MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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May 29, 2013

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). The OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through the review of the APR and other data sources, the 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 with disabilities and their families. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part C in early June 2013.

Consistent with 34 CFR §§303.702(a)(2) and 303.703(b), the MSDE is also required to make determinations annually on the performance of each Infants and Toddlers Program in the State using one of the following four categories to assign a determination status to each Infants and Toddlers Program: "Meets Requirements," "Needs Assistance," "Needs Improvement," and "Needs Substantial Intervention." The MSDE Division of Special Education/Early Intervention Services uses a results-based rubric on specific indicators to rate each public agency's performance in meeting the State's targets for FFY 2011. Attached is a document entitled, *Part C and Part B Public Agency Determinations* that lists the Part C indicators included in determination status. The MSDE carefully considers all aspects of this process. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, if any, the Allegany County Infants and Toddlers Program has achieved the determination status of **Meets Requirements**.

To achieve a determination status of "Meets Requirements," the Allegany County Infants and Toddlers Program has met or exceeds the State's target on at least 4 of 6 performance indicators (2, 4a, 4b, 4c, 5, and 6) and Natural Environment data (Indicator 2) are not significantly below the State's target. In addition, the Allegany County Infants and Toddlers Program must demonstrate at least substantial compliance (at least 95.0%) for at least 4 of the 7 compliance indicators (1, 7, 8a, 8b, 8c, 9, and 14), and demonstrates full compliance (100%) in at least 1 compliance indicator.

Finally, all previously identified noncompliance, including fiscal noncompliance, has been corrected within one year of notification (Indicator 9).

Attached to this letter are copies of the following documents:
- *Annual Data on Part C SPP/APR Indicators; and*
- *Part C Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data on Part C SPP/APR Indicators* provides an analysis of the Allegany County Infants and Toddlers Program data. The *Part C Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available to your local Infants and Toddlers Program.

As you know, the State must report annually to the public on the performance of each local Infants and Toddlers Program related to the targets in the SPP under the IDEA. The public may access the MSDE IDEA performance report at http://mdideareport.org. The requirement for public reporting on local Infants and Toddlers Program performance is a critical provision to ensure accountability focusing on improved results for infants and toddlers with disabilities and their families. The MSDE will continue to provide technical assistance opportunities as you work to continue to support positive performance under Part C of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any feedback on our past technical assistance efforts or the need for guidance, we would be happy to hear from you as we work to develop additional mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the Allegany County Infants and Toddlers Program improving results for infants and toddlers with disabilities and their families. If you have any questions, would like to discuss this further, or request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DR:BMM

Attachments

c: Lillian M. Lowery, Ed.D.
Natalie Tenaglio
Sheree Witt

May 14, 2013
Allegany County Infants and Toddlers Program
Annual Data on Part C State Performance Plan (SPP) Priority Indicators
for the Period July 1, 2011 – June 30, 2012

Part C Annual SPP Performance Report								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
1	Timely Delivery of IFSP Services		100%	100%	Yes	Compliant. No required action.	100%	99.1%
2	Infants and Toddlers with IFSPs who receive services in natural environments		91.5%	98.0%	Yes	Data meet the State's target. No required action.	97.3%	98.9%
3A	Birth to 3 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	80.6%	18.8%	No	No required action. State target based on different methodology.	70.0%	50.0%
		2. Exits within age expectations	73.8%	75.0%	Yes		89.5%	76.5%
3B	Birth to 3 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	85.8%	41.9%	No	No required action. State target based on different methodology.	88.9%	70.0%
		2. Exits within age expectations	69.9%	62.5%	No		87.7%	70.6%
3C	Birth to 3 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	87.0%	46.2%	No	No required action. State target based on different methodology.	100%	81.8%
		2. Exits within age expectations	75.4%	73.2%	No		98.2%	76.5%
4A	Families who report EIS helped them know their rights		79.5%	95.5%	Yes	Data meet the State's target. No required action.	89.1%	88.0%
4B	Families who report EIS helped them communicate their child's needs		77.5%	95.4%	Yes	Data meet the State's target. No required action.	87.0%	87.8%
4C	Families who report EIS helped them help their children develop and learn		87.5%	95.3%	Yes	Data meet the State's target. No required action.	95.7%	88.9%
5	Children birth to one served as a percentage of the population birth to one		1.50%	2.16%	Yes	Data meet the State's target. No required action.	3.26%	2.89%
6	Children birth to three served as a percentage of the population birth to 3		2.88%	4.82%	Yes	Data meet the State's target. No required action.	5.39%	4.38%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral		100%	100%	Yes	Compliant. No required action.	100%	100%

Part C Annual SPP Performance Report							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	91.7%	No	Correction has been verified.	100%	96.8%
9	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	100%	100%
14	Submission of timely and accurate data	100%	100%	Yes	Compliant. No required action.	91.7%	83.3%

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act of 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education Program's (OSEP) State Performance Plans. Annually, the 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 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, the OSEP requires states to 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 should 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 June 12, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on the OSEP's identification of the MSDE's determination status, special conditions, and other enforcements, as applicable.

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 results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to 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 call, 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 C.F.R. §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 C.F.R. §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 the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the 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 the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Part C
Local Determination Scoring Criteria
FFY 2011 / SFY 2011 (July 1, 2011-June 30, 2012)

Meets Requirements

Performance/Results Indicators

LITP met State target for at least four* performance indicators**.

AND

Data for Indicator 2 (Natural Environments) is not significantly below the target.

AND

Compliance Indicators

LITP demonstrated substantial compliance[1] in at least five of the six compliance indicators (1, 7, 8a, 8b, 8c, and 14), and data is not below 85%** in indicators 1, 7, 8a, 8b, or 8c.

AND

LITP demonstrated full compliance (100%) in at least 2 compliance indicators (1, 7, 8a, 8b, 8c, and 14)

AND

LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year (Indicator 9).

*This requirement for Meets Requirements was increased from two to four (of six total) performance indicators in FFY 2011.
**This percentage will not be used as criteria for jurisdictions where noncompliance for 1 child accounts for over 15% of the data. One child may not be considered a systemic issue.

Needs Assistance

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrates substantial compliance in at least three of the six compliance indicators.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the target in any

[1] Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (generally 95% or better).

performance indicator, but demonstrated substantial compliance in at least three of the six compliance indicators, and was not significantly below the target in any compliance indicator.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 15 months of identification.

Needs Intervention

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrated substantial compliance in at least one compliance indicator.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the State target in any performance indicator, and demonstrated substantial compliance in at least two compliance indicators.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 24 months.

Needs Substantial Intervention

LITP demonstrated continued failure to make progress in correcting all previously identified noncompliance and completing all corrective actions for two or more years from the date of identification.

AND

LITP 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

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

Part C Local Determination
Framework for Technical Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C indicators defined in the Office of Special Education's (OSEP) State Performance Plans. The 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 determinations to each local Infants and Toddlers Program (LITP). Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each LITP's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. While it is MSDE's preference to work with each LITP in a collaborative manner to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

Regulatory Requirements

13A.13.02.04

F. Supervision, Monitoring, and Enforcement.

(1) The Maryland Infants and Toddlers Program shall collaborate with State agencies identified in the State Interagency Agreement to monitor programs and activities of the State to implement Part C of the Act, including:

(a) Supervising and monitoring local lead agencies, institutions, organizations, and EIS providers, in accordance with 34 CFR §303.120(a);

(b) Providing technical assistance to those local lead agencies, institutions, organizations, and EIS providers;

(c) Enforcing obligations imposed on those local lead agencies, institutions,-organizations, and EIS providers;

(d) Correcting deficiencies that are identified through monitoring.

(e) Correcting noncompliance identified through monitoring as soon as possible and in no case later than one year after the identification of the noncompliance; and

(f) Conducting the activities in paragraphs (a) through (e) of this subsection, consistent with 34 CFR §303.700 – 303.707 to:

(i) Make determinations annually about the performance of each local EIS program using the categories identified in 34 CFR §303.703(b);

(ii) Use appropriate mechanisms to enforce the requirements of Part C of the Act consistent with 34 CFR §303.704 and COMAR 13A.05.02.07; and

(iii) Report annually on the performance of the State and of each local EIS program, in accordance with 34 CFR §303.702.

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LITP. 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 an LITP.

MSDE will identify:
- What needs to change;
- How frequently and in what manner the LITP reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, LITPs 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 LITPs by telephone, fax, email, mail, or in-person. To enable an LITP to improve performance and meet compliance, available assistance may include, but is not limited to MSDE assisting an LITP to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and 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 and best practices;
- 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;
- Identify additional sources of information, resources and support;
- 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; and
- Use evaluative measures to validate progress and correction of previous noncompliance.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the LITP's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects an LITP's 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 C," MSDE will direct LITPs 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 an LITP, MSDE may determine that an LITP 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 system of general supervision to include:
    - Local system for collecting, tracking and reporting data on Performance/Results and Compliance Indicators;
    - Policies, procedures, and effective practices;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Technical Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of the local system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- Identification of an LITP as a high risk grantee if an LITP is in the category of Needs Intervention for 2 years; and
- Required 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/results and compliance. Assistance is needed in multiple performance/results 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 C funds;
- Withhold or reduce Part C funds pending completion of the corrective actions;

- Withhold or reduce State funds for early intervention 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 LITP's early intervention 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 an LITP shall be met, consistent with 20 U.S.C. §1413(c) and (d).

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Timely Services	100% of infants and toddlers with IFSPs will receive the early intervention services on their IFSP in a timely manner (30-day timeline) (Compliance Indicator) Indicator includes data on children in the Extended IFSP Option	**Not Met – 96.7%** Substantial Compliance Met	**Not Met – 97.7%** Substantial Compliance Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 96.3%**	**Met – 97.1%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met - 76.0%** N = 2,118	**Not Met – 70.1%** N = 4,412
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Not Met - 68.8%** N = 2,118	**Not Met – 65.3%** N = 4,412
3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met - 80.8%** N = 2,139	**Not Met – 74.1%** N = 4,416
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Not Met - 64.1%** N = 2,139	**Not Met – 60.5%** N = 4,416
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met - 81.6%** N = 2,136	**Not Met – 72.9%** N = 4,415
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Not Met - 70.9%** N = 2,136	**Not Met – 63.5%** N = 4,415

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4a	Family Outcomes	79.5% of families participating in Part C will report that early intervention services have helped the family: know their rights (Results Indicator) Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,474 39.7% Response Rate	**Met – 94.9%** N=3,940 46.7% Response Rate
4b	Family Outcomes	77.5% of families participating in Part C will report that early intervention services have helped the family: communicate their children's needs Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,345 39.7% Response Rate	**Met – 94.7%** N=3,814 46.7% Response Rate
4c	Family Outcomes	87.5% of families participating in Part C will report that early intervention services have helped the family: help their children learn and develop Indicator includes data on children in the Extended IFSP Option	**Met – 94%** N=3,329 39.7% Response Rate	**Met – 95.2%** N=3,804 46.7% Response Rate
5	Child Find Birth to One	1.5% of the State's birth-to-one resident population will be served. (Results Indicator)	**Met – 1.59%**	**Not Met – 1.48%**
6	Child Find Birth to Three	2.95% of the State's birth-to-three resident population will be served. (Results Indicator)	**Met – 3.54%**	**Met – 3.39%**
7	45-Day Timeline	100% of eligible infants and toddlers will have an evaluation/assessment and an initial IFSP meeting conducted within Part C's 45-Day Timeline (Compliance Indicator)	**Not Met – 98.2%** Substantial Compliance Met	**Not Met – 98.7%** Substantial Compliance Met
8a	Early Childhood Transition - IFSPs with transition steps and services	100% of all children exiting Part C will have IFSPs with transition steps and services (Compliance Indicator)	**Not Met – 99.8%** Substantial Compliance Met	**Met – 100%**
8b	Early Childhood Transition – Notification to LEA	LEAs will be notified of 100% of all children potentially eligible for Part B	**Met – 100%**	**Met – 100%**
8c	Early Childhood Transition – Transition Planning Meeting	100% of all children exiting Part C will have timely Transition Planning Meetings	**Not Met – 99.4%** Substantial Compliance Met	**Not Met – 99.1%** Substantial Compliance Met
9	Identification and Correction of Noncompliance	100% of all findings of noncompliance will be corrected within 1 year of notification (Compliance Indicator)	**Met – 100%**	**Not Met – 99.8%** Substantial Compliance Met

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Complaint Timelines	100% of signed written reports will be resolved within the 60-Day Timeline (Compliance Indicator)	**Met – 100%**	**Not required to report in FFY 2011 APR**
11	Due Process Timelines	100% of fully adjudicated due process hearing requests will be fully adjudicated within timeline (Compliance Indicator)	**NA – only request withdrawn prior to adjudication**	**Not required to report in FFY 2011 APR**
12	Hearing Requests Resolved by Resolution	100% of hearing requests that went to resolution sessions were resolved through resolution sessions (Compliance Indicator)	**NA – none held**	**NA – none held**
13	Mediation Agreements	100% of mediations will result in mediation agreements (Compliance Indicator)	**NA – fewer than 10**	**NA – fewer than 10**
14	State Reported Data	100% of State reported 618 data and annual performance reports are accurate and submitted on or before due dates (Compliance Indicator)	**Met – 100%**	**Met – 100%**

FFY 2011 APR – Infants and Toddlers Extended IFSP Option Data

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 94.0%**	**Met – 94.0%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met – 72.9%** N = 133	**Not Met – 70.4%** N = 1,074
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Met – 80.5%** **N = 133**	**Not Met - 68.5%** N = 1,074

3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met – 78.2%** N = 135	**Not Met – 75.6%** N = 1,076
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Met – 72.6%** N = 135	**Not Met – 64.4%** N = 1,076
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met – 80.2%** N = 136	**Not Met – 71.3%** N = 1,073
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Met – 81.6%** N = 136	**Not Met – 69.5%** N = 1,073
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family understand my options in order to make the best choice for my child and family to continue services through an extended Individualized Family Service Plan or move to services through an Individualized Education Program.	**No Target Set - 91%** N = 917	**No Target Set - 93%** N = 932
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family support my child to be ready for school by assisting me to teach my child prereading activities (such as naming pictures) and pre-math activities (such as sorting household items).	**No Target Set - 91%** N = 872	**No Target Set - 92%** N = 885

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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

May 29, 2013

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). The OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through the review of the APR and other data sources, the 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 with disabilities and their families. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part C in early June 2013.

Consistent with 34 CFR §§303.702(a)(2) and 303.703(b), the MSDE is also required to make determinations annually on the performance of each Infants and Toddlers Program in the State using one of the following four categories to assign a determination status to each Infants and Toddlers Program: "Meets Requirements," "Needs Assistance," "Needs Improvement," and "Needs Substantial Intervention." The MSDE Division of Special Education/Early Intervention Services uses a results-based rubric on specific indicators to rate each public agency's performance in meeting the State's targets for FFY 2011. Attached is a document entitled, *Part C and Part B Public Agency Determinations* that lists the Part C indicators included in determination status. The MSDE carefully considers all aspects of this process. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, if any, the Anne Arundel County Infants and Toddlers Program has achieved the determination status of **Meets Requirements**.

To achieve a determination status of "Meets Requirements," the Anne Arundel County Infants and Toddlers Program has met or exceeds the State's target on at least 4 of 6 performance indicators (2, 4a, 4b, 4c, 5, and 6) and Natural Environment data (Indicator 2) are not significantly below the State's target. In addition, the Anne Arundel County Infants and Toddlers Program must demonstrate at least substantial compliance (at least 95.0%) for at least 4 of the 7 compliance indicators (1, 7, 8a, 8b, 8c, 9, and 14), and demonstrates full compliance (100%) in at least 1

compliance indicator. Finally, all previously identified noncompliance, including fiscal noncompliance, has been corrected within one year of notification (Indicator 9).

Attached to this letter are copies of the following documents:
- *Annual Data on Part C SPP/APR Indicators; and*
- *Part C Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data on Part C SPP/APR Indicators* provides an analysis of the Anne Arundel County Infants and Toddlers Program data. The *Part C Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available to your local Infants and Toddlers Program.

As you know, the State must report annually to the public on the performance of each local Infants and Toddlers Program related to the targets in the SPP under the IDEA. The public may access the MSDE IDEA performance report at http://mdideareport.org. The requirement for public reporting on local Infants and Toddlers Program performance is a critical provision to ensure accountability focusing on improved results for infants and toddlers with disabilities and their families. The MSDE will continue to provide technical assistance opportunities as you work to continue to support positive performance under Part C of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any feedback on our past technical assistance efforts or the need for guidance, we would be happy to hear from you as we work to develop additional mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the Anne Arundel County Infants and Toddlers Program improving results for infants and toddlers with disabilities and their families. If you have any questions, would like to discuss this further, or request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DR:BMM

Attachments

c: Lillian M. Lowery, Ed.D.
Edward Feinberg
Mary Tillar

May 14, 2013
Anne Arundel County Infants and Toddlers Program
Annual Data on Part C State Performance Plan (SPP) Priority Indicators
for the Period July 1, 2011 – June 30, 2012

Part C Annual SPP Performance Report								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
1	Timely Delivery of IFSP Services		100%	99.8%	No	Correction has been verified.	99.8%	99.7%
2	Infants and Toddlers with IFSPs who receive services in natural environments		91.5%	94.5%	Yes	Data meet the State's target. No required action.	93.0%	93.0%
3A	Birth to 3 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	80.6%	93.6%	Yes	No required action. State target based on different methodology.	96.7%	94.9%
		2. Exits within age expectations	73.8%	60.1%	No		65.9%	65.8%
3B	Birth to 3 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	85.8%	95.0%	Yes	No required action. State target based on different methodology.	97.6%	96.6%
		2. Exits within age expectations	69.9%	60.8%	No		66.5%	67.3%
3C	Birth to 3 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	87.0%	93.3%	Yes	No required action. State target based on different methodology.	97.1%	94.9%
		2. Exits within age expectations	75.4%	57.3%	No		65.2%	66.0%
4A	Families who report EIS helped them know their rights		79.5%	92.8%	Yes	Data meet the State's target. No required action.	84.0%	91.0%
4B	Families who report EIS helped them communicate their child's needs		77.5%	94.6%	Yes	Data meet the State's target. No required action.	80.8%	88.4%
4C	Families who report EIS helped them help their children develop and learn		87.5%	93.6%	Yes	Data meet the State's target. No required action.	88.7%	93.4%
5	Children birth to one served as a percentage of the population birth to one		1.50%	1.20%	No	Data do not meet the State target. Continue Improvement Activities.	1.50%	1.22%
6	Children birth to three served as a percentage of the population birth to 3		2.88%	4.21%	Yes	Data meet the State's target. No required action.	3.67%	4.06%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral		100%	99.3%	No	Correction has been verified.	98.4%	96.0%

Part C Annual SPP Performance Report							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	99.1%	No	Correction has been verified.	99.8%	99.2%
9	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	100%	100%
14	Submission of timely and accurate data	100%	100%	Yes	Compliant. No required action.	100%	91.7%

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act of 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education Program's (OSEP) State Performance Plans. Annually, the 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 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, the OSEP requires states to 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 should 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 June 12, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on the OSEP's identification of the MSDE's determination status, special conditions, and other enforcements, as applicable.

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 results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to 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 call, 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 C.F.R. §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 C.F.R. §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 the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the 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 the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Part C
Local Determination Scoring Criteria
FFY 2011 / SFY 2011 (July 1, 2011-June 30, 2012)

Meets Requirements

Performance/Results Indicators

LITP met State target for at least four* performance indicators**.

AND

Data for Indicator 2 (Natural Environments) is not significantly below the target.

AND

Compliance Indicators

LITP demonstrated substantial compliance[1] in at least five of the six compliance indicators (1, 7, 8a, 8b, 8c, and 14), and data is not below 85%** in indicators 1, 7, 8a, 8b, or 8c.

AND

LITP demonstrated full compliance (100%) in at least 2 compliance indicators (1, 7, 8a, 8b, 8c, and 14)

AND

LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year (Indicator 9).

*This requirement for Meets Requirements was increased from two to four (of six total) performance indicators in FFY 2011.
**This percentage will not be used as criteria for jurisdictions where noncompliance for 1 child accounts for over 15% of the data. One child may not be considered a systemic issue.

Needs Assistance

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrates substantial compliance in at least three of the six compliance indicators.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the target in any

[1] Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (generally 95% or better).

performance indicator, but demonstrated substantial compliance in at least three of the six compliance indicators, and was not significantly below the target in any compliance indicator.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 15 months of identification.

Needs Intervention

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrated substantial compliance in at least one compliance indicator.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the State target in any performance indicator, and demonstrated substantial compliance in at least two compliance indicators.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 24 months.

Needs Substantial Intervention

LITP demonstrated continued failure to make progress in correcting all previously identified noncompliance and completing all corrective actions for two or more years from the date of identification.

AND

LITP 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

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

Part C Local Determination
Framework for Technical Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C indicators defined in the Office of Special Education's (OSEP) State Performance Plans. The 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 determinations to each local Infants and Toddlers Program (LITP). Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each LITP's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. While it is MSDE's preference to work with each LITP in a collaborative manner to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

Regulatory Requirements

13A.13.02.04

F. Supervision, Monitoring, and Enforcement.

(1) The Maryland Infants and Toddlers Program shall collaborate with State agencies identified in the State Interagency Agreement to monitor programs and activities of the State to implement Part C of the Act, including:

(a) Supervising and monitoring local lead agencies, institutions, organizations, and EIS providers, in accordance with 34 CFR §303.120(a);

(b) Providing technical assistance to those local lead agencies, institutions, organizations, and EIS providers;

(c) Enforcing obligations imposed on those local lead agencies, institutions, organizations, and EIS providers;

(d) Correcting deficiencies that are identified through monitoring.

(e) Correcting noncompliance identified through monitoring as soon as possible and in no case later than one year after the identification of the noncompliance; and

(f) Conducting the activities in paragraphs (a) through (e) of this subsection, consistent with 34 CFR §303.700 – 303.707 to:

(i) Make determinations annually about the performance of each local EIS program using the categories identified in 34 CFR §303.703(b);

(ii) Use appropriate mechanisms to enforce the requirements of Part C of the Act consistent with 34 CFR §303.704 and COMAR 13A.05.02.07; and

(iii) Report annually on the performance of the State and of each local EIS program, in accordance with 34 CFR §303.702.

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LITP. 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 an LITP.

MSDE will identify:
- What needs to change;
- How frequently and in what manner the LITP reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, LITPs 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 LITPs by telephone, fax, email, mail, or in-person. To enable an LITP to improve performance and meet compliance, available assistance may include, but is not limited to MSDE assisting an LITP to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and 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 and best practices;
- 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;
- Identify additional sources of information, resources and support;
- 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; and
- Use evaluative measures to validate progress and correction of previous noncompliance.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the LITP's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects an LITP's 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 C," MSDE will direct LITPs 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 an LITP, MSDE may determine that an LITP 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 system of general supervision to include:
    - Local system for collecting, tracking and reporting data on Performance/Results and Compliance Indicators;
    - Policies, procedures, and effective practices;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Technical Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of the local system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- Identification of an LITP as a high risk grantee if an LITP is in the category of Needs Intervention for 2 years; and
- Required 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/results and compliance. Assistance is needed in multiple performance/results 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 C funds;
- Withhold or reduce Part C funds pending completion of the corrective actions;

- Withhold or reduce State funds for early intervention 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 LITP's early intervention 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 an LITP shall be met, consistent with 20 U.S.C. §1413(c) and (d).

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Timely Services	100% of infants and toddlers with IFSPs will receive the early intervention services on their IFSP in a timely manner (30-day timeline) (Compliance Indicator) Indicator includes data on children in the Extended IFSP Option	**Not Met – 96.7%** Substantial Compliance Met	**Not Met – 97.7%** Substantial Compliance Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 96.3%**	**Met – 97.1%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met - 76.0%** N = 2,118	**Not Met – 70.1%** N = 4,412
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Not Met - 68.8%** N = 2,118	**Not Met – 65.3%** N = 4,412
3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met - 80.8%** N = 2,139	**Not Met – 74.1%** N = 4,416
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Not Met - 64.1%** N = 2,139	**Not Met – 60.5%** N = 4,416
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met - 81.6%** N = 2,136	**Not Met – 72.9%** N = 4,415
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Not Met - 70.9%** N = 2,136	**Not Met – 63.5%** N = 4,415

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4a	Family Outcomes	79.5% of families participating in Part C will report that early intervention services have helped the family: know their rights (Results Indicator) Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,474 39.7% Response Rate	**Met – 94.9%** N=3,940 46.7% Response Rate
4b	Family Outcomes	77.5% of families participating in Part C will report that early intervention services have helped the family: communicate their children's needs Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,345 39.7% Response Rate	**Met – 94.7%** N=3,814 46.7% Response Rate
4c	Family Outcomes	87.5% of families participating in Part C will report that early intervention services have helped the family: help their children learn and develop Indicator includes data on children in the Extended IFSP Option	**Met – 94%** N=3,329 39.7% Response Rate	**Met – 95.2%** N=3,804 46.7% Response Rate
5	Child Find Birth to One	1.5% of the State's birth-to-one resident population will be served. (Results Indicator)	**Met – 1.59%**	**Not Met – 1.48%**
6	Child Find Birth to Three	2.95% of the State's birth-to-three resident population will be served. (Results Indicator)	**Met – 3.54%**	**Met – 3.39%**
7	45-Day Timeline	100% of eligible infants and toddlers will have an evaluation/assessment and an initial IFSP meeting conducted within Part C's 45-Day Timeline (Compliance Indicator)	**Not Met – 98.2%** Substantial Compliance Met	**Not Met – 98.7%** Substantial Compliance Met
8a	Early Childhood Transition - IFSPs with transition steps and services	100% of all children exiting Part C will have IFSPs with transition steps and services (Compliance Indicator)	**Not Met – 99.8%** Substantial Compliance Met	**Met – 100%**
8b	Early Childhood Transition – Notification to LEA	LEAs will be notified of 100% of all children potentially eligible for Part B	**Met – 100%**	**Met – 100%**
8c	Early Childhood Transition – Transition Planning Meeting	100% of all children exiting Part C will have timely Transition Planning Meetings	**Not Met – 99.4%** Substantial Compliance Met	**Not Met – 99.1%** Substantial Compliance Met
9	Identification and Correction of Noncompliance	100% of all findings of noncompliance will be corrected within 1 year of notification (Compliance Indicator)	**Met – 100%**	**Not Met – 99.8%** Substantial Compliance Met

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Complaint Timelines	100% of signed written reports will be resolved within the 60-Day Timeline (Compliance Indicator)	**Met – 100%**	**Not required to report in FFY 2011 APR**
11	Due Process Timelines	100% of fully adjudicated due process hearing requests will be fully adjudicated within timeline (Compliance Indicator)	**NA – only request withdrawn prior to adjudication**	**Not required to report in FFY 2011 APR**
12	Hearing Requests Resolved by Resolution	100% of hearing requests that went to resolution sessions were resolved through resolution sessions (Compliance Indicator)	**NA – none held**	**NA – none held**
13	Mediation Agreements	100% of mediations will result in mediation agreements (Compliance Indicator)	**NA – fewer than 10**	**NA – fewer than 10**
14	State Reported Data	100% of State reported 618 data and annual performance reports are accurate and submitted on or before due dates (Compliance Indicator)	**Met – 100%**	**Met – 100%**

FFY 2011 APR – Infants and Toddlers Extended IFSP Option Data

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 94.0%**	**Met – 94.0%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met – 72.9%** N = 133	**Not Met – 70.4%** N = 1,074
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Met – 80.5%** **N = 133**	**Not Met - 68.5%** N = 1,074

3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met – 78.2%** N = 135	**Not Met – 75.6%** N = 1,076
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Met – 72.6%** N = 135	**Not Met – 64.4%** N = 1,076
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met – 80.2%** N = 136	**Not Met – 71.3%** N = 1,073
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Met – 81.6%** N = 136	**Not Met – 69.5%** N = 1,073
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family understand my options in order to make the best choice for my child and family to continue services through an extended Individualized Family Service Plan or move to services through an Individualized Education Program.	**No Target Set - 91%** N = 917	**No Target Set - 93%** N = 932
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family support my child to be ready for school by assisting me to teach my child prereading activities (such as naming pictures) and pre-math activities (such as sorting household items).	**No Target Set - 91%** N = 872	**No Target Set - 92%** N = 885

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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

May 29, 2013

Dr. Gregory Wm. Branch
Director, Health and Human Services/Health Officer
Baltimore County
6401 York Road, Third Floor
Baltimore, MD 21212-2130

Dear Dr. Branch:

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). The OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through the review of the APR and other data sources, the 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 with disabilities and their families. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part C in early June 2013.

Consistent with 34 CFR §§303.702(a)(2) and 303.703(b), the MSDE is also required to make determinations annually on the performance of each Infants and Toddlers Program in the State using one of the following four categories to assign a determination status to each Infants and Toddlers Program: "Meets Requirements," "Needs Assistance," "Needs Improvement," and "Needs Substantial Intervention." The MSDE Division of Special Education/Early Intervention Services uses a results-based rubric on specific indicators to rate each public agency's performance in meeting the State's targets for FFY 2011. Attached is a document entitled, *Part C and Part B Public Agency Determinations* that lists the Part C indicators included in determination status. The MSDE carefully considers all aspects of this process. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, if any, the Baltimore County Infants and Toddlers Program has achieved the determination status of **Meets Requirements**.

To achieve a determination status of "Meets Requirements," the Baltimore County Infants and Toddlers Program has met or exceeds the State's target on at least 4 of 6 performance indicators (2, 4a, 4b, 4c, 5, and 6) and Natural Environment data (Indicator 2) are not significantly below the State's target. In addition, the Baltimore County Infants and Toddlers Program must demonstrate at least substantial compliance (at least 95.0%) for at least 4 of the 7 compliance indicators (1, 7, 8a, 8b, 8c, 9, and 14), and demonstrates full compliance (100%) in at least 1 compliance indicator.

Finally, all previously identified noncompliance, including fiscal noncompliance, has been corrected within one year of notification (Indicator 9).

Attached to this letter are copies of the following documents:
- *Annual Data on Part C SPP/APR Indicators; and*
- *Part C Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data on Part C SPP/APR Indicators* provides an analysis of the Baltimore County Infants and Toddlers Program data. The *Part C Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available to your local Infants and Toddlers Program.

As you know, the State must report annually to the public on the performance of each local Infants and Toddlers Program related to the targets in the SPP under the IDEA. The public may access the MSDE IDEA performance report at http://mdideareport.org. The requirement for public reporting on local Infants and Toddlers Program performance is a critical provision to ensure accountability focusing on improved results for infants and toddlers with disabilities and their families. The MSDE will continue to provide technical assistance opportunities as you work to continue to support positive performance under Part C of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any feedback on our past technical assistance efforts or the need for guidance, we would be happy to hear from you as we work to develop additional mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the Baltimore County Infants and Toddlers Program improving results for infants and toddlers with disabilities and their families. If you have any questions, would like to discuss this further, or request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DR:BMM

Attachments

c: Lillian M. Lowery, Ed.D.
Deborah Y. Brooks
Paula Boykin

May 14, 2013
Baltimore County Infants and Toddlers Program
Annual Data on Part C State Performance Plan (SPP) Priority Indicators
for the Period July 1, 2011 – June 30, 2012

Part C Annual SPP Performance Report								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
1	Timely Delivery of IFSP Services		100%	95.7%	No	Correction has been verified.	93.1%	86.7%
2	Infants and Toddlers with IFSPs who receive services in natural environments		91.5%	98.7%	Yes	Data meet the State's target. No required action.	98.5%	97.8%
3A	Birth to 3 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	80.6%	67.2%	No	No required action. State target based on different methodology.	67.4%	62.5%
		2. Exits within age expectations	73.8%	68.7%	No		69.5%	67.1%
3B	Birth to 3 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	85.8%	74.0%	No	No required action. State target based on different methodology.	79.2%	73.5%
		2. Exits within age expectations	69.9%	65.3%	No		66.1%	61.6%
3C	Birth to 3 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	87.0%	64.6%	No	No required action. State target based on different methodology.	77.8%	73.1%
		2. Exits within age expectations	75.4%	65.4%	No		72.5%	69.4%
4A	Families who report EIS helped them know their rights		79.5%	94.3%	Yes	Data meet the State's target. No required action.	88.6%	91.5%
4B	Families who report EIS helped them communicate their child's needs		77.5%	93.4%	Yes	Data meet the State's target. No required action.	84.6%	93.3%
4C	Families who report EIS helped them help their children develop and learn		87.5%	93.5%	Yes	Data meet the State's target. No required action.	93.1%	95.1%
5	Children birth to one served as a percentage of the population birth to one		1.50%	1.71%	Yes	Data meet the State's target. No required action.	1.55%	1.51%
6	Children birth to three served as a percentage of the population birth to 3		2.88%	3.79%	Yes	Data meet the State's target. No required action.	3.48%	3.80%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral		100%	96.1%	No	Correction has been verified.	97.9%	93.2%

Part C Annual SPP Performance Report							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	98.1%	No	Correction has been verified.	98.7%	99.5%
9	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	100%	100%
14	Submission of timely and accurate data	100%	100%	Yes	Compliant. No required action.	100%	100%

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act of 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education Program's (OSEP) State Performance Plans. Annually, the 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 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, the OSEP requires states to 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 should 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 June 12, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on the OSEP's identification of the MSDE's determination status, special conditions, and other enforcements, as applicable.

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 results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to 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 call, 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 C.F.R. §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 C.F.R. §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 the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the 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 the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Part C
Local Determination Scoring Criteria
FFY 2011 / SFY 2011 (July 1, 2011-June 30, 2012)

Meets Requirements

Performance/Results Indicators

LITP met State target for at least four* performance indicators**.

AND

Data for Indicator 2 (Natural Environments) is not significantly below the target.

AND

Compliance Indicators

LITP demonstrated substantial compliance[1] in at least five of the six compliance indicators (1, 7, 8a, 8b, 8c, and 14), and data is not below 85%** in indicators 1, 7, 8a, 8b, or 8c.

AND

LITP demonstrated full compliance (100%) in at least 2 compliance indicators (1, 7, 8a, 8b, 8c, and 14)

AND

LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year (Indicator 9).

*This requirement for Meets Requirements was increased from two to four (of six total) performance indicators in FFY 2011.
**This percentage will not be used as criteria for jurisdictions where noncompliance for 1 child accounts for over 15% of the data. One child may not be considered a systemic issue.

Needs Assistance

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrates substantial compliance in at least three of the six compliance indicators.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the target in any

[1] Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (generally 95% or better).

performance indicator, but demonstrated substantial compliance in at least three of the six compliance indicators, and was not significantly below the target in any compliance indicator.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 15 months of identification.

Needs Intervention

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrated substantial compliance in at least one compliance indicator.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the State target in any performance indicator, and demonstrated substantial compliance in at least two compliance indicators.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 24 months.

Needs Substantial Intervention

LITP demonstrated continued failure to make progress in correcting all previously identified noncompliance and completing all corrective actions for two or more years from the date of identification.

AND

LITP 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

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

Part C Local Determination
Framework for Technical Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C indicators defined in the Office of Special Education's (OSEP) State Performance Plans. The 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 determinations to each local Infants and Toddlers Program (LITP). Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each LITP's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. While it is MSDE's preference to work with each LITP in a collaborative manner to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

Regulatory Requirements

13A.13.02.04

F. Supervision, Monitoring, and Enforcement.

(1) The Maryland Infants and Toddlers Program shall collaborate with State agencies identified in the State Interagency Agreement to monitor programs and activities of the State to implement Part C of the Act, including:

(a) Supervising and monitoring local lead agencies, institutions, organizations, and EIS providers, in accordance with 34 CFR §303.120(a);

(b) Providing technical assistance to those local lead agencies, institutions, organizations, and EIS providers;

(c) Enforcing obligations imposed on those local lead agencies, institutions,-organizations, and EIS providers;

(d) Correcting deficiencies that are identified through monitoring.

(e) Correcting noncompliance identified through monitoring as soon as possible and in no case later than one year after the identification of the noncompliance; and

(f) Conducting the activities in paragraphs (a) through (e) of this subsection, consistent with 34 CFR §303.700 – 303.707 to:

(i) Make determinations annually about the performance of each local EIS program using the categories identified in 34 CFR §303.703(b);

(ii) Use appropriate mechanisms to enforce the requirements of Part C of the Act consistent with 34 CFR §303.704 and COMAR 13A.05.02.07; and

(iii) Report annually on the performance of the State and of each local EIS program, in accordance with 34 CFR §303.702.

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LITP. 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 an LITP.

MSDE will identify:
- What needs to change;
- How frequently and in what manner the LITP reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, LITPs 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 LITPs by telephone, fax, email, mail, or in-person. To enable an LITP to improve performance and meet compliance, available assistance may include, but is not limited to MSDE assisting an LITP to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and 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 and best practices;
- 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;
- Identify additional sources of information, resources and support;
- 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; and
- Use evaluative measures to validate progress and correction of previous noncompliance.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the LITP's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects an LITP's 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 C," MSDE will direct LITPs 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 an LITP, MSDE may determine that an LITP 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 system of general supervision to include:
    - Local system for collecting, tracking and reporting data on Performance/Results and Compliance Indicators;
    - Policies, procedures, and effective practices;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Technical Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of the local system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- Identification of an LITP as a high risk grantee if an LITP is in the category of Needs Intervention for 2 years; and
- Required 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/results and compliance. Assistance is needed in multiple performance/results 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 C funds;
- Withhold or reduce Part C funds pending completion of the corrective actions;

- Withhold or reduce State funds for early intervention 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 LITP's early intervention 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 an LITP shall be met, consistent with 20 U.S.C. §1413(c) and (d).

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Timely Services	100% of infants and toddlers with IFSPs will receive the early intervention services on their IFSP in a timely manner (30-day timeline) (Compliance Indicator) Indicator includes data on children in the Extended IFSP Option	**Not Met – 96.7%** Substantial Compliance Met	**Not Met – 97.7%** Substantial Compliance Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 96.3%**	**Met – 97.1%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met - 76.0%** N = 2,118	**Not Met – 70.1%** N = 4,412
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Not Met - 68.8%** N = 2,118	**Not Met – 65.3%** N = 4,412
3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met - 80.8%** N = 2,139	**Not Met – 74.1%** N = 4,416
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Not Met - 64.1%** N = 2,139	**Not Met – 60.5%** N = 4,416
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met - 81.6%** N = 2,136	**Not Met – 72.9%** N = 4,415
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Not Met - 70.9%** N = 2,136	**Not Met – 63.5%** N = 4,415

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4a	Family Outcomes	79.5% of families participating in Part C will report that early intervention services have helped the family: know their rights (Results Indicator) Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,474 39.7% Response Rate	**Met – 94.9%** N=3,940 46.7% Response Rate
4b	Family Outcomes	77.5% of families participating in Part C will report that early intervention services have helped the family: communicate their children's needs Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,345 39.7% Response Rate	**Met – 94.7%** N=3,814 46.7% Response Rate
4c	Family Outcomes	87.5% of families participating in Part C will report that early intervention services have helped the family: help their children learn and develop Indicator includes data on children in the Extended IFSP Option	**Met – 94%** N=3,329 39.7% Response Rate	**Met – 95.2%** N=3,804 46.7% Response Rate
5	Child Find Birth to One	1.5% of the State's birth-to-one resident population will be served. (Results Indicator)	**Met – 1.59%**	**Not Met – 1.48%**
6	Child Find Birth to Three	2.95% of the State's birth-to-three resident population will be served. (Results Indicator)	**Met – 3.54%**	**Met – 3.39%**
7	45-Day Timeline	100% of eligible infants and toddlers will have an evaluation/assessment and an initial IFSP meeting conducted within Part C's 45-Day Timeline (Compliance Indicator)	**Not Met – 98.2%** Substantial Compliance Met	**Not Met – 98.7%** Substantial Compliance Met
8a	Early Childhood Transition - IFSPs with transition steps and services	100% of all children exiting Part C will have IFSPs with transition steps and services (Compliance Indicator)	**Not Met – 99.8%** Substantial Compliance Met	**Met – 100%**
8b	Early Childhood Transition – Notification to LEA	LEAs will be notified of 100% of all children potentially eligible for Part B	**Met – 100%**	**Met – 100%**
8c	Early Childhood Transition – Transition Planning Meeting	100% of all children exiting Part C will have timely Transition Planning Meetings	**Not Met – 99.4%** Substantial Compliance Met	**Not Met – 99.1%** Substantial Compliance Met
9	Identification and Correction of Noncompliance	100% of all findings of noncompliance will be corrected within 1 year of notification (Compliance Indicator)	**Met – 100%**	**Not Met – 99.8%** Substantial Compliance Met

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Complaint Timelines	100% of signed written reports will be resolved within the 60-Day Timeline (Compliance Indicator)	**Met – 100%**	**Not required to report in FFY 2011 APR**
11	Due Process Timelines	100% of fully adjudicated due process hearing requests will be fully adjudicated within timeline (Compliance Indicator)	**NA – only request withdrawn prior to adjudication**	**Not required to report in FFY 2011 APR**
12	Hearing Requests Resolved by Resolution	100% of hearing requests that went to resolution sessions were resolved through resolution sessions (Compliance Indicator)	**NA – none held**	**NA – none held**
13	Mediation Agreements	100% of mediations will result in mediation agreements (Compliance Indicator)	**NA – fewer than 10**	**NA – fewer than 10**
14	State Reported Data	100% of State reported 618 data and annual performance reports are accurate and submitted on or before due dates (Compliance Indicator)	**Met – 100%**	**Met – 100%**

FFY 2011 APR – Infants and Toddlers Extended IFSP Option Data

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 94.0%**	**Met – 94.0%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met – 72.9%** N = 133	**Not Met – 70.4%** N = 1,074
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Met – 80.5%** **N = 133**	**Not Met - 68.5%** N = 1,074

3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met – 78.2%** N = 135	**Not Met – 75.6%** N = 1,076
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Met – 72.6%** N = 135	**Not Met – 64.4%** N = 1,076
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met – 80.2%** N = 136	**Not Met – 71.3%** N = 1,073
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Met – 81.6%** N = 136	**Not Met – 69.5%** N = 1,073
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family understand my options in order to make the best choice for my child and family to continue services through an extended Individualized Family Service Plan or move to services through an Individualized Education Program.	**No Target Set - 91%** N = 917	**No Target Set - 93%** N = 932
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family support my child to be ready for school by assisting me to teach my child prereading activities (such as naming pictures) and pre-math activities (such as sorting household items).	**No Target Set - 91%** N = 872	**No Target Set - 92%** N = 885

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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

May 29, 2013

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). The OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through the review of the APR and other data sources, the 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 with disabilities and their families. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part C in early June 2013.

Consistent with 34 CFR §§303.702(a)(2) and 303.703(b), the MSDE is also required to make determinations annually on the performance of each Infants and Toddlers Program in the State using one of the following four categories to assign a determination status to each Infants and Toddlers Program: "Meets Requirements," "Needs Assistance," "Needs Improvement," and "Needs Substantial Intervention." The MSDE Division of Special Education/Early Intervention Services uses a results-based rubric on specific indicators to rate each public agency's performance in meeting the State's targets for FFY 2011. Attached is a document entitled, *Part C and Part B Public Agency Determinations* that lists the Part C indicators included in determination status. The MSDE carefully considers all aspects of this process. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, if any, the Calvert County Infants and Toddlers Program has achieved the determination status of **Meets Requirements**.

