



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

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

SEP 22 2005

Dear Dr. Grasmick:

The purpose of this letter is to respond to the Maryland Department of Education's (MSDE's) April 8, 2005 submission of its Federal Fiscal Year (FFY) 2003 Annual Performance Report (APR) under the Individuals with Disabilities Education Act (IDEA) Part C for the grant period July 1, 2003 through December 30, 2004¹. The APR reflects actual accomplishments that the State made during the reporting period, compared to established objectives. The Office of Special Education Programs (OSEP) has designed the APR under the IDEA to provide uniform reporting from States and result in high-quality information across States. The APR is a significant data source for OSEP in the Continuous Improvement and Focused Monitoring System (CIFMS).

The State's APR should reflect the collection, analysis and reporting of relevant data and include specific data-based determinations regarding performance and compliance in each of the cluster areas. This letter responds to the State's FFY 2003 APR. OSEP has set out its comments, analysis and determinations by cluster area.

Background

OSEP's FFY 2002 APR response letter required the State to submit in the State's FFY 2003 APR information on the following: (1) General Supervision: updated data and analysis from its new electronic database for the three cluster areas as follows: (2) Family Centered Services: family assessments conducted with the approval of the family; (3) Early Intervention Services in Natural Environments: (a) evaluation of children in all developmental areas and documentation of present levels of functioning on the IFSP; (b) children participating in Part C that demonstrate improved and sustained functional abilities; and (c) provision of services in natural environments and a justification when early intervention services are not provided in natural environments; and (4) Early Childhood Transition: (a) holding the transition planning conference 90 to 120 days prior to the child's third birthday; and (b) documentation on the IFSP, steps to support the transition of the child and family. In addition, to be consistent with Federal law, MSDE was required to delete in the Child Find Public Awareness section its numerical goals for the Asian and Hispanic populations.

OSEP conducted a visit to MSDE during the week of March 14, 2005 to verify the effectiveness of the State's systems for General Supervision and data collection under Section 618 of IDEA. Based

¹ MSDE reported information for a 20 month period, July 1, 2003 through January 31, 2005, to provide updated data from the electronic database, as part of its general supervision system, to identify and correct identified areas of noncompliance.

on OSEP's review of MSDE's general supervision documents and the review of information both prior to and during the visit, OSEP reported in its April 18, 2005 verification letter to the State that it believed that MSDE's system of general supervision and data collection under 618 of IDEA were reasonably calculated to identify and correct noncompliance.

General Supervision

Identification and timely correction of noncompliance

On pages 2-8, in Attachments GS1, Table 1a and 1b of the FFY 2003 APR, the State included data and analysis regarding its effort to ensure compliance and improve performance in this area to ensure the identification and correction of noncompliance among all local programs, as required by 34 CFR §303.501.

MSDE reported that modifications were made to its general supervision system to: (1) ensure an outcome-based accountability system; (2) implement a focused monitoring system; (3) ensure the timely correction of systemic issues by requiring all local infant and toddler programs (LITPs) to implement a targeted priority plan (TPP); and (4) capture "real time" data with its electronic database to demonstrate performance and compliance. MSDE stated that new baseline data were established for the 24 LITPs because several modifications to the new database system were required to ensure consistency with Federal requirements. Training and technical assistance were provided to minimize the data entry errors. MSDE stated that the analysis of these data was used to develop and disseminate data profiles to each of the 24 LITPs in October 2004 that identified areas of noncompliance.

MSDE reported that nine LITPs received a desk audit because they had demonstrated substantial progress towards compliance, 10 LITPs received technical assistance and a follow-up visit to ensure the correction of one or two areas of noncompliance; and five LITPs received an active on-site monitoring because they demonstrated noncompliance in one or more areas. MSDE issued updated data on December 30, 2004 that demonstrated 100% of LITPs were implementing activities from their improvement plans (IPs) and targeted priorities plans (TPPs) to demonstrate progress toward the correction of identified areas noncompliance.² MSDE stated data profiles that include updated data would be issued to all LITPs in April 2005 and December 2005 to demonstrate full compliance. In the State Performance Plan (SPP), due December 2, 2005, the State must include updated data regarding correction of noncompliance.

Dispute resolution

On pages 15-16 and 66 of the FFY 2003 APR, the State included data and analysis demonstrating continued compliance in this area to ensure provision and implementation of procedural safeguards as required by 34 CFR §§ 303.401-303.460, §§303.510-303.512. MSDE reported that the Complaint Investigation Branch within MSDE's Division of Special Education assumed responsibility for the investigation of Part C complaints with assistance and support of the Part C staff. MSDE indicated that four Part C system complaints were filed during this reporting period. Two complaints were withdrawn and the other two were investigated. One complaint resulted in

² MSDE, issues local data profiles that serve as monitoring reports as part of its focused monitoring process.

written findings of fact and conclusions, and the LITP completed the corrective action plan within the required timeline, demonstrating compliance. The other complaint was investigated and the results indicated no findings. OSEP looks forward to reviewing the State's data in this area as part of its SPP, due December 2, 2005.

