%</td><td>0.4%</td><td>0.5%</td></tr><tr><td>b. % of infant & toddlers who improved but not sufficient to move nearer to functioning comparable to same-aged peers.</td><td>8.0%</td><td>16.0%</td><td>11.9%</td></tr><tr><td>c. % of infant & toddlers who improved to a level nearer to same-aged peers but</td><td>3.1%</td><td>15.7%</td><td>2.5%</td></tr></table>	06-07 Infant and Toddler Outcome Progress Data	Social Emotional	Knowledge & Skills	Appropriate Behavior	a. % of infant & toddlers who did not improve functioning.	1.5%	0.4%	0.5%	b. % of infant & toddlers who improved but not sufficient to move nearer to functioning comparable to same-aged peers.	8.0%	16.0%	11.9%	c. % of infant & toddlers who improved to a level nearer to same-aged peers but	3.1%	15.7%	2.5%	The State reported the required progress data and improvement activities. The State must provide progress data with the FFY 2007 APR, due February 1, 2009, and baseline data and targets with the FFY 2008 APR, due February 1, 2010.
06-07 Infant and Toddler Outcome Progress Data	Social Emotional	Knowledge & Skills	Appropriate Behavior															
a. % of infant & toddlers who did not improve functioning.	1.5%	0.4%	0.5%															
b. % of infant & toddlers who improved but not sufficient to move nearer to functioning comparable to same-aged peers.	8.0%	16.0%	11.9%															
c. % of infant & toddlers who improved to a level nearer to same-aged peers but	3.1%	15.7%	2.5%															

Maryland Part C FFY 2006 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																
	<table><tr><td>did not reach it.</td><td></td><td></td><td></td></tr><tr><td>d. % of infant & toddlers who improved functioning to reach a level comparable to same-aged peers.</td><td>16.4%</td><td>46.8%</td><td>20.9%</td></tr><tr><td>e. % of infant & toddlers who maintained functioning at a level comparable to same-aged peers.</td><td>71.0%</td><td>21.1%</td><td>64.1%</td></tr></table> The State provided improvement activities for this indicator covering the remaining years of the SPP through FFY 2010.	did not reach it.				d. % of infant & toddlers who improved functioning to reach a level comparable to same-aged peers.	16.4%	46.8%	20.9%	e. % of infant & toddlers who maintained functioning at a level comparable to same-aged peers.	71.0%	21.1%	64.1%					
did not reach it.																		
d. % of infant & toddlers who improved functioning to reach a level comparable to same-aged peers.	16.4%	46.8%	20.9%															
e. % of infant & toddlers who maintained functioning at a level comparable to same-aged peers.	71.0%	21.1%	64.1%															
4. Percent of families participating in Part C who report that early intervention services have helped the family: A. Know their rights; B. Effectively communicate their children's needs; and C. Help their children develop and learn. [Results Indicator; New]	The State's reported data for this indicator are: <table><tr><th></th><th>FFY 2005 Data</th><th>FFY 2006 Data</th><th>FFY 2006 Target</th></tr><tr><td>A. Know their rights.</td><td>74%</td><td>76%</td><td>74%</td></tr><tr><td>B. Effectively communicate their children's needs.</td><td>72%</td><td>74%</td><td>72%</td></tr><tr><td>C. Help their children develop and learn.</td><td>82%</td><td>81%</td><td>82%</td></tr></table> These data represent progress for 4A and 4B and slippage for 4C from the FFY 2005 data. The State met its FFY 2006 targets for 4A and 4B and did not meet its FFY 2006 target for 4C.		FFY 2005 Data	FFY 2006 Data	FFY 2006 Target	A. Know their rights.	74%	76%	74%	B. Effectively communicate their children's needs.	72%	74%	72%	C. Help their children develop and learn.	82%	81%	82%	OSEP's June 15, 2007 FFY 2005 SPP/APR response table required the State to include in the February 1, 2008 APR the extent to which parent survey responses were representative of the State's population. The State reported that its FFY 2006 data for this indicator were collected from a response group that was not representative of the population. The State described improvement activities that included the analysis of local data, involvement of local stakeholders and participation of State staff to improve the representativeness of its response group. In the FFY 2007 APR, due February 1, 2009, the State must include a description of its efforts to ensure that its FFY 2007 data are based on a response group that is representative of the State's population.
	FFY 2005 Data	FFY 2006 Data	FFY 2006 Target															
A. Know their rights.	74%	76%	74%															
B. Effectively communicate their children's needs.	72%	74%	72%															
C. Help their children develop and learn.	82%	81%	82%															
5. Percent of infants and toddlers birth to 1 with IFSPs compared to:	The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.	OSEP appreciates the State's efforts to improve performance.																