To achieve a determination status of "Meets Requirements," the Calvert County Infants and Toddlers Program has met or exceeds the State's target on at least 4 of 6 performance indicators (2, 4a, 4b, 4c, 5, and 6) and Natural Environment data (Indicator 2) are not significantly below the State's target. In addition, the Calvert County Infants and Toddlers Program must demonstrate at least substantial compliance (at least 95.0%) for at least 4 of the 7 compliance indicators (1, 7, 8a, 8b, 8c, 9, and 14), and demonstrates full compliance (100%) in at least 1 compliance indicator. Finally, all previously

identified noncompliance, including fiscal noncompliance, has been corrected within one year of notification (Indicator 9).

Attached to this letter are copies of the following documents:
- *Annual Data on Part C SPP/APR Indicators; and*
- *Part C Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data on Part C SPP/APR Indicators* provides an analysis of the Calvert County Infants and Toddlers Program data. The *Part C Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available to your local Infants and Toddlers Program.

As you know, the State must report annually to the public on the performance of each local Infants and Toddlers Program related to the targets in the SPP under the IDEA. The public may access the MSDE IDEA performance report at http://mdideareport.org. The requirement for public reporting on local Infants and Toddlers Program performance is a critical provision to ensure accountability focusing on improved results for infants and toddlers with disabilities and their families. The MSDE will continue to provide technical assistance opportunities as you work to continue to support positive performance under Part C of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any feedback on our past technical assistance efforts or the need for guidance, we would be happy to hear from you as we work to develop additional mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the Calvert County Infants and Toddlers Program improving results for infants and toddlers with disabilities and their families. If you have any questions, would like to discuss this further, or request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DR:BMM

Attachments

c: Lillian M. Lowery, Ed.D.
Sheila Myers
Annette Lagana

May 14, 2013
Calvert County Infants and Toddlers Program
Annual Data on Part C State Performance Plan (SPP) Priority Indicators
for the Period July 1, 2011 – June 30, 2012

Part C Annual SPP Performance Report								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
1	Timely Delivery of IFSP Services		100%	99.4%	No	Correction has been verified.	100%	99.4%
2	Infants and Toddlers with IFSPs who receive services in natural environments		91.5%	96.9%	Yes	Data meet the State's target. No required action.	95.1%	88.7%
3A	Birth to 3 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	80.6%	68.9%	No	No required action. State target based on different methodology.	83.9%	75.0%
		2. Exits within age expectations	73.8%	66.7%	No		83.0%	63.3%
3B	Birth to 3 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	85.8%	70.6%	No	No required action. State target based on different methodology.	81.6%	72.0%
		2. Exits within age expectations	69.9%	59.1%	No		79.2%	50.0%
3C	Birth to 3 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	87.0%	76.9%	No	No required action. State target based on different methodology.	84.8%	72.2%
		2. Exits within age expectations	75.4%	66.7%	No		87.2%	63.3%
4A	Families who report EIS helped them know their rights		79.5%	91.1%	Yes	Data meet the State's target. No required action.	92.3%	90.2%
4B	Families who report EIS helped them communicate their child's needs		77.5%	93.3%	Yes	Data meet the State's target. No required action.	92.3%	89.1%
4C	Families who report EIS helped them help their children develop and learn		87.5%	91.1%	Yes	Data meet the State's target. No required action.	94.9%	90.0%
5	Children birth to one served as a percentage of the population birth to one		1.50%	0.88%	No	Data do not meet the State target. Continue Improvement Activities.	0.97%	0.86%
6	Children birth to three served as a percentage of the population birth to 3		2.88%	2.26%	No	Data do not meet the State target. Continue Improvement Activities.	2.69%	3.38%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral		100%	100%	Yes	Compliant. No required action.	100%	100%

Part C Annual SPP Performance Report							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
9	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	100%	100%
14	Submission of timely and accurate data	100%	83.3%	No	Submit all data, including programmatic and fiscal reports, in a timely and accurate manner.	100%	91.7%

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act of 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education Program's (OSEP) State Performance Plans. Annually, the 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 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, the OSEP requires states to 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 should 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 June 12, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on the OSEP's identification of the MSDE's determination status, special conditions, and other enforcements, as applicable.

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 results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to 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 call, 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 C.F.R. §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 C.F.R. §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 the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the 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 the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Part C
Local Determination Scoring Criteria
FFY 2011 / SFY 2011 (July 1, 2011-June 30, 2012)

Meets Requirements

Performance/Results Indicators

LITP met State target for at least four* performance indicators**.

AND

Data for Indicator 2 (Natural Environments) is not significantly below the target.

AND

Compliance Indicators

LITP demonstrated substantial compliance[1] in at least five of the six compliance indicators (1, 7, 8a, 8b, 8c, and 14), and data is not below 85%** in indicators 1, 7, 8a, 8b, or 8c.

AND

LITP demonstrated full compliance (100%) in at least 2 compliance indicators (1, 7, 8a, 8b, 8c, and 14)

AND

LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year (Indicator 9).

*This requirement for Meets Requirements was increased from two to four (of six total) performance indicators in FFY 2011.
**This percentage will not be used as criteria for jurisdictions where noncompliance for 1 child accounts for over 15% of the data. One child may not be considered a systemic issue.

Needs Assistance

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrates substantial compliance in at least three of the six compliance indicators.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the target in any

[1] Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (generally 95% or better).

performance indicator, but demonstrated substantial compliance in at least three of the six compliance indicators, and was not significantly below the target in any compliance indicator.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 15 months of identification.

Needs Intervention

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrated substantial compliance in at least one compliance indicator.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the State target in any performance indicator, and demonstrated substantial compliance in at least two compliance indicators.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 24 months.

Needs Substantial Intervention

LITP demonstrated continued failure to make progress in correcting all previously identified noncompliance and completing all corrective actions for two or more years from the date of identification.

AND

LITP 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

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

Part C Local Determination
Framework for Technical Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C indicators defined in the Office of Special Education's (OSEP) State Performance Plans. The 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 determinations to each local Infants and Toddlers Program (LITP). Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each LITP's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. While it is MSDE's preference to work with each LITP in a collaborative manner to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

Regulatory Requirements

13A.13.02.04

F. Supervision, Monitoring, and Enforcement.

(1) The Maryland Infants and Toddlers Program shall collaborate with State agencies identified in the State Interagency Agreement to monitor programs and activities of the State to implement Part C of the Act, including:

(a) Supervising and monitoring local lead agencies, institutions, organizations, and EIS providers, in accordance with 34 CFR §303.120(a);

(b) Providing technical assistance to those local lead agencies, institutions, organizations, and EIS providers;

(c) Enforcing obligations imposed on those local lead agencies, institutions,-organizations, and EIS providers;

(d) Correcting deficiencies that are identified through monitoring.

(e) Correcting noncompliance identified through monitoring as soon as possible and in no case later than one year after the identification of the noncompliance; and

(f) Conducting the activities in paragraphs (a) through (e) of this subsection, consistent with 34 CFR §303.700 – 303.707 to:

(i) Make determinations annually about the performance of each local EIS program using the categories identified in 34 CFR §303.703(b);

(ii) Use appropriate mechanisms to enforce the requirements of Part C of the Act consistent with 34 CFR §303.704 and COMAR 13A.05.02.07; and

(iii) Report annually on the performance of the State and of each local EIS program, in accordance with 34 CFR §303.702.

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LITP. 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 an LITP.

MSDE will identify:
- What needs to change;
- How frequently and in what manner the LITP reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, LITPs 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 LITPs by telephone, fax, email, mail, or in-person. To enable an LITP to improve performance and meet compliance, available assistance may include, but is not limited to MSDE assisting an LITP to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and 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 and best practices;
- 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;
- Identify additional sources of information, resources and support;
- 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; and
- Use evaluative measures to validate progress and correction of previous noncompliance.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the LITP's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects an LITP's 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 C," MSDE will direct LITPs 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 an LITP, MSDE may determine that an LITP 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 system of general supervision to include:
    - Local system for collecting, tracking and reporting data on Performance/Results and Compliance Indicators;
    - Policies, procedures, and effective practices;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Technical Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of the local system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- Identification of an LITP as a high risk grantee if an LITP is in the category of Needs Intervention for 2 years; and
- Required 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/results and compliance. Assistance is needed in multiple performance/results 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 C funds;
- Withhold or reduce Part C funds pending completion of the corrective actions;

- Withhold or reduce State funds for early intervention 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 LITP's early intervention 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 an LITP shall be met, consistent with 20 U.S.C. §1413(c) and (d).

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Timely Services	100% of infants and toddlers with IFSPs will receive the early intervention services on their IFSP in a timely manner (30-day timeline) (Compliance Indicator) Indicator includes data on children in the Extended IFSP Option	**Not Met – 96.7%** Substantial Compliance Met	**Not Met – 97.7%** Substantial Compliance Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 96.3%**	**Met – 97.1%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met - 76.0%** N = 2,118	**Not Met – 70.1%** N = 4,412
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Not Met - 68.8%** N = 2,118	**Not Met – 65.3%** N = 4,412
3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met - 80.8%** N = 2,139	**Not Met – 74.1%** N = 4,416
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Not Met - 64.1%** N = 2,139	**Not Met – 60.5%** N = 4,416
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met - 81.6%** N = 2,136	**Not Met – 72.9%** N = 4,415
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Not Met - 70.9%** N = 2,136	**Not Met – 63.5%** N = 4,415

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4a	Family Outcomes	79.5% of families participating in Part C will report that early intervention services have helped the family: know their rights (Results Indicator) Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,474 39.7% Response Rate	**Met – 94.9%** N=3,940 46.7% Response Rate
4b	Family Outcomes	77.5% of families participating in Part C will report that early intervention services have helped the family: communicate their children's needs Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,345 39.7% Response Rate	**Met – 94.7%** N=3,814 46.7% Response Rate
4c	Family Outcomes	87.5% of families participating in Part C will report that early intervention services have helped the family: help their children learn and develop Indicator includes data on children in the Extended IFSP Option	**Met – 94%** N=3,329 39.7% Response Rate	**Met – 95.2%** N=3,804 46.7% Response Rate
5	Child Find Birth to One	1.5% of the State's birth-to-one resident population will be served. (Results Indicator)	**Met – 1.59%**	**Not Met – 1.48%**
6	Child Find Birth to Three	2.95% of the State's birth-to-three resident population will be served. (Results Indicator)	**Met – 3.54%**	**Met – 3.39%**
7	45-Day Timeline	100% of eligible infants and toddlers will have an evaluation/assessment and an initial IFSP meeting conducted within Part C's 45-Day Timeline (Compliance Indicator)	**Not Met – 98.2%** Substantial Compliance Met	**Not Met – 98.7%** Substantial Compliance Met
8a	Early Childhood Transition - IFSPs with transition steps and services	100% of all children exiting Part C will have IFSPs with transition steps and services (Compliance Indicator)	**Not Met – 99.8%** Substantial Compliance Met	**Met – 100%**
8b	Early Childhood Transition – Notification to LEA	LEAs will be notified of 100% of all children potentially eligible for Part B	**Met – 100%**	**Met – 100%**
8c	Early Childhood Transition – Transition Planning Meeting	100% of all children exiting Part C will have timely Transition Planning Meetings	**Not Met – 99.4%** Substantial Compliance Met	**Not Met – 99.1%** Substantial Compliance Met
9	Identification and Correction of Noncompliance	100% of all findings of noncompliance will be corrected within 1 year of notification (Compliance Indicator)	**Met – 100%**	**Not Met – 99.8%** Substantial Compliance Met

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Complaint Timelines	100% of signed written reports will be resolved within the 60-Day Timeline (Compliance Indicator)	**Met – 100%**	**Not required to report in FFY 2011 APR**
11	Due Process Timelines	100% of fully adjudicated due process hearing requests will be fully adjudicated within timeline (Compliance Indicator)	**NA – only request withdrawn prior to adjudication**	**Not required to report in FFY 2011 APR**
12	Hearing Requests Resolved by Resolution	100% of hearing requests that went to resolution sessions were resolved through resolution sessions (Compliance Indicator)	**NA – none held**	**NA – none held**
13	Mediation Agreements	100% of mediations will result in mediation agreements (Compliance Indicator)	**NA – fewer than 10**	**NA – fewer than 10**
14	State Reported Data	100% of State reported 618 data and annual performance reports are accurate and submitted on or before due dates (Compliance Indicator)	**Met – 100%**	**Met – 100%**

FFY 2011 APR – Infants and Toddlers Extended IFSP Option Data

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 94.0%**	**Met – 94.0%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met – 72.9%** N = 133	**Not Met – 70.4%** N = 1,074
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Met – 80.5%** **N = 133**	**Not Met - 68.5%** N = 1,074

3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met – 78.2%** N = 135	**Not Met – 75.6%** N = 1,076
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Met – 72.6%** N = 135	**Not Met – 64.4%** N = 1,076
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met – 80.2%** N = 136	**Not Met – 71.3%** N = 1,073
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Met – 81.6%** N = 136	**Not Met – 69.5%** N = 1,073
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family understand my options in order to make the best choice for my child and family to continue services through an extended Individualized Family Service Plan or move to services through an Individualized Education Program.	**No Target Set - 91%** N = 917	**No Target Set - 93%** N = 932
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family support my child to be ready for school by assisting me to teach my child prereading activities (such as naming pictures) and pre-math activities (such as sorting household items).	**No Target Set - 91%** N = 872	**No Target Set - 92%** N = 885

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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

May 29, 2013

Dr. Khalid N. Mumin
Superintendent
Caroline County Public Schools
204 Franklin Street
Denton, MD 21629

Dear Dr. Mumin:

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). The OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through the review of the APR and other data sources, the 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 with disabilities and their families. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part C in early June 2013.

Consistent with 34 CFR §§303.702(a)(2) and 303.703(b), the MSDE is also required to make determinations annually on the performance of each Infants and Toddlers Program in the State using one of the following four categories to assign a determination status to each Infants and Toddlers Program: "Meets Requirements," "Needs Assistance," "Needs Improvement," and "Needs Substantial Intervention." The MSDE Division of Special Education/Early Intervention Services uses a results-based rubric on specific indicators to rate each public agency's performance in meeting the State's targets for FFY 2011. Attached is a document entitled, *Part C and Part B Public Agency Determinations* that lists the Part C indicators included in determination status. The MSDE carefully considers all aspects of this process. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, if any, the Caroline County Infants and Toddlers Program has achieved the determination status of **Meets Requirements**.

To achieve a determination status of "Meets Requirements," the Caroline County Infants and Toddlers Program has met or exceeds the State's target on at least 4 of 6 performance indicators (2, 4a, 4b, 4c, 5, and 6) and Natural Environment data (Indicator 2) are not significantly below the State's target. In addition, the Caroline County Infants and Toddlers Program must demonstrate at least substantial compliance (at least 95.0%) for at least 4 of the 7 compliance indicators (1, 7, 8a, 8b, 8c, 9, and 14), and demonstrates full compliance (100%) in at least 1 compliance indicator.

Finally, all previously identified noncompliance, including fiscal noncompliance, has been corrected within one year of notification (Indicator 9).

Attached to this letter are copies of the following documents:
- *Annual Data on Part C SPP/APR Indicators; and*
- *Part C Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data on Part C SPP/APR Indicators* provides an analysis of the Caroline County Infants and Toddlers Program data. The *Part C Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available to your local Infants and Toddlers Program.

As you know, the State must report annually to the public on the performance of each local Infants and Toddlers Program related to the targets in the SPP under the IDEA. The public may access the MSDE IDEA performance report at http://mdideareport.org. The requirement for public reporting on local Infants and Toddlers Program performance is a critical provision to ensure accountability focusing on improved results for infants and toddlers with disabilities and their families. The MSDE will continue to provide technical assistance opportunities as you work to continue to support positive performance under Part C of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any feedback on our past technical assistance efforts or the need for guidance, we would be happy to hear from you as we work to develop additional mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the Caroline County Infants and Toddlers Program improving results for infants and toddlers with disabilities and their families. If you have any questions, would like to discuss this further, or request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DR:BMM

Attachments

c: Lillian M. Lowery, Ed.D.
Rosemary D. Thomas
Robin Fox

May 14, 2013
Caroline County Infants and Toddlers Program
Annual Data on Part C State Performance Plan (SPP) Priority Indicators
for the Period July 1, 2011 – June 30, 2012

Part C Annual SPP Performance Report								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
1	Timely Delivery of IFSP Services		100%	100%	Yes	Compliant. No required action.	100%	100%
2	Infants and Toddlers with IFSPs who receive services in natural environments		91.5%	100%	Yes	Data meet the State's target. No required action.	100%	100%
3A	Birth to 3 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	80.6%	60.0%	No	No required action. State target based on different methodology.	100%	100%
		2. Exits within age expectations	73.8%	83.3%	Yes		100%	100%
3B	Birth to 3 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	85.8%	80.0%	No	No required action. State target based on different methodology.	100%	100%
		2. Exits within age expectations	69.9%	83.3%	Yes		100%	100%
3C	Birth to 3 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	87.0%	81.8%	No	No required action. State target based on different methodology.	100%	100%
		2. Exits within age expectations	75.4%	83.3%	Yes		100%	100%
4A	Families who report EIS helped them know their rights		79.5%	100%	Yes	Data meet the State's target. No required action.	89.5%	90.5%
4B	Families who report EIS helped them communicate their child's needs		77.5%	90.0%	Yes	Data meet the State's target. No required action.	89.5%	89.5%
4C	Families who report EIS helped them help their children develop and learn		87.5%	100%	Yes	Data meet the State's target. No required action.	94.7%	90.0%
5	Children birth to one served as a percentage of the population birth to one		1.50%	2.53%	Yes	Data meet the State's target. No required action.	2.15%	2.76%
6	Children birth to three served as a percentage of the population birth to 3		2.88%	2.50%	No	Data do not meet the State target. Continue Improvement Activities.	2.59%	3.73%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral		100%	100%	Yes	Compliant. No required action.	100%	100%

Part C Annual SPP Performance Report							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
8A	**Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday**	100%	100%	Yes	Compliant. No required action.	100%	100%
8B	**Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday**	100%	100%	Yes	Compliant. No required action.	100%	100%
8C	**Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday**	100%	100%	Yes	Compliant. No required action.	100%	100%
9	**Timely correction of noncompliance**	100%	100%	Yes	Compliant. No required action.	100%	100%
14	**Submission of timely and accurate data**	100%	91.7%	No	Submit all data, including programmatic and fiscal reports, in a timely and accurate manner.	100%	91.7%

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act of 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education Program's (OSEP) State Performance Plans. Annually, the 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 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, the OSEP requires states to 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 should 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 June 12, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on the OSEP's identification of the MSDE's determination status, special conditions, and other enforcements, as applicable.

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 results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to 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 call, 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 C.F.R. §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 C.F.R. §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 the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the 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 the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Part C
Local Determination Scoring Criteria
FFY 2011 / SFY 2011 (July 1, 2011-June 30, 2012)

Meets Requirements

Performance/Results Indicators

LITP met State target for at least four* performance indicators**.

AND

Data for Indicator 2 (Natural Environments) is not significantly below the target.

AND

Compliance Indicators

LITP demonstrated substantial compliance[1] in at least five of the six compliance indicators (1, 7, 8a, 8b, 8c, and 14), and data is not below 85%** in indicators 1, 7, 8a, 8b, or 8c.

AND

LITP demonstrated full compliance (100%) in at least 2 compliance indicators (1, 7, 8a, 8b, 8c, and 14)

AND

LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year (Indicator 9).

*This requirement for Meets Requirements was increased from two to four (of six total) performance indicators in FFY 2011.
**This percentage will not be used as criteria for jurisdictions where noncompliance for 1 child accounts for over 15% of the data. One child may not be considered a systemic issue.

Needs Assistance

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrates substantial compliance in at least three of the six compliance indicators.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the target in any

[1] Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (generally 95% or better).

performance indicator, but demonstrated substantial compliance in at least three of the six compliance indicators, and was not significantly below the target in any compliance indicator.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 15 months of identification.

Needs Intervention

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrated substantial compliance in at least one compliance indicator.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the State target in any performance indicator, and demonstrated substantial compliance in at least two compliance indicators.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 24 months.

Needs Substantial Intervention

LITP demonstrated continued failure to make progress in correcting all previously identified noncompliance and completing all corrective actions for two or more years from the date of identification.

AND

LITP 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

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

Part C Local Determination
Framework for Technical Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C indicators defined in the Office of Special Education's (OSEP) State Performance Plans. The 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 determinations to each local Infants and Toddlers Program (LITP). Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each LITP's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. While it is MSDE's preference to work with each LITP in a collaborative manner to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

Regulatory Requirements

13A.13.02.04

F. Supervision, Monitoring, and Enforcement.

(1) The Maryland Infants and Toddlers Program shall collaborate with State agencies identified in the State Interagency Agreement to monitor programs and activities of the State to implement Part C of the Act, including:

(a) Supervising and monitoring local lead agencies, institutions, organizations, and EIS providers, in accordance with 34 CFR §303.120(a);

(b) Providing technical assistance to those local lead agencies, institutions, organizations, and EIS providers;

(c) Enforcing obligations imposed on those local lead agencies, institutions,-organizations, and EIS providers;

(d) Correcting deficiencies that are identified through monitoring.

(e) Correcting noncompliance identified through monitoring as soon as possible and in no case later than one year after the identification of the noncompliance; and

(f) Conducting the activities in paragraphs (a) through (e) of this subsection, consistent with 34 CFR §303.700 – 303.707 to:

(i) Make determinations annually about the performance of each local EIS program using the categories identified in 34 CFR §303.703(b);

(ii) Use appropriate mechanisms to enforce the requirements of Part C of the Act consistent with 34 CFR §303.704 and COMAR 13A.05.02.07; and

(iii) Report annually on the performance of the State and of each local EIS program, in accordance with 34 CFR §303.702.

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LITP. 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 an LITP.

MSDE will identify:
- What needs to change;
- How frequently and in what manner the LITP reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, LITPs 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 LITPs by telephone, fax, email, mail, or in-person. To enable an LITP to improve performance and meet compliance, available assistance may include, but is not limited to MSDE assisting an LITP to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and 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 and best practices;
- 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;
- Identify additional sources of information, resources and support;
- 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; and
- Use evaluative measures to validate progress and correction of previous noncompliance.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the LITP's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects an LITP's 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 C," MSDE will direct LITPs 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 an LITP, MSDE may determine that an LITP 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 system of general supervision to include:
    - Local system for collecting, tracking and reporting data on Performance/Results and Compliance Indicators;
    - Policies, procedures, and effective practices;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Technical Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of the local system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- Identification of an LITP as a high risk grantee if an LITP is in the category of Needs Intervention for 2 years; and
- Required 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/results and compliance. Assistance is needed in multiple performance/results 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 C funds;
- Withhold or reduce Part C funds pending completion of the corrective actions;

- Withhold or reduce State funds for early intervention 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 LITP's early intervention 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 an LITP shall be met, consistent with 20 U.S.C. §1413(c) and (d).

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Timely Services	100% of infants and toddlers with IFSPs will receive the early intervention services on their IFSP in a timely manner (30-day timeline) (Compliance Indicator) Indicator includes data on children in the Extended IFSP Option	**Not Met – 96.7%** Substantial Compliance Met	**Not Met – 97.7%** Substantial Compliance Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 96.3%**	**Met – 97.1%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met - 76.0%** N = 2,118	**Not Met – 70.1%** N = 4,412
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Not Met - 68.8%** N = 2,118	**Not Met – 65.3%** N = 4,412
3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met - 80.8%** N = 2,139	**Not Met – 74.1%** N = 4,416
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Not Met - 64.1%** N = 2,139	**Not Met – 60.5%** N = 4,416
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met - 81.6%** N = 2,136	**Not Met – 72.9%** N = 4,415
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Not Met - 70.9%** N = 2,136	**Not Met – 63.5%** N = 4,415

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4a	Family Outcomes	79.5% of families participating in Part C will report that early intervention services have helped the family: know their rights (Results Indicator) Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,474 39.7% Response Rate	**Met – 94.9%** N=3,940 46.7% Response Rate
4b	Family Outcomes	77.5% of families participating in Part C will report that early intervention services have helped the family: communicate their children's needs Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,345 39.7% Response Rate	**Met – 94.7%** N=3,814 46.7% Response Rate
4c	Family Outcomes	87.5% of families participating in Part C will report that early intervention services have helped the family: help their children learn and develop Indicator includes data on children in the Extended IFSP Option	**Met – 94%** N=3,329 39.7% Response Rate	**Met – 95.2%** N=3,804 46.7% Response Rate
5	Child Find Birth to One	1.5% of the State's birth-to-one resident population will be served. (Results Indicator)	**Met – 1.59%**	**Not Met – 1.48%**
6	Child Find Birth to Three	2.95% of the State's birth-to-three resident population will be served. (Results Indicator)	**Met – 3.54%**	**Met – 3.39%**
7	45-Day Timeline	100% of eligible infants and toddlers will have an evaluation/assessment and an initial IFSP meeting conducted within Part C's 45-Day Timeline (Compliance Indicator)	**Not Met – 98.2%** Substantial Compliance Met	**Not Met – 98.7%** Substantial Compliance Met
8a	Early Childhood Transition - IFSPs with transition steps and services	100% of all children exiting Part C will have IFSPs with transition steps and services (Compliance Indicator)	**Not Met – 99.8%** Substantial Compliance Met	**Met – 100%**
8b	Early Childhood Transition – Notification to LEA	LEAs will be notified of 100% of all children potentially eligible for Part B	**Met – 100%**	**Met – 100%**
8c	Early Childhood Transition – Transition Planning Meeting	100% of all children exiting Part C will have timely Transition Planning Meetings	**Not Met – 99.4%** Substantial Compliance Met	**Not Met – 99.1%** Substantial Compliance Met
9	Identification and Correction of Noncompliance	100% of all findings of noncompliance will be corrected within 1 year of notification (Compliance Indicator)	**Met – 100%**	**Not Met – 99.8%** Substantial Compliance Met

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Complaint Timelines	100% of signed written reports will be resolved within the 60-Day Timeline (Compliance Indicator)	**Met – 100%**	**Not required to report in FFY 2011 APR**
11	Due Process Timelines	100% of fully adjudicated due process hearing requests will be fully adjudicated within timeline (Compliance Indicator)	**NA – only request withdrawn prior to adjudication**	**Not required to report in FFY 2011 APR**
12	Hearing Requests Resolved by Resolution	100% of hearing requests that went to resolution sessions were resolved through resolution sessions (Compliance Indicator)	**NA – none held**	**NA – none held**
13	Mediation Agreements	100% of mediations will result in mediation agreements (Compliance Indicator)	**NA – fewer than 10**	**NA – fewer than 10**
14	State Reported Data	100% of State reported 618 data and annual performance reports are accurate and submitted on or before due dates (Compliance Indicator)	**Met – 100%**	**Met – 100%**

FFY 2011 APR – Infants and Toddlers Extended IFSP Option Data

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 94.0%**	**Met – 94.0%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met – 72.9%** N = 133	**Not Met – 70.4%** N = 1,074
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Met – 80.5%** **N = 133**	**Not Met - 68.5%** N = 1,074

3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met – 78.2%** N = 135	**Not Met – 75.6%** N = 1,076
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Met – 72.6%** N = 135	**Not Met – 64.4%** N = 1,076
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met – 80.2%** N = 136	**Not Met – 71.3%** N = 1,073
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Met – 81.6%** N = 136	**Not Met – 69.5%** N = 1,073
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family understand my options in order to make the best choice for my child and family to continue services through an extended Individualized Family Service Plan or move to services through an Individualized Education Program.	**No Target Set - 91%** N = 917	**No Target Set - 93%** N = 932
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family support my child to be ready for school by assisting me to teach my child prereading activities (such as naming pictures) and pre-math activities (such as sorting household items).	**No Target Set - 91%** N = 872	**No Target Set - 92%** N = 885

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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

May 29, 2013

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). The OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through the review of the APR and other data sources, the 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 with disabilities and their families. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part C in early June 2013.

Consistent with 34 CFR §§303.702(a)(2) and 303.703(b), the MSDE is also required to make determinations annually on the performance of each Infants and Toddlers Program in the State using one of the following four categories to assign a determination status to each Infants and Toddlers Program: "Meets Requirements," "Needs Assistance," "Needs Improvement," and "Needs Substantial Intervention." The MSDE Division of Special Education/Early Intervention Services uses a results-based rubric on specific indicators to rate each public agency's performance in meeting the State's targets for FFY 2011. Attached is a document entitled, *Part C and Part B Public Agency Determinations* that lists the Part C indicators included in determination status. The MSDE carefully considers all aspects of this process. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, if any, the Carroll County Infants and Toddlers Program has achieved the determination status of **Meets Requirements**.

To achieve a determination status of "Meets Requirements," the Carroll County Infants and Toddlers Program has met or exceeds the State's target on at least 4 of 6 performance indicators (2, 4a, 4b, 4c, 5, and 6) and Natural Environment data (Indicator 2) are not significantly below the State's target. In addition, the Carroll County Infants and Toddlers Program must demonstrate at least substantial compliance (at least 95.0%) for at least 4 of the 7 compliance indicators (1, 7, 8a, 8b, 8c, 9, and 14), and demonstrates full compliance (100%) in at least 1 compliance indicator. Finally, all previously

identified noncompliance, including fiscal noncompliance, has been corrected within one year of notification (Indicator 9).

Attached to this letter are copies of the following documents:

- *Annual Data on Part C SPP/APR Indicators; and*
- *Part C Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data on Part C SPP/APR Indicators* provides an analysis of the Carroll County Infants and Toddlers Program data. The *Part C Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available to your local Infants and Toddlers Program.

As you know, the State must report annually to the public on the performance of each local Infants and Toddlers Program related to the targets in the SPP under the IDEA. The public may access the MSDE IDEA performance report at http://mdideareport.org. The requirement for public reporting on local Infants and Toddlers Program performance is a critical provision to ensure accountability focusing on improved results for infants and toddlers with disabilities and their families. The MSDE will continue to provide technical assistance opportunities as you work to continue to support positive performance under Part C of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any feedback on our past technical assistance efforts or the need for guidance, we would be happy to hear from you as we work to develop additional mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the Carroll County Infants and Toddlers Program improving results for infants and toddlers with disabilities and their families. If you have any questions, would like to discuss this further, or request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DR:BMM

Attachments

c: Lillian M. Lowery, Ed.D.
Inez Marvel
Russell Gray

May 14, 2013
Carroll County Infants and Toddlers Program
Annual Data on Part C State Performance Plan (SPP) Priority Indicators
for the Period July 1, 2011 – June 30, 2012

Part C Annual SPP Performance Report								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
1	Timely Delivery of IFSP Services		100%	99.5%	No	Correction has been verified.	100%	99.4%
2	Infants and Toddlers with IFSPs who receive services in natural environments		91.5%	96.6%	Yes	Data meet the State's target. No required action.	95.3%	97.8%
3A	Birth to 3 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	80.6%	67.9%	No	No required action. State target based on different methodology.	84.6%	78.9%
		2. Exits within age expectations	73.8%	67.0%	No		78.6%	79.5%
3B	Birth to 3 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	85.8%	71.4%	No	No required action. State target based on different methodology.	89.7%	73.9%
		2. Exits within age expectations	69.9%	67.0%	No		67.4%	75.6%
3C	Birth to 3 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	87.0%	74.5%	No	No required action. State target based on different methodology.	93.8%	65.0%
		2. Exits within age expectations	75.4%	73.2%	No		79.5%	70.0%
4A	Families who report EIS helped them know their rights		79.5%	96.8%	Yes	Data meet the State's target. No required action.	80.4%	91.4%
4B	Families who report EIS helped them communicate their child's needs		77.5%	94.8%	Yes	Data meet the State's target. No required action.	74.5%	93.9%
4C	Families who report EIS helped them help their children develop and learn		87.5%	94.6%	Yes	Data meet the State's target. No required action.	88.2%	93.5%
5	Children birth to one served as a percentage of the population birth to one		1.50%	1.91%	Yes	Data meet the State's target. No required action.	1.55%	1.90%
6	Children birth to three served as a percentage of the population birth to 3		2.88%	3.05%	Yes	Data meet the State's target. No required action.	2.98%	2.72%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral		100%	99.4%	No	Correction has been verified.	100%	100%

Part C Annual SPP Performance Report							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
9	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	100%	100%
14	Submission of timely and accurate data	100%	100%	Yes	Compliant. No required action.	100%	100%

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act of 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education Program's (OSEP) State Performance Plans. Annually, the 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 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, the OSEP requires states to 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 should 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 June 12, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on the OSEP's identification of the MSDE's determination status, special conditions, and other enforcements, as applicable.

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 results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to 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 call, 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 C.F.R. §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 C.F.R. §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 the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the 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 the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Part C
Local Determination Scoring Criteria
FFY 2011 / SFY 2011 (July 1, 2011-June 30, 2012)

Meets Requirements

Performance/Results Indicators

LITP met State target for at least four* performance indicators**.

AND

Data for Indicator 2 (Natural Environments) is not significantly below the target.

AND

Compliance Indicators

LITP demonstrated substantial compliance[1] in at least five of the six compliance indicators (1, 7, 8a, 8b, 8c, and 14), and data is not below 85%** in indicators 1, 7, 8a, 8b, or 8c.

AND

LITP demonstrated full compliance (100%) in at least 2 compliance indicators (1, 7, 8a, 8b, 8c, and 14)

AND

LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year (Indicator 9).

*This requirement for Meets Requirements was increased from two to four (of six total) performance indicators in FFY 2011.
**This percentage will not be used as criteria for jurisdictions where noncompliance for 1 child accounts for over 15% of the data. One child may not be considered a systemic issue.

Needs Assistance

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrates substantial compliance in at least three of the six compliance indicators.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the target in any

[1] Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (generally 95% or better).

performance indicator, but demonstrated substantial compliance in at least three of the six compliance indicators, and was not significantly below the target in any compliance indicator.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 15 months of identification.

Needs Intervention

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrated substantial compliance in at least one compliance indicator.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the State target in any performance indicator, and demonstrated substantial compliance in at least two compliance indicators.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 24 months.

Needs Substantial Intervention

LITP demonstrated continued failure to make progress in correcting all previously identified noncompliance and completing all corrective actions for two or more years from the date of identification.

AND

LITP 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

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

Part C Local Determination
Framework for Technical Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C indicators defined in the Office of Special Education's (OSEP) State Performance Plans. The 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 determinations to each local Infants and Toddlers Program (LITP). Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each LITP's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. While it is MSDE's preference to work with each LITP in a collaborative manner to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

Regulatory Requirements

13A.13.02.04

F. Supervision, Monitoring, and Enforcement.

(1) The Maryland Infants and Toddlers Program shall collaborate with State agencies identified in the State Interagency Agreement to monitor programs and activities of the State to implement Part C of the Act, including:

(a) Supervising and monitoring local lead agencies, institutions, organizations, and EIS providers, in accordance with 34 CFR §303.120(a);

(b) Providing technical assistance to those local lead agencies, institutions, organizations, and EIS providers;

(c) Enforcing obligations imposed on those local lead agencies, institutions,-organizations, and EIS providers;

(d) Correcting deficiencies that are identified through monitoring.

(e) Correcting noncompliance identified through monitoring as soon as possible and in no case later than one year after the identification of the noncompliance; and

(f) Conducting the activities in paragraphs (a) through (e) of this subsection, consistent with 34 CFR §303.700 – 303.707 to:

(i) Make determinations annually about the performance of each local EIS program using the categories identified in 34 CFR §303.703(b);

(ii) Use appropriate mechanisms to enforce the requirements of Part C of the Act consistent with 34 CFR §303.704 and COMAR 13A.05.02.07; and

(iii) Report annually on the performance of the State and of each local EIS program, in accordance with 34 CFR §303.702.

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LITP. 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 an LITP.

MSDE will identify:
- What needs to change;
- How frequently and in what manner the LITP reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, LITPs 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 LITPs by telephone, fax, email, mail, or in-person. To enable an LITP to improve performance and meet compliance, available assistance may include, but is not limited to MSDE assisting an LITP to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and 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 and best practices;
- 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;
- Identify additional sources of information, resources and support;
- 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; and
- Use evaluative measures to validate progress and correction of previous noncompliance.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the LITP's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects an LITP's 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 C," MSDE will direct LITPs 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 an LITP, MSDE may determine that an LITP 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 system of general supervision to include:
    - Local system for collecting, tracking and reporting data on Performance/Results and Compliance Indicators;
    - Policies, procedures, and effective practices;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Technical Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of the local system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- Identification of an LITP as a high risk grantee if an LITP is in the category of Needs Intervention for 2 years; and
- Required 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/results and compliance. Assistance is needed in multiple performance/results 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 C funds;
- Withhold or reduce Part C funds pending completion of the corrective actions;

- Withhold or reduce State funds for early intervention 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 LITP's early intervention 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 an LITP shall be met, consistent with 20 U.S.C. §1413(c) and (d).

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Timely Services	100% of infants and toddlers with IFSPs will receive the early intervention services on their IFSP in a timely manner (30-day timeline) (Compliance Indicator) Indicator includes data on children in the Extended IFSP Option	**Not Met – 96.7%** Substantial Compliance Met	**Not Met – 97.7%** Substantial Compliance Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 96.3%**	**Met – 97.1%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met - 76.0%** N = 2,118	**Not Met – 70.1%** N = 4,412
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Not Met - 68.8%** N = 2,118	**Not Met – 65.3%** N = 4,412
3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met - 80.8%** N = 2,139	**Not Met – 74.1%** N = 4,416
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Not Met - 64.1%** N = 2,139	**Not Met – 60.5%** N = 4,416
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met - 81.6%** N = 2,136	**Not Met – 72.9%** N = 4,415
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Not Met - 70.9%** N = 2,136	**Not Met – 63.5%** N = 4,415

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4a	Family Outcomes	79.5% of families participating in Part C will report that early intervention services have helped the family: know their rights (Results Indicator) Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,474 39.7% Response Rate	**Met – 94.9%** N=3,940 46.7% Response Rate
4b	Family Outcomes	77.5% of families participating in Part C will report that early intervention services have helped the family: communicate their children's needs Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,345 39.7% Response Rate	**Met – 94.7%** N=3,814 46.7% Response Rate
4c	Family Outcomes	87.5% of families participating in Part C will report that early intervention services have helped the family: help their children learn and develop Indicator includes data on children in the Extended IFSP Option	**Met – 94%** N=3,329 39.7% Response Rate	**Met – 95.2%** N=3,804 46.7% Response Rate
5	Child Find Birth to One	1.5% of the State's birth-to-one resident population will be served. (Results Indicator)	**Met – 1.59%**	**Not Met – 1.48%**
6	Child Find Birth to Three	2.95% of the State's birth-to-three resident population will be served. (Results Indicator)	**Met – 3.54%**	**Met – 3.39%**
7	45-Day Timeline	100% of eligible infants and toddlers will have an evaluation/assessment and an initial IFSP meeting conducted within Part C's 45-Day Timeline (Compliance Indicator)	**Not Met – 98.2%** Substantial Compliance Met	**Not Met – 98.7%** Substantial Compliance Met
8a	Early Childhood Transition - IFSPs with transition steps and services	100% of all children exiting Part C will have IFSPs with transition steps and services (Compliance Indicator)	**Not Met – 99.8%** Substantial Compliance Met	**Met – 100%**
8b	Early Childhood Transition – Notification to LEA	LEAs will be notified of 100% of all children potentially eligible for Part B	**Met – 100%**	**Met – 100%**
8c	Early Childhood Transition – Transition Planning Meeting	100% of all children exiting Part C will have timely Transition Planning Meetings	**Not Met – 99.4%** Substantial Compliance Met	**Not Met – 99.1%** Substantial Compliance Met
9	Identification and Correction of Noncompliance	100% of all findings of noncompliance will be corrected within 1 year of notification (Compliance Indicator)	**Met – 100%**	**Not Met – 99.8%** Substantial Compliance Met

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Complaint Timelines	100% of signed written reports will be resolved within the 60-Day Timeline (Compliance Indicator)	**Met – 100%**	**Not required to report in FFY 2011 APR**
11	Due Process Timelines	100% of fully adjudicated due process hearing requests will be fully adjudicated within timeline (Compliance Indicator)	**NA – only request withdrawn prior to adjudication**	**Not required to report in FFY 2011 APR**
12	Hearing Requests Resolved by Resolution	100% of hearing requests that went to resolution sessions were resolved through resolution sessions (Compliance Indicator)	**NA – none held**	**NA – none held**
13	Mediation Agreements	100% of mediations will result in mediation agreements (Compliance Indicator)	**NA – fewer than 10**	**NA – fewer than 10**
14	State Reported Data	100% of State reported 618 data and annual performance reports are accurate and submitted on or before due dates (Compliance Indicator)	**Met – 100%**	**Met – 100%**

FFY 2011 APR – Infants and Toddlers Extended IFSP Option Data

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 94.0%**	**Met – 94.0%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met – 72.9%** N = 133	**Not Met – 70.4%** N = 1,074
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Met – 80.5%** **N = 133**	**Not Met - 68.5%** N = 1,074

3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met – 78.2%** N = 135	**Not Met – 75.6%** N = 1,076
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Met – 72.6%** N = 135	**Not Met – 64.4%** N = 1,076
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met – 80.2%** N = 136	**Not Met – 71.3%** N = 1,073
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Met – 81.6%** N = 136	**Not Met – 69.5%** N = 1,073
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family understand my options in order to make the best choice for my child and family to continue services through an extended Individualized Family Service Plan or move to services through an Individualized Education Program.	**No Target Set - 91%** N = 917	**No Target Set - 93%** N = 932
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family support my child to be ready for school by assisting me to teach my child prereading activities (such as naming pictures) and pre-math activities (such as sorting household items).	**No Target Set - 91%** N = 872	**No Target Set - 92%** N = 885

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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

May 29, 2013

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). The OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through the review of the APR and other data sources, the 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 with disabilities and their families. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part C in early June 2013.

Consistent with 34 CFR §§303.702(a)(2) and 303.703(b), the MSDE is also required to make determinations annually on the performance of each Infants and Toddlers Program in the State using one of the following four categories to assign a determination status to each Infants and Toddlers Program: "Meets Requirements," "Needs Assistance," "Needs Improvement," and "Needs Substantial Intervention." The MSDE Division of Special Education/Early Intervention Services uses a results-based rubric on specific indicators to rate each public agency's performance in meeting the State's targets for FFY 2011. Attached is a document entitled, *Part C and Part B Public Agency Determinations* that lists the Part C indicators included in determination status. The MSDE carefully considers all aspects of this process. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, if any, the Cecil County Infants and Toddlers Program has achieved the determination status of **Meets Requirements**.

To achieve a determination status of "Meets Requirements," the Cecil County Infants and Toddlers Program has met or exceeds the State's target on at least 4 of 6 performance indicators (2, 4a, 4b, 4c, 5, and 6) and Natural Environment data (Indicator 2) are not significantly below the State's target. In addition, the Cecil County Infants and Toddlers Program must demonstrate at least substantial compliance (at least 95.0%) for at least 4 of the 7 compliance indicators (1, 7, 8a, 8b, 8c, 9, and 14), and demonstrates full compliance (100%) in at least 1 compliance indicator. Finally, all previously

identified noncompliance, including fiscal noncompliance, has been corrected within one year of notification (Indicator 9).