Personnel

On pages 16-18 of the FFY 2003 APR, the State included data and analysis regarding its performance in this area to ensure that adequately and appropriately trained personnel were available to meet the early intervention needs of all eligible infants and toddlers and their families as required by 34 CFR §303.361. MSDE reported that 100% of the early intervention staff met the State's credentialing criteria, and 77% completed the 120 contact hours in the nine competency areas. The remaining staff implemented a training plan to acquire the contact hours within one year. MSDE reported that an interactive web-based module was implemented that awarded continuing education credits, and nationally recognized experts conducted in-service training to ensure compliance in this area. MSDE identified the recruitment and retention of qualified personnel (such as speech pathologists, physical therapists, and occupational therapists) as a challenge in some regions of the State. The State will be working with the subcommittee of the State Interagency Coordinating Council to address this issue. OSEP appreciates the work of the State regarding performance with this requirement.

Collection and timely reporting of accurate data

On pages 19-22 of the FFY 2003 APR, the State included data and analysis regarding its performance and compliance in this area. MSDE reported that all local programs submitted the required data sets, including Section 618 of IDEA, consistent with the new data system guidelines required by 34 CFR §303.540. MSDE stated that LITPs status reports were generated by the new database and individual child records were sampled to validate the data results. To ensure consistency in data reporting, status reports were run in multiple formats, predefined and dynamic³. MSDE reported that it was continuing to work with data experts and system developers, Data Lab and Johns Hopkins University to ensure the accuracy and timeliness of the data. OSEP looks forward to reviewing the State's data in this area as part of its SPP, due December 2, 2005.

Fiscal responsibility

On pages 67-68 of the FFY 2003 APR, the State included data and analysis regarding its performance in this area to ensure the coordination of funding resources within the State that resulted in the provision of early intervention services. MSDE reported that local funds constituted the greatest financial support. The other sources of funding included: (1) Federal Part B funds; (2) medical assistance; (3) State general funds; and (4) insurance. OSEP appreciates the work of the State in coordinating a variety of funding sources to implement Part C.

³ MSDE stated that predefined reports required LITPs to report standard information and dynamic reports allowed LITPs to identify and track regional or agency-specific information.

Comprehensive Public Awareness and Child Find System

On pages 23-29, Tables 1, 2, and 3 of the FFY 2003 APR, the State included data and analysis regarding its compliance and performance in this area. MSDE highlighted the results from the State's public awareness and child find activities as required by 34 CFR §§303.320-323 of Part C of the IDEA. On pages 24-26 of the FFY 2003 APR, MSDE eliminated previous reference to numerical goals for the Asian and Hispanic populations to be consistent with Federal law. On page 24 of the FFY 2003 APR, MSDE described the results of its partnership efforts with other State, public and private agencies to implement a coordinated child find and public awareness system. The State reported that the number of eligible children birth to three served increased from 2.62% in FFY 2003 to 2.84% in FFY 2004. The State also reported that the number of eligible children served under one year of age increased from 1.04 % to 1.24, based on a snapshot count. MSDE stated that, based on an annual count, 5.45% of the birth to three population was being served. Twenty-three of the 24 LITPs served more than 2% of the eligible children and 11 of 24 LITPs served above the State average of 5.45%. MSDE reported that 83% of the referrals were from recommendations by physicians and hospitals. MSDE indicated that the most successful methods to reach potential referral sources were brochures, program publications, public television and other outreach efforts. Each LITP was required to include public awareness/child find activities and the conclusions in its Annual Consolidated Local Implementation Grant for funds to facilitate ongoing compliance. OSEP appreciates the State's efforts in this area. OSEP looks forward to reviewing the State's data in this area in the SPP due December 2, 2005.

Family Centered Services

On pages 30-39 of the FFY 2003 APR, the State included data and analysis regarding its performance and compliance in this area. MSDE indicated that family assessments were conducted and the results were used to identify and document outcomes on the IFSP as required by 34 CFR §§303.322(d) and 303.344(c). MSDE stated that 99.9% of families from July 1, 2004 to September 30, 2004 were afforded the opportunity to participate in family assessments; the results were documented on the IFSP and entered into the database. The timelines for the two remaining LITPs to demonstrate compliance extended beyond the reporting period.