Maryland Part C FFY 2006 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
A. Other States with similar eligibility definitions; and B. National data. [Results Indicator]	The State's FFY 2006 reported data for this indicator are 1.34%. These data represent progress from the FFY 2005 data of 1.24%. The State met its FFY 2006 target of 1.34%.	
6. Percent of infants and toddlers birth to 3 with IFSPs compared to: A. Other States with similar eligibility definitions; and B. National data. [Results Indicator]	The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions. The State's FFY 2006 reported data for this indicator are 3.03%. These data represent progress from the FFY 2005 data of 2.88%. The State met its FFY 2006 target of 2.88%.	OSEP appreciates the State's efforts to improve performance.
7. Percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline. [Compliance Indicator]	The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions. The State's FFY 2006 reported data for this indicator are 93%. These data represent progress from the FFY 2005 data of 92%. The State did not meet its FFY 2006 target of 100%. The State reported that seven of seven findings of noncompliance identified in FFY 2005 related to this indicator were corrected in a timely manner.	The State reported that noncompliance identified in FFY 2005 with the 45-day timeline requirements in 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a) was corrected in a timely manner. The State must review its improvement activities and revise, if appropriate, to ensure they will enable the State to provide data in the FFY 2007 APR, due February 1, 2009, demonstrating that the State is in compliance with the requirements in 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a), including reporting correction of the noncompliance identified in the FFY 2006 APR.
8. Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday	The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions. The State's FFY 2006 reported data for this indicator are 99%. These data represent progress from the FFY 2005 data of 97.6%. The State reported that three of three findings of noncompliance identified	The State reported that noncompliance identified in FFY 2005 with the IFSP transition content requirements in 34 CFR §§303.148(b)(4) and 303.344(h) was corrected in a timely manner. OSEP appreciates the State's efforts and

Maryland Part C FFY 2006 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
including: A. IFSPs with transition steps and services; [Compliance Indicator]	in FFY 2005 related to this indicator were corrected in a timely manner.	looks forward to reviewing in the FFY 2007 APR, due February 1, 2009, the State's demonstration that it is in compliance with the requirements in 34 CFR §§303.148(b)(4) and 303.344(h), including reporting correction of the noncompliance identified in the FFY 2006 APR.
8. Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including: B. Notification to LEA, if child potentially eligible for Part B; and [Compliance Indicator]	The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions. The State's FFY 2006 reported data for this indicator are 99.7%. These data represent progress from the FFY 2005 data of 98.9%. The State reported that three of three findings of noncompliance identified in FFY 2005 related to this indicator were corrected in a timely manner.	The State reported that noncompliance identified in FFY 2005 with the LEA notification requirements in 34 CFR §303.148(b)(1) was corrected in a timely manner. OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2007 APR, due February 1, 2009, the State's data demonstration that it is in compliance with the requirements in 34 CFR §303.148(b)(1), including reporting correction of the noncompliance identified in the FFY 2006 APR.
8. Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including: C. Transition conference, if child potentially eligible for Part B. [Compliance Indicator]	The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions. The State's FFY 2006 reported data for this indicator are 94.7%. These data represent progress from the FFY 2005 data of 92%. The State did not meet its FFY 2006 target of 100%. The State reported that twelve of twelve findings of noncompliance identified in FFY 2005 related to this indicator were corrected in a timely manner.	The State reported that noncompliance identified in FFY 2005 with the timely transition conference requirements in 34 CFR §303.148(b)(2)(i) (as modified by IDEA section 637(a)(9)) was corrected in a timely manner. The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2007 APR, due February 1, 2009, demonstrating that the State is in compliance with the requirements in 34 CFR §303.148(b)(2)(i) (as modified by IDEA section 637(a)(9)), including reporting correction of the noncompliance

Maryland Part C FFY 2006 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps identified in the FFY 2006 APR.
9. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification. [Compliance Indicator]	The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions. The State's FFY 2006 reported data for this indicator are 100%. These data represent progress from the FFY 2005 data of 98%. The State met its target of 100%.	OSEP appreciates the State's efforts in timely correcting noncompliance identified under this indicator in accordance with IDEA section 635(a)(10)(A) and 34 CFR §303.501. In responding to Indicators 1, 7, 8A, 8B and 8C in the FFY 2007 APR, due February 1, 2009, the State must specifically identify and address the noncompliance identified in this table under those indicators.
10. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint. [Compliance Indicator]	The State's FFY 2006 reported data for this indicator are 100%. These data are based on one complaint. These data remain unchanged from the FFY 2005 data of 100%. The State met its FFY 2006 target of 100%.	OSEP appreciates the State's efforts in achieving compliance with the timely complaint resolution requirements in 34 CFR §§303.510 through 303.512.
11. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the applicable timeline. [Compliance Indicator]	The State reported that it did not receive any due process hearing requests during the FFY 2006 reporting period.	OSEP looks forward to reviewing the State's data in the FFY 2007 APR, due February 1, 2009.
12. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements (applicable if Part B due process procedures are adopted). [Results Indicator]	Not applicable.	This indicator does not apply to the State because the State has not adopted the Part B due process procedures.