Attached to this letter are copies of the following documents:
- *Annual Data on Part C SPP/APR Indicators; and*
- *Part C Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data on Part C SPP/APR Indicators* provides an analysis of the Cecil County Infants and Toddlers Program data. The *Part C Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available to your local Infants and Toddlers Program.

As you know, the State must report annually to the public on the performance of each local Infants and Toddlers Program related to the targets in the SPP under the IDEA. The public may access the MSDE IDEA performance report at http://mdideareport.org. The requirement for public reporting on local Infants and Toddlers Program performance is a critical provision to ensure accountability focusing on improved results for infants and toddlers with disabilities and their families. The MSDE will continue to provide technical assistance opportunities as you work to continue to support positive performance under Part C of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any feedback on our past technical assistance efforts or the need for guidance, we would be happy to hear from you as we work to develop additional mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the Cecil County Infants and Toddlers Program improving results for infants and toddlers with disabilities and their families. If you have any questions, would like to discuss this further, or request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DR:BMM

Attachments

c: Lillian M. Lowery, Ed.D.
Sarah J. Farr
Richard Wilkinson

May 14, 2013
Cecil County Infants and Toddlers Program
Annual Data on Part C State Performance Plan (SPP) Priority Indicators
for the Period July 1, 2011 – June 30, 2012

Part C Annual SPP Performance Report

SPP/APR Indicators (Results Indicator / Compliance Indicator)			FFY 2011 State Target	FFY 2011 Local Results	FFY 2011 Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
1	Timely Delivery of IFSP Services		100%	99.3%	No	Correction has been verified.	100%	100%
2	Infants and Toddlers with IFSPs who receive services in natural environments		91.5%	100%	No	Data meet the State's target. No required action.	100%	100%
3A	Birth to 3 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	80.6%	75.9%	Yes	No required action. State target based on different methodology.	72.0%	87.5%
		2. Exits within age expectations	73.8%	70.5%	No		79.2%	69.4%
3B	Birth to 3 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	85.8%	75.4%	Yes	No required action. State target based on different methodology.	92.9%	93.1%
		2. Exits within age expectations	69.9%	70.5%	No		84.9%	69.4%
3C	Birth to 3 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	87.0%	84.8%	No	No required action. State target based on different methodology.	82.9%	75.9%
		2. Exits within age expectations	75.4%	69.2%	No		81.1%	63.9%
4A	Families who report EIS helped them know their rights		79.5%	96.9%	Yes	Data meet the State's target. No required action.	86.0%	100%
4B	Families who report EIS helped them communicate their child's needs		77.5%	93.2%	Yes	Data meet the State's target. No required action.	81.4%	96.7%
4C	Families who report EIS helped them help their children develop and learn		87.5%	98.4%	Yes	Data meet the State's target. No required action.	90.7%	96.8%
5	Children birth to one served as a percentage of the population birth to one		1.50%	0.93%	No	Data do not meet the State target. Continue Improvement Activities.	1.38%	0.89%
6	Children birth to three served as a percentage of the population birth to 3		2.88%	2.92%	Yes	Data meet the State's target. No required action.	2.93%	3.42%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral		100%	99.2%	No	Correction has been verified.	98.4%	100%

Part C Annual SPP Performance Report							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Yes	Compliant. No required action.	100%	98.2%
9	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	100%	100%
14	Submission of timely and accurate data	100%	100%	Yes	Compliant. No required action.	100%	100%

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act of 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education Program's (OSEP) State Performance Plans. Annually, the 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 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, the OSEP requires states to 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 should 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 June 12, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on the OSEP's identification of the MSDE's determination status, special conditions, and other enforcements, as applicable.

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 results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to 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 call, 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 C.F.R. §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 C.F.R. §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 the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the 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 the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Part C
Local Determination Scoring Criteria
FFY 2011 / SFY 2011 (July 1, 2011-June 30, 2012)

Meets Requirements

Performance/Results Indicators

LITP met State target for at least four* performance indicators**.

AND

Data for Indicator 2 (Natural Environments) is not significantly below the target.

AND

Compliance Indicators

LITP demonstrated substantial compliance[1] in at least five of the six compliance indicators (1, 7, 8a, 8b, 8c, and 14), and data is not below 85%** in indicators 1, 7, 8a, 8b, or 8c.

AND

LITP demonstrated full compliance (100%) in at least 2 compliance indicators (1, 7, 8a, 8b, 8c, and 14)

AND

LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year (Indicator 9).

*This requirement for Meets Requirements was increased from two to four (of six total) performance indicators in FFY 2011.
**This percentage will not be used as criteria for jurisdictions where noncompliance for 1 child accounts for over 15% of the data. One child may not be considered a systemic issue.

Needs Assistance

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrates substantial compliance in at least three of the six compliance indicators.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the target in any

[1] Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (generally 95% or better).

performance indicator, but demonstrated substantial compliance in at least three of the six compliance indicators, and was not significantly below the target in any compliance indicator.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 15 months of identification.

Needs Intervention

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrated substantial compliance in at least one compliance indicator.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the State target in any performance indicator, and demonstrated substantial compliance in at least two compliance indicators.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 24 months.

Needs Substantial Intervention

LITP demonstrated continued failure to make progress in correcting all previously identified noncompliance and completing all corrective actions for two or more years from the date of identification.

AND

LITP 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

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

Part C Local Determination
Framework for Technical Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C indicators defined in the Office of Special Education's (OSEP) State Performance Plans. The 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 determinations to each local Infants and Toddlers Program (LITP). Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each LITP's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. While it is MSDE's preference to work with each LITP in a collaborative manner to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

Regulatory Requirements

13A.13.02.04

F. Supervision, Monitoring, and Enforcement.

(1) The Maryland Infants and Toddlers Program shall collaborate with State agencies identified in the State Interagency Agreement to monitor programs and activities of the State to implement Part C of the Act, including:

(a) Supervising and monitoring local lead agencies, institutions, organizations, and EIS providers, in accordance with 34 CFR §303.120(a);

(b) Providing technical assistance to those local lead agencies, institutions, organizations, and EIS providers;

(c) Enforcing obligations imposed on those local lead agencies, institutions,-organizations, and EIS providers;

(d) Correcting deficiencies that are identified through monitoring.

(e) Correcting noncompliance identified through monitoring as soon as possible and in no case later than one year after the identification of the noncompliance; and

(f) Conducting the activities in paragraphs (a) through (e) of this subsection, consistent with 34 CFR §303.700 – 303.707 to:

(i) Make determinations annually about the performance of each local EIS program using the categories identified in 34 CFR §303.703(b);

(ii) Use appropriate mechanisms to enforce the requirements of Part C of the Act consistent with 34 CFR §303.704 and COMAR 13A.05.02.07; and

(iii) Report annually on the performance of the State and of each local EIS program, in accordance with 34 CFR §303.702.

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LITP. 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 an LITP.

MSDE will identify:
- What needs to change;
- How frequently and in what manner the LITP reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, LITPs 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 LITPs by telephone, fax, email, mail, or in-person. To enable an LITP to improve performance and meet compliance, available assistance may include, but is not limited to MSDE assisting an LITP to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and 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 and best practices;
- 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;
- Identify additional sources of information, resources and support;
- 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; and
- Use evaluative measures to validate progress and correction of previous noncompliance.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the LITP's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects an LITP's 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 C," MSDE will direct LITPs 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 an LITP, MSDE may determine that an LITP 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 system of general supervision to include:
    - Local system for collecting, tracking and reporting data on Performance/Results and Compliance Indicators;
    - Policies, procedures, and effective practices;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Technical Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of the local system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- Identification of an LITP as a high risk grantee if an LITP is in the category of Needs Intervention for 2 years; and
- Required 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/results and compliance. Assistance is needed in multiple performance/results 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 C funds;
- Withhold or reduce Part C funds pending completion of the corrective actions;

- Withhold or reduce State funds for early intervention 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 LITP's early intervention 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 an LITP shall be met, consistent with 20 U.S.C. §1413(c) and (d).

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Timely Services	100% of infants and toddlers with IFSPs will receive the early intervention services on their IFSP in a timely manner (30-day timeline) (Compliance Indicator) Indicator includes data on children in the Extended IFSP Option	**Not Met – 96.7%** Substantial Compliance Met	**Not Met – 97.7%** Substantial Compliance Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 96.3%**	**Met – 97.1%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met - 76.0%** N = 2,118	**Not Met – 70.1%** N = 4,412
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Not Met - 68.8%** N = 2,118	**Not Met – 65.3%** N = 4,412
3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met - 80.8%** N = 2,139	**Not Met – 74.1%** N = 4,416
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Not Met - 64.1%** N = 2,139	**Not Met – 60.5%** N = 4,416
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met - 81.6%** N = 2,136	**Not Met – 72.9%** N = 4,415
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Not Met - 70.9%** N = 2,136	**Not Met – 63.5%** N = 4,415

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4a	Family Outcomes	79.5% of families participating in Part C will report that early intervention services have helped the family: know their rights (Results Indicator) Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,474 39.7% Response Rate	**Met – 94.9%** N=3,940 46.7% Response Rate
4b	Family Outcomes	77.5% of families participating in Part C will report that early intervention services have helped the family: communicate their children's needs Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,345 39.7% Response Rate	**Met – 94.7%** N=3,814 46.7% Response Rate
4c	Family Outcomes	87.5% of families participating in Part C will report that early intervention services have helped the family: help their children learn and develop Indicator includes data on children in the Extended IFSP Option	**Met – 94%** N=3,329 39.7% Response Rate	**Met – 95.2%** N=3,804 46.7% Response Rate
5	Child Find Birth to One	1.5% of the State's birth-to-one resident population will be served. (Results Indicator)	**Met – 1.59%**	**Not Met – 1.48%**
6	Child Find Birth to Three	2.95% of the State's birth-to-three resident population will be served. (Results Indicator)	**Met – 3.54%**	**Met – 3.39%**
7	45-Day Timeline	100% of eligible infants and toddlers will have an evaluation/assessment and an initial IFSP meeting conducted within Part C's 45-Day Timeline (Compliance Indicator)	**Not Met – 98.2%** Substantial Compliance Met	**Not Met – 98.7%** Substantial Compliance Met
8a	Early Childhood Transition - IFSPs with transition steps and services	100% of all children exiting Part C will have IFSPs with transition steps and services (Compliance Indicator)	**Not Met – 99.8%** Substantial Compliance Met	**Met – 100%**
8b	Early Childhood Transition – Notification to LEA	LEAs will be notified of 100% of all children potentially eligible for Part B	**Met – 100%**	**Met – 100%**
8c	Early Childhood Transition – Transition Planning Meeting	100% of all children exiting Part C will have timely Transition Planning Meetings	**Not Met – 99.4%** Substantial Compliance Met	**Not Met – 99.1%** Substantial Compliance Met
9	Identification and Correction of Noncompliance	100% of all findings of noncompliance will be corrected within 1 year of notification (Compliance Indicator)	**Met – 100%**	**Not Met – 99.8%** Substantial Compliance Met

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Complaint Timelines	100% of signed written reports will be resolved within the 60-Day Timeline (Compliance Indicator)	**Met – 100%**	**Not required to report in FFY 2011 APR**
11	Due Process Timelines	100% of fully adjudicated due process hearing requests will be fully adjudicated within timeline (Compliance Indicator)	**NA – only request withdrawn prior to adjudication**	**Not required to report in FFY 2011 APR**
12	Hearing Requests Resolved by Resolution	100% of hearing requests that went to resolution sessions were resolved through resolution sessions (Compliance Indicator)	**NA – none held**	**NA – none held**
13	Mediation Agreements	100% of mediations will result in mediation agreements (Compliance Indicator)	**NA – fewer than 10**	**NA – fewer than 10**
14	State Reported Data	100% of State reported 618 data and annual performance reports are accurate and submitted on or before due dates (Compliance Indicator)	**Met – 100%**	**Met – 100%**

FFY 2011 APR – Infants and Toddlers Extended IFSP Option Data

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 94.0%**	**Met – 94.0%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met – 72.9%** N = 133	**Not Met – 70.4%** N = 1,074
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Met – 80.5%** **N = 133**	**Not Met - 68.5%** N = 1,074

3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met – 78.2%** N = 135	**Not Met – 75.6%** N = 1,076
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Met – 72.6%** N = 135	**Not Met – 64.4%** N = 1,076
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met – 80.2%** N = 136	**Not Met – 71.3%** N = 1,073
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Met – 81.6%** N = 136	**Not Met – 69.5%** N = 1,073
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family understand my options in order to make the best choice for my child and family to continue services through an extended Individualized Family Service Plan or move to services through an Individualized Education Program.	**No Target Set - 91%** N = 917	**No Target Set - 93%** N = 932
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family support my child to be ready for school by assisting me to teach my child prereading activities (such as naming pictures) and pre-math activities (such as sorting household items).	**No Target Set - 91%** N = 872	**No Target Set - 92%** N = 885

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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

May 29, 2013

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). The OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through the review of the APR and other data sources, the 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 with disabilities and their families. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part C in early June 2013.

Consistent with 34 CFR §§303.702(a)(2) and 303.703(b), the MSDE is also required to make determinations annually on the performance of each Infants and Toddlers Program in the State using one of the following four categories to assign a determination status to each Infants and Toddlers Program: "Meets Requirements," "Needs Assistance," "Needs Improvement," and "Needs Substantial Intervention." The MSDE Division of Special Education/Early Intervention Services uses a results-based rubric on specific indicators to rate each public agency's performance in meeting the State's targets for FFY 2011. Attached is a document entitled, *Part C and Part B Public Agency Determinations* that lists the Part C indicators included in determination status. The MSDE carefully considers all aspects of this process. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, if any, the Charles County Infants and Toddlers Program has achieved the determination status of **Meets Requirements**.

To achieve a determination status of "Meets Requirements," the Charles County Infants and Toddlers Program has met or exceeds the State's target on at least 4 of 6 performance indicators (2, 4a, 4b, 4c, 5, and 6) and Natural Environment data (Indicator 2) are not significantly below the State's target. In addition, the Charles County Infants and Toddlers Program must demonstrate at least substantial compliance (at least 95.0%) for at least 4 of the 7 compliance indicators (1, 7, 8a, 8b, 8c, 9, and 14), and demonstrates full compliance (100%) in at least 1 compliance indicator. Finally, all previously

identified noncompliance, including fiscal noncompliance, has been corrected within one year of notification (Indicator 9).

Attached to this letter are copies of the following documents:

- *Annual Data on Part C SPP/APR Indicators; and*
- *Part C Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data on Part C SPP/APR Indicators* provides an analysis of the Charles County Infants and Toddlers Program data. The *Part C Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available to your local Infants and Toddlers Program.

As you know, the State must report annually to the public on the performance of each local Infants and Toddlers Program related to the targets in the SPP under the IDEA. The public may access the MSDE IDEA performance report at http://mdideareport.org. The requirement for public reporting on local Infants and Toddlers Program performance is a critical provision to ensure accountability focusing on improved results for infants and toddlers with disabilities and their families. The MSDE will continue to provide technical assistance opportunities as you work to continue to support positive performance under Part C of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any feedback on our past technical assistance efforts or the need for guidance, we would be happy to hear from you as we work to develop additional mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the Charles County Infants and Toddlers Program improving results for infants and toddlers with disabilities and their families. If you have any questions, would like to discuss this further, or request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DR:BMM

Attachments

c: Lillian M. Lowery, Ed.D.
Dr. Arden Sotomayor
Todd Wonderling

May 14, 2013
Charles County Infants and Toddlers Program
Annual Data on Part C State Performance Plan (SPP) Priority Indicators
for the Period July 1, 2011 – June 30, 2012

Part C Annual SPP Performance Report								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
1	Timely Delivery of IFSP Services		100%	99.5%	No	Correction has been verified.	99.1%	99.0%
2	Infants and Toddlers with IFSPs who receive services in natural environments		91.5%	100%	Yes	Data meet the State's target. No required action.	99.4%	98.8%
3A	Birth to 3 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	80.6%	44.1%	No	No required action. State target based on different methodology.	78.6%	76.0%
		2. Exits within age expectations	73.8%	61.2%	No		68.1%	72.3%
3B	Birth to 3 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	85.8%	46.6%	No	No required action. State target based on different methodology.	79.4%	78.1%
		2. Exits within age expectations	69.9%	57.9%	No		61.7%	70.2%
3C	Birth to 3 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	87.0%	56.2%	No	No required action. State target based on different methodology.	78.9%	78.1%
		2. Exits within age expectations	75.4%	59.0%	No		57.4%	72.3%
4A	Families who report EIS helped them know their rights		79.5%	89.4%	Yes	Data meet the State's target. No required action.	82.1%	96.7%
4B	Families who report EIS helped them communicate their child's needs		77.5%	88.9%	Yes	Data meet the State's target. No required action.	71.8%	97.7%
4C	Families who report EIS helped them help their children develop and learn		87.5%	89.7%	Yes	Data meet the State's target. No required action.	88.5%	95.3%
5	Children birth to one served as a percentage of the population birth to one		1.50%	1.21%	No	Data do not meet the State target. Continue Improvement Activities.	1.63%	1.83%
6	Children birth to three served as a percentage of the population birth to 3		2.88%	2.73%	No	Data do not meet the State target. Continue Improvement Activities.	2.83%	3.02%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral		100%	100%	Yes	Compliant. No required action.	100%	100%

Part C Annual SPP Performance Report							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	95.7%	No	Correction has been verified.	100%	100%
9	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	100%	100%
14	Submission of timely and accurate data	100%	100%	Yes	Compliant. No required action.	66.6%	75.0%

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act of 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education Program's (OSEP) State Performance Plans. Annually, the 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 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, the OSEP requires states to 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 should 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 June 12, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on the OSEP's identification of the MSDE's determination status, special conditions, and other enforcements, as applicable.

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 results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to 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 call, 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 C.F.R. §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 C.F.R. §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 the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the 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 the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Part C
Local Determination Scoring Criteria
FFY 2011 / SFY 2011 (July 1, 2011-June 30, 2012)

Meets Requirements

Performance/Results Indicators

LITP met State target for at least four* performance indicators**.

AND

Data for Indicator 2 (Natural Environments) is not significantly below the target.

AND

Compliance Indicators

LITP demonstrated substantial compliance[1] in at least five of the six compliance indicators (1, 7, 8a, 8b, 8c, and 14), and data is not below 85%** in indicators 1, 7, 8a, 8b, or 8c.

AND

LITP demonstrated full compliance (100%) in at least 2 compliance indicators (1, 7, 8a, 8b, 8c, and 14)

AND

LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year (Indicator 9).

*This requirement for Meets Requirements was increased from two to four (of six total) performance indicators in FFY 2011.
**This percentage will not be used as criteria for jurisdictions where noncompliance for 1 child accounts for over 15% of the data. One child may not be considered a systemic issue.

Needs Assistance

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrates substantial compliance in at least three of the six compliance indicators.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the target in any

[1] Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (generally 95% or better).

performance indicator, but demonstrated substantial compliance in at least three of the six compliance indicators, and was not significantly below the target in any compliance indicator.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 15 months of identification.

Needs Intervention

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrated substantial compliance in at least one compliance indicator.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the State target in any performance indicator, and demonstrated substantial compliance in at least two compliance indicators.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 24 months.

Needs Substantial Intervention

LITP demonstrated continued failure to make progress in correcting all previously identified noncompliance and completing all corrective actions for two or more years from the date of identification.

AND

LITP 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

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

Part C Local Determination
Framework for Technical Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C indicators defined in the Office of Special Education's (OSEP) State Performance Plans. The 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 determinations to each local Infants and Toddlers Program (LITP). Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each LITP's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. While it is MSDE's preference to work with each LITP in a collaborative manner to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

Regulatory Requirements

13A.13.02.04

F. Supervision, Monitoring, and Enforcement.

(1) The Maryland Infants and Toddlers Program shall collaborate with State agencies identified in the State Interagency Agreement to monitor programs and activities of the State to implement Part C of the Act, including:

(a) Supervising and monitoring local lead agencies, institutions, organizations, and EIS providers, in accordance with 34 CFR §303.120(a);

(b) Providing technical assistance to those local lead agencies, institutions, organizations, and EIS providers;

(c) Enforcing obligations imposed on those local lead agencies, institutions,-organizations, and EIS providers;

(d) Correcting deficiencies that are identified through monitoring.

(e) Correcting noncompliance identified through monitoring as soon as possible and in no case later than one year after the identification of the noncompliance; and

(f) Conducting the activities in paragraphs (a) through (e) of this subsection, consistent with 34 CFR §303.700 – 303.707 to:

(i) Make determinations annually about the performance of each local EIS program using the categories identified in 34 CFR §303.703(b);

(ii) Use appropriate mechanisms to enforce the requirements of Part C of the Act consistent with 34 CFR §303.704 and COMAR 13A.05.02.07; and

(iii) Report annually on the performance of the State and of each local EIS program, in accordance with 34 CFR §303.702.

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LITP. 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 an LITP.

MSDE will identify:

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

In collaboration with MSDE, LITPs 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 LITPs by telephone, fax, email, mail, or in-person. To enable an LITP to improve performance and meet compliance, available assistance may include, but is not limited to MSDE assisting an LITP to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and 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 and best practices;
- 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;
- Identify additional sources of information, resources and support;
- 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; and
- Use evaluative measures to validate progress and correction of previous noncompliance.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the LITP's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects an LITP's 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 C," MSDE will direct LITPs 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 an LITP, MSDE may determine that an LITP 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 system of general supervision to include:
    - Local system for collecting, tracking and reporting data on Performance/Results and Compliance Indicators;
    - Policies, procedures, and effective practices;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Technical Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of the local system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- Identification of an LITP as a high risk grantee if an LITP is in the category of Needs Intervention for 2 years; and
- Required 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/results and compliance. Assistance is needed in multiple performance/results 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 C funds;
- Withhold or reduce Part C funds pending completion of the corrective actions;

- Withhold or reduce State funds for early intervention 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 LITP's early intervention 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 an LITP shall be met, consistent with 20 U.S.C. §1413(c) and (d).

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Timely Services	100% of infants and toddlers with IFSPs will receive the early intervention services on their IFSP in a timely manner (30-day timeline) (Compliance Indicator) Indicator includes data on children in the Extended IFSP Option	**Not Met – 96.7%** Substantial Compliance Met	**Not Met – 97.7%** Substantial Compliance Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 96.3%**	**Met – 97.1%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met - 76.0%** N = 2,118	**Not Met – 70.1%** N = 4,412
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Not Met - 68.8%** N = 2,118	**Not Met – 65.3%** N = 4,412
3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met - 80.8%** N = 2,139	**Not Met – 74.1%** N = 4,416
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Not Met - 64.1%** N = 2,139	**Not Met – 60.5%** N = 4,416
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met - 81.6%** N = 2,136	**Not Met – 72.9%** N = 4,415
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Not Met - 70.9%** N = 2,136	**Not Met – 63.5%** N = 4,415

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4a	Family Outcomes	79.5% of families participating in Part C will report that early intervention services have helped the family: know their rights (Results Indicator) Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,474 39.7% Response Rate	**Met – 94.9%** N=3,940 46.7% Response Rate
4b	Family Outcomes	77.5% of families participating in Part C will report that early intervention services have helped the family: communicate their children's needs Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,345 39.7% Response Rate	**Met – 94.7%** N=3,814 46.7% Response Rate
4c	Family Outcomes	87.5% of families participating in Part C will report that early intervention services have helped the family: help their children learn and develop Indicator includes data on children in the Extended IFSP Option	**Met – 94%** N=3,329 39.7% Response Rate	**Met – 95.2%** N=3,804 46.7% Response Rate
5	Child Find Birth to One	1.5% of the State's birth-to-one resident population will be served. (Results Indicator)	**Met – 1.59%**	**Not Met – 1.48%**
6	Child Find Birth to Three	2.95% of the State's birth-to-three resident population will be served. (Results Indicator)	**Met – 3.54%**	**Met – 3.39%**
7	45-Day Timeline	100% of eligible infants and toddlers will have an evaluation/assessment and an initial IFSP meeting conducted within Part C's 45-Day Timeline (Compliance Indicator)	**Not Met – 98.2%** Substantial Compliance Met	**Not Met – 98.7%** Substantial Compliance Met
8a	Early Childhood Transition - IFSPs with transition steps and services	100% of all children exiting Part C will have IFSPs with transition steps and services (Compliance Indicator)	**Not Met – 99.8%** Substantial Compliance Met	**Met – 100%**
8b	Early Childhood Transition – Notification to LEA	LEAs will be notified of 100% of all children potentially eligible for Part B	**Met – 100%**	**Met – 100%**
8c	Early Childhood Transition – Transition Planning Meeting	100% of all children exiting Part C will have timely Transition Planning Meetings	**Not Met – 99.4%** Substantial Compliance Met	**Not Met – 99.1%** Substantial Compliance Met
9	Identification and Correction of Noncompliance	100% of all findings of noncompliance will be corrected within 1 year of notification (Compliance Indicator)	**Met – 100%**	**Not Met – 99.8%** Substantial Compliance Met

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Complaint Timelines	100% of signed written reports will be resolved within the 60-Day Timeline (Compliance Indicator)	**Met – 100%**	**Not required to report in FFY 2011 APR**
11	Due Process Timelines	100% of fully adjudicated due process hearing requests will be fully adjudicated within timeline (Compliance Indicator)	**NA – only request withdrawn prior to adjudication**	**Not required to report in FFY 2011 APR**
12	Hearing Requests Resolved by Resolution	100% of hearing requests that went to resolution sessions were resolved through resolution sessions (Compliance Indicator)	**NA – none held**	**NA – none held**
13	Mediation Agreements	100% of mediations will result in mediation agreements (Compliance Indicator)	**NA – fewer than 10**	**NA – fewer than 10**
14	State Reported Data	100% of State reported 618 data and annual performance reports are accurate and submitted on or before due dates (Compliance Indicator)	**Met – 100%**	**Met – 100%**

FFY 2011 APR – Infants and Toddlers Extended IFSP Option Data

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 94.0%**	**Met – 94.0%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met – 72.9%** N = 133	**Not Met – 70.4%** N = 1,074
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Met – 80.5%** **N = 133**	**Not Met - 68.5%** N = 1,074

3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met – 78.2%** N = 135	**Not Met – 75.6%** N = 1,076
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Met – 72.6%** N = 135	**Not Met – 64.4%** N = 1,076
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met – 80.2%** N = 136	**Not Met – 71.3%** N = 1,073
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Met – 81.6%** N = 136	**Not Met – 69.5%** N = 1,073
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family understand my options in order to make the best choice for my child and family to continue services through an extended Individualized Family Service Plan or move to services through an Individualized Education Program.	**No Target Set - 91%** N = 917	**No Target Set - 93%** N = 932
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family support my child to be ready for school by assisting me to teach my child prereading activities (such as naming pictures) and pre-math activities (such as sorting household items).	**No Target Set - 91%** N = 872	**No Target Set - 92%** N = 885

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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

May 29, 2013

Dr. Henry V. Wagner, Jr.
Superintendent
Dorchester County Public Schools
700 Glasgow Street
Cambridge, MD 21613

Dear Dr. 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). The OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through the review of the APR and other data sources, the 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 with disabilities and their families. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part C in early June 2013.

Consistent with 34 CFR §§303.702(a)(2) and 303.703(b), the MSDE is also required to make determinations annually on the performance of each Infants and Toddlers Program in the State using one of the following four categories to assign a determination status to each Infants and Toddlers Program: "Meets Requirements," "Needs Assistance," "Needs Improvement," and "Needs Substantial Intervention." The MSDE Division of Special Education/Early Intervention Services uses a results-based rubric on specific indicators to rate each public agency's performance in meeting the State's targets for FFY 2011. Attached is a document entitled, *Part C and Part B Public Agency Determinations* that lists the Part C indicators included in determination status. The MSDE carefully considers all aspects of this process. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, if any, the Dorchester County Infants and Toddlers Program has achieved the determination status of **Meets Requirements**.

To achieve a determination status of "Meets Requirements," the Dorchester County Infants and Toddlers Program has met or exceeds the State's target on at least 4 of 6 performance indicators (2, 4a, 4b, 4c, 5, and 6) and Natural Environment data (Indicator 2) are not significantly below the State's target. In addition, the Dorchester County Infants and Toddlers Program must demonstrate at least substantial compliance (at least 95.0%) for at least 4 of the 7 compliance indicators (1, 7, 8a, 8b, 8c, 9, and 14), and demonstrates full compliance (100%) in at least 1 compliance indicator.

Finally, all previously identified noncompliance, including fiscal noncompliance, has been corrected within one year of notification (Indicator 9).

Attached to this letter are copies of the following documents:
- *Annual Data on Part C SPP/APR Indicators; and*
- *Part C Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data on Part C SPP/APR Indicators* provides an analysis of the Dorchester County Infants and Toddlers Program data. The *Part C Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available to your local Infants and Toddlers Program.

As you know, the State must report annually to the public on the performance of each local Infants and Toddlers Program related to the targets in the SPP under the IDEA. The public may access the MSDE IDEA performance report at http://mdideareport.org. The requirement for public reporting on local Infants and Toddlers Program performance is a critical provision to ensure accountability focusing on improved results for infants and toddlers with disabilities and their families. The MSDE will continue to provide technical assistance opportunities as you work to continue to support positive performance under Part C of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any feedback on our past technical assistance efforts or the need for guidance, we would be happy to hear from you as we work to develop additional mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the Dorchester County Infants and Toddlers Program improving results for infants and toddlers with disabilities and their families. If you have any questions, would like to discuss this further, or request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DR:BMM

Attachments

c: Lillian M. Lowery, Ed.D.
Donna Greenleaf
Angela McPeake Gebert

May 14, 2013
Dorchester County Infants and Toddlers Program
Annual Data on Part C State Performance Plan (SPP) Priority Indicators
for the Period July 1, 2011 – June 30, 2012

Part C Annual SPP Performance Report								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011 State Target	FFY 2011 Local Results	FFY 2011 Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
1	Timely Delivery of IFSP Services		100%	100%	Yes	Compliant. No required action.	100%	100%
2	Infants and Toddlers with IFSPs who receive services in natural environments		91.5%	100%	Yes	Data meet the State's target. No required action.	100%	100%
3A	Birth to 3 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	80.6%	73.3%	No	No required action. State target based on different methodology.	100%	100%
		2. Exits within age expectations	73.8%	76.2%	Yes		100%	82.4%
3B	Birth to 3 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	85.8%	80.0%	No	No required action. State target based on different methodology.	100%	90.0%
		2. Exits within age expectations	69.9%	81.0%	Yes		66.7%	45.0%
3C	Birth to 3 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	87.0%	64.7%	No	No required action. State target based on different methodology.	100%	94.1%
		2. Exits within age expectations	75.4%	61.9%	No		66.7%	50.0%
4A	Families who report EIS helped them know their rights		79.5%	100%	Yes	Data meet the State's target. No required action.	92.1%	91.4%
4B	Families who report EIS helped them communicate their child's needs		77.5%	100%	Yes	Data meet the State's target. No required action.	89.5%	88.6%
4C	Families who report EIS helped them help their children develop and learn		87.5%	100%	Yes	Data meet the State's target. No required action.	92.1%	91.7%
5	Children birth to one served as a percentage of the population birth to one		1.50%	1.58%	Yes	Data meet the State's target. No required action.	2.62%	1.95%
6	Children birth to three served as a percentage of the population birth to 3		2.88%	3.05%	Yes	Data meet the State's target. No required action.	3.65%	3.35%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral		100%	100%	Yes	Compliant. No required action.	100%	100%

Part C Annual SPP Performance Report							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
8A	**Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday**	100%	100%	Yes	Compliant. No required action.	100%	100%
8B	**Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday**	100%	100%	Yes	Compliant. No required action.	100%	100%
8C	**Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday**	100%	100%	Yes	Compliant. No required action.	100%	92.3%
9	**Timely correction of noncompliance**	100%	100%	Yes	Compliant. No required action.	100%	100%
14	**Submission of timely and accurate data**	100%	83.3%	No	Submit all data, including programmatic and fiscal reports, in a timely and accurate manner.	100%	83.3%

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act of 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education Program's (OSEP) State Performance Plans. Annually, the 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 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, the OSEP requires states to 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 should 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 June 12, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on the OSEP's identification of the MSDE's determination status, special conditions, and other enforcements, as applicable.

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 results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to 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 call, 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 C.F.R. §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 C.F.R. §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 the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the 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 the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Part C
Local Determination Scoring Criteria
FFY 2011 / SFY 2011 (July 1, 2011-June 30, 2012)

Meets Requirements

Performance/Results Indicators

LITP met State target for at least four* performance indicators**.

AND

Data for Indicator 2 (Natural Environments) is not significantly below the target.

AND

Compliance Indicators

LITP demonstrated substantial compliance[1] in at least five of the six compliance indicators (1, 7, 8a, 8b, 8c, and 14), and data is not below 85%** in indicators 1, 7, 8a, 8b, or 8c.

AND

LITP demonstrated full compliance (100%) in at least 2 compliance indicators (1, 7, 8a, 8b, 8c, and 14)

AND

LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year (Indicator 9).

*This requirement for Meets Requirements was increased from two to four (of six total) performance indicators in FFY 2011.
**This percentage will not be used as criteria for jurisdictions where noncompliance for 1 child accounts for over 15% of the data. One child may not be considered a systemic issue.

Needs Assistance

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrates substantial compliance in at least three of the six compliance indicators.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the target in any

[1] Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (generally 95% or better).

performance indicator, but demonstrated substantial compliance in at least three of the six compliance indicators, and was not significantly below the target in any compliance indicator.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 15 months of identification.

Needs Intervention

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrated substantial compliance in at least one compliance indicator.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the State target in any performance indicator, and demonstrated substantial compliance in at least two compliance indicators.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 24 months.

Needs Substantial Intervention

LITP demonstrated continued failure to make progress in correcting all previously identified noncompliance and completing all corrective actions for two or more years from the date of identification.

AND

LITP 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

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

Part C Local Determination
Framework for Technical Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C indicators defined in the Office of Special Education's (OSEP) State Performance Plans. The 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 determinations to each local Infants and Toddlers Program (LITP). Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each LITP's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. While it is MSDE's preference to work with each LITP in a collaborative manner to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

Regulatory Requirements

13A.13.02.04

F. Supervision, Monitoring, and Enforcement.

(1) The Maryland Infants and Toddlers Program shall collaborate with State agencies identified in the State Interagency Agreement to monitor programs and activities of the State to implement Part C of the Act, including:

(a) Supervising and monitoring local lead agencies, institutions, organizations, and EIS providers, in accordance with 34 CFR §303.120(a);

(b) Providing technical assistance to those local lead agencies, institutions, organizations, and EIS providers;

(c) Enforcing obligations imposed on those local lead agencies, institutions,-organizations, and EIS providers;

(d) Correcting deficiencies that are identified through monitoring.

(e) Correcting noncompliance identified through monitoring as soon as possible and in no case later than one year after the identification of the noncompliance; and

(f) Conducting the activities in paragraphs (a) through (e) of this subsection, consistent with 34 CFR §303.700 – 303.707 to:

(i) Make determinations annually about the performance of each local EIS program using the categories identified in 34 CFR §303.703(b);

(ii) Use appropriate mechanisms to enforce the requirements of Part C of the Act consistent with 34 CFR §303.704 and COMAR 13A.05.02.07; and

(iii) Report annually on the performance of the State and of each local EIS program, in accordance with 34 CFR §303.702.

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LITP. 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 an LITP.

MSDE will identify:

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

In collaboration with MSDE, LITPs 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 LITPs by telephone, fax, email, mail, or in-person. To enable an LITP to improve performance and meet compliance, available assistance may include, but is not limited to MSDE assisting an LITP to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and 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 and best practices;
- 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;
- Identify additional sources of information, resources and support;
- 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; and
- Use evaluative measures to validate progress and correction of previous noncompliance.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the LITP's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects an LITP's 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 C," MSDE will direct LITPs 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 an LITP, MSDE may determine that an LITP 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 system of general supervision to include:
    - Local system for collecting, tracking and reporting data on Performance/Results and Compliance Indicators;
    - Policies, procedures, and effective practices;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Technical Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of the local system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- Identification of an LITP as a high risk grantee if an LITP is in the category of Needs Intervention for 2 years; and
- Required 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/results and compliance. Assistance is needed in multiple performance/results 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 C funds;
- Withhold or reduce Part C funds pending completion of the corrective actions;

- Withhold or reduce State funds for early intervention 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 LITP's early intervention 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 an LITP shall be met, consistent with 20 U.S.C. §1413(c) and (d).

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Timely Services	100% of infants and toddlers with IFSPs will receive the early intervention services on their IFSP in a timely manner (30-day timeline) (Compliance Indicator) Indicator includes data on children in the Extended IFSP Option	**Not Met – 96.7%** Substantial Compliance Met	**Not Met – 97.7%** Substantial Compliance Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 96.3%**	**Met – 97.1%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met - 76.0%** N = 2,118	**Not Met – 70.1%** N = 4,412
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Not Met - 68.8%** N = 2,118	**Not Met – 65.3%** N = 4,412
3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met - 80.8%** N = 2,139	**Not Met – 74.1%** N = 4,416
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Not Met - 64.1%** N = 2,139	**Not Met – 60.5%** N = 4,416
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met - 81.6%** N = 2,136	**Not Met – 72.9%** N = 4,415
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Not Met - 70.9%** N = 2,136	**Not Met – 63.5%** N = 4,415

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4a	Family Outcomes	79.5% of families participating in Part C will report that early intervention services have helped the family: know their rights (Results Indicator) Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,474 39.7% Response Rate	**Met – 94.9%** N=3,940 46.7% Response Rate
4b	Family Outcomes	77.5% of families participating in Part C will report that early intervention services have helped the family: communicate their children's needs Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,345 39.7% Response Rate	**Met – 94.7%** N=3,814 46.7% Response Rate
4c	Family Outcomes	87.5% of families participating in Part C will report that early intervention services have helped the family: help their children learn and develop Indicator includes data on children in the Extended IFSP Option	**Met – 94%** N=3,329 39.7% Response Rate	**Met – 95.2%** N=3,804 46.7% Response Rate
5	Child Find Birth to One	1.5% of the State's birth-to-one resident population will be served. (Results Indicator)	**Met – 1.59%**	**Not Met – 1.48%**
6	Child Find Birth to Three	2.95% of the State's birth-to-three resident population will be served. (Results Indicator)	**Met – 3.54%**	**Met – 3.39%**
7	45-Day Timeline	100% of eligible infants and toddlers will have an evaluation/assessment and an initial IFSP meeting conducted within Part C's 45-Day Timeline (Compliance Indicator)	**Not Met – 98.2%** Substantial Compliance Met	**Not Met – 98.7%** Substantial Compliance Met
8a	Early Childhood Transition - IFSPs with transition steps and services	100% of all children exiting Part C will have IFSPs with transition steps and services (Compliance Indicator)	**Not Met – 99.8%** Substantial Compliance Met	**Met – 100%**
8b	Early Childhood Transition – Notification to LEA	LEAs will be notified of 100% of all children potentially eligible for Part B	**Met – 100%**	**Met – 100%**
8c	Early Childhood Transition – Transition Planning Meeting	100% of all children exiting Part C will have timely Transition Planning Meetings	**Not Met – 99.4%** Substantial Compliance Met	**Not Met – 99.1%** Substantial Compliance Met
9	Identification and Correction of Noncompliance	100% of all findings of noncompliance will be corrected within 1 year of notification (Compliance Indicator)	**Met – 100%**	**Not Met – 99.8%** Substantial Compliance Met

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Complaint Timelines	100% of signed written reports will be resolved within the 60-Day Timeline (Compliance Indicator)	**Met – 100%**	**Not required to report in FFY 2011 APR**
11	Due Process Timelines	100% of fully adjudicated due process hearing requests will be fully adjudicated within timeline (Compliance Indicator)	**NA – only request withdrawn prior to adjudication**	**Not required to report in FFY 2011 APR**
12	Hearing Requests Resolved by Resolution	100% of hearing requests that went to resolution sessions were resolved through resolution sessions (Compliance Indicator)	**NA – none held**	**NA – none held**
13	Mediation Agreements	100% of mediations will result in mediation agreements (Compliance Indicator)	**NA – fewer than 10**	**NA – fewer than 10**
14	State Reported Data	100% of State reported 618 data and annual performance reports are accurate and submitted on or before due dates (Compliance Indicator)	**Met – 100%**	**Met – 100%**

FFY 2011 APR – Infants and Toddlers Extended IFSP Option Data

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 94.0%**	**Met – 94.0%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met – 72.9%** N = 133	**Not Met – 70.4%** N = 1,074
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Met – 80.5%** **N = 133**	**Not Met - 68.5%** N = 1,074

3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met – 78.2%** N = 135	**Not Met – 75.6%** N = 1,076
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Met – 72.6%** N = 135	**Not Met – 64.4%** N = 1,076
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met – 80.2%** N = 136	**Not Met – 71.3%** N = 1,073
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Met – 81.6%** N = 136	**Not Met – 69.5%** N = 1,073
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family understand my options in order to make the best choice for my child and family to continue services through an extended Individualized Family Service Plan or move to services through an Individualized Education Program.	**No Target Set - 91%** N = 917	**No Target Set - 93%** N = 932
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family support my child to be ready for school by assisting me to teach my child prereading activities (such as naming pictures) and pre-math activities (such as sorting household items).	**No Target Set - 91%** N = 872	**No Target Set - 92%** N = 885

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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

May 29, 2013

Dr. Barbara Brookmyer
Health Officer
Frederick County Health Department
350 Montevue Lane
Frederick, MD 21702

Dear Dr. Brookmyer:

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). The OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through the review of the APR and other data sources, the 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 with disabilities and their families. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part C in early June 2013.

Consistent with 34 CFR §§303.702(a)(2) and 303.703(b), the MSDE is also required to make determinations annually on the performance of each Infants and Toddlers Program in the State using one of the following four categories to assign a determination status to each Infants and Toddlers Program: "Meets Requirements," "Needs Assistance," "Needs Improvement," and "Needs Substantial Intervention." The MSDE Division of Special Education/Early Intervention Services uses a results-based rubric on specific indicators to rate each public agency's performance in meeting the State's targets for FFY 2011. Attached is a document entitled, *Part C and Part B Public Agency Determinations* that lists the Part C indicators included in determination status. The MSDE carefully considers all aspects of this process. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, if any, the Frederick County Infants and Toddlers Program has achieved the determination status of **Meets Requirements**.

To achieve a determination status of "Meets Requirements," the Frederick County Infants and Toddlers Program has met or exceeds the State's target on at least 4 of 6 performance indicators (2, 4a, 4b, 4c, 5, and 6) and Natural Environment data (Indicator 2) are not significantly below the State's target. In addition, the Frederick County Infants and Toddlers Program must demonstrate at least substantial compliance (at least 95.0%) for at least 4 of the 7 compliance indicators (1, 7, 8a, 8b, 8c, 9, and 14), and demonstrates full compliance (100%) in at least 1 compliance indicator.

Finally, all previously identified noncompliance, including fiscal noncompliance, has been corrected within one year of notification (Indicator 9).

Attached to this letter are copies of the following documents:
- *Annual Data on Part C SPP/APR Indicators; and*
- *Part C Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data on Part C SPP/APR Indicators* provides an analysis of the Frederick County Infants and Toddlers Program data. The *Part C Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available to your local Infants and Toddlers Program.

As you know, the State must report annually to the public on the performance of each local Infants and Toddlers Program related to the targets in the SPP under the IDEA. The public may access the MSDE IDEA performance report at http://mdideareport.org. The requirement for public reporting on local Infants and Toddlers Program performance is a critical provision to ensure accountability focusing on improved results for infants and toddlers with disabilities and their families. The MSDE will continue to provide technical assistance opportunities as you work to continue to support positive performance under Part C of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any feedback on our past technical assistance efforts or the need for guidance, we would be happy to hear from you as we work to develop additional mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the Frederick County Infants and Toddlers Program improving results for infants and toddlers with disabilities and their families. If you have any questions, would like to discuss this further, or request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DR:BMM

Attachments

c: Lillian M. Lowery, Ed.D.
Daniel Martz
Monica Grant

May 14, 2013
Frederick County Infants and Toddlers Program
Annual Data on Part C State Performance Plan (SPP) Priority Indicators
for the Period July 1, 2011 – June 30, 2012

Part C Annual SPP Performance Report								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
1	Timely Delivery of IFSP Services		100%	98.9%	No	Correction has been verified.	99.5%	100%
2	Infants and Toddlers with IFSPs who receive services in natural environments		91.5%	98.2%	Yes	Data meet the State's target. No required action.	91.7%	89.6%
3A	Birth to 3 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	80.6%	52.9%	No	No required action. State target based on different methodology.	65.5%	64.2%
		2. Exits within age expectations	73.8%	69.9%	No		70.6%	66.7%
3B	Birth to 3 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	85.8%	64.4%	No	No required action. State target based on different methodology.	81.9%	75.0%
		2. Exits within age expectations	69.9%	57.7%	No		60.9%	54.9%
3C	Birth to 3 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	87.0%	64.0%	No	No required action. State target based on different methodology.	85.0%	73.1%
		2. Exits within age expectations	75.4%	64.8%	No		73.6%	65.7%
4A	Families who report EIS helped them know their rights		79.5%	96.7%	Yes	Data meet the State's target. No required action.	92.6%	94.9%
4B	Families who report EIS helped them communicate their child's needs		77.5%	96.4%	Yes	Data meet the State's target. No required action.	87.7%	91.5%
4C	Families who report EIS helped them help their children develop and learn		87.5%	95.9%	Yes	Data meet the State's target. No required action.	94.6%	91.6%
5	Children birth to one served as a percentage of the population birth to one		1.50%	2.02%	Yes	Data meet the State's target. No required action.	1.67%	2.22%
6	Children birth to three served as a percentage of the population birth to 3		2.88%	3.33%	Yes	Data meet the State's target. No required action.	3.18%	3.46%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral		100%	100%	Yes	Compliant. No required action.	100%	100%

Part C Annual SPP Performance Report							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
9	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	100%	100%
14	Submission of timely and accurate data	100%	100%	Yes	Compliant. No required action.	100%	100%

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act of 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education Program's (OSEP) State Performance Plans. Annually, the 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 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, the OSEP requires states to 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 should 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 June 12, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on the OSEP's identification of the MSDE's determination status, special conditions, and other enforcements, as applicable.

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 results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to 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 call, 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 C.F.R. §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 C.F.R. §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 the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the 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 the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Part C
Local Determination Scoring Criteria
FFY 2011 / SFY 2011 (July 1, 2011-June 30, 2012)

Meets Requirements

Performance/Results Indicators

LITP met State target for at least four* performance indicators**.

AND

Data for Indicator 2 (Natural Environments) is not significantly below the target.

AND

Compliance Indicators

LITP demonstrated substantial compliance[1] in at least five of the six compliance indicators (1, 7, 8a, 8b, 8c, and 14), and data is not below 85%** in indicators 1, 7, 8a, 8b, or 8c.

AND

LITP demonstrated full compliance (100%) in at least 2 compliance indicators (1, 7, 8a, 8b, 8c, and 14)

AND

LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year (Indicator 9).

*This requirement for Meets Requirements was increased from two to four (of six total) performance indicators in FFY 2011.
**This percentage will not be used as criteria for jurisdictions where noncompliance for 1 child accounts for over 15% of the data. One child may not be considered a systemic issue.

Needs Assistance

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrates substantial compliance in at least three of the six compliance indicators.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the target in any

[1] Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (generally 95% or better).

performance indicator, but demonstrated substantial compliance in at least three of the six compliance indicators, and was not significantly below the target in any compliance indicator.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 15 months of identification.

Needs Intervention

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrated substantial compliance in at least one compliance indicator.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the State target in any performance indicator, and demonstrated substantial compliance in at least two compliance indicators.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 24 months.

Needs Substantial Intervention

LITP demonstrated continued failure to make progress in correcting all previously identified noncompliance and completing all corrective actions for two or more years from the date of identification.

AND

LITP 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

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

Part C Local Determination
Framework for Technical Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C indicators defined in the Office of Special Education's (OSEP) State Performance Plans. The 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 determinations to each local Infants and Toddlers Program (LITP). Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each LITP's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. While it is MSDE's preference to work with each LITP in a collaborative manner to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

Regulatory Requirements

13A.13.02.04

F. Supervision, Monitoring, and Enforcement.

(1) The Maryland Infants and Toddlers Program shall collaborate with State agencies identified in the State Interagency Agreement to monitor programs and activities of the State to implement Part C of the Act, including:

(a) Supervising and monitoring local lead agencies, institutions, organizations, and EIS providers, in accordance with 34 CFR §303.120(a);

(b) Providing technical assistance to those local lead agencies, institutions, organizations, and EIS providers;

(c) Enforcing obligations imposed on those local lead agencies, institutions,-organizations, and EIS providers;

(d) Correcting deficiencies that are identified through monitoring.

(e) Correcting noncompliance identified through monitoring as soon as possible and in no case later than one year after the identification of the noncompliance; and

(f) Conducting the activities in paragraphs (a) through (e) of this subsection, consistent with 34 CFR §303.700 – 303.707 to:

(i) Make determinations annually about the performance of each local EIS program using the categories identified in 34 CFR §303.703(b);

(ii) Use appropriate mechanisms to enforce the requirements of Part C of the Act consistent with 34 CFR §303.704 and COMAR 13A.05.02.07; and

(iii) Report annually on the performance of the State and of each local EIS program, in accordance with 34 CFR §303.702.

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LITP. 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 an LITP.

MSDE will identify:
- What needs to change;
- How frequently and in what manner the LITP reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, LITPs 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 LITPs by telephone, fax, email, mail, or in-person. To enable an LITP to improve performance and meet compliance, available assistance may include, but is not limited to MSDE assisting an LITP to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and 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 and best practices;
- 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;
- Identify additional sources of information, resources and support;
- 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; and
- Use evaluative measures to validate progress and correction of previous noncompliance.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the LITP's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects an LITP's 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 C," MSDE will direct LITPs 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 an LITP, MSDE may determine that an LITP 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 system of general supervision to include:
    - Local system for collecting, tracking and reporting data on Performance/Results and Compliance Indicators;
    - Policies, procedures, and effective practices;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Technical Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of the local system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- Identification of an LITP as a high risk grantee if an LITP is in the category of Needs Intervention for 2 years; and
- Required 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/results and compliance. Assistance is needed in multiple performance/results 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 C funds;
- Withhold or reduce Part C funds pending completion of the corrective actions;

- Withhold or reduce State funds for early intervention 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 LITP's early intervention 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 an LITP shall be met, consistent with 20 U.S.C. §1413(c) and (d).

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Timely Services	100% of infants and toddlers with IFSPs will receive the early intervention services on their IFSP in a timely manner (30-day timeline) (Compliance Indicator) Indicator includes data on children in the Extended IFSP Option	**Not Met – 96.7%** Substantial Compliance Met	**Not Met – 97.7%** Substantial Compliance Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 96.3%**	**Met – 97.1%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met - 76.0%** N = 2,118	**Not Met – 70.1%** N = 4,412
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Not Met - 68.8%** N = 2,118	**Not Met – 65.3%** N = 4,412
3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met - 80.8%** N = 2,139	**Not Met – 74.1%** N = 4,416
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Not Met - 64.1%** N = 2,139	**Not Met – 60.5%** N = 4,416
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met - 81.6%** N = 2,136	**Not Met – 72.9%** N = 4,415
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Not Met - 70.9%** N = 2,136	**Not Met – 63.5%** N = 4,415

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4a	Family Outcomes	79.5% of families participating in Part C will report that early intervention services have helped the family: know their rights (Results Indicator) Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,474 39.7% Response Rate	**Met – 94.9%** N=3,940 46.7% Response Rate
4b	Family Outcomes	77.5% of families participating in Part C will report that early intervention services have helped the family: communicate their children's needs Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,345 39.7% Response Rate	**Met – 94.7%** N=3,814 46.7% Response Rate
4c	Family Outcomes	87.5% of families participating in Part C will report that early intervention services have helped the family: help their children learn and develop Indicator includes data on children in the Extended IFSP Option	**Met – 94%** N=3,329 39.7% Response Rate	**Met – 95.2%** N=3,804 46.7% Response Rate
5	Child Find Birth to One	1.5% of the State's birth-to-one resident population will be served. (Results Indicator)	**Met – 1.59%**	**Not Met – 1.48%**
6	Child Find Birth to Three	2.95% of the State's birth-to-three resident population will be served. (Results Indicator)	**Met – 3.54%**	**Met – 3.39%**
7	45-Day Timeline	100% of eligible infants and toddlers will have an evaluation/assessment and an initial IFSP meeting conducted within Part C's 45-Day Timeline (Compliance Indicator)	**Not Met – 98.2%** Substantial Compliance Met	**Not Met – 98.7%** Substantial Compliance Met
8a	Early Childhood Transition - IFSPs with transition steps and services	100% of all children exiting Part C will have IFSPs with transition steps and services (Compliance Indicator)	**Not Met – 99.8%** Substantial Compliance Met	**Met – 100%**
8b	Early Childhood Transition – Notification to LEA	LEAs will be notified of 100% of all children potentially eligible for Part B	**Met – 100%**	**Met – 100%**
8c	Early Childhood Transition – Transition Planning Meeting	100% of all children exiting Part C will have timely Transition Planning Meetings	**Not Met – 99.4%** Substantial Compliance Met	**Not Met – 99.1%** Substantial Compliance Met
9	Identification and Correction of Noncompliance	100% of all findings of noncompliance will be corrected within 1 year of notification (Compliance Indicator)	**Met – 100%**	**Not Met – 99.8%** Substantial Compliance Met

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Complaint Timelines	100% of signed written reports will be resolved within the 60-Day Timeline (Compliance Indicator)	**Met – 100%**	**Not required to report in FFY 2011 APR**
11	Due Process Timelines	100% of fully adjudicated due process hearing requests will be fully adjudicated within timeline (Compliance Indicator)	**NA – only request withdrawn prior to adjudication**	**Not required to report in FFY 2011 APR**
12	Hearing Requests Resolved by Resolution	100% of hearing requests that went to resolution sessions were resolved through resolution sessions (Compliance Indicator)	**NA – none held**	**NA – none held**
13	Mediation Agreements	100% of mediations will result in mediation agreements (Compliance Indicator)	**NA – fewer than 10**	**NA – fewer than 10**
14	State Reported Data	100% of State reported 618 data and annual performance reports are accurate and submitted on or before due dates (Compliance Indicator)	**Met – 100%**	**Met – 100%**

FFY 2011 APR – Infants and Toddlers Extended IFSP Option Data

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 94.0%**	**Met – 94.0%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met – 72.9%** N = 133	**Not Met – 70.4%** N = 1,074
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Met – 80.5%** **N = 133**	**Not Met - 68.5%** N = 1,074

3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met – 78.2%** N = 135	**Not Met – 75.6%** N = 1,076
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Met – 72.6%** N = 135	**Not Met – 64.4%** N = 1,076
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met – 80.2%** N = 136	**Not Met – 71.3%** N = 1,073
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Met – 81.6%** N = 136	**Not Met – 69.5%** N = 1,073
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family understand my options in order to make the best choice for my child and family to continue services through an extended Individualized Family Service Plan or move to services through an Individualized Education Program.	**No Target Set - 91%** N = 917	**No Target Set - 93%** N = 932
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family support my child to be ready for school by assisting me to teach my child prereading activities (such as naming pictures) and pre-math activities (such as sorting household items).	**No Target Set - 91%** N = 872	**No Target Set - 92%** N = 885

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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

May 29, 2013

Dr. Janet Wilson
Superintendent
Garrett County Board of Education
40 South Second Street
Oakland, MD 21550

Dear Dr. Wilson:

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). The OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through the review of the APR and other data sources, the 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 with disabilities and their families. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part C in early June 2013.

Consistent with 34 CFR §§303.702(a)(2) and 303.703(b), the MSDE is also required to make determinations annually on the performance of each Infants and Toddlers Program in the State using one of the following four categories to assign a determination status to each Infants and Toddlers Program: "Meets Requirements," "Needs Assistance," "Needs Improvement," and "Needs Substantial Intervention." The MSDE Division of Special Education/Early Intervention Services uses a results-based rubric on specific indicators to rate each public agency's performance in meeting the State's targets for FFY 2011. Attached is a document entitled, *Part C and Part B Public Agency Determinations* that lists the Part C indicators included in determination status. The MSDE carefully considers all aspects of this process. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, if any, the Garrett County Infants and Toddlers Program has achieved the determination status of **Meets Requirements**.

To achieve a determination status of "Meets Requirements," the Garrett County Infants and Toddlers Program has met or exceeds the State's target on at least 4 of 6 performance indicators (2, 4a, 4b, 4c, 5, and 6) and Natural Environment data (Indicator 2) are not significantly below the State's target. In addition, the Garrett County Infants and Toddlers Program must demonstrate at least substantial compliance (at least 95.0%) for at least 4 of the 7 compliance indicators (1, 7, 8a, 8b, 8c, 9, and 14), and demonstrates full compliance (100%) in at least 1 compliance indicator. Finally, all previously

identified noncompliance, including fiscal noncompliance, has been corrected within one year of notification (Indicator 9).

Attached to this letter are copies of the following documents:
- *Annual Data on Part C SPP/APR Indicators; and*
- *Part C Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data on Part C SPP/APR Indicators* provides an analysis of the Garrett County Infants and Toddlers Program data. The *Part C Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available to your local Infants and Toddlers Program.

As you know, the State must report annually to the public on the performance of each local Infants and Toddlers Program related to the targets in the SPP under the IDEA. The public may access the MSDE IDEA performance report at http://mdideareport.org. The requirement for public reporting on local Infants and Toddlers Program performance is a critical provision to ensure accountability focusing on improved results for infants and toddlers with disabilities and their families. The MSDE will continue to provide technical assistance opportunities as you work to continue to support positive performance under Part C of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any feedback on our past technical assistance efforts or the need for guidance, we would be happy to hear from you as we work to develop additional mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the Garrett County Infants and Toddlers Program improving results for infants and toddlers with disabilities and their families. If you have any questions, would like to discuss this further, or request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DR:BMM
Attachments

c: Lillian M. Lowery, Ed.D.
Lisa Drummond
Jennifer Kotulak

May 14, 2013
Garrett County Infants and Toddlers Program
Annual Data on Part C State Performance Plan (SPP) Priority Indicators
for the Period July 1, 2011 – June 30, 2012

Part C Annual SPP Performance Report								
SPP/APR Indicators (Results Indicator / Compliance Indicator)			FFY 2011 State Target	FFY 2011 Local Results	FFY 2011 Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
1	Timely Delivery of IFSP Services		100%	100%	Yes	Compliant. No required action.	100%	100%
2	Infants and Toddlers with IFSPs who receive services in natural environments		91.5%	100%	Yes	Data meet the State's target. No required action.	100%	100%
3A	Birth to 3 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	80.6%	83.3%	Yes	No required action. State target based on different methodology.	0.0%	100%
		2. Exits within age expectations	73.8%	72.7%	No		0.0%	100%
3B	Birth to 3 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	85.8%	100%	Yes	No required action. State target based on different methodology.	50.0%	100%
		2. Exits within age expectations	69.9%	72.7%	Yes		50.0%	100%
3C	Birth to 3 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	87.0%	87.5%	Yes	No required action. State target based on different methodology.	50.0%	100%
		2. Exits within age expectations	75.4%	63.6%	No		50.0%	100%
4A	Families who report EIS helped them know their rights		79.5%	96.3%	Yes	Data meet the State's target. No required action.	100%	100%
4B	Families who report EIS helped them communicate their child's needs		77.5%	100%	Yes	Data meet the State's target. No required action.	100%	100%
4C	Families who report EIS helped them help their children develop and learn		87.5%	100%	Yes	Data meet the State's target. No required action.	100%	100%
5	Children birth to one served as a percentage of the population birth to one		1.50%	0.35%	No	Data do not meet the State target. Continue Improvement Activities.	0.67%	1.35%
6	Children birth to three served as a percentage of the population birth to 3		2.88%	2.31%	No	Data do not meet the State target. Continue Improvement Activities.	2.71%	1.78%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral		100%	100%	Yes	Compliant. No required action.	100%	100%

Part C Annual SPP Performance Report							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
8A	**Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday**	100%	100%	Yes	Compliant. No required action.	90.0%	100%
8B	**Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday**	100%	100%	Yes	Compliant. No required action.	94.7%	100%
8C	**Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday**	100%	100%	Yes	Compliant. No required action.	94.4%	100%
9	**Timely correction of noncompliance**	100%	100%	Yes	Compliant. No required action.	100%	100%
14	**Submission of timely and accurate data**	100%	83.3%	No	Submit all data, including programmatic and fiscal reports, in a timely and accurate manner.	75.0%	83.3%

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act of 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education Program's (OSEP) State Performance Plans. Annually, the 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 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, the OSEP requires states to 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 should 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 June 12, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on the OSEP's identification of the MSDE's determination status, special conditions, and other enforcements, as applicable.

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 results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to 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 call, 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 C.F.R. §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 C.F.R. §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 the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the 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 the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Part C
Local Determination Scoring Criteria
FFY 2011 / SFY 2011 (July 1, 2011-June 30, 2012)

Meets Requirements

Performance/Results Indicators

LITP met State target for at least four* performance indicators**.

AND

Data for Indicator 2 (Natural Environments) is not significantly below the target.

AND

Compliance Indicators

LITP demonstrated substantial compliance[1] in at least five of the six compliance indicators (1, 7, 8a, 8b, 8c, and 14), and data is not below 85%** in indicators 1, 7, 8a, 8b, or 8c.

AND

LITP demonstrated full compliance (100%) in at least 2 compliance indicators (1, 7, 8a, 8b, 8c, and 14)

AND

LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year (Indicator 9).

*This requirement for Meets Requirements was increased from two to four (of six total) performance indicators in FFY 2011.
**This percentage will not be used as criteria for jurisdictions where noncompliance for 1 child accounts for over 15% of the data. One child may not be considered a systemic issue.

Needs Assistance

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrates substantial compliance in at least three of the six compliance indicators.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the target in any

[1] Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (generally 95% or better).

performance indicator, but demonstrated substantial compliance in at least three of the six compliance indicators, and was not significantly below the target in any compliance indicator.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 15 months of identification.

Needs Intervention

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrated substantial compliance in at least one compliance indicator.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the State target in any performance indicator, and demonstrated substantial compliance in at least two compliance indicators.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 24 months.

Needs Substantial Intervention

LITP demonstrated continued failure to make progress in correcting all previously identified noncompliance and completing all corrective actions for two or more years from the date of identification.

AND

LITP 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

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

Part C Local Determination
Framework for Technical Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C indicators defined in the Office of Special Education's (OSEP) State Performance Plans. The 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 determinations to each local Infants and Toddlers Program (LITP). Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each LITP's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. While it is MSDE's preference to work with each LITP in a collaborative manner to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

Regulatory Requirements

13A.13.02.04

F. Supervision, Monitoring, and Enforcement.

(1) The Maryland Infants and Toddlers Program shall collaborate with State agencies identified in the State Interagency Agreement to monitor programs and activities of the State to implement Part C of the Act, including:

(a) Supervising and monitoring local lead agencies, institutions, organizations, and EIS providers, in accordance with 34 CFR §303.120(a);

(b) Providing technical assistance to those local lead agencies, institutions, organizations, and EIS providers;

(c) Enforcing obligations imposed on those local lead agencies, institutions,-organizations, and EIS providers;

(d) Correcting deficiencies that are identified through monitoring.

(e) Correcting noncompliance identified through monitoring as soon as possible and in no case later than one year after the identification of the noncompliance; and

(f) Conducting the activities in paragraphs (a) through (e) of this subsection, consistent with 34 CFR §303.700 – 303.707 to:

(i) Make determinations annually about the performance of each local EIS program using the categories identified in 34 CFR §303.703(b);

(ii) Use appropriate mechanisms to enforce the requirements of Part C of the Act consistent with 34 CFR §303.704 and COMAR 13A.05.02.07; and

(iii) Report annually on the performance of the State and of each local EIS program, in accordance with 34 CFR §303.702.

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LITP. 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 an LITP.

MSDE will identify:
- What needs to change;
- How frequently and in what manner the LITP reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, LITPs 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 LITPs by telephone, fax, email, mail, or in-person. To enable an LITP to improve performance and meet compliance, available assistance may include, but is not limited to MSDE assisting an LITP to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and 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 and best practices;
- 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;
- Identify additional sources of information, resources and support;
- 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; and
- Use evaluative measures to validate progress and correction of previous noncompliance.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the LITP's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects an LITP's 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 C," MSDE will direct LITPs 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 an LITP, MSDE may determine that an LITP 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 system of general supervision to include:
    - Local system for collecting, tracking and reporting data on Performance/Results and Compliance Indicators;
    - Policies, procedures, and effective practices;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Technical Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of the local system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- Identification of an LITP as a high risk grantee if an LITP is in the category of Needs Intervention for 2 years; and
- Required 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/results and compliance. Assistance is needed in multiple performance/results 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 C funds;
- Withhold or reduce Part C funds pending completion of the corrective actions;

- Withhold or reduce State funds for early intervention 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 LITP's early intervention 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 an LITP shall be met, consistent with 20 U.S.C. §1413(c) and (d).

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Timely Services	100% of infants and toddlers with IFSPs will receive the early intervention services on their IFSP in a timely manner (30-day timeline) (Compliance Indicator) Indicator includes data on children in the Extended IFSP Option	**Not Met – 96.7%** Substantial Compliance Met	**Not Met – 97.7%** Substantial Compliance Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 96.3%**	**Met – 97.1%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met - 76.0%** N = 2,118	**Not Met – 70.1%** N = 4,412
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Not Met - 68.8%** N = 2,118	**Not Met – 65.3%** N = 4,412
3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met - 80.8%** N = 2,139	**Not Met – 74.1%** N = 4,416
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Not Met - 64.1%** N = 2,139	**Not Met – 60.5%** N = 4,416
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met - 81.6%** N = 2,136	**Not Met – 72.9%** N = 4,415
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Not Met - 70.9%** N = 2,136	**Not Met – 63.5%** N = 4,415

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4a	Family Outcomes	79.5% of families participating in Part C will report that early intervention services have helped the family: know their rights (Results Indicator) Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,474 39.7% Response Rate	**Met – 94.9%** N=3,940 46.7% Response Rate
4b	Family Outcomes	77.5% of families participating in Part C will report that early intervention services have helped the family: communicate their children's needs Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,345 39.7% Response Rate	**Met – 94.7%** N=3,814 46.7% Response Rate
4c	Family Outcomes	87.5% of families participating in Part C will report that early intervention services have helped the family: help their children learn and develop Indicator includes data on children in the Extended IFSP Option	**Met – 94%** N=3,329 39.7% Response Rate	**Met – 95.2%** N=3,804 46.7% Response Rate
5	Child Find Birth to One	1.5% of the State's birth-to-one resident population will be served. (Results Indicator)	**Met – 1.59%**	**Not Met – 1.48%**
6	Child Find Birth to Three	2.95% of the State's birth-to-three resident population will be served. (Results Indicator)	**Met – 3.54%**	**Met – 3.39%**
7	45-Day Timeline	100% of eligible infants and toddlers will have an evaluation/assessment and an initial IFSP meeting conducted within Part C's 45-Day Timeline (Compliance Indicator)	**Not Met – 98.2%** Substantial Compliance Met	**Not Met – 98.7%** Substantial Compliance Met
8a	Early Childhood Transition - IFSPs with transition steps and services	100% of all children exiting Part C will have IFSPs with transition steps and services (Compliance Indicator)	**Not Met – 99.8%** Substantial Compliance Met	**Met – 100%**
8b	Early Childhood Transition – Notification to LEA	LEAs will be notified of 100% of all children potentially eligible for Part B	**Met – 100%**	**Met – 100%**
8c	Early Childhood Transition – Transition Planning Meeting	100% of all children exiting Part C will have timely Transition Planning Meetings	**Not Met – 99.4%** Substantial Compliance Met	**Not Met – 99.1%** Substantial Compliance Met
9	Identification and Correction of Noncompliance	100% of all findings of noncompliance will be corrected within 1 year of notification (Compliance Indicator)	**Met – 100%**	**Not Met – 99.8%** Substantial Compliance Met

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Complaint Timelines	100% of signed written reports will be resolved within the 60-Day Timeline (Compliance Indicator)	**Met – 100%**	**Not required to report in FFY 2011 APR**
11	Due Process Timelines	100% of fully adjudicated due process hearing requests will be fully adjudicated within timeline (Compliance Indicator)	**NA – only request withdrawn prior to adjudication**	**Not required to report in FFY 2011 APR**
12	Hearing Requests Resolved by Resolution	100% of hearing requests that went to resolution sessions were resolved through resolution sessions (Compliance Indicator)	**NA – none held**	**NA – none held**
13	Mediation Agreements	100% of mediations will result in mediation agreements (Compliance Indicator)	**NA – fewer than 10**	**NA – fewer than 10**
14	State Reported Data	100% of State reported 618 data and annual performance reports are accurate and submitted on or before due dates (Compliance Indicator)	**Met – 100%**	**Met – 100%**

FFY 2011 APR – Infants and Toddlers Extended IFSP Option Data

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 94.0%**	**Met – 94.0%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met – 72.9%** N = 133	**Not Met – 70.4%** N = 1,074
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Met – 80.5%** **N = 133**	**Not Met - 68.5%** N = 1,074

3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met – 78.2%** N = 135	**Not Met – 75.6%** N = 1,076
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Met – 72.6%** N = 135	**Not Met – 64.4%** N = 1,076
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met – 80.2%** N = 136	**Not Met – 71.3%** N = 1,073
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Met – 81.6%** N = 136	**Not Met – 69.5%** N = 1,073
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family understand my options in order to make the best choice for my child and family to continue services through an extended Individualized Family Service Plan or move to services through an Individualized Education Program.	**No Target Set - 91%** N = 917	**No Target Set - 93%** N = 932
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family support my child to be ready for school by assisting me to teach my child prereading activities (such as naming pictures) and pre-math activities (such as sorting household items).	**No Target Set - 91%** N = 872	**No Target Set - 92%** N = 885

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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

May 29, 2013

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). The OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through the review of the APR and other data sources, the OSEP evaluates each state's performance on these indicators, and assigns each state to one of four levels of determination statuses: "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 with disabilities and their families. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part C in early June 2013.

Consistent with 34 CFR §§303.702(a)(2) and 303.703(b), the MSDE is also required to make determinations annually on the performance of each Infants and Toddlers Program in the State using one of the following four categories to assign a determination status to each Infants and Toddlers Program: "Meets Requirements," "Needs Assistance," "Needs Improvement," and "Needs Substantial Intervention." The MSDE Division of Special Education/Early Intervention Services uses a results-based rubric on specific indicators to rate each public agency's performance in meeting the State's targets for FFY 2011. Attached is a document entitled, *Part C and Part B Public Agency Determinations* that lists the Part C indicators included in determination status. The MSDE carefully considers all aspects of this process. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, if any, the Harford County Infants and Toddlers Program has been assigned **Needs Assistance** status.

To achieve a determination status of "Meets Requirements," the Harford County Infants and Toddlers Program has met or exceeds the State's target on at least 4 of 6 performance indicators (2, 4a, 4b, 4c, 5, and 6) and Natural Environment data (Indicator 2) are not significantly below the State's target. In addition, the Harford County Infants and Toddlers Program must demonstrate at least substantial compliance (at least 95.0%) for at least 4 of the 7 compliance indicators (1, 7, 8a, 8b, 8c, 9, and 14), and demonstrates full compliance (100%) in at least 1 compliance indicator. Finally, all previously identified noncompliance, including fiscal noncompliance, has been corrected within one year of notification (Indicator 9).

Attached to this letter are copies of the following documents:
- *Annual Data on Part C SPP/APR Indicators; and*
- *Part C Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data on Part C SPP/APR Indicators* provides an analysis of the Harford County Infants and Toddlers Program data. The *Part C Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available to your local Infants and Toddlers Program.

In accordance with 20 U.S.C. §1416(e) and 34 CFR §§303.700 and 303.704(a), if a local Infants and Toddlers Program is determined to be in need of assistance for two consecutive years, the MSDE must take one or more of the following actions: 1) Advise the local Infants and Toddlers Program of available sources of technical assistance that may help the local Infants and Toddlers Program address the areas in which the program needs assistance; 2) Direct the use of federal funds to the area or area(s) the local Infants and Toddlers Program needs assistance; or 3) Identify the local Infants and Toddlers Program as a high-risk grantee and impose special conditions on the local Infants and Toddlers Program's IDEA Part C grant award.

The Harford County Infants and Toddlers Programs is required to access sources of technical assistance and inform the MSDE of the type, amount, and frequency of assistance needed to address specific needs. The specific indicators most critical to improving the results for Harford County are: Timely Services, Child Find Birth to One, and Timely Transition Planning Meetings.

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 Infants and Toddlers Program performance is a critical provision in ensuring accountability focusing on improved results for infants and toddlers with disabilities and their families. The MSDE will continue to provide technical assistance opportunities as you work to improve performance under Part C of the IDEA. If you have any feedback on our past technical assistance efforts or the need for guidance, we would be happy to hear from you as we work to develop further mechanisms to support local improvement activities.

If you have any feedback on our past technical assistance efforts or the need for guidance, we would be happy to hear from you as we work to develop further mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the Harford County Infants and Toddlers Program to improve results for infants and toddlers with disabilities and their families. 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,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DR:BMM
Attachments

c: Lillian M. Lowery, Ed.D.
Ann-Marie Spakowski
Nicol Elliott

May 14, 2013
Harford County Infants and Toddlers Program
Annual Data on Part C State Performance Plan (SPP) Priority Indicators
for the Period July 1, 2011 – June 30, 2012

Part C Annual SPP Performance Report								
SPP/APR Indicators (Results Indicator / Compliance Indicator)			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
1	Timely Delivery of IFSP Services		100%	90.5%	No	Correction has been verified.	96.8%	89.9%
2	Infants and Toddlers with IFSPs who receive services in natural environments		91.5%	99.1%	Yes	Data meet the State's target. No required action.	95.0%	96.6%
3A	Birth to 3 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	80.6%	73.4%	No	No required action. State target based on different methodology.	90.0%	82.1%
		2. Exits within age expectations	73.8%	57.3%	No		73.1%	68.7%
3B	Birth to 3 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	85.8%	74.6%	No	No required action. State target based on different methodology.	94.7%	86.8%
		2. Exits within age expectations	69.9%	56.4%	No		63.9%	65.0%
3C	Birth to 3 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	87.0%	65.7%	No	No required action. State target based on different methodology.	88.3%	90.2%
		2. Exits within age expectations	75.4%	63.8%	No		76.6%	75.8%
4A	Families who report EIS helped them know their rights		79.5%	91.8%	Yes	Data meet the State's target. No required action.	84.1%	90.8%
4B	Families who report EIS helped them communicate their child's needs		77.5%	94.1%	Yes	Data meet the State's target. No required action.	83.3%	89.6%
4C	Families who report EIS helped them help their children develop and learn		87.5%	93.4%	Yes	Data meet the State's target. No required action.	92.1%	93.3%
5	Children birth to one served as a percentage of the population birth to one		1.50%	1.51%	Yes	Data meet the State's target. No required action.	1.23%	1.61%
6	Children birth to three served as a percentage of the population birth to 3		2.88%	3.83%	Yes	Data meet the State's target. No required action.	3.80%	4.04%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral		100%	98.3%	No	Correction has been verified.	99.7%	96.8%

Part C Annual SPP Performance Report							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	94.5%	No	Correction has been verified.	98.1%	100%
9	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	100%	100%
14	Submission of timely and accurate data	100%	100%	Yes	Compliant. No required action.	100%	100%

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act of 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education Program's (OSEP) State Performance Plans. Annually, the 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 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, the OSEP requires states to 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 should 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 June 12, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on the OSEP's identification of the MSDE's determination status, special conditions, and other enforcements, as applicable.

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 results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to 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 call, 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 C.F.R. §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 C.F.R. §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 the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the 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 the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Part C
Local Determination Scoring Criteria
FFY 2011 / SFY 2011 (July 1, 2011-June 30, 2012)

Meets Requirements

Performance/Results Indicators

LITP met State target for at least four* performance indicators**.

AND

Data for Indicator 2 (Natural Environments) is not significantly below the target.

AND

Compliance Indicators

LITP demonstrated substantial compliance[1] in at least five of the six compliance indicators (1, 7, 8a, 8b, 8c, and 14), and data is not below 85%** in indicators 1, 7, 8a, 8b, or 8c.

AND

LITP demonstrated full compliance (100%) in at least 2 compliance indicators (1, 7, 8a, 8b, 8c, and 14)

AND

LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year (Indicator 9).

*This requirement for Meets Requirements was increased from two to four (of six total) performance indicators in FFY 2011.
**This percentage will not be used as criteria for jurisdictions where noncompliance for 1 child accounts for over 15% of the data. One child may not be considered a systemic issue.

Needs Assistance

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrates substantial compliance in at least three of the six compliance indicators.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the target in any

[1] Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (generally 95% or better).

performance indicator, but demonstrated substantial compliance in at least three of the six compliance indicators, and was not significantly below the target in any compliance indicator.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 15 months of identification.

Needs Intervention

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrated substantial compliance in at least one compliance indicator.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the State target in any performance indicator, and demonstrated substantial compliance in at least two compliance indicators.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 24 months.

Needs Substantial Intervention

LITP demonstrated continued failure to make progress in correcting all previously identified noncompliance and completing all corrective actions for two or more years from the date of identification.

AND

LITP 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

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

Part C Local Determination
Framework for Technical Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C indicators defined in the Office of Special Education's (OSEP) State Performance Plans. The 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 determinations to each local Infants and Toddlers Program (LITP). Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each LITP's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. While it is MSDE's preference to work with each LITP in a collaborative manner to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

Regulatory Requirements

13A.13.02.04

F. Supervision, Monitoring, and Enforcement.

(1) The Maryland Infants and Toddlers Program shall collaborate with State agencies identified in the State Interagency Agreement to monitor programs and activities of the State to implement Part C of the Act, including:

(a) Supervising and monitoring local lead agencies, institutions, organizations, and EIS providers, in accordance with 34 CFR §303.120(a);

(b) Providing technical assistance to those local lead agencies, institutions, organizations, and EIS providers;

(c) Enforcing obligations imposed on those local lead agencies, institutions,-organizations, and EIS providers;

(d) Correcting deficiencies that are identified through monitoring.

(e) Correcting noncompliance identified through monitoring as soon as possible and in no case later than one year after the identification of the noncompliance; and

(f) Conducting the activities in paragraphs (a) through (e) of this subsection, consistent with 34 CFR §303.700 – 303.707 to:

(i) Make determinations annually about the performance of each local EIS program using the categories identified in 34 CFR §303.703(b);

(ii) Use appropriate mechanisms to enforce the requirements of Part C of the Act consistent with 34 CFR §303.704 and COMAR 13A.05.02.07; and

(iii) Report annually on the performance of the State and of each local EIS program, in accordance with 34 CFR §303.702.

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LITP. 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 an LITP.

MSDE will identify:
- What needs to change;
- How frequently and in what manner the LITP reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, LITPs 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 LITPs by telephone, fax, email, mail, or in-person. To enable an LITP to improve performance and meet compliance, available assistance may include, but is not limited to MSDE assisting an LITP to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and 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 and best practices;
- 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;
- Identify additional sources of information, resources and support;
- 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; and
- Use evaluative measures to validate progress and correction of previous noncompliance.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the LITP's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects an LITP's 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 C," MSDE will direct LITPs 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 an LITP, MSDE may determine that an LITP 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 system of general supervision to include:
    - Local system for collecting, tracking and reporting data on Performance/Results and Compliance Indicators;
    - Policies, procedures, and effective practices;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Technical Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of the local system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- Identification of an LITP as a high risk grantee if an LITP is in the category of Needs Intervention for 2 years; and
- Required 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/results and compliance. Assistance is needed in multiple performance/results 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 C funds;
- Withhold or reduce Part C funds pending completion of the corrective actions;

- Withhold or reduce State funds for early intervention 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 LITP's early intervention 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 an LITP shall be met, consistent with 20 U.S.C. §1413(c) and (d).

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Timely Services	100% of infants and toddlers with IFSPs will receive the early intervention services on their IFSP in a timely manner (30-day timeline) (Compliance Indicator) Indicator includes data on children in the Extended IFSP Option	**Not Met – 96.7%** Substantial Compliance Met	**Not Met – 97.7%** Substantial Compliance Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 96.3%**	**Met – 97.1%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met - 76.0%** N = 2,118	**Not Met – 70.1%** N = 4,412
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Not Met - 68.8%** N = 2,118	**Not Met – 65.3%** N = 4,412
3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met - 80.8%** N = 2,139	**Not Met – 74.1%** N = 4,416
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Not Met - 64.1%** N = 2,139	**Not Met – 60.5%** N = 4,416
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met - 81.6%** N = 2,136	**Not Met – 72.9%** N = 4,415
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Not Met - 70.9%** N = 2,136	**Not Met – 63.5%** N = 4,415

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4a	Family Outcomes	79.5% of families participating in Part C will report that early intervention services have helped the family: know their rights (Results Indicator) Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,474 39.7% Response Rate	**Met – 94.9%** N=3,940 46.7% Response Rate
4b	Family Outcomes	77.5% of families participating in Part C will report that early intervention services have helped the family: communicate their children's needs Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,345 39.7% Response Rate	**Met – 94.7%** N=3,814 46.7% Response Rate
4c	Family Outcomes	87.5% of families participating in Part C will report that early intervention services have helped the family: help their children learn and develop Indicator includes data on children in the Extended IFSP Option	**Met – 94%** N=3,329 39.7% Response Rate	**Met – 95.2%** N=3,804 46.7% Response Rate
5	Child Find Birth to One	1.5% of the State's birth-to-one resident population will be served. (Results Indicator)	**Met – 1.59%**	**Not Met – 1.48%**
6	Child Find Birth to Three	2.95% of the State's birth-to-three resident population will be served. (Results Indicator)	**Met – 3.54%**	**Met – 3.39%**
7	45-Day Timeline	100% of eligible infants and toddlers will have an evaluation/assessment and an initial IFSP meeting conducted within Part C's 45-Day Timeline (Compliance Indicator)	**Not Met – 98.2%** Substantial Compliance Met	**Not Met – 98.7%** Substantial Compliance Met
8a	Early Childhood Transition - IFSPs with transition steps and services	100% of all children exiting Part C will have IFSPs with transition steps and services (Compliance Indicator)	**Not Met – 99.8%** Substantial Compliance Met	**Met – 100%**
8b	Early Childhood Transition – Notification to LEA	LEAs will be notified of 100% of all children potentially eligible for Part B	**Met – 100%**	**Met – 100%**
8c	Early Childhood Transition – Transition Planning Meeting	100% of all children exiting Part C will have timely Transition Planning Meetings	**Not Met – 99.4%** Substantial Compliance Met	**Not Met – 99.1%** Substantial Compliance Met
9	Identification and Correction of Noncompliance	100% of all findings of noncompliance will be corrected within 1 year of notification (Compliance Indicator)	**Met – 100%**	**Not Met – 99.8%** Substantial Compliance Met

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Complaint Timelines	100% of signed written reports will be resolved within the 60-Day Timeline (Compliance Indicator)	**Met – 100%**	**Not required to report in FFY 2011 APR**
11	Due Process Timelines	100% of fully adjudicated due process hearing requests will be fully adjudicated within timeline (Compliance Indicator)	**NA – only request withdrawn prior to adjudication**	**Not required to report in FFY 2011 APR**
12	Hearing Requests Resolved by Resolution	100% of hearing requests that went to resolution sessions were resolved through resolution sessions (Compliance Indicator)	**NA – none held**	**NA – none held**
13	Mediation Agreements	100% of mediations will result in mediation agreements (Compliance Indicator)	**NA – fewer than 10**	**NA – fewer than 10**
14	State Reported Data	100% of State reported 618 data and annual performance reports are accurate and submitted on or before due dates (Compliance Indicator)	**Met – 100%**	**Met – 100%**

FFY 2011 APR – Infants and Toddlers Extended IFSP Option Data

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 94.0%**	**Met – 94.0%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met – 72.9%** N = 133	**Not Met – 70.4%** N = 1,074
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Met – 80.5%** **N = 133**	**Not Met - 68.5%** N = 1,074

3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met – 78.2%** N = 135	**Not Met – 75.6%** N = 1,076
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Met – 72.6%** N = 135	**Not Met – 64.4%** N = 1,076
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met – 80.2%** N = 136	**Not Met – 71.3%** N = 1,073
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Met – 81.6%** N = 136	**Not Met – 69.5%** N = 1,073
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family understand my options in order to make the best choice for my child and family to continue services through an extended Individualized Family Service Plan or move to services through an Individualized Education Program.	**No Target Set - 91%** N = 917	**No Target Set - 93%** N = 932
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family support my child to be ready for school by assisting me to teach my child prereading activities (such as naming pictures) and pre-math activities (such as sorting household items).	**No Target Set - 91%** N = 872	**No Target Set - 92%** N = 885

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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

May 29, 2013

Dr. Renee A. Foose
Superintendent
Howard County Public Schools
10910 Route 108
Ellicott City, MD 21042

Dear Dr. Foose:

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). The OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through the review of the APR and other data sources, the 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 with disabilities and their families. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part C in early June 2013.

Consistent with 34 CFR §§303.702(a)(2) and 303.703(b), the MSDE is also required to make determinations annually on the performance of each Infants and Toddlers Program in the State using one of the following four categories to assign a determination status to each Infants and Toddlers Program: "Meets Requirements," "Needs Assistance," "Needs Improvement," and "Needs Substantial Intervention." The MSDE Division of Special Education/Early Intervention Services uses a results-based rubric on specific indicators to rate each public agency's performance in meeting the State's targets for FFY 2011. Attached is a document entitled, *Part C and Part B Public Agency Determinations* that lists the Part C indicators included in determination status. The MSDE carefully considers all aspects of this process. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, if any, the Howard County Infants and Toddlers Program has achieved the determination status of **Meets Requirements**.

To achieve a determination status of "Meets Requirements," the Howard County Infants and Toddlers Program has met or exceeds the State's target on at least 4 of 6 performance indicators (2, 4a, 4b, 4c, 5, and 6) and Natural Environment data (Indicator 2) are not significantly below the State's target. In addition, the Howard County Infants and Toddlers Program must demonstrate at least substantial compliance (at least 95.0%) for at least 4 of the 7 compliance indicators (1, 7, 8a, 8b, 8c, 9, and 14), and demonstrates full compliance (100%) in at least 1 compliance indicator.

Finally, all previously identified noncompliance, including fiscal noncompliance, has been corrected within one year of notification (Indicator 9).