Maryland Part C FFY 2006 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
13. Percent of mediations held that resulted in mediation agreements. [Results Indicator]	The State reported that no mediations were held during the FFY 2006 reporting period.	OSEP looks forward to the reviewing the State's data in the FFY 2007 APR, due February 1, 2009.
14. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	The State's FFY 2006 reported data for this indicator are 100%. The State met its FFY 2006 target of 100%.	OSEP appreciates the State's efforts in achieving compliance with IDEA sections, 616, 618, and 642 and 34 CFR §§76.720 and 303.540.

How the Department Made Determinations under Sections 616(d) and 642 of the Individuals with Disabilities Education Act in 2008: Part C

In making our determination for each State under sections 616(d) and 642 of the Individuals with Disabilities Education Act (IDEA), we considered the State's FFY 2006 Annual Performance Report (APR)/State Performance Plan (SPP) submission, information from monitoring visits, including verification reviews, and other public information, such as the State's performance under any existing special conditions on its FFY 2007 grant or under a compliance agreement, longstanding unresolved audit findings, and other State compliance data under the IDEA.

FFY 2006 APR/SPP Submissions

In reviewing the States' FFY 2006 APR/SPP submissions, we considered both data and compliance:

With respect to data, for Indicators 1 through 13, we examined whether the State provided valid and reliable FFY 2006 data (e.g., the State provided all the required data, the data were for the correct year and were consistent with the required measurement, and the State did not acknowledge that its data were not valid and reliable), and if not, whether the State provided a plan to collect the missing or deficient data for reporting in next year's APR/SPP submission. Indicator 14 is itself about the timeliness and accuracy of data, which we addressed through the other indicators.

For compliance, we looked at Indicators 1, 7, 8A, 8B, 8C, 9, 10 and 11. With respect to these indicators, we looked for evidence that the State demonstrated substantial compliance either through reporting a very high level of performance (generally 95% or better) or correction of noncompliance, and if the State did not, whether it nonetheless had made progress in ensuring compliance over its performance in that area as reported in its FFY 2005 SPP/APR submission. We considered progress to include reporting higher compliance numbers or reporting more accurate and complete compliance data compared to the data provided in the prior year's submission. Indicator 9 evaluates 'timely' correction, so for this indicator we specifically examined whether the correction was timely. For the other compliance indicators, we considered whether the State timely corrected previous noncompliance, but we also considered whether the State subsequently corrected noncompliance. We did not consider Indicator 14 because the data rubric was subject to inconsistent application. We are working with our contractor and consulting with State data managers on refining the document. Next year we will consider Indicator 14 as a part of the State's compliance data. We did not consider Indicators 10 and 11 if the State reported fewer than 10 complaints or fully adjudicated hearings and reported less than 100% compliance, in recognition of the problems in basing decisions on small numbers.

Generally, and absent any other issues (see below), we considered a State to "meet requirements" if it provided valid and reliable FFY 2006 data consistent with, or substantially the same as, the measurement for each indicator, AND demonstrated substantial compliance for Indicators 1, 7, 8A, 8B, 8C, 9, 10 and 11. We determined that a State demonstrated substantial compliance if it provided data showing a very high level of compliance (generally 95% or better) or that it had fully corrected previously identified noncompliance. If a State did not meet these standards on only one indicator, we considered the State to "meet requirements" if the compliance level for this indicator was high (generally 90% or better) or, for a data issue, if the State provided a plan to collect the data

for next year. In no case, however, did we place a State in “meets requirements” if it failed to provide valid and reliable FFY 2006 data for compliance Indicators 1, 7, 8A, 8B, 8C, 9, 10 and 11.

Generally, and absent any other issues (see below), we considered a State to be “in need of intervention” if it demonstrated very low performance for Indicators 1, 7, 8A, 8B, 8C, 9, 10 or 11 (generally 50% or below) and did not demonstrate correction of the noncompliance or did not make progress over the prior year’s performance. We identified States as being in need of intervention if they did not provide any FFY 2006 data on Indicators 1, 7, 8A, 8B, 8C, 9, 10 or 11 or if the data were not valid and reliable, e.g., the reported data were not consistent with the required measurement, were for the wrong year, or the State acknowledged that its data were not valid and reliable. We also identified States as being in need of intervention if they did not provide valid and reliable FFY 2006 data on one of the other indicators and did not provide a plan to collect and report on the data.

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

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

Monitoring Data and Other Public Information

We also considered other public information available to the Department, including information from OSEP monitoring activities, performance under pre-existing special conditions, and longstanding audit findings. We did not consider a State to “meet requirements” if the State had unresolved special conditions issues, OSEP monitoring findings, including verification visit findings, or longstanding audit issues or was under a compliance agreement. The length of time the problem had existed, the magnitude of the problem, and the State’s response to the problem, including progress the State had made to correct the problem, were factors we considered in determining whether the State should be identified as “in need of assistance,” “in need of intervention,” or “in need of substantial intervention.”