Attached to this letter are copies of the following documents:

- *Annual Data on Part C SPP/APR Indicators; and*
- *Part C Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data on Part C SPP/APR Indicators* provides an analysis of the Howard County Infants and Toddlers Program data. The *Part C Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available to your local Infants and Toddlers Program.

As you know, the State must report annually to the public on the performance of each local Infants and Toddlers Program related to the targets in the SPP under the IDEA. The public may access the MSDE IDEA performance report at http://mdideareport.org. The requirement for public reporting on local Infants and Toddlers Program performance is a critical provision to ensure accountability focusing on improved results for infants and toddlers with disabilities and their families. The MSDE will continue to provide technical assistance opportunities as you work to continue to support positive performance under Part C of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any feedback on our past technical assistance efforts or the need for guidance, we would be happy to hear from you as we work to develop additional mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the Howard County Infants and Toddlers Program improving results for infants and toddlers with disabilities and their families. If you have any questions, would like to discuss this further, or request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DR:BMM

Attachments

c: Lillian M. Lowery, Ed.D.
Anne Hickey
Patty Daley

May 14, 2013
Howard County Infants and Toddlers Program
Annual Data on Part C State Performance Plan (SPP) Priority Indicators
for the Period July 1, 2011 – June 30, 2012

Part C Annual SPP Performance Report								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
1	Timely Delivery of IFSP Services		100%	99.5%	No	Correction has been verified.	100%	99.6%
2	Infants and Toddlers with IFSPs who receive services in natural environments		91.5%	99.3%	Yes	Data meet the State's target. No required action.	95.3%	99.7%
3A	Birth to 3 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	80.6%	59.9%	No	No required action. State target based on different methodology.	67.0%	53.2%
		2. Exits within age expectations	73.8%	64.9%	No		64.2%	48.6%
3B	Birth to 3 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	85.8%	59.4%	No	No required action. State target based on different methodology.	76.9%	60.0%
		2. Exits within age expectations	69.9%	63.7%	No		63.8%	47.9%
3C	Birth to 3 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	87.0%	61.2%	No	No required action. State target based on different methodology.	76.9%	55.8%
		2. Exits within age expectations	75.4%	59.3%	No		68.1%	60.3%
4A	Families who report EIS helped them know their rights		79.5%	95.8%	Yes	Data meet the State's target. No required action.	80.0%	93.1%
4B	Families who report EIS helped them communicate their child's needs		77.5%	95.4%	Yes	Data meet the State's target. No required action.	75.0%	90.8%
4C	Families who report EIS helped them help their children develop and learn		87.5%	97.3%	Yes	Data meet the State's target. No required action.	85.0%	92.7%
5	Children birth to one served as a percentage of the population birth to one		1.50%	1.48%	No	Data do not meet the State target. Continue Improvement Activities.	1.06%	1.36%
6	Children birth to three served as a percentage of the population birth to 3		2.88%	2.91%	Yes	Data meet the State's target. No required action.	3.03%	2.85%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral		100%	99.4%	No	Correction has been verified.	100%	99.7%

Part C Annual SPP Performance Report							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
9	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	100%	100%
14	Submission of timely and accurate data	100%	91.7%	No	Submit all data, including programmatic and fiscal reports, in a timely and accurate manner.	100%	100%

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act of 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education Program's (OSEP) State Performance Plans. Annually, the 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 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, the OSEP requires states to 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 should 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 June 12, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on the OSEP's identification of the MSDE's determination status, special conditions, and other enforcements, as applicable.

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 results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to 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 call, 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 C.F.R. §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 C.F.R. §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 the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the 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 the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Part C
Local Determination Scoring Criteria
FFY 2011 / SFY 2011 (July 1, 2011-June 30, 2012)

Meets Requirements

Performance/Results Indicators

LITP met State target for at least four* performance indicators**.

AND

Data for Indicator 2 (Natural Environments) is not significantly below the target.

AND

Compliance Indicators

LITP demonstrated substantial compliance[1] in at least five of the six compliance indicators (1, 7, 8a, 8b, 8c, and 14), and data is not below 85%** in indicators 1, 7, 8a, 8b, or 8c.

AND

LITP demonstrated full compliance (100%) in at least 2 compliance indicators (1, 7, 8a, 8b, 8c, and 14)

AND

LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year (Indicator 9).

*This requirement for Meets Requirements was increased from two to four (of six total) performance indicators in FFY 2011.
**This percentage will not be used as criteria for jurisdictions where noncompliance for 1 child accounts for over 15% of the data. One child may not be considered a systemic issue.

Needs Assistance

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrates substantial compliance in at least three of the six compliance indicators.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the target in any

[1] Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (generally 95% or better).

performance indicator, but demonstrated substantial compliance in at least three of the six compliance indicators, and was not significantly below the target in any compliance indicator.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 15 months of identification.

Needs Intervention

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrated substantial compliance in at least one compliance indicator.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the State target in any performance indicator, and demonstrated substantial compliance in at least two compliance indicators.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 24 months.

Needs Substantial Intervention

LITP demonstrated continued failure to make progress in correcting all previously identified noncompliance and completing all corrective actions for two or more years from the date of identification.

AND

LITP 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

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

Part C Local Determination
Framework for Technical Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C indicators defined in the Office of Special Education's (OSEP) State Performance Plans. The 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 determinations to each local Infants and Toddlers Program (LITP). Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each LITP's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. While it is MSDE's preference to work with each LITP in a collaborative manner to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

Regulatory Requirements

13A.13.02.04

F. Supervision, Monitoring, and Enforcement.

(1) The Maryland Infants and Toddlers Program shall collaborate with State agencies identified in the State Interagency Agreement to monitor programs and activities of the State to implement Part C of the Act, including:

(a) Supervising and monitoring local lead agencies, institutions, organizations, and EIS providers, in accordance with 34 CFR §303.120(a);

(b) Providing technical assistance to those local lead agencies, institutions, organizations, and EIS providers;

(c) Enforcing obligations imposed on those local lead agencies, institutions,-organizations, and EIS providers;

(d) Correcting deficiencies that are identified through monitoring.

(e) Correcting noncompliance identified through monitoring as soon as possible and in no case later than one year after the identification of the noncompliance; and

(f) Conducting the activities in paragraphs (a) through (e) of this subsection, consistent with 34 CFR §303.700 – 303.707 to:

(i) Make determinations annually about the performance of each local EIS program using the categories identified in 34 CFR §303.703(b);

(ii) Use appropriate mechanisms to enforce the requirements of Part C of the Act consistent with 34 CFR §303.704 and COMAR 13A.05.02.07; and

(iii) Report annually on the performance of the State and of each local EIS program, in accordance with 34 CFR §303.702.

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LITP. 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 an LITP.

MSDE will identify:
- What needs to change;
- How frequently and in what manner the LITP reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, LITPs 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 LITPs by telephone, fax, email, mail, or in-person. To enable an LITP to improve performance and meet compliance, available assistance may include, but is not limited to MSDE assisting an LITP to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and 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 and best practices;
- 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;
- Identify additional sources of information, resources and support;
- 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; and
- Use evaluative measures to validate progress and correction of previous noncompliance.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the LITP's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects an LITP's 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 C," MSDE will direct LITPs 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 an LITP, MSDE may determine that an LITP 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 system of general supervision to include:
    - Local system for collecting, tracking and reporting data on Performance/Results and Compliance Indicators;
    - Policies, procedures, and effective practices;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Technical Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of the local system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- Identification of an LITP as a high risk grantee if an LITP is in the category of Needs Intervention for 2 years; and
- Required 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/results and compliance. Assistance is needed in multiple performance/results 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 C funds;
- Withhold or reduce Part C funds pending completion of the corrective actions;

- Withhold or reduce State funds for early intervention 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 LITP's early intervention 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 an LITP shall be met, consistent with 20 U.S.C. §1413(c) and (d).

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Timely Services	100% of infants and toddlers with IFSPs will receive the early intervention services on their IFSP in a timely manner (30-day timeline) (Compliance Indicator) Indicator includes data on children in the Extended IFSP Option	**Not Met – 96.7%** Substantial Compliance Met	**Not Met – 97.7%** Substantial Compliance Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 96.3%**	**Met – 97.1%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met - 76.0%** N = 2,118	**Not Met – 70.1%** N = 4,412
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Not Met - 68.8%** N = 2,118	**Not Met – 65.3%** N = 4,412
3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met - 80.8%** N = 2,139	**Not Met – 74.1%** N = 4,416
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Not Met - 64.1%** N = 2,139	**Not Met – 60.5%** N = 4,416
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met - 81.6%** N = 2,136	**Not Met – 72.9%** N = 4,415
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Not Met - 70.9%** N = 2,136	**Not Met – 63.5%** N = 4,415

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4a	Family Outcomes	79.5% of families participating in Part C will report that early intervention services have helped the family: know their rights (Results Indicator) Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,474 39.7% Response Rate	**Met – 94.9%** N=3,940 46.7% Response Rate
4b	Family Outcomes	77.5% of families participating in Part C will report that early intervention services have helped the family: communicate their children's needs Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,345 39.7% Response Rate	**Met – 94.7%** N=3,814 46.7% Response Rate
4c	Family Outcomes	87.5% of families participating in Part C will report that early intervention services have helped the family: help their children learn and develop Indicator includes data on children in the Extended IFSP Option	**Met – 94%** N=3,329 39.7% Response Rate	**Met – 95.2%** N=3,804 46.7% Response Rate
5	Child Find Birth to One	1.5% of the State's birth-to-one resident population will be served. (Results Indicator)	**Met – 1.59%**	**Not Met – 1.48%**
6	Child Find Birth to Three	2.95% of the State's birth-to-three resident population will be served. (Results Indicator)	**Met – 3.54%**	**Met – 3.39%**
7	45-Day Timeline	100% of eligible infants and toddlers will have an evaluation/assessment and an initial IFSP meeting conducted within Part C's 45-Day Timeline (Compliance Indicator)	**Not Met – 98.2%** Substantial Compliance Met	**Not Met – 98.7%** Substantial Compliance Met
8a	Early Childhood Transition - IFSPs with transition steps and services	100% of all children exiting Part C will have IFSPs with transition steps and services (Compliance Indicator)	**Not Met – 99.8%** Substantial Compliance Met	**Met – 100%**
8b	Early Childhood Transition – Notification to LEA	LEAs will be notified of 100% of all children potentially eligible for Part B	**Met – 100%**	**Met – 100%**
8c	Early Childhood Transition – Transition Planning Meeting	100% of all children exiting Part C will have timely Transition Planning Meetings	**Not Met – 99.4%** Substantial Compliance Met	**Not Met – 99.1%** Substantial Compliance Met
9	Identification and Correction of Noncompliance	100% of all findings of noncompliance will be corrected within 1 year of notification (Compliance Indicator)	**Met – 100%**	**Not Met – 99.8%** Substantial Compliance Met

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Complaint Timelines	100% of signed written reports will be resolved within the 60-Day Timeline (Compliance Indicator)	**Met – 100%**	**Not required to report in FFY 2011 APR**
11	Due Process Timelines	100% of fully adjudicated due process hearing requests will be fully adjudicated within timeline (Compliance Indicator)	**NA – only request withdrawn prior to adjudication**	**Not required to report in FFY 2011 APR**
12	Hearing Requests Resolved by Resolution	100% of hearing requests that went to resolution sessions were resolved through resolution sessions (Compliance Indicator)	**NA – none held**	**NA – none held**
13	Mediation Agreements	100% of mediations will result in mediation agreements (Compliance Indicator)	**NA – fewer than 10**	**NA – fewer than 10**
14	State Reported Data	100% of State reported 618 data and annual performance reports are accurate and submitted on or before due dates (Compliance Indicator)	**Met – 100%**	**Met – 100%**

FFY 2011 APR – Infants and Toddlers Extended IFSP Option Data

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 94.0%**	**Met – 94.0%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met – 72.9%** N = 133	**Not Met – 70.4%** N = 1,074
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Met – 80.5%** **N = 133**	**Not Met - 68.5%** N = 1,074

3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met – 78.2%** N = 135	**Not Met – 75.6%** N = 1,076
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Met – 72.6%** N = 135	**Not Met – 64.4%** N = 1,076
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met – 80.2%** N = 136	**Not Met – 71.3%** N = 1,073
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Met – 81.6%** N = 136	**Not Met – 69.5%** N = 1,073
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family understand my options in order to make the best choice for my child and family to continue services through an extended Individualized Family Service Plan or move to services through an Individualized Education Program.	**No Target Set - 91%** N = 917	**No Target Set - 93%** N = 932
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family support my child to be ready for school by assisting me to teach my child prereading activities (such as naming pictures) and pre-math activities (such as sorting household items).	**No Target Set - 91%** N = 872	**No Target Set - 92%** N = 885

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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

May 29, 2013

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). The OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through the review of the APR and other data sources, the 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 with disabilities and their families. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part C in early June 2013.

Consistent with 34 CFR §§303.702(a)(2) and 303.703(b), the MSDE is also required to make determinations annually on the performance of each Infants and Toddlers Program in the State using one of the following four categories to assign a determination status to each Infants and Toddlers Program: "Meets Requirements," "Needs Assistance," "Needs Improvement," and "Needs Substantial Intervention." The MSDE Division of Special Education/Early Intervention Services uses a results-based rubric on specific indicators to rate each public agency's performance in meeting the State's targets for FFY 2011. Attached is a document entitled, *Part C and Part B Public Agency Determinations* that lists the Part C indicators included in determination status. The MSDE carefully considers all aspects of this process. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, if any, the Kent County Infants and Toddlers Program has achieved the determination status of **Meets Requirements**.

To achieve a determination status of "Meets Requirements," the Kent County Infants and Toddlers Program has met or exceeds the State's target on at least 4 of 6 performance indicators (2, 4a, 4b, 4c, 5, and 6) and Natural Environment data (Indicator 2) are not significantly below the State's target. In addition, the Kent County Infants and Toddlers Program must demonstrate at least substantial compliance (at least 95.0%) for at least 4 of the 7 compliance indicators (1, 7, 8a, 8b, 8c, 9, and 14), and demonstrates full compliance (100%) in at least 1 compliance indicator. Finally, all

previously identified noncompliance, including fiscal noncompliance, has been corrected within one year of notification (Indicator 9).

Attached to this letter are copies of the following documents:

- *Annual Data on Part C SPP/APR Indicators; and*
- *Part C Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data on Part C SPP/APR Indicators* provides an analysis of the Kent County Infants and Toddlers Program data. The *Part C Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available to your local Infants and Toddlers Program.

As you know, the State must report annually to the public on the performance of each local Infants and Toddlers Program related to the targets in the SPP under the IDEA. The public may access the MSDE IDEA performance report at http://mdideareport.org. The requirement for public reporting on local Infants and Toddlers Program performance is a critical provision to ensure accountability focusing on improved results for infants and toddlers with disabilities and their families. The MSDE will continue to provide technical assistance opportunities as you work to continue to support positive performance under Part C of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any feedback on our past technical assistance efforts or the need for guidance, we would be happy to hear from you as we work to develop additional mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the Kent County Infants and Toddlers Program improving results for infants and toddlers with disabilities and their families. If you have any questions, would like to discuss this further, or request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DR:BMM

Attachments

c: Lillian M. Lowery, Ed.D.
Laura Cochran

May 14, 2013
Kent County Infants and Toddlers Program
Annual Data on Part C State Performance Plan (SPP) Priority Indicators
for the Period July 1, 2011 – June 30, 2012

Part C Annual SPP Performance Report								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
1	Timely Delivery of IFSP Services		100%	100%	Yes	Compliant. No required action.	100%	100%
2	Infants and Toddlers with IFSPs who receive services in natural environments		91.5%	100%	Yes	Data meet the State's target. No required action.	100%	100%
3A	Birth to 3 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	80.6%	100%	Yes	No required action. State target based on different methodology.	^	100%
		2. Exits within age expectations	73.8%	75.0%	Yes		^	75.0%
3B	Birth to 3 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	85.8%	100%	Yes	No required action. State target based on different methodology.	^	100%
		2. Exits within age expectations	69.9%	75.0%	Yes		^	75.0%
3C	Birth to 3 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	87.0%	100%	Yes	No required action. State target based on different methodology.	^	100%
		2. Exits within age expectations	75.4%	100%	Yes		^	75.0%
4A	Families who report EIS helped them know their rights		79.5%	100%	Yes	Data meet the State's target. No required action.	60.0%	100%
4B	Families who report EIS helped them communicate their child's needs		77.5%	100%	Yes	Data meet the State's target. No required action.	60.0%	^
4C	Families who report EIS helped them help their children develop and learn		87.5%	100%	Yes	Data meet the State's target. No required action.	100%	^
5	Children birth to one served as a percentage of the population birth to one		1.50%	1.04%	No	Data do not meet the State target. Continue Improvement Activities.	0.43%	0.00%
6	Children birth to three served as a percentage of the population birth to 3		2.88%	1.53%	No	Data do not meet the State target. Continue Improvement Activities.	1.55%	1.02%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral		100%	100%	Yes	Compliant. No required action.	100%	100%

^ No data submitted

Part C Annual SPP Performance Report							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Yes	Compliant. No required action.	100%	50.0%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
9	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	100%	100%
14	Submission of timely and accurate data	100%	83.3%	No	Submit all data, including programmatic and fiscal reports, in a timely and accurate manner.	91.7%	83.3%

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act of 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education Program's (OSEP) State Performance Plans. Annually, the 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 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, the OSEP requires states to 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 should 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 June 12, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on the OSEP's identification of the MSDE's determination status, special conditions, and other enforcements, as applicable.

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 results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to 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 call, 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 C.F.R. §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 C.F.R. §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 the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the 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 the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Part C
Local Determination Scoring Criteria
FFY 2011 / SFY 2011 (July 1, 2011-June 30, 2012)

Meets Requirements

Performance/Results Indicators

LITP met State target for at least four* performance indicators**.

AND

Data for Indicator 2 (Natural Environments) is not significantly below the target.

AND

Compliance Indicators

LITP demonstrated substantial compliance[1] in at least five of the six compliance indicators (1, 7, 8a, 8b, 8c, and 14), and data is not below 85%** in indicators 1, 7, 8a, 8b, or 8c.

AND

LITP demonstrated full compliance (100%) in at least 2 compliance indicators (1, 7, 8a, 8b, 8c, and 14)

AND

LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year (Indicator 9).

*This requirement for Meets Requirements was increased from two to four (of six total) performance indicators in FFY 2011.
**This percentage will not be used as criteria for jurisdictions where noncompliance for 1 child accounts for over 15% of the data. One child may not be considered a systemic issue.

Needs Assistance

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrates substantial compliance in at least three of the six compliance indicators.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the target in any

[1] Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (generally 95% or better).

performance indicator, but demonstrated substantial compliance in at least three of the six compliance indicators, and was not significantly below the target in any compliance indicator.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 15 months of identification.

Needs Intervention

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrated substantial compliance in at least one compliance indicator.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the State target in any performance indicator, and demonstrated substantial compliance in at least two compliance indicators.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 24 months.

Needs Substantial Intervention

LITP demonstrated continued failure to make progress in correcting all previously identified noncompliance and completing all corrective actions for two or more years from the date of identification.

AND

LITP 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

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

Part C Local Determination
Framework for Technical Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C indicators defined in the Office of Special Education's (OSEP) State Performance Plans. The 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 determinations to each local Infants and Toddlers Program (LITP). Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each LITP's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. While it is MSDE's preference to work with each LITP in a collaborative manner to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

Regulatory Requirements

13A.13.02.04

F. Supervision, Monitoring, and Enforcement.

(1) The Maryland Infants and Toddlers Program shall collaborate with State agencies identified in the State Interagency Agreement to monitor programs and activities of the State to implement Part C of the Act, including:

(a) Supervising and monitoring local lead agencies, institutions, organizations, and EIS providers, in accordance with 34 CFR §303.120(a);

(b) Providing technical assistance to those local lead agencies, institutions, organizations, and EIS providers;

(c) Enforcing obligations imposed on those local lead agencies, institutions,-organizations, and EIS providers;

(d) Correcting deficiencies that are identified through monitoring.

(e) Correcting noncompliance identified through monitoring as soon as possible and in no case later than one year after the identification of the noncompliance; and

(f) Conducting the activities in paragraphs (a) through (e) of this subsection, consistent with 34 CFR §303.700 – 303.707 to:

(i) Make determinations annually about the performance of each local EIS program using the categories identified in 34 CFR §303.703(b);

(ii) Use appropriate mechanisms to enforce the requirements of Part C of the Act consistent with 34 CFR §303.704 and COMAR 13A.05.02.07; and

(iii) Report annually on the performance of the State and of each local EIS program, in accordance with 34 CFR §303.702.

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LITP. 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 an LITP.

MSDE will identify:
- What needs to change;
- How frequently and in what manner the LITP reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, LITPs 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 LITPs by telephone, fax, email, mail, or in-person. To enable an LITP to improve performance and meet compliance, available assistance may include, but is not limited to MSDE assisting an LITP to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and 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 and best practices;
- 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;
- Identify additional sources of information, resources and support;
- 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; and
- Use evaluative measures to validate progress and correction of previous noncompliance.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the LITP's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects an LITP's 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 C," MSDE will direct LITPs 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 an LITP, MSDE may determine that an LITP 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 system of general supervision to include:
    - Local system for collecting, tracking and reporting data on Performance/Results and Compliance Indicators;
    - Policies, procedures, and effective practices;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Technical Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of the local system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- Identification of an LITP as a high risk grantee if an LITP is in the category of Needs Intervention for 2 years; and
- Required 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/results and compliance. Assistance is needed in multiple performance/results 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 C funds;
- Withhold or reduce Part C funds pending completion of the corrective actions;

- Withhold or reduce State funds for early intervention 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 LITP's early intervention 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 an LITP shall be met, consistent with 20 U.S.C. §1413(c) and (d).

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Timely Services	100% of infants and toddlers with IFSPs will receive the early intervention services on their IFSP in a timely manner (30-day timeline) (Compliance Indicator) Indicator includes data on children in the Extended IFSP Option	**Not Met – 96.7%** Substantial Compliance Met	**Not Met – 97.7%** Substantial Compliance Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 96.3%**	**Met – 97.1%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met - 76.0%** N = 2,118	**Not Met – 70.1%** N = 4,412
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Not Met - 68.8%** N = 2,118	**Not Met – 65.3%** N = 4,412
3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met - 80.8%** N = 2,139	**Not Met – 74.1%** N = 4,416
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Not Met - 64.1%** N = 2,139	**Not Met – 60.5%** N = 4,416
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met - 81.6%** N = 2,136	**Not Met – 72.9%** N = 4,415
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Not Met - 70.9%** N = 2,136	**Not Met – 63.5%** N = 4,415

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4a	Family Outcomes	79.5% of families participating in Part C will report that early intervention services have helped the family: know their rights (Results Indicator) Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,474 39.7% Response Rate	**Met – 94.9%** N=3,940 46.7% Response Rate
4b	Family Outcomes	77.5% of families participating in Part C will report that early intervention services have helped the family: communicate their children's needs Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,345 39.7% Response Rate	**Met – 94.7%** N=3,814 46.7% Response Rate
4c	Family Outcomes	87.5% of families participating in Part C will report that early intervention services have helped the family: help their children learn and develop Indicator includes data on children in the Extended IFSP Option	**Met – 94%** N=3,329 39.7% Response Rate	**Met – 95.2%** N=3,804 46.7% Response Rate
5	Child Find Birth to One	1.5% of the State's birth-to-one resident population will be served. (Results Indicator)	**Met – 1.59%**	**Not Met – 1.48%**
6	Child Find Birth to Three	2.95% of the State's birth-to-three resident population will be served. (Results Indicator)	**Met – 3.54%**	**Met – 3.39%**
7	45-Day Timeline	100% of eligible infants and toddlers will have an evaluation/assessment and an initial IFSP meeting conducted within Part C's 45-Day Timeline (Compliance Indicator)	**Not Met – 98.2%** Substantial Compliance Met	**Not Met – 98.7%** Substantial Compliance Met
8a	Early Childhood Transition - IFSPs with transition steps and services	100% of all children exiting Part C will have IFSPs with transition steps and services (Compliance Indicator)	**Not Met – 99.8%** Substantial Compliance Met	**Met – 100%**
8b	Early Childhood Transition – Notification to LEA	LEAs will be notified of 100% of all children potentially eligible for Part B	**Met – 100%**	**Met – 100%**
8c	Early Childhood Transition – Transition Planning Meeting	100% of all children exiting Part C will have timely Transition Planning Meetings	**Not Met – 99.4%** Substantial Compliance Met	**Not Met – 99.1%** Substantial Compliance Met
9	Identification and Correction of Noncompliance	100% of all findings of noncompliance will be corrected within 1 year of notification (Compliance Indicator)	**Met – 100%**	**Not Met – 99.8%** Substantial Compliance Met

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Complaint Timelines	100% of signed written reports will be resolved within the 60-Day Timeline (Compliance Indicator)	**Met – 100%**	**Not required to report in FFY 2011 APR**
11	Due Process Timelines	100% of fully adjudicated due process hearing requests will be fully adjudicated within timeline (Compliance Indicator)	**NA – only request withdrawn prior to adjudication**	**Not required to report in FFY 2011 APR**
12	Hearing Requests Resolved by Resolution	100% of hearing requests that went to resolution sessions were resolved through resolution sessions (Compliance Indicator)	**NA – none held**	**NA – none held**
13	Mediation Agreements	100% of mediations will result in mediation agreements (Compliance Indicator)	**NA – fewer than 10**	**NA – fewer than 10**
14	State Reported Data	100% of State reported 618 data and annual performance reports are accurate and submitted on or before due dates (Compliance Indicator)	**Met – 100%**	**Met – 100%**

FFY 2011 APR – Infants and Toddlers Extended IFSP Option Data

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 94.0%**	**Met – 94.0%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met – 72.9%** N = 133	**Not Met – 70.4%** N = 1,074
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Met – 80.5%** **N = 133**	**Not Met - 68.5%** N = 1,074

3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met – 78.2%** N = 135	**Not Met – 75.6%** N = 1,076
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Met – 72.6%** N = 135	**Not Met – 64.4%** N = 1,076
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met – 80.2%** N = 136	**Not Met – 71.3%** N = 1,073
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Met – 81.6%** N = 136	**Not Met – 69.5%** N = 1,073
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family understand my options in order to make the best choice for my child and family to continue services through an extended Individualized Family Service Plan or move to services through an Individualized Education Program.	**No Target Set - 91%** N = 917	**No Target Set - 93%** N = 932
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family support my child to be ready for school by assisting me to teach my child prereading activities (such as naming pictures) and pre-math activities (such as sorting household items).	**No Target Set - 91%** N = 872	**No Target Set - 92%** N = 885

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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

May 29, 2013

Ms. Uma S. Ahluwalia, Director
Montgomery County Department of Health
and Human Services
401 Hungerford Drive, 5th Floor
Rockville, MD 20850

Dear Ms. Ahluwalia:

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). The OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through the review of the APR and other data sources, the 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 with disabilities and their families. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part C in early June 2013.

Consistent with 34 CFR §§303.702(a)(2) and 303.703(b), the MSDE is also required to make determinations annually on the performance of each Infants and Toddlers Program in the State using one of the following four categories to assign a determination status to each Infants and Toddlers Program: "Meets Requirements," "Needs Assistance," "Needs Improvement," and "Needs Substantial Intervention." The MSDE Division of Special Education/Early Intervention Services uses a results-based rubric on specific indicators to rate each public agency's performance in meeting the State's targets for FFY 2011. Attached is a document entitled, *Part C and Part B Public Agency Determinations* that lists the Part C indicators included in determination status. The MSDE carefully considers all aspects of this process. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, if any, the Montgomery County Infants and Toddlers Program has achieved the determination status of **Meets Requirements**.

To achieve a determination status of "Meets Requirements," the Montgomery County Infants and Toddlers Program has met or exceeds the State's target on at least 4 of 6 performance indicators (2, 4a, 4b, 4c, 5, and 6) and Natural Environment data (Indicator 2) are not significantly below the State's target. In addition, the Montgomery County Infants and Toddlers Program must demonstrate at least substantial compliance (at least 95.0%) for at least 4 of the 7 compliance indicators (1, 7, 8a, 8b, 8c, 9, and 14), and demonstrates full compliance (100%) in at least 1 compliance indicator.

Finally, all previously identified noncompliance, including fiscal noncompliance, has been corrected within one year of notification (Indicator 9).

Attached to this letter are copies of the following documents:
- *Annual Data on Part C SPP/APR Indicators; and*
- *Part C Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data on Part C SPP/APR Indicators* provides an analysis of the Montgomery County Infants and Toddlers Program data. The *Part C Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available to your local Infants and Toddlers Program.

As you know, the State must report annually to the public on the performance of each local Infants and Toddlers Program related to the targets in the SPP under the IDEA. The public may access the MSDE IDEA performance report at http://mdideareport.org. The requirement for public reporting on local Infants and Toddlers Program performance is a critical provision to ensure accountability focusing on improved results for infants and toddlers with disabilities and their families. The MSDE will continue to provide technical assistance opportunities as you work to continue to support positive performance under Part C of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any feedback on our past technical assistance efforts or the need for guidance, we would be happy to hear from you as we work to develop additional mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the Montgomery County Infants and Toddlers Program improving results for infants and toddlers with disabilities and their families. If you have any questions, would like to discuss this further, or request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DR:BMM

Attachments

c: Lillian M. Lowery, Ed.D.
Gwendolyn J. Mason
Natasha Fields

May 14, 2013
Montgomery County Infants and Toddlers Program
Annual Data on Part C State Performance Plan (SPP) Priority Indicators
for the Period July 1, 2011 – June 30, 2012

Part C Annual SPP Performance Report								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
1	Timely Delivery of IFSP Services		100%	99.5%	No	Correction has been verified.	99.2%	99.1%
2	Infants and Toddlers with IFSPs who receive services in natural environments		91.5%	95.4%	Yes	Data meet the State's target. No required action.	93.1%	95.3%
3A	Birth to 3 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	80.6%	60.7%	No	No required action. State target based on different methodology.	77.3%	74.4%
		2. Exits within age expectations	73.8%	70.7%	No		81.3%	77.6%
3B	Birth to 3 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	85.8%	74.2%	No	No required action. State target based on different methodology.	84.5%	83.9%
		2. Exits within age expectations	69.9%	66.1%	No		77.2%	72.7%
3C	Birth to 3 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	87.0%	72.9%	No	No required action. State target based on different methodology.	88.4%	84.8%
		2. Exits within age expectations	75.4%	71.2%	No		83.5%	82.5%
4A	Families who report EIS helped them know their rights		79.5%	96.0%	Yes	Data meet the State's target. No required action.	87.7%	94.7%
4B	Families who report EIS helped them communicate their child's needs		77.5%	95.8%	Yes	Data meet the State's target. No required action.	84.9%	94.5%
4C	Families who report EIS helped them help their children develop and learn		87.5%	95.8%	Yes	Data meet the State's target. No required action.	92.9%	94.8%
5	Children birth to one served as a percentage of the population birth to one		1.50%	1.60%	Yes	Data meet the State's target. No required action.	1.71%	1.96%
6	Children birth to three served as a percentage of the population birth to 3		2.88%	4.19%	Yes	Data meet the State's target. No required action.	3.63%	4.66%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral		100%	99.6%	No	Correction has been verified.	99.7%	99.8%

Part C Annual SPP Performance Report							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Yes	Compliant. No required action.	100%	99.2%
9	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	100%	100%
14	Submission of timely and accurate data	100%	100%	Yes	Compliant. No required action.	100%	91.7%

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act of 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education Program's (OSEP) State Performance Plans. Annually, the 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 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, the OSEP requires states to 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 should 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 June 12, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on the OSEP's identification of the MSDE's determination status, special conditions, and other enforcements, as applicable.

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 results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to 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 call, 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 C.F.R. §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 C.F.R. §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 the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the 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 the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Part C
Local Determination Scoring Criteria
FFY 2011 / SFY 2011 (July 1, 2011-June 30, 2012)

Meets Requirements

Performance/Results Indicators

LITP met State target for at least four* performance indicators**.

AND

Data for Indicator 2 (Natural Environments) is not significantly below the target.

AND

Compliance Indicators

LITP demonstrated substantial compliance[1] in at least five of the six compliance indicators (1, 7, 8a, 8b, 8c, and 14), and data is not below 85%** in indicators 1, 7, 8a, 8b, or 8c.

AND

LITP demonstrated full compliance (100%) in at least 2 compliance indicators (1, 7, 8a, 8b, 8c, and 14)

AND

LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year (Indicator 9).

*This requirement for Meets Requirements was increased from two to four (of six total) performance indicators in FFY 2011.
**This percentage will not be used as criteria for jurisdictions where noncompliance for 1 child accounts for over 15% of the data. One child may not be considered a systemic issue.

Needs Assistance

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrates substantial compliance in at least three of the six compliance indicators.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the target in any

[1] Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (generally 95% or better).

performance indicator, but demonstrated substantial compliance in at least three of the six compliance indicators, and was not significantly below the target in any compliance indicator.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 15 months of identification.

Needs Intervention

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrated substantial compliance in at least one compliance indicator.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the State target in any performance indicator, and demonstrated substantial compliance in at least two compliance indicators.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 24 months.

Needs Substantial Intervention

LITP demonstrated continued failure to make progress in correcting all previously identified noncompliance and completing all corrective actions for two or more years from the date of identification.

AND

LITP 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

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

Part C Local Determination
Framework for Technical Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C indicators defined in the Office of Special Education's (OSEP) State Performance Plans. The 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 determinations to each local Infants and Toddlers Program (LITP). Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each LITP's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. While it is MSDE's preference to work with each LITP in a collaborative manner to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

Regulatory Requirements

13A.13.02.04

F. Supervision, Monitoring, and Enforcement.

(1) The Maryland Infants and Toddlers Program shall collaborate with State agencies identified in the State Interagency Agreement to monitor programs and activities of the State to implement Part C of the Act, including:

(a) Supervising and monitoring local lead agencies, institutions, organizations, and EIS providers, in accordance with 34 CFR §303.120(a);

(b) Providing technical assistance to those local lead agencies, institutions, organizations, and EIS providers;

(c) Enforcing obligations imposed on those local lead agencies, institutions,-organizations, and EIS providers;

(d) Correcting deficiencies that are identified through monitoring.

(e) Correcting noncompliance identified through monitoring as soon as possible and in no case later than one year after the identification of the noncompliance; and

(f) Conducting the activities in paragraphs (a) through (e) of this subsection, consistent with 34 CFR §303.700 – 303.707 to:

(i) Make determinations annually about the performance of each local EIS program using the categories identified in 34 CFR §303.703(b);

(ii) Use appropriate mechanisms to enforce the requirements of Part C of the Act consistent with 34 CFR §303.704 and COMAR 13A.05.02.07; and

(iii) Report annually on the performance of the State and of each local EIS program, in accordance with 34 CFR §303.702.

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LITP. 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 an LITP.

MSDE will identify:
- What needs to change;
- How frequently and in what manner the LITP reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, LITPs 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 LITPs by telephone, fax, email, mail, or in-person. To enable an LITP to improve performance and meet compliance, available assistance may include, but is not limited to MSDE assisting an LITP to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and 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 and best practices;
- 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;
- Identify additional sources of information, resources and support;
- 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; and
- Use evaluative measures to validate progress and correction of previous noncompliance.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the LITP's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects an LITP's 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 C," MSDE will direct LITPs 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 an LITP, MSDE may determine that an LITP 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 system of general supervision to include:
    - Local system for collecting, tracking and reporting data on Performance/Results and Compliance Indicators;
    - Policies, procedures, and effective practices;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Technical Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of the local system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- Identification of an LITP as a high risk grantee if an LITP is in the category of Needs Intervention for 2 years; and
- Required 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/results and compliance. Assistance is needed in multiple performance/results 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 C funds;
- Withhold or reduce Part C funds pending completion of the corrective actions;

- Withhold or reduce State funds for early intervention 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 LITP's early intervention 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 an LITP shall be met, consistent with 20 U.S.C. §1413(c) and (d).

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Timely Services	100% of infants and toddlers with IFSPs will receive the early intervention services on their IFSP in a timely manner (30-day timeline) (Compliance Indicator) Indicator includes data on children in the Extended IFSP Option	**Not Met – 96.7%** Substantial Compliance Met	**Not Met – 97.7%** Substantial Compliance Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 96.3%**	**Met – 97.1%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met - 76.0%** N = 2,118	**Not Met – 70.1%** N = 4,412
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Not Met - 68.8%** N = 2,118	**Not Met – 65.3%** N = 4,412
3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met - 80.8%** N = 2,139	**Not Met – 74.1%** N = 4,416
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Not Met - 64.1%** N = 2,139	**Not Met – 60.5%** N = 4,416
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met - 81.6%** N = 2,136	**Not Met – 72.9%** N = 4,415
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Not Met - 70.9%** N = 2,136	**Not Met – 63.5%** N = 4,415

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4a	Family Outcomes	79.5% of families participating in Part C will report that early intervention services have helped the family: know their rights (Results Indicator) Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,474 39.7% Response Rate	**Met – 94.9%** N=3,940 46.7% Response Rate
4b	Family Outcomes	77.5% of families participating in Part C will report that early intervention services have helped the family: communicate their children's needs Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,345 39.7% Response Rate	**Met – 94.7%** N=3,814 46.7% Response Rate
4c	Family Outcomes	87.5% of families participating in Part C will report that early intervention services have helped the family: help their children learn and develop Indicator includes data on children in the Extended IFSP Option	**Met – 94%** N=3,329 39.7% Response Rate	**Met – 95.2%** N=3,804 46.7% Response Rate
5	Child Find Birth to One	1.5% of the State's birth-to-one resident population will be served. (Results Indicator)	**Met – 1.59%**	**Not Met – 1.48%**
6	Child Find Birth to Three	2.95% of the State's birth-to-three resident population will be served. (Results Indicator)	**Met – 3.54%**	**Met – 3.39%**
7	45-Day Timeline	100% of eligible infants and toddlers will have an evaluation/assessment and an initial IFSP meeting conducted within Part C's 45-Day Timeline (Compliance Indicator)	**Not Met – 98.2%** Substantial Compliance Met	**Not Met – 98.7%** Substantial Compliance Met
8a	Early Childhood Transition - IFSPs with transition steps and services	100% of all children exiting Part C will have IFSPs with transition steps and services (Compliance Indicator)	**Not Met – 99.8%** Substantial Compliance Met	**Met – 100%**
8b	Early Childhood Transition – Notification to LEA	LEAs will be notified of 100% of all children potentially eligible for Part B	**Met – 100%**	**Met – 100%**
8c	Early Childhood Transition – Transition Planning Meeting	100% of all children exiting Part C will have timely Transition Planning Meetings	**Not Met – 99.4%** Substantial Compliance Met	**Not Met – 99.1%** Substantial Compliance Met
9	Identification and Correction of Noncompliance	100% of all findings of noncompliance will be corrected within 1 year of notification (Compliance Indicator)	**Met – 100%**	**Not Met – 99.8%** Substantial Compliance Met

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Complaint Timelines	100% of signed written reports will be resolved within the 60-Day Timeline (Compliance Indicator)	**Met – 100%**	**Not required to report in FFY 2011 APR**
11	Due Process Timelines	100% of fully adjudicated due process hearing requests will be fully adjudicated within timeline (Compliance Indicator)	**NA – only request withdrawn prior to adjudication**	**Not required to report in FFY 2011 APR**
12	Hearing Requests Resolved by Resolution	100% of hearing requests that went to resolution sessions were resolved through resolution sessions (Compliance Indicator)	**NA – none held**	**NA – none held**
13	Mediation Agreements	100% of mediations will result in mediation agreements (Compliance Indicator)	**NA – fewer than 10**	**NA – fewer than 10**
14	State Reported Data	100% of State reported 618 data and annual performance reports are accurate and submitted on or before due dates (Compliance Indicator)	**Met – 100%**	**Met – 100%**

FFY 2011 APR – Infants and Toddlers Extended IFSP Option Data

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 94.0%**	**Met – 94.0%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met – 72.9%** N = 133	**Not Met – 70.4%** N = 1,074
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Met – 80.5%** **N = 133**	**Not Met - 68.5%** N = 1,074

3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met – 78.2%** N = 135	**Not Met – 75.6%** N = 1,076
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Met – 72.6%** N = 135	**Not Met – 64.4%** N = 1,076
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met – 80.2%** N = 136	**Not Met – 71.3%** N = 1,073
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Met – 81.6%** N = 136	**Not Met – 69.5%** N = 1,073
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family understand my options in order to make the best choice for my child and family to continue services through an extended Individualized Family Service Plan or move to services through an Individualized Education Program.	**No Target Set - 91%** N = 917	**No Target Set - 93%** N = 932
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family support my child to be ready for school by assisting me to teach my child prereading activities (such as naming pictures) and pre-math activities (such as sorting household items).	**No Target Set - 91%** N = 872	**No Target Set - 92%** N = 885

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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

May 29, 2013

Ms. Pamela B. Creekmur
Health Officer
Prince George's County Health Department
1701 McCormick Drive
Largo, MD 20774

Dear Ms. Creekmur:

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). The OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through the review of the APR and other data sources, the 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 with disabilities and their families. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part C in early June 2013.

Consistent with 34 CFR §§303.702(a)(2) and 303.703(b), the MSDE is also required to make determinations annually on the performance of each Infants and Toddlers Program in the State using one of the following four categories to assign a determination status to each Infants and Toddlers Program: "Meets Requirements," "Needs Assistance," "Needs Improvement," and "Needs Substantial Intervention." The MSDE Division of Special Education/Early Intervention Services uses a results-based rubric on specific indicators to rate each public agency's performance in meeting the State's targets for FFY 2011. Attached is a document entitled, *Part C and Part B Public Agency Determinations* that lists the Part C indicators included in determination status. The MSDE carefully considers all aspects of this process. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, if any, the Prince George's County Infants and Toddlers Program has achieved the determination status of **Meets Requirements**.

To achieve a determination status of "Meets Requirements," the Prince Geroge's County Infants and Toddlers Program has met or exceeds the State's target on at least 4 of 6 performance indicators (2, 4a, 4b, 4c, 5, and 6) and Natural Environment data (Indicator 2) are not significantly below the State's target. In addition, the Prince Geroge's County Infants and Toddlers Program must demonstrate at least substantial compliance (at least 95.0%) for at least 4 of the 7 compliance indicators (1, 7, 8a, 8b, 8c, 9, and 14), and demonstrates full compliance (100%) in at least 1

compliance indicator. Finally, all previously identified noncompliance, including fiscal noncompliance, has been corrected within one year of notification (Indicator 9).

Attached to this letter are copies of the following documents:

- *Annual Data on Part C SPP/APR Indicators; and*
- *Part C Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data on Part C SPP/APR Indicators* provides an analysis of the Prince George's County Infants and Toddlers Program data. The *Part C Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available to your local Infants and Toddlers Program.

As you know, the State must report annually to the public on the performance of each local Infants and Toddlers Program related to the targets in the SPP under the IDEA. The public may access the MSDE IDEA performance report at http://mdideareport.org. The requirement for public reporting on local Infants and Toddlers Program performance is a critical provision to ensure accountability focusing on improved results for infants and toddlers with disabilities and their families. The MSDE will continue to provide technical assistance opportunities as you work to continue to support positive performance under Part C of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any feedback on our past technical assistance efforts or the need for guidance, we would be happy to hear from you as we work to develop additional mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the Prince George's County Infants and Toddlers Program improving results for infants and toddlers with disabilities and their families. If you have any questions, would like to discuss this further, or request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DR:BMM

Attachments

c: Lillian M. Lowery, Ed.D.
Joan Rothgeb
Sharon Leyden

May 14, 2013
Prince George's County Infants and Toddlers Program
Annual Data on Part C State Performance Plan (SPP) Priority Indicators
for the Period July 1, 2011 – June 30, 2012

Part C Annual SPP Performance Report								
SPP/APR Indicators (Results Indicator / Compliance Indicator)			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
1	Timely Delivery of IFSP Services		100%	96.9%	No	Correction has been verified.	99.8%	98.6%
2	Infants and Toddlers with IFSPs who receive services in natural environments		91.5%	95.7%	Yes	Data meet the State's target. No required action.	94.5%	99.5%
3A	Birth to 3 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	80.6%	68.0%	No	No required action. State target based on different methodology.	83.1%	76.1%
		2. Exits within age expectations	73.8%	58.0%	No		74.5%	65.4%
3B	Birth to 3 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	85.8%	71.2%	No	No required action. State target based on different methodology.	81.1%	75.9%
		2. Exits within age expectations	69.9%	46.6%	No		64.7%	55.2%
3C	Birth to 3 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	87.0%	72.9%	No	No required action. State target based on different methodology.	88.1%	82.9%
		2. Exits within age expectations	75.4%	54.8%	No		70.6%	64.4%
4A	Families who report EIS helped them know their rights		79.5%	95.9%	Yes	Data meet the State's target. No required action.	86.4%	93.0%
4B	Families who report EIS helped them communicate their child's needs		77.5%	95.9%	Yes	Data meet the State's target. No required action.	84.0%	92.5%
4C	Families who report EIS helped them help their children develop and learn		87.5%	96.9%	Yes	Data meet the State's target. No required action.	91.5%	93.0%
5	Children birth to one served as a percentage of the population birth to one		1.50%	1.15%	No	Data do not meet the State target. Continue Improvement Activities.	1.00%	1.17%
6	Children birth to three served as a percentage of the population birth to 3		2.88%	2.41%	Yes	Data do not meet the State target. Continue Improvement Activities.	2.15%	2.57%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral		100%	99.8%	No	Correction has been verified.	98.3%	99.3%

Part C Annual SPP Performance Report							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
8A	**Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday**	100%	100%	Yes	Compliant. No required action.	100%	100%
8B	**Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday**	100%	100%	Yes	Compliant. No required action.	100%	100%
8C	**Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday**	100%	98.7%	No	Correction has been verified.	100%	99.1%
9	**Timely correction of noncompliance**	100%	100%	Yes	Compliant. No required action.	100%	100%
14	**Submission of timely and accurate data**	100%	75.0%	No	Submit all data, including programmatic and fiscal reports, in a timely and accurate manner.	66.6%	75.0%

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act of 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education Program's (OSEP) State Performance Plans. Annually, the 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 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, the OSEP requires states to 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 should 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 June 12, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on the OSEP's identification of the MSDE's determination status, special conditions, and other enforcements, as applicable.

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 results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to 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 call, 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 C.F.R. §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 C.F.R. §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 the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the 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 the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Part C
Local Determination Scoring Criteria
FFY 2011 / SFY 2011 (July 1, 2011-June 30, 2012)

Meets Requirements

Performance/Results Indicators

LITP met State target for at least four* performance indicators**.

AND

Data for Indicator 2 (Natural Environments) is not significantly below the target.

AND

Compliance Indicators

LITP demonstrated substantial compliance[1] in at least five of the six compliance indicators (1, 7, 8a, 8b, 8c, and 14), and data is not below 85%** in indicators 1, 7, 8a, 8b, or 8c.

AND

LITP demonstrated full compliance (100%) in at least 2 compliance indicators (1, 7, 8a, 8b, 8c, and 14)

AND

LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year (Indicator 9).

*This requirement for Meets Requirements was increased from two to four (of six total) performance indicators in FFY 2011.
**This percentage will not be used as criteria for jurisdictions where noncompliance for 1 child accounts for over 15% of the data. One child may not be considered a systemic issue.

Needs Assistance

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrates substantial compliance in at least three of the six compliance indicators.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the target in any

[1] Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (generally 95% or better).

performance indicator, but demonstrated substantial compliance in at least three of the six compliance indicators, and was not significantly below the target in any compliance indicator.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 15 months of identification.

Needs Intervention

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrated substantial compliance in at least one compliance indicator.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the State target in any performance indicator, and demonstrated substantial compliance in at least two compliance indicators.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 24 months.

Needs Substantial Intervention

LITP demonstrated continued failure to make progress in correcting all previously identified noncompliance and completing all corrective actions for two or more years from the date of identification.

AND

LITP 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

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

Part C Local Determination
Framework for Technical Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C indicators defined in the Office of Special Education's (OSEP) State Performance Plans. The 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 determinations to each local Infants and Toddlers Program (LITP). Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each LITP's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. While it is MSDE's preference to work with each LITP in a collaborative manner to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

Regulatory Requirements

13A.13.02.04

F. Supervision, Monitoring, and Enforcement.

(1) The Maryland Infants and Toddlers Program shall collaborate with State agencies identified in the State Interagency Agreement to monitor programs and activities of the State to implement Part C of the Act, including:

(a) Supervising and monitoring local lead agencies, institutions, organizations, and EIS providers, in accordance with 34 CFR §303.120(a);

(b) Providing technical assistance to those local lead agencies, institutions, organizations, and EIS providers;

(c) Enforcing obligations imposed on those local lead agencies, institutions,-organizations, and EIS providers;

(d) Correcting deficiencies that are identified through monitoring.

(e) Correcting noncompliance identified through monitoring as soon as possible and in no case later than one year after the identification of the noncompliance; and

(f) Conducting the activities in paragraphs (a) through (e) of this subsection, consistent with 34 CFR §303.700 – 303.707 to:

(i) Make determinations annually about the performance of each local EIS program using the categories identified in 34 CFR §303.703(b);

(ii) Use appropriate mechanisms to enforce the requirements of Part C of the Act consistent with 34 CFR §303.704 and COMAR 13A.05.02.07; and

(iii) Report annually on the performance of the State and of each local EIS program, in accordance with 34 CFR §303.702.

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LITP. 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 an LITP.

MSDE will identify:
- What needs to change;
- How frequently and in what manner the LITP reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, LITPs 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 LITPs by telephone, fax, email, mail, or in-person. To enable an LITP to improve performance and meet compliance, available assistance may include, but is not limited to MSDE assisting an LITP to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and 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 and best practices;
- 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;
- Identify additional sources of information, resources and support;
- 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; and
- Use evaluative measures to validate progress and correction of previous noncompliance.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the LITP's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects an LITP's 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 C," MSDE will direct LITPs 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 an LITP, MSDE may determine that an LITP 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 system of general supervision to include:
    - Local system for collecting, tracking and reporting data on Performance/Results and Compliance Indicators;
    - Policies, procedures, and effective practices;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Technical Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of the local system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- Identification of an LITP as a high risk grantee if an LITP is in the category of Needs Intervention for 2 years; and
- Required 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/results and compliance. Assistance is needed in multiple performance/results 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 C funds;
- Withhold or reduce Part C funds pending completion of the corrective actions;

- Withhold or reduce State funds for early intervention 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 LITP's early intervention 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 an LITP shall be met, consistent with 20 U.S.C. §1413(c) and (d).

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Timely Services	100% of infants and toddlers with IFSPs will receive the early intervention services on their IFSP in a timely manner (30-day timeline) (Compliance Indicator) Indicator includes data on children in the Extended IFSP Option	**Not Met – 96.7%** Substantial Compliance Met	**Not Met – 97.7%** Substantial Compliance Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 96.3%**	**Met – 97.1%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met - 76.0%** N = 2,118	**Not Met – 70.1%** N = 4,412
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Not Met - 68.8%** N = 2,118	**Not Met – 65.3%** N = 4,412
3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met - 80.8%** N = 2,139	**Not Met – 74.1%** N = 4,416
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Not Met - 64.1%** N = 2,139	**Not Met – 60.5%** N = 4,416
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met - 81.6%** N = 2,136	**Not Met – 72.9%** N = 4,415
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Not Met - 70.9%** N = 2,136	**Not Met – 63.5%** N = 4,415

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4a	Family Outcomes	79.5% of families participating in Part C will report that early intervention services have helped the family: know their rights (Results Indicator) Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,474 39.7% Response Rate	**Met – 94.9%** N=3,940 46.7% Response Rate
4b	Family Outcomes	77.5% of families participating in Part C will report that early intervention services have helped the family: communicate their children's needs Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,345 39.7% Response Rate	**Met – 94.7%** N=3,814 46.7% Response Rate
4c	Family Outcomes	87.5% of families participating in Part C will report that early intervention services have helped the family: help their children learn and develop Indicator includes data on children in the Extended IFSP Option	**Met – 94%** N=3,329 39.7% Response Rate	**Met – 95.2%** N=3,804 46.7% Response Rate
5	Child Find Birth to One	1.5% of the State's birth-to-one resident population will be served. (Results Indicator)	**Met – 1.59%**	**Not Met – 1.48%**
6	Child Find Birth to Three	2.95% of the State's birth-to-three resident population will be served. (Results Indicator)	**Met – 3.54%**	**Met – 3.39%**
7	45-Day Timeline	100% of eligible infants and toddlers will have an evaluation/assessment and an initial IFSP meeting conducted within Part C's 45-Day Timeline (Compliance Indicator)	**Not Met – 98.2%** Substantial Compliance Met	**Not Met – 98.7%** Substantial Compliance Met
8a	Early Childhood Transition - IFSPs with transition steps and services	100% of all children exiting Part C will have IFSPs with transition steps and services (Compliance Indicator)	**Not Met – 99.8%** Substantial Compliance Met	**Met – 100%**
8b	Early Childhood Transition – Notification to LEA	LEAs will be notified of 100% of all children potentially eligible for Part B	**Met – 100%**	**Met – 100%**
8c	Early Childhood Transition – Transition Planning Meeting	100% of all children exiting Part C will have timely Transition Planning Meetings	**Not Met – 99.4%** Substantial Compliance Met	**Not Met – 99.1%** Substantial Compliance Met
9	Identification and Correction of Noncompliance	100% of all findings of noncompliance will be corrected within 1 year of notification (Compliance Indicator)	**Met – 100%**	**Not Met – 99.8%** Substantial Compliance Met

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Complaint Timelines	100% of signed written reports will be resolved within the 60-Day Timeline (Compliance Indicator)	**Met – 100%**	**Not required to report in FFY 2011 APR**
11	Due Process Timelines	100% of fully adjudicated due process hearing requests will be fully adjudicated within timeline (Compliance Indicator)	**NA – only request withdrawn prior to adjudication**	**Not required to report in FFY 2011 APR**
12	Hearing Requests Resolved by Resolution	100% of hearing requests that went to resolution sessions were resolved through resolution sessions (Compliance Indicator)	**NA – none held**	**NA – none held**
13	Mediation Agreements	100% of mediations will result in mediation agreements (Compliance Indicator)	**NA – fewer than 10**	**NA – fewer than 10**
14	State Reported Data	100% of State reported 618 data and annual performance reports are accurate and submitted on or before due dates (Compliance Indicator)	**Met – 100%**	**Met – 100%**

FFY 2011 APR – Infants and Toddlers Extended IFSP Option Data

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 94.0%**	**Met – 94.0%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met – 72.9%** N = 133	**Not Met – 70.4%** N = 1,074
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Met – 80.5%** **N = 133**	**Not Met - 68.5%** N = 1,074

3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met – 78.2%** N = 135	**Not Met – 75.6%** N = 1,076
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Met – 72.6%** N = 135	**Not Met – 64.4%** N = 1,076
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met – 80.2%** N = 136	**Not Met – 71.3%** N = 1,073
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Met – 81.6%** N = 136	**Not Met – 69.5%** N = 1,073
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family understand my options in order to make the best choice for my child and family to continue services through an extended Individualized Family Service Plan or move to services through an Individualized Education Program.	**No Target Set - 91%** N = 917	**No Target Set - 93%** N = 932
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family support my child to be ready for school by assisting me to teach my child prereading activities (such as naming pictures) and pre-math activities (such as sorting household items).	**No Target Set - 91%** N = 872	**No Target Set - 92%** N = 885

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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

May 29, 2013

Dr. Carol A. Williamson
Superintendent
Queen Anne's County Board of Education
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). The OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through the review of the APR and other data sources, the 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 with disabilities and their families. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part C in early June 2013.

Consistent with 34 CFR §§303.702(a)(2) and 303.703(b), the MSDE is also required to make determinations annually on the performance of each Infants and Toddlers Program in the State using one of the following four categories to assign a determination status to each Infants and Toddlers Program: "Meets Requirements," "Needs Assistance," "Needs Improvement," and "Needs Substantial Intervention." The MSDE Division of Special Education/Early Intervention Services uses a results-based rubric on specific indicators to rate each public agency's performance in meeting the State's targets for FFY 2011. Attached is a document entitled, *Part C and Part B Public Agency Determinations* that lists the Part C indicators included in determination status. The MSDE carefully considers all aspects of this process. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, if any, the Queen Anne's County Infants and Toddlers Program has achieved the determination status of **Meets Requirements**.

To achieve a determination status of "Meets Requirements," the Queen Anne's County Infants and Toddlers Program has met or exceeds the State's target on at least 4 of 6 performance indicators (2, 4a, 4b, 4c, 5, and 6) and Natural Environment data (Indicator 2) are not significantly below the State's target. In addition, the Queen Anne's County Infants and Toddlers Program must demonstrate at least substantial compliance (at least 95.0%) for at least 4 of the 7 compliance

indicators (1, 7, 8a, 8b, 8c, 9, and 14), and demonstrates full compliance (100%) in at least 1 compliance indicator. Finally, all previously identified noncompliance, including fiscal noncompliance, has been corrected within one year of notification (Indicator 9).

Attached to this letter are copies of the following documents:

- *Annual Data on Part C SPP/APR Indicators; and*
- *Part C Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data on Part C SPP/APR Indicators* provides an analysis of the Queen Anne's County Infants and Toddlers Program data. The *Part C Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available to your local Infants and Toddlers Program.

As you know, the State must report annually to the public on the performance of each local Infants and Toddlers Program related to the targets in the SPP under the IDEA. The public may access the MSDE IDEA performance report at http://mdideareport.org. The requirement for public reporting on local Infants and Toddlers Program performance is a critical provision to ensure accountability focusing on improved results for infants and toddlers with disabilities and their families. The MSDE will continue to provide technical assistance opportunities as you work to continue to support positive performance under Part C of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any feedback on our past technical assistance efforts or the need for guidance, we would be happy to hear from you as we work to develop additional mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the Queen Anne's County Infants and Toddlers Program improving results for infants and toddlers with disabilities and their families. If you have any questions, would like to discuss this further, or request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DR:BMM
Attachments
c: Lillian M. Lowery, Ed.D.
Stephanie Johnson
Diane McGowan

May 14, 2013

Queen Anne's County Infants and Toddlers Program

Annual Data on Part C State Performance Plan (SPP) Priority Indicators

for the Period July 1, 2011 – June 30, 2012

Part C Annual SPP Performance Report								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
1	Timely Delivery of IFSP Services		100%	100%	Yes	Compliant. No required action.	98.4%	100%
2	Infants and Toddlers with IFSPs who receive services in natural environments		91.5%	100%	Yes	Data meet the State's target. No required action.	100%	100%
3A	Birth to 3 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	80.6%	50.0%	No	No required action. State target based on different methodology.	100%	74.1%
		2. Exits within age expectations	73.8%	63.6%	No		81.3%	87.5%
3B	Birth to 3 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	85.8%	33.3%	No	No required action. State target based on different methodology.	80.0%	80.0%
		2. Exits within age expectations	69.9%	48.5%	No		81.3%	79.2%
3C	Birth to 3 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	87.0%	56.5%	No	No required action. State target based on different methodology.	66.7%	87.5%
		2. Exits within age expectations	75.4%	63.6%	No		81.3%	79.2%
4A	Families who report EIS helped them know their rights		79.5%	100%	Yes	Data meet the State's target. No required action.	92.9%	100%
4B	Families who report EIS helped them communicate their child's needs		77.5%	97.6%	Yes	Data meet the State's target. No required action.	85.7%	97.6%
4C	Families who report EIS helped them help their children develop and learn		87.5%	100%	Yes	Data meet the State's target. No required action.	95.2%	100%
5	Children birth to one served as a percentage of the population birth to one		1.50%	1.73%	Yes	Data meet the State's target. No required action.	1.45%	1.53%
6	Children birth to three served as a percentage of the population birth to 3		2.88%	4.21%	Yes	Data meet the State's target. No required action.	4.36%	3.87%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral		100%	100%	Yes	Compliant. No required action.	100%	100%

Part C Annual SPP Performance Report							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
8A	**Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday**	100%	100%	Yes	Compliant. No required action.	100%	100%
8B	**Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday**	100%	100%	Yes	Compliant. No required action.	100%	100%
8C	**Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday**	100%	100%	Yes	Compliant. No required action.	100%	100%
9	**Timely correction of noncompliance**	100%	100%	Yes	Compliant. No required action.	100%	100%
14	**Submission of timely and accurate data**	100%	91.7%	No	Submit all data, including programmatic and fiscal reports, in a timely and accurate manner.	100%	91.7%

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act of 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education Program's (OSEP) State Performance Plans. Annually, the 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 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, the OSEP requires states to 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 should 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 June 12, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on the OSEP's identification of the MSDE's determination status, special conditions, and other enforcements, as applicable.

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 results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to 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 call, 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 C.F.R. §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 C.F.R. §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 the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the 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 the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Part C
Local Determination Scoring Criteria
FFY 2011 / SFY 2011 (July 1, 2011-June 30, 2012)

Meets Requirements

Performance/Results Indicators

LITP met State target for at least four* performance indicators**.

AND

Data for Indicator 2 (Natural Environments) is not significantly below the target.

AND

Compliance Indicators

LITP demonstrated substantial compliance[1] in at least five of the six compliance indicators (1, 7, 8a, 8b, 8c, and 14), and data is not below 85%** in indicators 1, 7, 8a, 8b, or 8c.

AND

LITP demonstrated full compliance (100%) in at least 2 compliance indicators (1, 7, 8a, 8b, 8c, and 14)

AND

LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year (Indicator 9).

*This requirement for Meets Requirements was increased from two to four (of six total) performance indicators in FFY 2011.
**This percentage will not be used as criteria for jurisdictions where noncompliance for 1 child accounts for over 15% of the data. One child may not be considered a systemic issue.

Needs Assistance

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrates substantial compliance in at least three of the six compliance indicators.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the target in any

[1] Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (generally 95% or better).

performance indicator, but demonstrated substantial compliance in at least three of the six compliance indicators, and was not significantly below the target in any compliance indicator.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 15 months of identification.

Needs Intervention

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrated substantial compliance in at least one compliance indicator.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the State target in any performance indicator, and demonstrated substantial compliance in at least two compliance indicators.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 24 months.

Needs Substantial Intervention

LITP demonstrated continued failure to make progress in correcting all previously identified noncompliance and completing all corrective actions for two or more years from the date of identification.

AND

LITP 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

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

Part C Local Determination
Framework for Technical Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C indicators defined in the Office of Special Education's (OSEP) State Performance Plans. The 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 determinations to each local Infants and Toddlers Program (LITP). Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each LITP's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. While it is MSDE's preference to work with each LITP in a collaborative manner to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

Regulatory Requirements

13A.13.02.04

F. Supervision, Monitoring, and Enforcement.

(1) The Maryland Infants and Toddlers Program shall collaborate with State agencies identified in the State Interagency Agreement to monitor programs and activities of the State to implement Part C of the Act, including:

(a) Supervising and monitoring local lead agencies, institutions, organizations, and EIS providers, in accordance with 34 CFR §303.120(a);

(b) Providing technical assistance to those local lead agencies, institutions, organizations, and EIS providers;

(c) Enforcing obligations imposed on those local lead agencies, institutions,-organizations, and EIS providers;

(d) Correcting deficiencies that are identified through monitoring.

(e) Correcting noncompliance identified through monitoring as soon as possible and in no case later than one year after the identification of the noncompliance; and

(f) Conducting the activities in paragraphs (a) through (e) of this subsection, consistent with 34 CFR §303.700 – 303.707 to:

(i) Make determinations annually about the performance of each local EIS program using the categories identified in 34 CFR §303.703(b);

(ii) Use appropriate mechanisms to enforce the requirements of Part C of the Act consistent with 34 CFR §303.704 and COMAR 13A.05.02.07; and

(iii) Report annually on the performance of the State and of each local EIS program, in accordance with 34 CFR §303.702.

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LITP. 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 an LITP.

MSDE will identify:
- What needs to change;
- How frequently and in what manner the LITP reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, LITPs 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 LITPs by telephone, fax, email, mail, or in-person. To enable an LITP to improve performance and meet compliance, available assistance may include, but is not limited to MSDE assisting an LITP to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and 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 and best practices;
- 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;
- Identify additional sources of information, resources and support;
- 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; and
- Use evaluative measures to validate progress and correction of previous noncompliance.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the LITP's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects an LITP's 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 C," MSDE will direct LITPs 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 an LITP, MSDE may determine that an LITP 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 system of general supervision to include:
    - Local system for collecting, tracking and reporting data on Performance/Results and Compliance Indicators;
    - Policies, procedures, and effective practices;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Technical Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of the local system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- Identification of an LITP as a high risk grantee if an LITP is in the category of Needs Intervention for 2 years; and
- Required 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/results and compliance. Assistance is needed in multiple performance/results 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 C funds;
- Withhold or reduce Part C funds pending completion of the corrective actions;

- Withhold or reduce State funds for early intervention 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 LITP's early intervention 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 an LITP shall be met, consistent with 20 U.S.C. §1413(c) and (d).

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Timely Services	100% of infants and toddlers with IFSPs will receive the early intervention services on their IFSP in a timely manner (30-day timeline) (Compliance Indicator) Indicator includes data on children in the Extended IFSP Option	**Not Met – 96.7%** Substantial Compliance Met	**Not Met – 97.7%** Substantial Compliance Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 96.3%**	**Met – 97.1%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met - 76.0%** N = 2,118	**Not Met – 70.1%** N = 4,412
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Not Met - 68.8%** N = 2,118	**Not Met – 65.3%** N = 4,412
3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met - 80.8%** N = 2,139	**Not Met – 74.1%** N = 4,416
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Not Met - 64.1%** N = 2,139	**Not Met – 60.5%** N = 4,416
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met - 81.6%** N = 2,136	**Not Met – 72.9%** N = 4,415
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Not Met - 70.9%** N = 2,136	**Not Met – 63.5%** N = 4,415

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4a	Family Outcomes	79.5% of families participating in Part C will report that early intervention services have helped the family: know their rights (Results Indicator) Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,474 39.7% Response Rate	**Met – 94.9%** N=3,940 46.7% Response Rate
4b	Family Outcomes	77.5% of families participating in Part C will report that early intervention services have helped the family: communicate their children's needs Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,345 39.7% Response Rate	**Met – 94.7%** N=3,814 46.7% Response Rate
4c	Family Outcomes	87.5% of families participating in Part C will report that early intervention services have helped the family: help their children learn and develop Indicator includes data on children in the Extended IFSP Option	**Met – 94%** N=3,329 39.7% Response Rate	**Met – 95.2%** N=3,804 46.7% Response Rate
5	Child Find Birth to One	1.5% of the State's birth-to-one resident population will be served. (Results Indicator)	**Met – 1.59%**	**Not Met – 1.48%**
6	Child Find Birth to Three	2.95% of the State's birth-to-three resident population will be served. (Results Indicator)	**Met – 3.54%**	**Met – 3.39%**
7	45-Day Timeline	100% of eligible infants and toddlers will have an evaluation/assessment and an initial IFSP meeting conducted within Part C's 45-Day Timeline (Compliance Indicator)	**Not Met – 98.2%** Substantial Compliance Met	**Not Met – 98.7%** Substantial Compliance Met
8a	Early Childhood Transition - IFSPs with transition steps and services	100% of all children exiting Part C will have IFSPs with transition steps and services (Compliance Indicator)	**Not Met – 99.8%** Substantial Compliance Met	**Met – 100%**
8b	Early Childhood Transition – Notification to LEA	LEAs will be notified of 100% of all children potentially eligible for Part B	**Met – 100%**	**Met – 100%**
8c	Early Childhood Transition – Transition Planning Meeting	100% of all children exiting Part C will have timely Transition Planning Meetings	**Not Met – 99.4%** Substantial Compliance Met	**Not Met – 99.1%** Substantial Compliance Met
9	Identification and Correction of Noncompliance	100% of all findings of noncompliance will be corrected within 1 year of notification (Compliance Indicator)	**Met – 100%**	**Not Met – 99.8%** Substantial Compliance Met

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Complaint Timelines	100% of signed written reports will be resolved within the 60-Day Timeline (Compliance Indicator)	**Met – 100%**	**Not required to report in FFY 2011 APR**
11	Due Process Timelines	100% of fully adjudicated due process hearing requests will be fully adjudicated within timeline (Compliance Indicator)	**NA – only request withdrawn prior to adjudication**	**Not required to report in FFY 2011 APR**
12	Hearing Requests Resolved by Resolution	100% of hearing requests that went to resolution sessions were resolved through resolution sessions (Compliance Indicator)	**NA – none held**	**NA – none held**
13	Mediation Agreements	100% of mediations will result in mediation agreements (Compliance Indicator)	**NA – fewer than 10**	**NA – fewer than 10**
14	State Reported Data	100% of State reported 618 data and annual performance reports are accurate and submitted on or before due dates (Compliance Indicator)	**Met – 100%**	**Met – 100%**

FFY 2011 APR – Infants and Toddlers Extended IFSP Option Data

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 94.0%**	**Met – 94.0%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met – 72.9%** N = 133	**Not Met – 70.4%** N = 1,074
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Met – 80.5%** **N = 133**	**Not Met - 68.5%** N = 1,074

3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met – 78.2%** N = 135	**Not Met – 75.6%** N = 1,076
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Met – 72.6%** N = 135	**Not Met – 64.4%** N = 1,076
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met – 80.2%** N = 136	**Not Met – 71.3%** N = 1,073
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Met – 81.6%** N = 136	**Not Met – 69.5%** N = 1,073
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family understand my options in order to make the best choice for my child and family to continue services through an extended Individualized Family Service Plan or move to services through an Individualized Education Program.	**No Target Set - 91%** N = 917	**No Target Set - 93%** N = 932
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family support my child to be ready for school by assisting me to teach my child prereading activities (such as naming pictures) and pre-math activities (such as sorting household items).	**No Target Set - 91%** N = 872	**No Target Set - 92%** N = 885

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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

May 29, 2013

Dr. Meenakshi Brewester
Health Officer
St. Mary's County Health Department
21580 Peabody Street
Leonardtown, MD 20650

Dear Dr. Brewster:

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). The OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through the review of the APR and other data sources, the 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 with disabilities and their families. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part C in early June 2013.

Consistent with 34 CFR §§303.702(a)(2) and 303.703(b), the MSDE is also required to make determinations annually on the performance of each Infants and Toddlers Program in the State using one of the following four categories to assign a determination status to each Infants and Toddlers Program: "Meets Requirements," "Needs Assistance," "Needs Improvement," and "Needs Substantial Intervention." The MSDE Division of Special Education/Early Intervention Services uses a results-based rubric on specific indicators to rate each public agency's performance in meeting the State's targets for FFY 2011. Attached is a document entitled, *Part C and Part B Public Agency Determinations* that lists the Part C indicators included in determination status. The MSDE carefully considers all aspects of this process. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, if any, the St. Mary's County Infants and Toddlers Program has achieved the determination status of **Meets Requirements**.

To achieve a determination status of "Meets Requirements," the St. Mary's County Infants and Toddlers Program has met or exceeds the State's target on at least 4 of 6 performance indicators (2, 4a, 4b, 4c, 5, and 6) and Natural Environment data (Indicator 2) are not significantly below the State's target. In addition, the St. Mary's County Infants and Toddlers Program must demonstrate at least substantial compliance (at least 95.0%) for at least 4 of the 7 compliance indicators (1, 7, 8a, 8b, 8c, 9, and 14), and demonstrates full compliance (100%) in at least 1 compliance indicator. Finally,

all previously identified noncompliance, including fiscal noncompliance, has been corrected within one year of notification (Indicator 9).

Attached to this letter are copies of the following documents:

- *Annual Data on Part C SPP/APR Indicators; and*
- *Part C Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data on Part C SPP/APR Indicators* provides an analysis of the St. Mary's County Infants and Toddlers Program data. The *Part C Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available to your local Infants and Toddlers Program.

As you know, the State must report annually to the public on the performance of each local Infants and Toddlers Program related to the targets in the SPP under the IDEA. The public may access the MSDE IDEA performance report at http://mdideareport.org. The requirement for public reporting on local Infants and Toddlers Program performance is a critical provision to ensure accountability focusing on improved results for infants and toddlers with disabilities and their families. The MSDE will continue to provide technical assistance opportunities as you work to continue to support positive performance under Part C of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any feedback on our past technical assistance efforts or the need for guidance, we would be happy to hear from you as we work to develop additional mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the St. Mary's County Infants and Toddlers Program improving results for infants and toddlers with disabilities and their families. If you have any questions, would like to discuss this further, or request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DR:BMM
Attachments

c: Lillian M. Lowery, Ed.D.
Melissa Charbonnet
Anita Stevens

May 14, 2013
St. Mary's County Infants and Toddlers Program
Annual Data on Part C State Performance Plan (SPP) Priority Indicators
for the Period July 1, 2011 – June 30, 2012

Part C Annual SPP Performance Report								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
1	Timely Delivery of IFSP Services		100%	95.5%	No	Correction has been verified.	99.1%	98.6%
2	Infants and Toddlers with IFSPs who receive services in natural environments		91.5%	100%	Yes	Data meet the State's target. No required action.	91.5%	95.0%
3A	Birth to 3 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	80.6%	70.9%	No	No required action. State target based on different methodology.	77.3%	83.9%
		2. Exits within age expectations	73.8%	69.1%	No		83.0%	75.9%
3B	Birth to 3 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	85.8%	76.3%	No	No required action. State target based on different methodology.	85.3%	95.2%
		2. Exits within age expectations	69.9%	59.8%	No		76.6%	75.9%
3C	Birth to 3 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	87.0%	73.2%	No	No required action. State target based on different methodology.	89.3%	91.2%
		2. Exits within age expectations	75.4%	63.9%	No		83.0%	75.5%
4A	Families who report EIS helped them know their rights		79.5%	93.7%	Yes	Data meet the State's target. No required action.	83.1%	97.2%
4B	Families who report EIS helped them communicate their child's needs		77.5%	91.0%	Yes	Data meet the State's target. No required action.	80.7%	95.8%
4C	Families who report EIS helped them help their children develop and learn		87.5%	93.3%	Yes	Data meet the State's target. No required action.	90.4%	97.1%
5	Children birth to one served as a percentage of the population birth to one		1.50%	1.23%	No	Data do not meet the State target. Continue Improvement Activities.	1.23%	0.69%
6	Children birth to three served as a percentage of the population birth to 3		2.88%	2.58%	No	Data do not meet the State target. Continue Improvement Activities.	2.83%	2.69%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral		100%	100%	Yes	Compliant. No required action.	99.1%	100%

Part C Annual SPP Performance Report							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Yes	Compliant. No required action.	98.2%	100%
9	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	100%	100%
14	Submission of timely and accurate data	100%	91.7%	No	Submit all data, including programmatic and fiscal reports, in a timely and accurate manner.	100%	91.7%

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act of 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education Program's (OSEP) State Performance Plans. Annually, the 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 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, the OSEP requires states to 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 should 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 June 12, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on the OSEP's identification of the MSDE's determination status, special conditions, and other enforcements, as applicable.

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 results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to 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 call, 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 C.F.R. §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 C.F.R. §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 the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the 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 the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Part C
Local Determination Scoring Criteria
FFY 2011 / SFY 2011 (July 1, 2011-June 30, 2012)

Meets Requirements

Performance/Results Indicators

LITP met State target for at least four* performance indicators**.

AND

Data for Indicator 2 (Natural Environments) is not significantly below the target.

AND

Compliance Indicators

LITP demonstrated substantial compliance[1] in at least five of the six compliance indicators (1, 7, 8a, 8b, 8c, and 14), and data is not below 85%** in indicators 1, 7, 8a, 8b, or 8c.

AND

LITP demonstrated full compliance (100%) in at least 2 compliance indicators (1, 7, 8a, 8b, 8c, and 14)

AND

LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year (Indicator 9).

*This requirement for Meets Requirements was increased from two to four (of six total) performance indicators in FFY 2011.
**This percentage will not be used as criteria for jurisdictions where noncompliance for 1 child accounts for over 15% of the data. One child may not be considered a systemic issue.

Needs Assistance

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrates substantial compliance in at least three of the six compliance indicators.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the target in any

[1] Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (generally 95% or better).

performance indicator, but demonstrated substantial compliance in at least three of the six compliance indicators, and was not significantly below the target in any compliance indicator.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 15 months of identification.

Needs Intervention

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrated substantial compliance in at least one compliance indicator.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the State target in any performance indicator, and demonstrated substantial compliance in at least two compliance indicators.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 24 months.

Needs Substantial Intervention

LITP demonstrated continued failure to make progress in correcting all previously identified noncompliance and completing all corrective actions for two or more years from the date of identification.

AND

LITP 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

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

Part C Local Determination
Framework for Technical Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C indicators defined in the Office of Special Education's (OSEP) State Performance Plans. The 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 determinations to each local Infants and Toddlers Program (LITP). Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each LITP's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. While it is MSDE's preference to work with each LITP in a collaborative manner to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

Regulatory Requirements

13A.13.02.04

F. Supervision, Monitoring, and Enforcement.

(1) The Maryland Infants and Toddlers Program shall collaborate with State agencies identified in the State Interagency Agreement to monitor programs and activities of the State to implement Part C of the Act, including:

(a) Supervising and monitoring local lead agencies, institutions, organizations, and EIS providers, in accordance with 34 CFR §303.120(a);

(b) Providing technical assistance to those local lead agencies, institutions, organizations, and EIS providers;

(c) Enforcing obligations imposed on those local lead agencies, institutions,-organizations, and EIS providers;

(d) Correcting deficiencies that are identified through monitoring.

(e) Correcting noncompliance identified through monitoring as soon as possible and in no case later than one year after the identification of the noncompliance; and

(f) Conducting the activities in paragraphs (a) through (e) of this subsection, consistent with 34 CFR §303.700 – 303.707 to:

(i) Make determinations annually about the performance of each local EIS program using the categories identified in 34 CFR §303.703(b);

(ii) Use appropriate mechanisms to enforce the requirements of Part C of the Act consistent with 34 CFR §303.704 and COMAR 13A.05.02.07; and

(iii) Report annually on the performance of the State and of each local EIS program, in accordance with 34 CFR §303.702.

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LITP. 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 an LITP.

MSDE will identify:
- What needs to change;
- How frequently and in what manner the LITP reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, LITPs 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 LITPs by telephone, fax, email, mail, or in-person. To enable an LITP to improve performance and meet compliance, available assistance may include, but is not limited to MSDE assisting an LITP to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and 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 and best practices;
- 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;
- Identify additional sources of information, resources and support;
- 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; and
- Use evaluative measures to validate progress and correction of previous noncompliance.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the LITP's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects an LITP's 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 C," MSDE will direct LITPs 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 an LITP, MSDE may determine that an LITP 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 system of general supervision to include:
    - Local system for collecting, tracking and reporting data on Performance/Results and Compliance Indicators;
    - Policies, procedures, and effective practices;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Technical Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of the local system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- Identification of an LITP as a high risk grantee if an LITP is in the category of Needs Intervention for 2 years; and
- Required 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/results and compliance. Assistance is needed in multiple performance/results 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 C funds;
- Withhold or reduce Part C funds pending completion of the corrective actions;

- Withhold or reduce State funds for early intervention 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 LITP's early intervention 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 an LITP shall be met, consistent with 20 U.S.C. §1413(c) and (d).

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Timely Services	100% of infants and toddlers with IFSPs will receive the early intervention services on their IFSP in a timely manner (30-day timeline) (Compliance Indicator) Indicator includes data on children in the Extended IFSP Option	**Not Met – 96.7%** Substantial Compliance Met	**Not Met – 97.7%** Substantial Compliance Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 96.3%**	**Met – 97.1%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met - 76.0%** N = 2,118	**Not Met – 70.1%** N = 4,412
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Not Met - 68.8%** N = 2,118	**Not Met – 65.3%** N = 4,412
3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met - 80.8%** N = 2,139	**Not Met – 74.1%** N = 4,416
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Not Met - 64.1%** N = 2,139	**Not Met – 60.5%** N = 4,416
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met - 81.6%** N = 2,136	**Not Met – 72.9%** N = 4,415
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Not Met - 70.9%** N = 2,136	**Not Met – 63.5%** N = 4,415

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4a	Family Outcomes	79.5% of families participating in Part C will report that early intervention services have helped the family: know their rights (Results Indicator) Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,474 39.7% Response Rate	**Met – 94.9%** N=3,940 46.7% Response Rate
4b	Family Outcomes	77.5% of families participating in Part C will report that early intervention services have helped the family: communicate their children's needs Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,345 39.7% Response Rate	**Met – 94.7%** N=3,814 46.7% Response Rate
4c	Family Outcomes	87.5% of families participating in Part C will report that early intervention services have helped the family: help their children learn and develop Indicator includes data on children in the Extended IFSP Option	**Met – 94%** N=3,329 39.7% Response Rate	**Met – 95.2%** N=3,804 46.7% Response Rate
5	Child Find Birth to One	1.5% of the State's birth-to-one resident population will be served. (Results Indicator)	**Met – 1.59%**	**Not Met – 1.48%**
6	Child Find Birth to Three	2.95% of the State's birth-to-three resident population will be served. (Results Indicator)	**Met – 3.54%**	**Met – 3.39%**
7	45-Day Timeline	100% of eligible infants and toddlers will have an evaluation/assessment and an initial IFSP meeting conducted within Part C's 45-Day Timeline (Compliance Indicator)	**Not Met – 98.2%** Substantial Compliance Met	**Not Met – 98.7%** Substantial Compliance Met
8a	Early Childhood Transition - IFSPs with transition steps and services	100% of all children exiting Part C will have IFSPs with transition steps and services (Compliance Indicator)	**Not Met – 99.8%** Substantial Compliance Met	**Met – 100%**
8b	Early Childhood Transition – Notification to LEA	LEAs will be notified of 100% of all children potentially eligible for Part B	**Met – 100%**	**Met – 100%**
8c	Early Childhood Transition – Transition Planning Meeting	100% of all children exiting Part C will have timely Transition Planning Meetings	**Not Met – 99.4%** Substantial Compliance Met	**Not Met – 99.1%** Substantial Compliance Met
9	Identification and Correction of Noncompliance	100% of all findings of noncompliance will be corrected within 1 year of notification (Compliance Indicator)	**Met – 100%**	**Not Met – 99.8%** Substantial Compliance Met

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Complaint Timelines	100% of signed written reports will be resolved within the 60-Day Timeline (Compliance Indicator)	**Met – 100%**	**Not required to report in FFY 2011 APR**
11	Due Process Timelines	100% of fully adjudicated due process hearing requests will be fully adjudicated within timeline (Compliance Indicator)	**NA – only request withdrawn prior to adjudication**	**Not required to report in FFY 2011 APR**
12	Hearing Requests Resolved by Resolution	100% of hearing requests that went to resolution sessions were resolved through resolution sessions (Compliance Indicator)	**NA – none held**	**NA – none held**
13	Mediation Agreements	100% of mediations will result in mediation agreements (Compliance Indicator)	**NA – fewer than 10**	**NA – fewer than 10**
14	State Reported Data	100% of State reported 618 data and annual performance reports are accurate and submitted on or before due dates (Compliance Indicator)	**Met – 100%**	**Met – 100%**

FFY 2011 APR – Infants and Toddlers Extended IFSP Option Data

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 94.0%**	**Met – 94.0%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met – 72.9%** N = 133	**Not Met – 70.4%** N = 1,074
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Met – 80.5%** **N = 133**	**Not Met - 68.5%** N = 1,074

3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met – 78.2%** N = 135	**Not Met – 75.6%** N = 1,076
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Met – 72.6%** N = 135	**Not Met – 64.4%** N = 1,076
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met – 80.2%** N = 136	**Not Met – 71.3%** N = 1,073
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Met – 81.6%** N = 136	**Not Met – 69.5%** N = 1,073
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family understand my options in order to make the best choice for my child and family to continue services through an extended Individualized Family Service Plan or move to services through an Individualized Education Program.	**No Target Set - 91%** N = 917	**No Target Set - 93%** N = 932
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family support my child to be ready for school by assisting me to teach my child prereading activities (such as naming pictures) and pre-math activities (such as sorting household items).	**No Target Set - 91%** N = 872	**No Target Set - 92%** N = 885

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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

May 29, 2013

Dr. Marjorie B. Miles
Superintendent
Somerset County Board of Education
7982-A Tawes Campus Drive
Westover, MD 21871

Dear Dr. Miles:

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). The OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through the review of the APR and other data sources, the 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 with disabilities and their families. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part C in early June 2013.

Consistent with 34 CFR §§303.702(a)(2) and 303.703(b), the MSDE is also required to make determinations annually on the performance of each Infants and Toddlers Program in the State using one of the following four categories to assign a determination status to each Infants and Toddlers Program: "Meets Requirements," "Needs Assistance," "Needs Improvement," and "Needs Substantial Intervention." The MSDE Division of Special Education/Early Intervention Services uses a results-based rubric on specific indicators to rate each public agency's performance in meeting the State's targets for FFY 2011. Attached is a document entitled, *Part C and Part B Public Agency Determinations* that lists the Part C indicators included in determination status. The MSDE carefully considers all aspects of this process. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, if any, the Somerset County Infants and Toddlers Program has achieved the determination status of **Meets Requirements**.

To achieve a determination status of "Meets Requirements," the Somerset County Infants and Toddlers Program has met or exceeds the State's target on at least 4 of 6 performance indicators (2, 4a, 4b, 4c, 5, and 6) and Natural Environment data (Indicator 2) are not significantly below the State's target. In addition, the Somerset County Infants and Toddlers Program must demonstrate at least substantial compliance (at least 95.0%) for at least 4 of the 7 compliance indicators (1, 7, 8a, 8b, 8c, 9, and 14), and demonstrates full compliance (100%) in at least 1 compliance indicator.

Finally, all previously identified noncompliance, including fiscal noncompliance, has been corrected within one year of notification (Indicator 9).

Attached to this letter are copies of the following documents:
- *Annual Data on Part C SPP/APR Indicators; and*
- *Part C Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data on Part C SPP/APR Indicators* provides an analysis of the Somerset County Infants and Toddlers Program data. The *Part C Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available to your local Infants and Toddlers Program.

As you know, the State must report annually to the public on the performance of each local Infants and Toddlers Program related to the targets in the SPP under the IDEA. The public may access the MSDE IDEA performance report at http://mdideareport.org. The requirement for public reporting on local Infants and Toddlers Program performance is a critical provision to ensure accountability focusing on improved results for infants and toddlers with disabilities and their families. The MSDE will continue to provide technical assistance opportunities as you work to continue to support positive performance under Part C of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any feedback on our past technical assistance efforts or the need for guidance, we would be happy to hear from you as we work to develop additional mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the Somerset County Infants and Toddlers Program improving results for infants and toddlers with disabilities and their families. If you have any questions, would like to discuss this further, or request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DR:BMM

Attachments

c: Lillian M. Lowery, Ed.D.
Lynette Johnson

May 14, 2013
Somerset County Infants and Toddlers Program
Annual Data on Part C State Performance Plan (SPP) Priority Indicators
for the Period July 1, 2011 – June 30, 2012

Part C Annual SPP Performance Report								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
1	Timely Delivery of IFSP Services		100%	87.5%	No	Correction has been verified.	92.9%	100%
2	Infants and Toddlers with IFSPs who receive services in natural environments		91.5%	100%	Yes	Data meet the State's target. No required action.	100%	94.7%
3A	Birth to 3 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	80.6%	50.0%	No	No required action. State target based on different methodology.	100%	33.3%
		2. Exits within age expectations	73.8%	80.0%	Yes		66.7%	50.0%
3B	Birth to 3 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	85.8%	33.3%	No	No required action. State target based on different methodology.	100%	62.5%
		2. Exits within age expectations	69.9%	40.0%	No		33.3%	45.5%
3C	Birth to 3 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	87.0%	50.0%	No	No required action. State target based on different methodology.	0.0%	62.5%
		2. Exits within age expectations	75.4%	80.0%	Yes		66.7%	63.6%
4A	Families who report EIS helped them know their rights		79.5%	100%	Yes	Data meet the State's target. No required action.	50.0%	^
4B	Families who report EIS helped them communicate their child's needs		77.5%	100%	Yes	Data meet the State's target. No required action.	50.0%	^
4C	Families who report EIS helped them help their children develop and learn		87.5%	100%	Yes	Data meet the State's target. No required action.	50.0%	^
5	Children birth to one served as a percentage of the population birth to one		1.50%	0.00%	No	Data do not meet the State target. Continue Improvement Activities.	0.73%	0.40%
6	Children birth to three served as a percentage of the population birth to 3		2.88%	0.90%	No	Data do not meet the State target. Continue Improvement Activities.	1.70%	2.40%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral		100%	100%	Yes	Compliant. No required action.	100%	66.7%

^ No data provided.

Part C Annual SPP Performance Report							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Yes	Compliant. No required action.	90.0%	81.8%
9	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	100%	100%
14	Submission of timely and accurate data	100%	91.7%	No	Submit all data, including programmatic and fiscal reports, in a timely and accurate manner.	83.3%	75.0%

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act of 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education Program's (OSEP) State Performance Plans. Annually, the 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 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, the OSEP requires states to 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 should 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 June 12, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on the OSEP's identification of the MSDE's determination status, special conditions, and other enforcements, as applicable.

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 results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to 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 call, 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 C.F.R. §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 C.F.R. §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 the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the 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 the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Part C
Local Determination Scoring Criteria
FFY 2011 / SFY 2011 (July 1, 2011-June 30, 2012)

Meets Requirements

Performance/Results Indicators

LITP met State target for at least four* performance indicators**.

AND

Data for Indicator 2 (Natural Environments) is not significantly below the target.

AND

Compliance Indicators

LITP demonstrated substantial compliance[1] in at least five of the six compliance indicators (1, 7, 8a, 8b, 8c, and 14), and data is not below 85%** in indicators 1, 7, 8a, 8b, or 8c.

AND

LITP demonstrated full compliance (100%) in at least 2 compliance indicators (1, 7, 8a, 8b, 8c, and 14)

AND

LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year (Indicator 9).

*This requirement for Meets Requirements was increased from two to four (of six total) performance indicators in FFY 2011.
**This percentage will not be used as criteria for jurisdictions where noncompliance for 1 child accounts for over 15% of the data. One child may not be considered a systemic issue.

Needs Assistance

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrates substantial compliance in at least three of the six compliance indicators.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the target in any

[1] Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (generally 95% or better).

performance indicator, but demonstrated substantial compliance in at least three of the six compliance indicators, and was not significantly below the target in any compliance indicator.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 15 months of identification.

Needs Intervention

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrated substantial compliance in at least one compliance indicator.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the State target in any performance indicator, and demonstrated substantial compliance in at least two compliance indicators.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 24 months.

Needs Substantial Intervention

LITP demonstrated continued failure to make progress in correcting all previously identified noncompliance and completing all corrective actions for two or more years from the date of identification.

AND

LITP 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

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

Part C Local Determination
Framework for Technical Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C indicators defined in the Office of Special Education's (OSEP) State Performance Plans. The 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 determinations to each local Infants and Toddlers Program (LITP). Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each LITP's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. While it is MSDE's preference to work with each LITP in a collaborative manner to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

Regulatory Requirements

13A.13.02.04

F. Supervision, Monitoring, and Enforcement.

(1) The Maryland Infants and Toddlers Program shall collaborate with State agencies identified in the State Interagency Agreement to monitor programs and activities of the State to implement Part C of the Act, including:

(a) Supervising and monitoring local lead agencies, institutions, organizations, and EIS providers, in accordance with 34 CFR §303.120(a);

(b) Providing technical assistance to those local lead agencies, institutions, organizations, and EIS providers;

(c) Enforcing obligations imposed on those local lead agencies, institutions,-organizations, and EIS providers;

(d) Correcting deficiencies that are identified through monitoring.

(e) Correcting noncompliance identified through monitoring as soon as possible and in no case later than one year after the identification of the noncompliance; and

(f) Conducting the activities in paragraphs (a) through (e) of this subsection, consistent with 34 CFR §303.700 – 303.707 to:

(i) Make determinations annually about the performance of each local EIS program using the categories identified in 34 CFR §303.703(b);

(ii) Use appropriate mechanisms to enforce the requirements of Part C of the Act consistent with 34 CFR §303.704 and COMAR 13A.05.02.07; and

(iii) Report annually on the performance of the State and of each local EIS program, in accordance with 34 CFR §303.702.

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LITP. 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 an LITP.

MSDE will identify:
- What needs to change;
- How frequently and in what manner the LITP reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, LITPs 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 LITPs by telephone, fax, email, mail, or in-person. To enable an LITP to improve performance and meet compliance, available assistance may include, but is not limited to MSDE assisting an LITP to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and 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 and best practices;
- 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;
- Identify additional sources of information, resources and support;
- 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; and
- Use evaluative measures to validate progress and correction of previous noncompliance.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the LITP's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects an LITP's 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 C," MSDE will direct LITPs 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 an LITP, MSDE may determine that an LITP 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 system of general supervision to include:
    - Local system for collecting, tracking and reporting data on Performance/Results and Compliance Indicators;
    - Policies, procedures, and effective practices;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Technical Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of the local system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- Identification of an LITP as a high risk grantee if an LITP is in the category of Needs Intervention for 2 years; and
- Required 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/results and compliance. Assistance is needed in multiple performance/results 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 C funds;
- Withhold or reduce Part C funds pending completion of the corrective actions;

- Withhold or reduce State funds for early intervention 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 LITP's early intervention 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 an LITP shall be met, consistent with 20 U.S.C. §1413(c) and (d).

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Timely Services	100% of infants and toddlers with IFSPs will receive the early intervention services on their IFSP in a timely manner (30-day timeline) (Compliance Indicator) Indicator includes data on children in the Extended IFSP Option	**Not Met – 96.7%** Substantial Compliance Met	**Not Met – 97.7%** Substantial Compliance Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 96.3%**	**Met – 97.1%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met - 76.0%** N = 2,118	**Not Met – 70.1%** N = 4,412
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Not Met - 68.8%** N = 2,118	**Not Met – 65.3%** N = 4,412
3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met - 80.8%** N = 2,139	**Not Met – 74.1%** N = 4,416
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Not Met - 64.1%** N = 2,139	**Not Met – 60.5%** N = 4,416
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met - 81.6%** N = 2,136	**Not Met – 72.9%** N = 4,415
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Not Met - 70.9%** N = 2,136	**Not Met – 63.5%** N = 4,415

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4a	Family Outcomes	79.5% of families participating in Part C will report that early intervention services have helped the family: know their rights (Results Indicator) Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,474 39.7% Response Rate	**Met – 94.9%** N=3,940 46.7% Response Rate
4b	Family Outcomes	77.5% of families participating in Part C will report that early intervention services have helped the family: communicate their children's needs Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,345 39.7% Response Rate	**Met – 94.7%** N=3,814 46.7% Response Rate
4c	Family Outcomes	87.5% of families participating in Part C will report that early intervention services have helped the family: help their children learn and develop Indicator includes data on children in the Extended IFSP Option	**Met – 94%** N=3,329 39.7% Response Rate	**Met – 95.2%** N=3,804 46.7% Response Rate
5	Child Find Birth to One	1.5% of the State's birth-to-one resident population will be served. (Results Indicator)	**Met – 1.59%**	**Not Met – 1.48%**
6	Child Find Birth to Three	2.95% of the State's birth-to-three resident population will be served. (Results Indicator)	**Met – 3.54%**	**Met – 3.39%**
7	45-Day Timeline	100% of eligible infants and toddlers will have an evaluation/assessment and an initial IFSP meeting conducted within Part C's 45-Day Timeline (Compliance Indicator)	**Not Met – 98.2%** Substantial Compliance Met	**Not Met – 98.7%** Substantial Compliance Met
8a	Early Childhood Transition - IFSPs with transition steps and services	100% of all children exiting Part C will have IFSPs with transition steps and services (Compliance Indicator)	**Not Met – 99.8%** Substantial Compliance Met	**Met – 100%**
8b	Early Childhood Transition – Notification to LEA	LEAs will be notified of 100% of all children potentially eligible for Part B	**Met – 100%**	**Met – 100%**
8c	Early Childhood Transition – Transition Planning Meeting	100% of all children exiting Part C will have timely Transition Planning Meetings	**Not Met – 99.4%** Substantial Compliance Met	**Not Met – 99.1%** Substantial Compliance Met
9	Identification and Correction of Noncompliance	100% of all findings of noncompliance will be corrected within 1 year of notification (Compliance Indicator)	**Met – 100%**	**Not Met – 99.8%** Substantial Compliance Met

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Complaint Timelines	100% of signed written reports will be resolved within the 60-Day Timeline (Compliance Indicator)	**Met – 100%**	**Not required to report in FFY 2011 APR**
11	Due Process Timelines	100% of fully adjudicated due process hearing requests will be fully adjudicated within timeline (Compliance Indicator)	**NA – only request withdrawn prior to adjudication**	**Not required to report in FFY 2011 APR**
12	Hearing Requests Resolved by Resolution	100% of hearing requests that went to resolution sessions were resolved through resolution sessions (Compliance Indicator)	**NA – none held**	**NA – none held**
13	Mediation Agreements	100% of mediations will result in mediation agreements (Compliance Indicator)	**NA – fewer than 10**	**NA – fewer than 10**
14	State Reported Data	100% of State reported 618 data and annual performance reports are accurate and submitted on or before due dates (Compliance Indicator)	**Met – 100%**	**Met – 100%**

FFY 2011 APR – Infants and Toddlers Extended IFSP Option Data

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 94.0%**	**Met – 94.0%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met – 72.9%** N = 133	**Not Met – 70.4%** N = 1,074
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Met – 80.5%** **N = 133**	**Not Met - 68.5%** N = 1,074

3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met – 78.2%** N = 135	**Not Met – 75.6%** N = 1,076
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Met – 72.6%** N = 135	**Not Met – 64.4%** N = 1,076
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met – 80.2%** N = 136	**Not Met – 71.3%** N = 1,073
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Met – 81.6%** N = 136	**Not Met – 69.5%** N = 1,073
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family understand my options in order to make the best choice for my child and family to continue services through an extended Individualized Family Service Plan or move to services through an Individualized Education Program.	**No Target Set - 91%** N = 917	**No Target Set - 93%** N = 932
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family support my child to be ready for school by assisting me to teach my child prereading activities (such as naming pictures) and pre-math activities (such as sorting household items).	**No Target Set - 91%** N = 872	**No Target Set - 92%** N = 885

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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

May 29, 2013

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). The OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through the review of the APR and other data sources, the 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 with disabilities and their families. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part C in early June 2013.

Consistent with 34 CFR §§303.702(a)(2) and 303.703(b), the MSDE is also required to make determinations annually on the performance of each Infants and Toddlers Program in the State using one of the following four categories to assign a determination status to each Infants and Toddlers Program: "Meets Requirements," "Needs Assistance," "Needs Improvement," and "Needs Substantial Intervention." The MSDE Division of Special Education/Early Intervention Services uses a results-based rubric on specific indicators to rate each public agency's performance in meeting the State's targets for FFY 2011. Attached is a document entitled, *Part C and Part B Public Agency Determinations* that lists the Part C indicators included in determination status. The MSDE carefully considers all aspects of this process. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, if any, the Talbot County Infants and Toddlers Program has achieved the determination status of **Meets Requirements**.

To achieve a determination status of "Meets Requirements," the Talbot County Infants and Toddlers Program has met or exceeds the State's target on at least 4 of 6 performance indicators (2, 4a, 4b, 4c, 5, and 6) and Natural Environment data (Indicator 2) are not significantly below the State's target. In addition, the Talbot County Infants and Toddlers Program must demonstrate at least substantial compliance (at least 95.0%) for at least 4 of the 7 compliance indicators (1, 7, 8a, 8b, 8c, 9, and 14), and demonstrates full compliance (100%) in at least 1 compliance indicator. Finally, all previously

identified noncompliance, including fiscal noncompliance, has been corrected within one year of notification (Indicator 9).

Attached to this letter are copies of the following documents:

- *Annual Data on Part C SPP/APR Indicators; and*
- *Part C Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data on Part C SPP/APR Indicators* provides an analysis of the Talbot County Infants and Toddlers Program data. The *Part C Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available to your local Infants and Toddlers Program.

As you know, the State must report annually to the public on the performance of each local Infants and Toddlers Program related to the targets in the SPP under the IDEA. The public may access the MSDE IDEA performance report at http://mdideareport.org. The requirement for public reporting on local Infants and Toddlers Program performance is a critical provision to ensure accountability focusing on improved results for infants and toddlers with disabilities and their families. The MSDE will continue to provide technical assistance opportunities as you work to continue to support positive performance under Part C of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any feedback on our past technical assistance efforts or the need for guidance, we would be happy to hear from you as we work to develop additional mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the Talbot County Infants and Toddlers Program improving results for infants and toddlers with disabilities and their families. If you have any questions, would like to discuss this further, or request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DR:BMM

Attachments

c: Lillian M. Lowery, Ed.D.
Kristin Mentges
Michelle Steelman

May 14, 2013
Talbot County Infants and Toddlers Program
Annual Data on Part C State Performance Plan (SPP) Priority Indicators
for the Period July 1, 2011 – June 30, 2012

Part C Annual SPP Performance Report								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
1	Timely Delivery of IFSP Services		100%	100%	Yes	Compliant. No required action.	100%	100%
2	Infants and Toddlers with IFSPs who receive services in natural environments		91.5%	100%	Yes	Data meet the State's target. No required action.	100%	100%
3A	Birth to 3 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	80.6%	100%	Yes	No required action. State target based on different methodology.	50.0%	100%
		2. Exits within age expectations	73.8%	79.2%	Yes		63.6%	100%
3B	Birth to 3 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	85.8%	100%	Yes	No required action. State target based on different methodology.	57.1%	100%
		2. Exits within age expectations	69.9%	79.2%	Yes		54.5%	100%
3C	Birth to 3 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	87.0%	100%	Yes	No required action. State target based on different methodology.	55.65	100%
		2. Exits within age expectations	75.4%	82.6%	Yes		45.5%	100%
4A	Families who report EIS helped them know their rights		79.5%	100%	Yes	Data meet the State's target. No required action.	86.7%	100%
4B	Families who report EIS helped them communicate their child's needs		77.5%	100%	Yes	Data meet the State's target. No required action.	73.3%	100%
4C	Families who report EIS helped them help their children develop and learn		87.5%	100%	Yes	Data meet the State's target. No required action.	100%	100%
5	Children birth to one served as a percentage of the population birth to one		1.50%	1.65%	Yes	Data meet the State's target. No required action.	0.97%	1.81%
6	Children birth to three served as a percentage of the population birth to 3		2.88%	3.32%	Yes	Data meet the State's target. No required action.	2.66%	2.66%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral		100%	100%	Yes	Compliant. No required action.	100%	100%

Part C Annual SPP Performance Report							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
9	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	100%	100%
14	Submission of timely and accurate data	100%	91.7%	No	Submit all data, including programmatic and fiscal reports, in a timely and accurate manner.	91.7%	91.7%

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act of 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education Program's (OSEP) State Performance Plans. Annually, the 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 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, the OSEP requires states to 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 should 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 June 12, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on the OSEP's identification of the MSDE's determination status, special conditions, and other enforcements, as applicable.

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 results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to 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 call, 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 C.F.R. §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 C.F.R. §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 the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the 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 the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Part C
Local Determination Scoring Criteria
FFY 2011 / SFY 2011 (July 1, 2011-June 30, 2012)

Meets Requirements

Performance/Results Indicators

LITP met State target for at least four* performance indicators**.

AND

Data for Indicator 2 (Natural Environments) is not significantly below the target.

AND

Compliance Indicators

LITP demonstrated substantial compliance[1] in at least five of the six compliance indicators (1, 7, 8a, 8b, 8c, and 14), and data is not below 85%** in indicators 1, 7, 8a, 8b, or 8c.

AND

LITP demonstrated full compliance (100%) in at least 2 compliance indicators (1, 7, 8a, 8b, 8c, and 14)

AND

LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year (Indicator 9).

*This requirement for Meets Requirements was increased from two to four (of six total) performance indicators in FFY 2011.
**This percentage will not be used as criteria for jurisdictions where noncompliance for 1 child accounts for over 15% of the data. One child may not be considered a systemic issue.

Needs Assistance

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrates substantial compliance in at least three of the six compliance indicators.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the target in any

[1] Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (generally 95% or better).

performance indicator, but demonstrated substantial compliance in at least three of the six compliance indicators, and was not significantly below the target in any compliance indicator.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 15 months of identification.

Needs Intervention

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrated substantial compliance in at least one compliance indicator.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the State target in any performance indicator, and demonstrated substantial compliance in at least two compliance indicators.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 24 months.

Needs Substantial Intervention

LITP demonstrated continued failure to make progress in correcting all previously identified noncompliance and completing all corrective actions for two or more years from the date of identification.

AND

LITP 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

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

Part C Local Determination
Framework for Technical Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C indicators defined in the Office of Special Education's (OSEP) State Performance Plans. The 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 determinations to each local Infants and Toddlers Program (LITP). Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each LITP's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. While it is MSDE's preference to work with each LITP in a collaborative manner to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

Regulatory Requirements

13A.13.02.04

F. Supervision, Monitoring, and Enforcement.

(1) The Maryland Infants and Toddlers Program shall collaborate with State agencies identified in the State Interagency Agreement to monitor programs and activities of the State to implement Part C of the Act, including:

(a) Supervising and monitoring local lead agencies, institutions, organizations, and EIS providers, in accordance with 34 CFR §303.120(a);

(b) Providing technical assistance to those local lead agencies, institutions, organizations, and EIS providers;

(c) Enforcing obligations imposed on those local lead agencies, institutions,-organizations, and EIS providers;

(d) Correcting deficiencies that are identified through monitoring.

(e) Correcting noncompliance identified through monitoring as soon as possible and in no case later than one year after the identification of the noncompliance; and

(f) Conducting the activities in paragraphs (a) through (e) of this subsection, consistent with 34 CFR §303.700 – 303.707 to:

(i) Make determinations annually about the performance of each local EIS program using the categories identified in 34 CFR §303.703(b);

(ii) Use appropriate mechanisms to enforce the requirements of Part C of the Act consistent with 34 CFR §303.704 and COMAR 13A.05.02.07; and

(iii) Report annually on the performance of the State and of each local EIS program, in accordance with 34 CFR §303.702.

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LITP. 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 an LITP.

MSDE will identify:
- What needs to change;
- How frequently and in what manner the LITP reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, LITPs 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 LITPs by telephone, fax, email, mail, or in-person. To enable an LITP to improve performance and meet compliance, available assistance may include, but is not limited to MSDE assisting an LITP to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and 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 and best practices;
- 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;
- Identify additional sources of information, resources and support;
- 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; and
- Use evaluative measures to validate progress and correction of previous noncompliance.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the LITP's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects an LITP's 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 C," MSDE will direct LITPs 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 an LITP, MSDE may determine that an LITP 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 system of general supervision to include:
    - Local system for collecting, tracking and reporting data on Performance/Results and Compliance Indicators;
    - Policies, procedures, and effective practices;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Technical Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of the local system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- Identification of an LITP as a high risk grantee if an LITP is in the category of Needs Intervention for 2 years; and
- Required 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/results and compliance. Assistance is needed in multiple performance/results 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 C funds;
- Withhold or reduce Part C funds pending completion of the corrective actions;

- Withhold or reduce State funds for early intervention 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 LITP's early intervention 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 an LITP shall be met, consistent with 20 U.S.C. §1413(c) and (d).

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Timely Services	100% of infants and toddlers with IFSPs will receive the early intervention services on their IFSP in a timely manner (30-day timeline) (Compliance Indicator) Indicator includes data on children in the Extended IFSP Option	**Not Met – 96.7%** Substantial Compliance Met	**Not Met – 97.7%** Substantial Compliance Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 96.3%**	**Met – 97.1%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met - 76.0%** N = 2,118	**Not Met – 70.1%** N = 4,412
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Not Met - 68.8%** N = 2,118	**Not Met – 65.3%** N = 4,412
3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met - 80.8%** N = 2,139	**Not Met – 74.1%** N = 4,416
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Not Met - 64.1%** N = 2,139	**Not Met – 60.5%** N = 4,416
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met - 81.6%** N = 2,136	**Not Met – 72.9%** N = 4,415
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Not Met - 70.9%** N = 2,136	**Not Met – 63.5%** N = 4,415

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4a	Family Outcomes	79.5% of families participating in Part C will report that early intervention services have helped the family: know their rights (Results Indicator) Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,474 39.7% Response Rate	**Met – 94.9%** N=3,940 46.7% Response Rate
4b	Family Outcomes	77.5% of families participating in Part C will report that early intervention services have helped the family: communicate their children's needs Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,345 39.7% Response Rate	**Met – 94.7%** N=3,814 46.7% Response Rate
4c	Family Outcomes	87.5% of families participating in Part C will report that early intervention services have helped the family: help their children learn and develop Indicator includes data on children in the Extended IFSP Option	**Met – 94%** N=3,329 39.7% Response Rate	**Met – 95.2%** N=3,804 46.7% Response Rate
5	Child Find Birth to One	1.5% of the State's birth-to-one resident population will be served. (Results Indicator)	**Met – 1.59%**	**Not Met – 1.48%**
6	Child Find Birth to Three	2.95% of the State's birth-to-three resident population will be served. (Results Indicator)	**Met – 3.54%**	**Met – 3.39%**
7	45-Day Timeline	100% of eligible infants and toddlers will have an evaluation/assessment and an initial IFSP meeting conducted within Part C's 45-Day Timeline (Compliance Indicator)	**Not Met – 98.2%** Substantial Compliance Met	**Not Met – 98.7%** Substantial Compliance Met
8a	Early Childhood Transition - IFSPs with transition steps and services	100% of all children exiting Part C will have IFSPs with transition steps and services (Compliance Indicator)	**Not Met – 99.8%** Substantial Compliance Met	**Met – 100%**
8b	Early Childhood Transition – Notification to LEA	LEAs will be notified of 100% of all children potentially eligible for Part B	**Met – 100%**	**Met – 100%**
8c	Early Childhood Transition – Transition Planning Meeting	100% of all children exiting Part C will have timely Transition Planning Meetings	**Not Met – 99.4%** Substantial Compliance Met	**Not Met – 99.1%** Substantial Compliance Met
9	Identification and Correction of Noncompliance	100% of all findings of noncompliance will be corrected within 1 year of notification (Compliance Indicator)	**Met – 100%**	**Not Met – 99.8%** Substantial Compliance Met

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Complaint Timelines	100% of signed written reports will be resolved within the 60-Day Timeline (Compliance Indicator)	**Met – 100%**	**Not required to report in FFY 2011 APR**
11	Due Process Timelines	100% of fully adjudicated due process hearing requests will be fully adjudicated within timeline (Compliance Indicator)	**NA – only request withdrawn prior to adjudication**	**Not required to report in FFY 2011 APR**
12	Hearing Requests Resolved by Resolution	100% of hearing requests that went to resolution sessions were resolved through resolution sessions (Compliance Indicator)	**NA – none held**	**NA – none held**
13	Mediation Agreements	100% of mediations will result in mediation agreements (Compliance Indicator)	**NA – fewer than 10**	**NA – fewer than 10**
14	State Reported Data	100% of State reported 618 data and annual performance reports are accurate and submitted on or before due dates (Compliance Indicator)	**Met – 100%**	**Met – 100%**

FFY 2011 APR – Infants and Toddlers Extended IFSP Option Data

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 94.0%**	**Met – 94.0%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met – 72.9%** N = 133	**Not Met – 70.4%** N = 1,074
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Met – 80.5%** **N = 133**	**Not Met - 68.5%** N = 1,074

3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met – 78.2%** N = 135	**Not Met – 75.6%** N = 1,076
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Met – 72.6%** N = 135	**Not Met – 64.4%** N = 1,076
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met – 80.2%** N = 136	**Not Met – 71.3%** N = 1,073
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Met – 81.6%** N = 136	**Not Met – 69.5%** N = 1,073
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family understand my options in order to make the best choice for my child and family to continue services through an extended Individualized Family Service Plan or move to services through an Individualized Education Program.	**No Target Set - 91%** N = 917	**No Target Set - 93%** N = 932
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family support my child to be ready for school by assisting me to teach my child prereading activities (such as naming pictures) and pre-math activities (such as sorting household items).	**No Target Set - 91%** N = 872	**No Target Set - 92%** N = 885

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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

May 29, 2013

Dr. Clayton M. Wilcox
Superintendent
Washington County Board of Education
P. O. Box 730
Hagerstown, MD 21741

Dear Dr. Wilcox:

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). The OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through the review of the APR and other data sources, the 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 with disabilities and their families. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part C in early June 2013.

Consistent with 34 CFR §§303.702(a)(2) and 303.703(b), the MSDE is also required to make determinations annually on the performance of each Infants and Toddlers Program in the State using one of the following four categories to assign a determination status to each Infants and Toddlers Program: "Meets Requirements," "Needs Assistance," "Needs Improvement," and "Needs Substantial Intervention." The MSDE Division of Special Education/Early Intervention Services uses a results-based rubric on specific indicators to rate each public agency's performance in meeting the State's targets for FFY 2011. Attached is a document entitled, *Part C and Part B Public Agency Determinations* that lists the Part C indicators included in determination status. The MSDE carefully considers all aspects of this process. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, if any, the Washington County Infants and Toddlers Program has achieved the determination status of **Meets Requirements**.

To achieve a determination status of "Meets Requirements," the Washington County Infants and Toddlers Program has met or exceeds the State's target on at least 4 of 6 performance indicators (2, 4a, 4b, 4c, 5, and 6) and Natural Environment data (Indicator 2) are not significantly below the State's target. In addition, the Washington County Infants and Toddlers Program must demonstrate at least substantial compliance (at least 95.0%) for at least 4 of the 7 compliance indicators (1, 7, 8a, 8b, 8c, 9, and 14), and demonstrates full compliance (100%) in at least 1 compliance indicator.

Finally, all previously identified noncompliance, including fiscal noncompliance, has been corrected within one year of notification (Indicator 9).

Attached to this letter are copies of the following documents:

- *Annual Data on Part C SPP/APR Indicators; and*
- *Part C Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data on Part C SPP/APR Indicators* provides an analysis of the Washington County Infants and Toddlers Program data. The *Part C Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available to your local Infants and Toddlers Program.

As you know, the State must report annually to the public on the performance of each local Infants and Toddlers Program related to the targets in the SPP under the IDEA. The public may access the MSDE IDEA performance report at http://mdideareport.org. The requirement for public reporting on local Infants and Toddlers Program performance is a critical provision to ensure accountability focusing on improved results for infants and toddlers with disabilities and their families. The MSDE will continue to provide technical assistance opportunities as you work to continue to support positive performance under Part C of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any feedback on our past technical assistance efforts or the need for guidance, we would be happy to hear from you as we work to develop additional mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the Washington County Infants and Toddlers Program improving results for infants and toddlers with disabilities and their families. If you have any questions, would like to discuss this further, or request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DR:BMM

Attachments

c: Lillian M. Lowery, Ed.D.
Mariam Robins
Jeff Gladhill

May 14, 2013
Washington County Infants and Toddlers Program
Annual Data on Part C State Performance Plan (SPP) Priority Indicators
for the Period July 1, 2011 – June 30, 2012

Part C Annual SPP Performance Report								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
1	Timely Delivery of IFSP Services		100%	100%	Yes	Compliant. No required action.	98.7%	98.9%
2	Infants and Toddlers with IFSPs who receive services in natural environments		91.5%	98.6%	Yes	Data meet the State's target. No required action.	99.3%	98.6%
3A	Birth to 3 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	80.6%	82.0%	Yes	No required action. State target based on different methodology.	85.3%	88.2%
		2. Exits within age expectations	73.8%	70.9%	No		55.3%	61.8%
3B	Birth to 3 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	85.8%	76.8%	No	No required action. State target based on different methodology.	91.7%	86.7%
		2. Exits within age expectations	69.9%	70.9%	Yes		53.9%	57.6%
3C	Birth to 3 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	87.0%	73.6%	No	No required action. State target based on different methodology.	89.9%	93.5%
		2. Exits within age expectations	75.4%	57.0%	No		68.4%	64.7%
4A	Families who report EIS helped them know their rights		79.5%	93.3%	Yes	Data meet the State's target. No required action.	89.0%	97.6%
4B	Families who report EIS helped them communicate their child's needs		77.5%	93.3%	Yes	Data meet the State's target. No required action.	86.8%	98.4%
4C	Families who report EIS helped them help their children develop and learn		87.5%	94.1%	Yes	Data meet the State's target. No required action.	96.7%	100%
5	Children birth to one served as a percentage of the population birth to one		1.50%	1.62%	Yes	Data meet the State's target. No required action.	1.29%	2.51%
6	Children birth to three served as a percentage of the population birth to 3		2.88%	2.80%	No	Data do not meet the State target. Continue Improvement Activities.	2.52%	2.66%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral		100%	100%	Yes	Compliant. No required action.	100%	100%

Part C Annual SPP Performance Report							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
9	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	100%	100%
14	Submission of timely and accurate data	100%	91.7%	No	Submit all data, including programmatic and fiscal reports, in a timely and accurate manner.	91.7%	75.0%

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act of 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education Program's (OSEP) State Performance Plans. Annually, the 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 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, the OSEP requires states to 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 should 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 June 12, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on the OSEP's identification of the MSDE's determination status, special conditions, and other enforcements, as applicable.

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 results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to 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 call, 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 C.F.R. §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 C.F.R. §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 the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the 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 the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Part C
Local Determination Scoring Criteria
FFY 2011 / SFY 2011 (July 1, 2011-June 30, 2012)

Meets Requirements

Performance/Results Indicators

LITP met State target for at least four* performance indicators**.

AND

Data for Indicator 2 (Natural Environments) is not significantly below the target.

AND

Compliance Indicators

LITP demonstrated substantial compliance[1] in at least five of the six compliance indicators (1, 7, 8a, 8b, 8c, and 14), and data is not below 85%** in indicators 1, 7, 8a, 8b, or 8c.

AND

LITP demonstrated full compliance (100%) in at least 2 compliance indicators (1, 7, 8a, 8b, 8c, and 14)

AND

LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year (Indicator 9).

*This requirement for Meets Requirements was increased from two to four (of six total) performance indicators in FFY 2011.
**This percentage will not be used as criteria for jurisdictions where noncompliance for 1 child accounts for over 15% of the data. One child may not be considered a systemic issue.

Needs Assistance

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrates substantial compliance in at least three of the six compliance indicators.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the target in any

[1] Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (generally 95% or better).

performance indicator, but demonstrated substantial compliance in at least three of the six compliance indicators, and was not significantly below the target in any compliance indicator.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 15 months of identification.

Needs Intervention

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrated substantial compliance in at least one compliance indicator.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the State target in any performance indicator, and demonstrated substantial compliance in at least two compliance indicators.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 24 months.

Needs Substantial Intervention

LITP demonstrated continued failure to make progress in correcting all previously identified noncompliance and completing all corrective actions for two or more years from the date of identification.

AND

LITP 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

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

Part C Local Determination
Framework for Technical Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C indicators defined in the Office of Special Education's (OSEP) State Performance Plans. The 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 determinations to each local Infants and Toddlers Program (LITP). Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each LITP's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. While it is MSDE's preference to work with each LITP in a collaborative manner to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

Regulatory Requirements

13A.13.02.04

F. Supervision, Monitoring, and Enforcement.

(1) The Maryland Infants and Toddlers Program shall collaborate with State agencies identified in the State Interagency Agreement to monitor programs and activities of the State to implement Part C of the Act, including:

(a) Supervising and monitoring local lead agencies, institutions, organizations, and EIS providers, in accordance with 34 CFR §303.120(a);

(b) Providing technical assistance to those local lead agencies, institutions, organizations, and EIS providers;

(c) Enforcing obligations imposed on those local lead agencies, institutions,-organizations, and EIS providers;

(d) Correcting deficiencies that are identified through monitoring.

(e) Correcting noncompliance identified through monitoring as soon as possible and in no case later than one year after the identification of the noncompliance; and

(f) Conducting the activities in paragraphs (a) through (e) of this subsection, consistent with 34 CFR §303.700 – 303.707 to:

(i) Make determinations annually about the performance of each local EIS program using the categories identified in 34 CFR §303.703(b);

(ii) Use appropriate mechanisms to enforce the requirements of Part C of the Act consistent with 34 CFR §303.704 and COMAR 13A.05.02.07; and

(iii) Report annually on the performance of the State and of each local EIS program, in accordance with 34 CFR §303.702.

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LITP. 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 an LITP.

MSDE will identify:
- What needs to change;
- How frequently and in what manner the LITP reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, LITPs 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 LITPs by telephone, fax, email, mail, or in-person. To enable an LITP to improve performance and meet compliance, available assistance may include, but is not limited to MSDE assisting an LITP to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and 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 and best practices;
- 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;
- Identify additional sources of information, resources and support;
- 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; and
- Use evaluative measures to validate progress and correction of previous noncompliance.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the LITP's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects an LITP's 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 C," MSDE will direct LITPs 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 an LITP, MSDE may determine that an LITP 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 system of general supervision to include:
    - Local system for collecting, tracking and reporting data on Performance/Results and Compliance Indicators;
    - Policies, procedures, and effective practices;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Technical Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of the local system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- Identification of an LITP as a high risk grantee if an LITP is in the category of Needs Intervention for 2 years; and
- Required 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/results and compliance. Assistance is needed in multiple performance/results 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 C funds;
- Withhold or reduce Part C funds pending completion of the corrective actions;

- Withhold or reduce State funds for early intervention 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 LITP's early intervention 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 an LITP shall be met, consistent with 20 U.S.C. §1413(c) and (d).

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Timely Services	100% of infants and toddlers with IFSPs will receive the early intervention services on their IFSP in a timely manner (30-day timeline) (Compliance Indicator) Indicator includes data on children in the Extended IFSP Option	**Not Met – 96.7%** Substantial Compliance Met	**Not Met – 97.7%** Substantial Compliance Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 96.3%**	**Met – 97.1%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met - 76.0%** N = 2,118	**Not Met – 70.1%** N = 4,412
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Not Met - 68.8%** N = 2,118	**Not Met – 65.3%** N = 4,412
3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met - 80.8%** N = 2,139	**Not Met – 74.1%** N = 4,416
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Not Met - 64.1%** N = 2,139	**Not Met – 60.5%** N = 4,416
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met - 81.6%** N = 2,136	**Not Met – 72.9%** N = 4,415
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Not Met - 70.9%** N = 2,136	**Not Met – 63.5%** N = 4,415

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4a	Family Outcomes	79.5% of families participating in Part C will report that early intervention services have helped the family: know their rights (Results Indicator) Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,474 39.7% Response Rate	**Met – 94.9%** N=3,940 46.7% Response Rate
4b	Family Outcomes	77.5% of families participating in Part C will report that early intervention services have helped the family: communicate their children's needs Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,345 39.7% Response Rate	**Met – 94.7%** N=3,814 46.7% Response Rate
4c	Family Outcomes	87.5% of families participating in Part C will report that early intervention services have helped the family: help their children learn and develop Indicator includes data on children in the Extended IFSP Option	**Met – 94%** N=3,329 39.7% Response Rate	**Met – 95.2%** N=3,804 46.7% Response Rate
5	Child Find Birth to One	1.5% of the State's birth-to-one resident population will be served. (Results Indicator)	**Met – 1.59%**	**Not Met – 1.48%**
6	Child Find Birth to Three	2.95% of the State's birth-to-three resident population will be served. (Results Indicator)	**Met – 3.54%**	**Met – 3.39%**
7	45-Day Timeline	100% of eligible infants and toddlers will have an evaluation/assessment and an initial IFSP meeting conducted within Part C's 45-Day Timeline (Compliance Indicator)	**Not Met – 98.2%** Substantial Compliance Met	**Not Met – 98.7%** Substantial Compliance Met
8a	Early Childhood Transition - IFSPs with transition steps and services	100% of all children exiting Part C will have IFSPs with transition steps and services (Compliance Indicator)	**Not Met – 99.8%** Substantial Compliance Met	**Met – 100%**
8b	Early Childhood Transition – Notification to LEA	LEAs will be notified of 100% of all children potentially eligible for Part B	**Met – 100%**	**Met – 100%**
8c	Early Childhood Transition – Transition Planning Meeting	100% of all children exiting Part C will have timely Transition Planning Meetings	**Not Met – 99.4%** Substantial Compliance Met	**Not Met – 99.1%** Substantial Compliance Met
9	Identification and Correction of Noncompliance	100% of all findings of noncompliance will be corrected within 1 year of notification (Compliance Indicator)	**Met – 100%**	**Not Met – 99.8%** Substantial Compliance Met

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Complaint Timelines	100% of signed written reports will be resolved within the 60-Day Timeline (Compliance Indicator)	**Met – 100%**	**Not required to report in FFY 2011 APR**
11	Due Process Timelines	100% of fully adjudicated due process hearing requests will be fully adjudicated within timeline (Compliance Indicator)	**NA – only request withdrawn prior to adjudication**	**Not required to report in FFY 2011 APR**
12	Hearing Requests Resolved by Resolution	100% of hearing requests that went to resolution sessions were resolved through resolution sessions (Compliance Indicator)	**NA – none held**	**NA – none held**
13	Mediation Agreements	100% of mediations will result in mediation agreements (Compliance Indicator)	**NA – fewer than 10**	**NA – fewer than 10**
14	State Reported Data	100% of State reported 618 data and annual performance reports are accurate and submitted on or before due dates (Compliance Indicator)	**Met – 100%**	**Met – 100%**

FFY 2011 APR – Infants and Toddlers Extended IFSP Option Data

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 94.0%**	**Met – 94.0%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met – 72.9%** N = 133	**Not Met – 70.4%** N = 1,074
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Met – 80.5%** **N = 133**	**Not Met - 68.5%** N = 1,074

3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met – 78.2%** N = 135	**Not Met – 75.6%** N = 1,076
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Met – 72.6%** N = 135	**Not Met – 64.4%** N = 1,076
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met – 80.2%** N = 136	**Not Met – 71.3%** N = 1,073
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Met – 81.6%** N = 136	**Not Met – 69.5%** N = 1,073
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family understand my options in order to make the best choice for my child and family to continue services through an extended Individualized Family Service Plan or move to services through an Individualized Education Program.	**No Target Set - 91%** N = 917	**No Target Set - 93%** N = 932
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family support my child to be ready for school by assisting me to teach my child prereading activities (such as naming pictures) and pre-math activities (such as sorting household items).	**No Target Set - 91%** N = 872	**No Target Set - 92%** N = 885

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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

May 29, 2013

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). The OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through the review of the APR and other data sources, the 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 with disabilities and their families. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part C in early June 2013.

Consistent with 34 CFR §§303.702(a)(2) and 303.703(b), the MSDE is also required to make determinations annually on the performance of each Infants and Toddlers Program in the State using one of the following four categories to assign a determination status to each Infants and Toddlers Program: "Meets Requirements," "Needs Assistance," "Needs Improvement," and "Needs Substantial Intervention." The MSDE Division of Special Education/Early Intervention Services uses a results-based rubric on specific indicators to rate each public agency's performance in meeting the State's targets for FFY 2011. Attached is a document entitled, *Part C and Part B Public Agency Determinations* that lists the Part C indicators included in determination status. The MSDE carefully considers all aspects of this process. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, if any, the Wicomico County Infants and Toddlers Program has achieved the determination status of **Meets Requirements**.

To achieve a determination status of "Meets Requirements," the Wicomico County Infants and Toddlers Program has met or exceeds the State's target on at least 4 of 6 performance indicators (2, 4a, 4b, 4c, 5, and 6) and Natural Environment data (Indicator 2) are not significantly below the State's target. In addition, the Wicomico County Infants and Toddlers Program must demonstrate at least substantial compliance (at least 95.0%) for at least 4 of the 7 compliance indicators (1, 7, 8a, 8b, 8c, 9, and 14), and demonstrates full compliance (100%) in at least 1 compliance indicator.

Finally, all previously identified noncompliance, including fiscal noncompliance, has been corrected within one year of notification (Indicator 9).

Attached to this letter are copies of the following documents:
- *Annual Data on Part C SPP/APR Indicators; and*
- *Part C Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data on Part C SPP/APR Indicators* provides an analysis of the Wicomico County Infants and Toddlers Program data. The *Part C Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available to your local Infants and Toddlers Program.

As you know, the State must report annually to the public on the performance of each local Infants and Toddlers Program related to the targets in the SPP under the IDEA. The public may access the MSDE IDEA performance report at http://mdideareport.org. The requirement for public reporting on local Infants and Toddlers Program performance is a critical provision to ensure accountability focusing on improved results for infants and toddlers with disabilities and their families. The MSDE will continue to provide technical assistance opportunities as you work to continue to support positive performance under Part C of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any feedback on our past technical assistance efforts or the need for guidance, we would be happy to hear from you as we work to develop additional mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the Wicomico County Infants and Toddlers Program improving results for infants and toddlers with disabilities and their families. If you have any questions, would like to discuss this further, or request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DR:BMM

Attachments

c: Lillian M. Lowery, Ed.D.
Patricia Adkins
Bonnie L. Walston

May 14, 2013
Wicomico County Infants and Toddlers Program
Annual Data on Part C State Performance Plan (SPP) Priority Indicators
for the Period July 1, 2011 – June 30, 2012

Part C Annual SPP Performance Report								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
1	Timely Delivery of IFSP Services		100%	100%	Yes	Compliant. No required action.	99.1%	100%
2	Infants and Toddlers with IFSPs who receive services in natural environments		91.5%	100%	Yes	Data meet the State's target. No required action.	99.1%	100%
3A	Birth to 3 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	80.6%	84.1%	Yes	No required action. State target based on different methodology.	80.0%	84.6%
		2. Exits within age expectations	73.8%	64.9%	No		60.9%	51.9%
3B	Birth to 3 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	85.8%	84.1%	No	No required action. State target based on different methodology.	76.5%	84.6%
		2. Exits within age expectations	69.9%	66.7%	No		65.2%	51.9%
3C	Birth to 3 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	87.0%	77.6%	No	No required action. State target based on different methodology.	66.7%	83.3%
		2. Exits within age expectations	75.4%	66.7%	No		65.2%	55.6%
4A	Families who report EIS helped them know their rights		79.5%	93.4%	Yes	Data meet the State's target. No required action.	85.4%	94.8%
4B	Families who report EIS helped them communicate their child's needs		77.5%	91.3%	Yes	Data meet the State's target. No required action.	77.1%	94.7%
4C	Families who report EIS helped them help their children develop and learn		87.5%	96.0%	Yes	Data meet the State's target. No required action.	89.6%	94.7%
5	Children birth to one served as a percentage of the population birth to one		1.50%	2.13%	Yes	Data meet the State's target. No required action.	1.33%	1.31%
6	Children birth to three served as a percentage of the population birth to 3		2.88%	3.41%	Yes	Data meet the State's target. No required action.	2.76%	3.16%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral		100%	100%	Yes	Compliant. No required action.	98.2%	100%

Part C Annual SPP Performance Report							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Yes	Compliant. No required action.	95.7%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
9	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	100%	100%
14	Submission of timely and accurate data	100%	83.3%	No	Submit all data, including programmatic and fiscal reports, in a timely and accurate manner.	100%	91.7%

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act of 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education Program's (OSEP) State Performance Plans. Annually, the 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 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, the OSEP requires states to 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 should 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 June 12, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on the OSEP's identification of the MSDE's determination status, special conditions, and other enforcements, as applicable.

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 results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to 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 call, 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 C.F.R. §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 C.F.R. §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 the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the 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 the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Part C
Local Determination Scoring Criteria
FFY 2011 / SFY 2011 (July 1, 2011-June 30, 2012)

Meets Requirements

Performance/Results Indicators

LITP met State target for at least four* performance indicators**.

AND

Data for Indicator 2 (Natural Environments) is not significantly below the target.

AND

Compliance Indicators

LITP demonstrated substantial compliance[1] in at least five of the six compliance indicators (1, 7, 8a, 8b, 8c, and 14), and data is not below 85%** in indicators 1, 7, 8a, 8b, or 8c.

AND

LITP demonstrated full compliance (100%) in at least 2 compliance indicators (1, 7, 8a, 8b, 8c, and 14)

AND

LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year (Indicator 9).

*This requirement for Meets Requirements was increased from two to four (of six total) performance indicators in FFY 2011.
**This percentage will not be used as criteria for jurisdictions where noncompliance for 1 child accounts for over 15% of the data. One child may not be considered a systemic issue.

Needs Assistance

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrates substantial compliance in at least three of the six compliance indicators.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the target in any

[1] Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (generally 95% or better).

performance indicator, but demonstrated substantial compliance in at least three of the six compliance indicators, and was not significantly below the target in any compliance indicator.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 15 months of identification.

Needs Intervention

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrated substantial compliance in at least one compliance indicator.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the State target in any performance indicator, and demonstrated substantial compliance in at least two compliance indicators.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 24 months.

Needs Substantial Intervention

LITP demonstrated continued failure to make progress in correcting all previously identified noncompliance and completing all corrective actions for two or more years from the date of identification.

AND

LITP 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

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

Part C Local Determination
Framework for Technical Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C indicators defined in the Office of Special Education's (OSEP) State Performance Plans. The 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 determinations to each local Infants and Toddlers Program (LITP). Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each LITP's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. While it is MSDE's preference to work with each LITP in a collaborative manner to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

Regulatory Requirements

13A.13.02.04

F. Supervision, Monitoring, and Enforcement.

(1) The Maryland Infants and Toddlers Program shall collaborate with State agencies identified in the State Interagency Agreement to monitor programs and activities of the State to implement Part C of the Act, including:

(a) Supervising and monitoring local lead agencies, institutions, organizations, and EIS providers, in accordance with 34 CFR §303.120(a);

(b) Providing technical assistance to those local lead agencies, institutions, organizations, and EIS providers;

(c) Enforcing obligations imposed on those local lead agencies, institutions,-organizations, and EIS providers;

(d) Correcting deficiencies that are identified through monitoring.

(e) Correcting noncompliance identified through monitoring as soon as possible and in no case later than one year after the identification of the noncompliance; and

(f) Conducting the activities in paragraphs (a) through (e) of this subsection, consistent with 34 CFR §303.700 – 303.707 to:

(i) Make determinations annually about the performance of each local EIS program using the categories identified in 34 CFR §303.703(b);

(ii) Use appropriate mechanisms to enforce the requirements of Part C of the Act consistent with 34 CFR §303.704 and COMAR 13A.05.02.07; and

(iii) Report annually on the performance of the State and of each local EIS program, in accordance with 34 CFR §303.702.

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LITP. 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 an LITP.

MSDE will identify:
- What needs to change;
- How frequently and in what manner the LITP reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, LITPs 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 LITPs by telephone, fax, email, mail, or in-person. To enable an LITP to improve performance and meet compliance, available assistance may include, but is not limited to MSDE assisting an LITP to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and 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 and best practices;
- 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;
- Identify additional sources of information, resources and support;
- 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; and
- Use evaluative measures to validate progress and correction of previous noncompliance.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the LITP's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects an LITP's 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 C," MSDE will direct LITPs 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 an LITP, MSDE may determine that an LITP 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 system of general supervision to include:
    - Local system for collecting, tracking and reporting data on Performance/Results and Compliance Indicators;
    - Policies, procedures, and effective practices;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Technical Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of the local system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- Identification of an LITP as a high risk grantee if an LITP is in the category of Needs Intervention for 2 years; and
- Required 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/results and compliance. Assistance is needed in multiple performance/results 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 C funds;
- Withhold or reduce Part C funds pending completion of the corrective actions;

- Withhold or reduce State funds for early intervention 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 LITP's early intervention 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 an LITP shall be met, consistent with 20 U.S.C. §1413(c) and (d).

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Timely Services	100% of infants and toddlers with IFSPs will receive the early intervention services on their IFSP in a timely manner (30-day timeline) (Compliance Indicator) Indicator includes data on children in the Extended IFSP Option	**Not Met – 96.7%** Substantial Compliance Met	**Not Met – 97.7%** Substantial Compliance Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 96.3%**	**Met – 97.1%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met - 76.0%** N = 2,118	**Not Met – 70.1%** N = 4,412
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Not Met - 68.8%** N = 2,118	**Not Met – 65.3%** N = 4,412
3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met - 80.8%** N = 2,139	**Not Met – 74.1%** N = 4,416
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Not Met - 64.1%** N = 2,139	**Not Met – 60.5%** N = 4,416
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met - 81.6%** N = 2,136	**Not Met – 72.9%** N = 4,415
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Not Met - 70.9%** N = 2,136	**Not Met – 63.5%** N = 4,415

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4a	Family Outcomes	79.5% of families participating in Part C will report that early intervention services have helped the family: know their rights (Results Indicator) Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,474 39.7% Response Rate	**Met – 94.9%** N=3,940 46.7% Response Rate
4b	Family Outcomes	77.5% of families participating in Part C will report that early intervention services have helped the family: communicate their children's needs Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,345 39.7% Response Rate	**Met – 94.7%** N=3,814 46.7% Response Rate
4c	Family Outcomes	87.5% of families participating in Part C will report that early intervention services have helped the family: help their children learn and develop Indicator includes data on children in the Extended IFSP Option	**Met – 94%** N=3,329 39.7% Response Rate	**Met – 95.2%** N=3,804 46.7% Response Rate
5	Child Find Birth to One	1.5% of the State's birth-to-one resident population will be served. (Results Indicator)	**Met – 1.59%**	**Not Met – 1.48%**
6	Child Find Birth to Three	2.95% of the State's birth-to-three resident population will be served. (Results Indicator)	**Met – 3.54%**	**Met – 3.39%**
7	45-Day Timeline	100% of eligible infants and toddlers will have an evaluation/assessment and an initial IFSP meeting conducted within Part C's 45-Day Timeline (Compliance Indicator)	**Not Met – 98.2%** Substantial Compliance Met	**Not Met – 98.7%** Substantial Compliance Met
8a	Early Childhood Transition - IFSPs with transition steps and services	100% of all children exiting Part C will have IFSPs with transition steps and services (Compliance Indicator)	**Not Met – 99.8%** Substantial Compliance Met	**Met – 100%**
8b	Early Childhood Transition – Notification to LEA	LEAs will be notified of 100% of all children potentially eligible for Part B	**Met – 100%**	**Met – 100%**
8c	Early Childhood Transition – Transition Planning Meeting	100% of all children exiting Part C will have timely Transition Planning Meetings	**Not Met – 99.4%** Substantial Compliance Met	**Not Met – 99.1%** Substantial Compliance Met
9	Identification and Correction of Noncompliance	100% of all findings of noncompliance will be corrected within 1 year of notification (Compliance Indicator)	**Met – 100%**	**Not Met – 99.8%** Substantial Compliance Met

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Complaint Timelines	100% of signed written reports will be resolved within the 60-Day Timeline (Compliance Indicator)	**Met – 100%**	**Not required to report in FFY 2011 APR**
11	Due Process Timelines	100% of fully adjudicated due process hearing requests will be fully adjudicated within timeline (Compliance Indicator)	**NA – only request withdrawn prior to adjudication**	**Not required to report in FFY 2011 APR**
12	Hearing Requests Resolved by Resolution	100% of hearing requests that went to resolution sessions were resolved through resolution sessions (Compliance Indicator)	**NA – none held**	**NA – none held**
13	Mediation Agreements	100% of mediations will result in mediation agreements (Compliance Indicator)	**NA – fewer than 10**	**NA – fewer than 10**
14	State Reported Data	100% of State reported 618 data and annual performance reports are accurate and submitted on or before due dates (Compliance Indicator)	**Met – 100%**	**Met – 100%**

FFY 2011 APR – Infants and Toddlers Extended IFSP Option Data

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 94.0%**	**Met – 94.0%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met – 72.9%** N = 133	**Not Met – 70.4%** N = 1,074
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Met – 80.5%** **N = 133**	**Not Met - 68.5%** N = 1,074

3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met – 78.2%** N = 135	**Not Met – 75.6%** N = 1,076
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Met – 72.6%** N = 135	**Not Met – 64.4%** N = 1,076
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met – 80.2%** N = 136	**Not Met – 71.3%** N = 1,073
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Met – 81.6%** N = 136	**Not Met – 69.5%** N = 1,073
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family understand my options in order to make the best choice for my child and family to continue services through an extended Individualized Family Service Plan or move to services through an Individualized Education Program.	**No Target Set - 91%** N = 917	**No Target Set - 93%** N = 932
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family support my child to be ready for school by assisting me to teach my child prereading activities (such as naming pictures) and pre-math activities (such as sorting household items).	**No Target Set - 91%** N = 872	**No Target Set - 92%** N = 885

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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

May 29, 2013

Dr. Jerry B. Wilson
Superintendent
Worcester County Board of Education
6270 Worcester Highway
Newark, MD 21841

Dear Dr. Wilson:

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). The OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through the review of the APR and other data sources, the 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 with disabilities and their families. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part C in early June 2013.

Consistent with 34 CFR §§303.702(a)(2) and 303.703(b), the MSDE is also required to make determinations annually on the performance of each Infants and Toddlers Program in the State using one of the following four categories to assign a determination status to each Infants and Toddlers Program: "Meets Requirements," "Needs Assistance," "Needs Improvement," and "Needs Substantial Intervention." The MSDE Division of Special Education/Early Intervention Services uses a results-based rubric on specific indicators to rate each public agency's performance in meeting the State's targets for FFY 2011. Attached is a document entitled, *Part C and Part B Public Agency Determinations* that lists the Part C indicators included in determination status. The MSDE carefully considers all aspects of this process. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, if any, the Worcester County Infants and Toddlers Program has achieved the determination status of **Meets Requirements**.

To achieve a determination status of "Meets Requirements," the Worcester County Infants and Toddlers Program has met or exceeds the State's target on at least 4 of 6 performance indicators (2, 4a, 4b, 4c, 5, and 6) and Natural Environment data (Indicator 2) are not significantly below the State's target. In addition, the Worcester County Infants and Toddlers Program must demonstrate at least substantial compliance (at least 95.0%) for at least 4 of the 7 compliance indicators (1, 7, 8a, 8b, 8c, 9, and 14), and demonstrates full compliance (100%) in at least 1 compliance indicator.

Finally, all previously identified noncompliance, including fiscal noncompliance, has been corrected within one year of notification (Indicator 9).

Attached to this letter are copies of the following documents:

- *Annual Data on Part C SPP/APR Indicators; and*
- *Part C Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data on Part C SPP/APR Indicators* provides an analysis of the Worcester County Infants and Toddlers Program data. The *Part C Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available to your local Infants and Toddlers Program.

As you know, the State must report annually to the public on the performance of each local Infants and Toddlers Program related to the targets in the SPP under the IDEA. The public may access the MSDE IDEA performance report at http://mdideareport.org. The requirement for public reporting on local Infants and Toddlers Program performance is a critical provision to ensure accountability focusing on improved results for infants and toddlers with disabilities and their families. The MSDE will continue to provide technical assistance opportunities as you work to continue to support positive performance under Part C of the IDEA.

Congratulations on your hard work and commitment to excellence. If you have any feedback on our past technical assistance efforts or the need for guidance, we would be happy to hear from you as we work to develop additional mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the Worcester County Infants and Toddlers Program improving results for infants and toddlers with disabilities and their families. If you have any questions, would like to discuss this further, or request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DR:BMM

Attachments

c: Lillian M. Lowery, Ed.D.
Kathy Simon
Glen Hammerbacher

May 14, 2013
Worcester County Infants and Toddlers Program
Annual Data on Part C State Performance Plan (SPP) Priority Indicators
for the Period July 1, 2011 – June 30, 2012

Part C Annual SPP Performance Report								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
1	Timely Delivery of IFSP Services		100%	100%	Yes	Compliant. No required action.	96.7%	100%
2	Infants and Toddlers with IFSPs who receive services in natural environments		91.5%	100%	Yes	Data meet the State's target. No required action.	100%	100%
3A	Birth to 3 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	80.6%	62.5%	No	No required action. State target based on different methodology.	77.8%	58.3%
		2. Exits within age expectations	73.8%	77.4%	Yes		83.3%	23.1%
3B	Birth to 3 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	85.8%	94.4%	Yes	No required action. State target based on different methodology.	77.8%	75.0%
		2. Exits within age expectations	69.9%	83.9%	Yes		83.3%	38.5%
3C	Birth to 3 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	87.0%	76.2%	No	No required action. State target based on different methodology.	100%	90.9%
		2. Exits within age expectations	75.4%	83.9%	Yes		83.3%	53.8%
4A	Families who report EIS helped them know their rights		79.5%	94.1%	Yes	Data meet the State's target. No required action.	92.9%	85.2%
4B	Families who report EIS helped them communicate their child's needs		77.5%	100%	Yes	Data meet the State's target. No required action.	92.9%	85.2%
4C	Families who report EIS helped them help their children develop and learn		87.5%	94.1%	Yes	Data meet the State's target. No required action.	100%	85.2%
5	Children birth to one served as a percentage of the population birth to one		1.50%	1.40%	No	Data do not meet the State target. Continue Improvement Activities.	2.01%	1.78%
6	Children birth to three served as a percentage of the population birth to 3		2.88%	2.92%	Yes	Data meet the State's target. No required action.	2.01%	2.39%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral		100%	100%	Yes	Compliant. No required action.	100%	100%

Part C Annual SPP Performance Report							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
8B	Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Yes	Compliant. No required action.	100%	100%
9	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	100%	100%
14	Submission of timely and accurate data	100%	100%	Yes	Compliant. No required action.	100%	83.3%

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act of 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education Program's (OSEP) State Performance Plans. Annually, the 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 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, the OSEP requires states to 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 should 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 June 12, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on the OSEP's identification of the MSDE's determination status, special conditions, and other enforcements, as applicable.

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 results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to 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 call, 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 C.F.R. §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 C.F.R. §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 the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the 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 the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Part C
Local Determination Scoring Criteria
FFY 2011 / SFY 2011 (July 1, 2011-June 30, 2012)

Meets Requirements

Performance/Results Indicators

LITP met State target for at least four* performance indicators**.

AND

Data for Indicator 2 (Natural Environments) is not significantly below the target.

AND

Compliance Indicators

LITP demonstrated substantial compliance[1] in at least five of the six compliance indicators (1, 7, 8a, 8b, 8c, and 14), and data is not below 85%** in indicators 1, 7, 8a, 8b, or 8c.

AND

LITP demonstrated full compliance (100%) in at least 2 compliance indicators (1, 7, 8a, 8b, 8c, and 14)

AND

LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year (Indicator 9).

*This requirement for Meets Requirements was increased from two to four (of six total) performance indicators in FFY 2011.
**This percentage will not be used as criteria for jurisdictions where noncompliance for 1 child accounts for over 15% of the data. One child may not be considered a systemic issue.

Needs Assistance

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrates substantial compliance in at least three of the six compliance indicators.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the target in any

[1] Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (generally 95% or better).

performance indicator, but demonstrated substantial compliance in at least three of the six compliance indicators, and was not significantly below the target in any compliance indicator.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 15 months of identification.

Needs Intervention

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrated substantial compliance in at least one compliance indicator.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the State target in any performance indicator, and demonstrated substantial compliance in at least two compliance indicators.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 24 months.

Needs Substantial Intervention

LITP demonstrated continued failure to make progress in correcting all previously identified noncompliance and completing all corrective actions for two or more years from the date of identification.

AND

LITP 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

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

Part C Local Determination
Framework for Technical Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C indicators defined in the Office of Special Education's (OSEP) State Performance Plans. The 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 determinations to each local Infants and Toddlers Program (LITP). Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each LITP's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. While it is MSDE's preference to work with each LITP in a collaborative manner to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

Regulatory Requirements

13A.13.02.04

F. Supervision, Monitoring, and Enforcement.

(1) The Maryland Infants and Toddlers Program shall collaborate with State agencies identified in the State Interagency Agreement to monitor programs and activities of the State to implement Part C of the Act, including:

(a) Supervising and monitoring local lead agencies, institutions, organizations, and EIS providers, in accordance with 34 CFR §303.120(a);

(b) Providing technical assistance to those local lead agencies, institutions, organizations, and EIS providers;

(c) Enforcing obligations imposed on those local lead agencies, institutions,-organizations, and EIS providers;

(d) Correcting deficiencies that are identified through monitoring.

(e) Correcting noncompliance identified through monitoring as soon as possible and in no case later than one year after the identification of the noncompliance; and

(f) Conducting the activities in paragraphs (a) through (e) of this subsection, consistent with 34 CFR §303.700 – 303.707 to:

(i) Make determinations annually about the performance of each local EIS program using the categories identified in 34 CFR §303.703(b);

(ii) Use appropriate mechanisms to enforce the requirements of Part C of the Act consistent with 34 CFR §303.704 and COMAR 13A.05.02.07; and

(iii) Report annually on the performance of the State and of each local EIS program, in accordance with 34 CFR §303.702.

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LITP. 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 an LITP.

MSDE will identify:
- What needs to change;
- How frequently and in what manner the LITP reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, LITPs 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 LITPs by telephone, fax, email, mail, or in-person. To enable an LITP to improve performance and meet compliance, available assistance may include, but is not limited to MSDE assisting an LITP to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and 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 and best practices;
- 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;
- Identify additional sources of information, resources and support;
- 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; and
- Use evaluative measures to validate progress and correction of previous noncompliance.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the LITP's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects an LITP's 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 C," MSDE will direct LITPs 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 an LITP, MSDE may determine that an LITP 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 system of general supervision to include:
    - Local system for collecting, tracking and reporting data on Performance/Results and Compliance Indicators;
    - Policies, procedures, and effective practices;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Technical Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of the local system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- Identification of an LITP as a high risk grantee if an LITP is in the category of Needs Intervention for 2 years; and
- Required 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/results and compliance. Assistance is needed in multiple performance/results 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 C funds;
- Withhold or reduce Part C funds pending completion of the corrective actions;

- Withhold or reduce State funds for early intervention 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 LITP's early intervention 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 an LITP shall be met, consistent with 20 U.S.C. §1413(c) and (d).

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Timely Services	100% of infants and toddlers with IFSPs will receive the early intervention services on their IFSP in a timely manner (30-day timeline) (Compliance Indicator) Indicator includes data on children in the Extended IFSP Option	**Not Met – 96.7%** Substantial Compliance Met	**Not Met – 97.7%** Substantial Compliance Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 96.3%**	**Met – 97.1%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met - 76.0%** N = 2,118	**Not Met – 70.1%** N = 4,412
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Not Met - 68.8%** N = 2,118	**Not Met – 65.3%** N = 4,412
3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met - 80.8%** N = 2,139	**Not Met – 74.1%** N = 4,416
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Not Met - 64.1%** N = 2,139	**Not Met – 60.5%** N = 4,416
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met - 81.6%** N = 2,136	**Not Met – 72.9%** N = 4,415
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Not Met - 70.9%** N = 2,136	**Not Met – 63.5%** N = 4,415

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4a	Family Outcomes	79.5% of families participating in Part C will report that early intervention services have helped the family: know their rights (Results Indicator) Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,474 39.7% Response Rate	**Met – 94.9%** N=3,940 46.7% Response Rate
4b	Family Outcomes	77.5% of families participating in Part C will report that early intervention services have helped the family: communicate their children's needs Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,345 39.7% Response Rate	**Met – 94.7%** N=3,814 46.7% Response Rate
4c	Family Outcomes	87.5% of families participating in Part C will report that early intervention services have helped the family: help their children learn and develop Indicator includes data on children in the Extended IFSP Option	**Met – 94%** N=3,329 39.7% Response Rate	**Met – 95.2%** N=3,804 46.7% Response Rate
5	Child Find Birth to One	1.5% of the State's birth-to-one resident population will be served. (Results Indicator)	**Met – 1.59%**	**Not Met – 1.48%**
6	Child Find Birth to Three	2.95% of the State's birth-to-three resident population will be served. (Results Indicator)	**Met – 3.54%**	**Met – 3.39%**
7	45-Day Timeline	100% of eligible infants and toddlers will have an evaluation/assessment and an initial IFSP meeting conducted within Part C's 45-Day Timeline (Compliance Indicator)	**Not Met – 98.2%** Substantial Compliance Met	**Not Met – 98.7%** Substantial Compliance Met
8a	Early Childhood Transition - IFSPs with transition steps and services	100% of all children exiting Part C will have IFSPs with transition steps and services (Compliance Indicator)	**Not Met – 99.8%** Substantial Compliance Met	**Met – 100%**
8b	Early Childhood Transition – Notification to LEA	LEAs will be notified of 100% of all children potentially eligible for Part B	**Met – 100%**	**Met – 100%**
8c	Early Childhood Transition – Transition Planning Meeting	100% of all children exiting Part C will have timely Transition Planning Meetings	**Not Met – 99.4%** Substantial Compliance Met	**Not Met – 99.1%** Substantial Compliance Met
9	Identification and Correction of Noncompliance	100% of all findings of noncompliance will be corrected within 1 year of notification (Compliance Indicator)	**Met – 100%**	**Not Met – 99.8%** Substantial Compliance Met

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Complaint Timelines	100% of signed written reports will be resolved within the 60-Day Timeline (Compliance Indicator)	**Met – 100%**	**Not required to report in FFY 2011 APR**
11	Due Process Timelines	100% of fully adjudicated due process hearing requests will be fully adjudicated within timeline (Compliance Indicator)	**NA – only request withdrawn prior to adjudication**	**Not required to report in FFY 2011 APR**
12	Hearing Requests Resolved by Resolution	100% of hearing requests that went to resolution sessions were resolved through resolution sessions (Compliance Indicator)	**NA – none held**	**NA – none held**
13	Mediation Agreements	100% of mediations will result in mediation agreements (Compliance Indicator)	**NA – fewer than 10**	**NA – fewer than 10**
14	State Reported Data	100% of State reported 618 data and annual performance reports are accurate and submitted on or before due dates (Compliance Indicator)	**Met – 100%**	**Met – 100%**

FFY 2011 APR – Infants and Toddlers Extended IFSP Option Data

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 94.0%**	**Met – 94.0%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met – 72.9%** N = 133	**Not Met – 70.4%** N = 1,074
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Met – 80.5%** **N = 133**	**Not Met - 68.5%** N = 1,074

3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met – 78.2%** N = 135	**Not Met – 75.6%** N = 1,076
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Met – 72.6%** N = 135	**Not Met – 64.4%** N = 1,076
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met – 80.2%** N = 136	**Not Met – 71.3%** N = 1,073
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Met – 81.6%** N = 136	**Not Met – 69.5%** N = 1,073
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family understand my options in order to make the best choice for my child and family to continue services through an extended Individualized Family Service Plan or move to services through an Individualized Education Program.	**No Target Set - 91%** N = 917	**No Target Set - 93%** N = 932
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family support my child to be ready for school by assisting me to teach my child prereading activities (such as naming pictures) and pre-math activities (such as sorting household items).	**No Target Set - 91%** N = 872	**No Target Set - 92%** N = 885

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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

May 29, 2013

Dr. Oxiris Barbot
Health Commissioner
Baltimore City Health Department
1001 East Fayette Street
Baltimore, MD 21202

Dear Dr. Barbot:

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). The OSEP reviews each state's SPP and Annual Performance Report (APR) annually. Using the information obtained through the review of the APR and other data sources, the OSEP evaluates each state's performance on these indicators, and assigns each state to one of four levels of determination statuses: "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 with disabilities and their families. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part C in early June 2013.

Consistent with 34 CFR §§303.702(a)(2) and 303.703(b), the MSDE is also required to make determinations annually on the performance of each Infants and Toddlers Program in the State using one of the following four categories to assign a determination status to each Infants and Toddlers Program: "Meets Requirements," "Needs Assistance," "Needs Improvement," and "Needs Substantial Intervention." The MSDE Division of Special Education/Early Intervention Services uses a results-based rubric on specific indicators to rate each public agency's performance in meeting the State's targets for FFY 2011. Attached is a document entitled, *Part C and Part B Public Agency Determinations* that lists the Part C indicators included in determination status. The MSDE carefully considers all aspects of this process. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, if any, the Baltimore City Infants and Toddlers Program has been assigned **Needs Assistance** status.

To achieve a determination status of "Meets Requirements," the Baltimore City Infants and Toddlers Program has met or exceeds the State's target on at least 4 of 6 performance indicators (2, 4a, 4b, 4c, 5, and 6) and Natural Environment data (Indicator 2) are not significantly below the State's target. In addition, the Baltimore City Infants and Toddlers Program must demonstrate at least substantial compliance (at least 95.0%) for at least 4 of the 7 compliance indicators (1, 7, 8a, 8b, 8c, 9, and 14), and demonstrates full compliance (100%) in at least 1 compliance indicator. Finally, all previously identified noncompliance, including fiscal noncompliance, has been corrected within one year of notification (Indicator 9).

Attached to this letter are copies of the following documents:
- *Annual Data on Part C SPP/APR Indicators; and*
- *Part C Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data on Part C SPP/APR Indicators* provides an analysis of the Baltimore City Infants and Toddlers Program data. The *Part C Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available to your local Infants and Toddlers Program.

In accordance with 20 U.S.C. §1416(e) and 34 CFR §§303.700 and 303.704(a), if a local Infants and Toddlers Program is determined to be in need of assistance for two consecutive years, the MSDE must take one or more of the following actions: 1) Advise the local Infants and Toddlers Program of available sources of technical assistance that may help the local Infants and Toddlers Program address the areas in which the program needs assistance; 2) Direct the use of federal funds to the area or area(s) the local Infants and Toddlers Program needs assistance; or 3) Identify the local Infants and Toddlers Program as a high-risk grantee and impose special conditions on the local Infants and Toddlers Program's IDEA Part C grant award.

The Baltimore City Infants and Toddlers Programs is required to access sources of technical assistance and inform the MSDE of the type, amount, and frequency of assistance needed to address specific needs. The specific indicators most critical to improving the results for Baltimore City are: Timely Services, Correction of Noncompliance, and Submission of Timely and Accurate Data.

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 Infants and Toddlers Program performance is a critical provision in ensuring accountability focusing on improved results for infants and toddlers with disabilities and their families. The MSDE will continue to provide technical assistance opportunities as you work to improve performance under Part C of the IDEA. If you have any feedback on our past technical assistance efforts or the need for guidance, we would be happy to hear from you as we work to develop further mechanisms to support local improvement activities.

If you have any feedback on our past technical assistance efforts or the need for guidance, we would be happy to hear from you as we work to develop further mechanisms to support local improvement activities. The MSDE is committed to supporting the efforts of the Baltimore City Infants and Toddlers Program to improve results for infants and toddlers with disabilities and their families. 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,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DR:BMM
Attachments
c: Lillian M. Lowery, Ed.D.
Charles Baugh
Kim Hoffmann, Ph.D.

May 14, 2013
Baltimore City Infants and Toddlers Program
Annual Data on Part C State Performance Plan (SPP) Priority Indicators
for the Period July 1, 2011 – June 30, 2012

Part C Annual SPP Performance Report								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
1	Timely Delivery of IFSP Services		100%	94.9%	No	Correction has been verified.	90.9%	96.9%
2	Infants and Toddlers with IFSPs who receive services in natural environments		91.5%	97.5%	Yes	Data meet the State's target. No required action.	85.4%	95.0%
3A	Birth to 3 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	80.6%	58.0%	No	No required action. State target based on different methodology.	41.7%	55.8%
		2. Exits within age expectations	73.8%	55.3%	No		63.2%	50.8%
3B	Birth to 3 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	85.8%	50.0%	No	No required action. State target based on different methodology.	40.0%	58.0%
		2. Exits within age expectations	69.9%	40.7%	No		65.4%	48.4%
3C	Birth to 3 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	87.0%	57.1%	No	No required action. State target based on different methodology.	38.5%	57.3%
		2. Exits within age expectations	75.4%	50.9%	No		51.4%	52.8%
4A	Families who report EIS helped them know their rights		79.5%	96.3%	Yes	Data meet the State's target. No required action.	77.6%	92.0%
4B	Families who report EIS helped them communicate their child's needs		77.5%	95.1%	Yes	Data meet the State's target. No required action.	73.5%	93.7%
4C	Families who report EIS helped them help their children develop and learn		87.5%	96.9%	Yes	Data meet the State's target. No required action.	86.7%	93.1%
5	Children birth to one served as a percentage of the population birth to one		1.50%	1.53%	Yes	Data meet the State's target. No required action.	1.75%	1.84%
6	Children birth to three served as a percentage of the population birth to 3		2.88%	3.24%	Yes	Data meet the State's target. No required action.	2.85%	3.48%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral		100%	96.4%	No	Correction has been verified.	99.1%	99.2%

Part C Annual SPP Performance Report							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
8A	**Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday**	100%	100%	Yes	Compliant. No required action.	97.2%	100%
8B	**Percentage of toddlers for whom the LEA was notified of potential Part B eligibility at least 90 days prior to the third birthday**	100%	100%	Yes	Compliant. No required action.	98.8%	100%
8C	**Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday**	100%	100%	Yes	Compliant. No required action.	100%	100%
9	**Timely correction of noncompliance**	100%	97.7%	No	No findings remain open. Continue to correct noncompliance as soon as possible but in no case later than 1 year after the date of notification.	100%	100%
14	**Submission of timely and accurate data**	100%	91.7%	No	Submit all data, including programmatic and fiscal reports, in a timely and accurate manner.	66.6%	75.0%

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act of 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education Program's (OSEP) State Performance Plans. Annually, the 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 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, the OSEP requires states to 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 should 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 June 12, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on the OSEP's identification of the MSDE's determination status, special conditions, and other enforcements, as applicable.

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 results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to 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 call, 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 C.F.R. §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 C.F.R. §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 the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the 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 the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Part C
Local Determination Scoring Criteria
FFY 2011 / SFY 2011 (July 1, 2011-June 30, 2012)

Meets Requirements

Performance/Results Indicators

LITP met State target for at least four* performance indicators**.

AND

Data for Indicator 2 (Natural Environments) is not significantly below the target.

AND

Compliance Indicators

LITP demonstrated substantial compliance[1] in at least five of the six compliance indicators (1, 7, 8a, 8b, 8c, and 14), and data is not below 85%** in indicators 1, 7, 8a, 8b, or 8c.

AND

LITP demonstrated full compliance (100%) in at least 2 compliance indicators (1, 7, 8a, 8b, 8c, and 14)

AND

LITP corrected all previously identified findings of noncompliance, including fiscal noncompliance, within one year (Indicator 9).

*This requirement for Meets Requirements was increased from two to four (of six total) performance indicators in FFY 2011.
**This percentage will not be used as criteria for jurisdictions where noncompliance for 1 child accounts for over 15% of the data. One child may not be considered a systemic issue.

Needs Assistance

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrates substantial compliance in at least three of the six compliance indicators.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the target in any

[1] Substantial compliance means a local school system or public agency provided data showing a very high level of compliance (generally 95% or better).

performance indicator, but demonstrated substantial compliance in at least three of the six compliance indicators, and was not significantly below the target in any compliance indicator.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 15 months of identification.

Needs Intervention

Performance/Results Indicators and Compliance Indicators: LITP met the State target in at least one performance indicator, and demonstrated substantial compliance in at least one compliance indicator.

OR

Performance/Results Indicators and Compliance Indicators: LITP did not meet the State target in any performance indicator, and demonstrated substantial compliance in at least two compliance indicators.

AND

LITP correction of previously identified findings of noncompliance, including fiscal noncompliance, completed within 24 months.

Needs Substantial Intervention

LITP demonstrated continued failure to make progress in correcting all previously identified noncompliance and completing all corrective actions for two or more years from the date of identification.

AND

LITP 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

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

Part C Local Determination
Framework for Technical Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA), is focused on state accountability on Part C indicators defined in the Office of Special Education's (OSEP) State Performance Plans. The 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 determinations to each local Infants and Toddlers Program (LITP). Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each LITP's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, staff development, targeted funds for improvement, and on-site visits, as appropriate. While it is MSDE's preference to work with each LITP in a collaborative manner to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

Regulatory Requirements

13A.13.02.04

F. Supervision, Monitoring, and Enforcement.

(1) The Maryland Infants and Toddlers Program shall collaborate with State agencies identified in the State Interagency Agreement to monitor programs and activities of the State to implement Part C of the Act, including:

(a) Supervising and monitoring local lead agencies, institutions, organizations, and EIS providers, in accordance with 34 CFR §303.120(a);

(b) Providing technical assistance to those local lead agencies, institutions, organizations, and EIS providers;

(c) Enforcing obligations imposed on those local lead agencies, institutions,-organizations, and EIS providers;

(d) Correcting deficiencies that are identified through monitoring.

(e) Correcting noncompliance identified through monitoring as soon as possible and in no case later than one year after the identification of the noncompliance; and

(f) Conducting the activities in paragraphs (a) through (e) of this subsection, consistent with 34 CFR §303.700 – 303.707 to:

(i) Make determinations annually about the performance of each local EIS program using the categories identified in 34 CFR §303.703(b);

(ii) Use appropriate mechanisms to enforce the requirements of Part C of the Act consistent with 34 CFR §303.704 and COMAR 13A.05.02.07; and

(iii) Report annually on the performance of the State and of each local EIS program, in accordance with 34 CFR §303.702.

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each LITP. 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 an LITP.

MSDE will identify:
- What needs to change;
- How frequently and in what manner the LITP reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, LITPs 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 LITPs by telephone, fax, email, mail, or in-person. To enable an LITP to improve performance and meet compliance, available assistance may include, but is not limited to MSDE assisting an LITP to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and 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 and best practices;
- 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;
- Identify additional sources of information, resources and support;
- 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; and
- Use evaluative measures to validate progress and correction of previous noncompliance.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the LITP's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects an LITP's 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 C," MSDE will direct LITPs 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 an LITP, MSDE may determine that an LITP 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 system of general supervision to include:
    - Local system for collecting, tracking and reporting data on Performance/Results and Compliance Indicators;
    - Policies, procedures, and effective practices;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Technical Assistance and Professional Development.
- Identification and prioritization of corrective actions based upon the analysis of the local system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- Identification of an LITP as a high risk grantee if an LITP is in the category of Needs Intervention for 2 years; and
- Required 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/results and compliance. Assistance is needed in multiple performance/results 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 C funds;
- Withhold or reduce Part C funds pending completion of the corrective actions;

- Withhold or reduce State funds for early intervention 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 LITP's early intervention 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 an LITP shall be met, consistent with 20 U.S.C. §1413(c) and (d).

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Timely Services	100% of infants and toddlers with IFSPs will receive the early intervention services on their IFSP in a timely manner (30-day timeline) (Compliance Indicator) Indicator includes data on children in the Extended IFSP Option	**Not Met – 96.7%** Substantial Compliance Met	**Not Met – 97.7%** Substantial Compliance Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 96.3%**	**Met – 97.1%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met - 76.0%** N = 2,118	**Not Met – 70.1%** N = 4,412
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Not Met - 68.8%** N = 2,118	**Not Met – 65.3%** N = 4,412
3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met - 80.8%** N = 2,139	**Not Met – 74.1%** N = 4,416
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Not Met - 64.1%** N = 2,139	**Not Met – 60.5%** N = 4,416
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met - 81.6%** N = 2,136	**Not Met – 72.9%** N = 4,415
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Not Met - 70.9%** N = 2,136	**Not Met – 63.5%** N = 4,415

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4a	Family Outcomes	79.5% of families participating in Part C will report that early intervention services have helped the family: know their rights (Results Indicator) Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,474 39.7% Response Rate	**Met – 94.9%** N=3,940 46.7% Response Rate
4b	Family Outcomes	77.5% of families participating in Part C will report that early intervention services have helped the family: communicate their children's needs Indicator includes data on children in the Extended IFSP Option	**Met – 93%** N=3,345 39.7% Response Rate	**Met – 94.7%** N=3,814 46.7% Response Rate
4c	Family Outcomes	87.5% of families participating in Part C will report that early intervention services have helped the family: help their children learn and develop Indicator includes data on children in the Extended IFSP Option	**Met – 94%** N=3,329 39.7% Response Rate	**Met – 95.2%** N=3,804 46.7% Response Rate
5	Child Find Birth to One	1.5% of the State's birth-to-one resident population will be served. (Results Indicator)	**Met – 1.59%**	**Not Met – 1.48%**
6	Child Find Birth to Three	2.95% of the State's birth-to-three resident population will be served. (Results Indicator)	**Met – 3.54%**	**Met – 3.39%**
7	45-Day Timeline	100% of eligible infants and toddlers will have an evaluation/assessment and an initial IFSP meeting conducted within Part C's 45-Day Timeline (Compliance Indicator)	**Not Met – 98.2%** Substantial Compliance Met	**Not Met – 98.7%** Substantial Compliance Met
8a	Early Childhood Transition - IFSPs with transition steps and services	100% of all children exiting Part C will have IFSPs with transition steps and services (Compliance Indicator)	**Not Met – 99.8%** Substantial Compliance Met	**Met – 100%**
8b	Early Childhood Transition – Notification to LEA	LEAs will be notified of 100% of all children potentially eligible for Part B	**Met – 100%**	**Met – 100%**
8c	Early Childhood Transition – Transition Planning Meeting	100% of all children exiting Part C will have timely Transition Planning Meetings	**Not Met – 99.4%** Substantial Compliance Met	**Not Met – 99.1%** Substantial Compliance Met
9	Identification and Correction of Noncompliance	100% of all findings of noncompliance will be corrected within 1 year of notification (Compliance Indicator)	**Met – 100%**	**Not Met – 99.8%** Substantial Compliance Met

FFY 2011 (2011-2012) Part C
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Complaint Timelines	100% of signed written reports will be resolved within the 60-Day Timeline (Compliance Indicator)	**Met – 100%**	**Not required to report in FFY 2011 APR**
11	Due Process Timelines	100% of fully adjudicated due process hearing requests will be fully adjudicated within timeline (Compliance Indicator)	**NA – only request withdrawn prior to adjudication**	**Not required to report in FFY 2011 APR**
12	Hearing Requests Resolved by Resolution	100% of hearing requests that went to resolution sessions were resolved through resolution sessions (Compliance Indicator)	**NA – none held**	**NA – none held**
13	Mediation Agreements	100% of mediations will result in mediation agreements (Compliance Indicator)	**NA – fewer than 10**	**NA – fewer than 10**
14	State Reported Data	100% of State reported 618 data and annual performance reports are accurate and submitted on or before due dates (Compliance Indicator)	**Met – 100%**	**Met – 100%**

FFY 2011 APR – Infants and Toddlers Extended IFSP Option Data

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
2	Natural Environment	91.5% of infants and toddlers with IFSPs will primarily receive early intervention services in the home or programs for typically developing children. (Results Indicator)	**Met – 94.0%**	**Met – 94.0%**
3a Summary Statement (SS) #1	Infant and Toddler Outcomes	80.6% of children who entered or exited the Part C early intervention program below age-expectations in positive social-emotional skills substantially increased their rate of growth by the time they exited the program. (Results Indicator)	**Not Met – 72.9%** N = 133	**Not Met – 70.4%** N = 1,074
3a SS #2	Infant and Toddler Outcomes	73.8% of children participating in the Part C early intervention program were functioning within age expectations in positive social-emotional skills by the time they exited the program.	**Met – 80.5%** **N = 133**	**Not Met - 68.5%** N = 1,074

3b SS #1	Infants and Toddler Outcomes	85.8% of children who entered or exited the Part C early intervention program below age-expectations in acquisition and use of knowledge and skills substantially increased their rate of growth by the time they exited the program.	**Not Met – 78.2%** N = 135	**Not Met – 75.6%** N = 1,076
3b SS #2	Infant and Toddler Outcomes	69.9% of children participating in Part C early intervention program were functioning within age expectations in acquisition and use of knowledge and skills by the time they exited the program.	**Met – 72.6%** N = 135	**Not Met – 64.4%** N = 1,076
3c SS #1	Infant and Toddler Outcomes	87.0% of children who entered or exited the Part C early intervention program below age-expectations in the use of appropriate behaviors to meet their needs substantially increased their rate of growth by the time they exited the program.	**Not Met – 80.2%** N = 136	**Not Met – 71.3%** N = 1,073
3c SS #2	Infant and Toddler Outcomes	75.4% of children participating in Part C early intervention program were functioning within age expectations in the use of appropriate behaviors to meet their needs by the time they exited the program.	**Met – 81.6%** N = 136	**Not Met – 69.5%** N = 1,073
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family understand my options in order to make the best choice for my child and family to continue services through an extended Individualized Family Service Plan or move to services through an Individualized Education Program.	**No Target Set - 91%** N = 917	**No Target Set - 93%** N = 932
4	Family Outcomes	Percentage of families agreeing, strongly agreeing, or very strongly agreeing with the statement: Over the past year, Early Intervention services have helped me and/or my family support my child to be ready for school by assisting me to teach my child prereading activities (such as naming pictures) and pre-math activities (such as sorting household items).	**No Target Set - 91%** N = 872	**No Target Set - 92%** N = 885