MSDE reported that the results from on-site record reviews and family interviews indicated all families reported they received the supports and services necessary to meet the needs of their children, and families were positive about the support they received from their service coordinator and providers. MSDE stated that a web-based training module was developed to assist LITPs to conduct effective family assessments and integrate the information on the IFSP. MSDE reported that it would continue to implement, with support from the General Supervision Enhancement Grant (GSEG), a statewide family survey and other mechanisms to further assess the impact of supports and services to enhance the family's capacity. In the SPP, MSDE must submit data and analysis for the two remaining LITP(s) to demonstrate compliance with this requirement. OSEP appreciates the State's efforts to ensure compliance in this area. OSEP looks forward to reviewing the State's response to the family outcomes indicator in the SPP, due December 2, 2005.

Early Intervention Services in Natural Environments

Service coordination

On pages 40-42 of the FFY 2003 APR, the State included data and analysis regarding its compliance in this area to ensure that each family had a service coordinator that carried out the roles and responsibilities as required by 34 CFR §303.23. MSDE indicated that 100% of the local programs demonstrated compliance with the provision to ensure that each family had a service coordinator that carried out the roles and responsibilities. MSDE stated a service coordinators' resource group would be convened to develop training and technical support to enhance the role of service coordination. OSEP appreciates the work the State in ensuring compliance and improving performance in this area.

Evaluation and identification of needs

OSEP's July 23, 2004 FFY 2002 APR letter accepted the State's plan to correct the following finding from OSEP's 2001 Monitoring Report: evaluations and assessments were not conducted in all developmental areas under 34 CFR §303.322(c)(3)(ii). On pages 43-44 and in Attachment GS1 Table 1b of the FFY 2003 APR, the State included data and analysis regarding its efforts to ensure that evaluations and assessments were conducted in all five developmental domains as required by 34 CFR §303.322(c)(3)(ii). MSDE indicated that five LITPs completed the strategies in their IPs or TPPs to demonstrate 100% compliance with this requirement. The timeline for the remaining LITPs to demonstrate compliance with this requirement extended beyond the reporting period. The remaining LITPs demonstrated continued progress to complete evaluations and assessments in all five developmental domains within the following nine subgroups as follows: (a) cognitive, 97%; (b) communication, 97%; (c) social-emotional, 97%; (d) adaptive, 95%; (e) gross motor, 97%; (f) fine motor, 96%; (g) health, 90%; (h) vision, 90%; and (i) hearing, 91%.

MSDE reported that ongoing technical assistance was provided to all LITPs to clarify the process of recording and entering the data in the new database to demonstrate compliance with this requirement. OSEP appreciates the State's efforts in this area and the State must provide updated data in the SPP confirming full compliance with the comprehensive evaluation requirement.

Individualized family service plans (IFSPs)

OSEP's July 2004 FFY 2002 APR letter accepted the State's plan to correct the findings from OSEP's 2001 Monitoring Report that IFSPs identify the child's present level of functioning as required by 34 CFR §303.344(a). The State on pages 43-46 and in Attachment GS1, Table 1b of the FFY 2003 APR, provided data indicating improvement regarding its efforts to ensure that the initial IFSP meeting is held within 45 days of the referral to Part C as required by 34 CFR §303.342(a). MSDE provided data that indicated 10 LITPs demonstrated compliance with this requirement. The timeline for the remaining LITPs to demonstrate compliance extended beyond the reporting period. MSDE reported sample data from 150 records that indicated continuous services were being implemented and all LITPs submitted a signed assurance to ensure continuous services. MSDE must submit with the SPP updated data reflecting full compliance with the IFSP present level of functioning requirement. OSEP looks forward to reviewing the State's updated LITP data

in response to the 45-day time line and service provision indicators in the SPP, due December 2, 2005.

Natural environments

On pages 53-55 and in Attachment GS1 Table 1b of the FFY 2003 APR, the State included data and analysis regarding its efforts to provide services in the natural environment as required by 34 CFR §303.342(d)(1)(ii). MSDE provided data that indicated 22 LITPs provided services in the natural environment or had a justification when services were not provided in the natural environment. The timeline for the remaining LITPs to demonstrate compliance extended beyond the reporting period. MSDE stated that an analysis of the justifications on IFSPs would be conducted and training provided to ensure consistency in the decision making process across LITPs. OSEP looks forward to reviewing the State's updated LITP data in response to the natural environments indicator in the SPP, due December 2, 2005.

Early childhood outcomes

On pages 56-57 of the FFY 2003 APR, the State included data and analysis regarding its performance with the requirement to demonstrate that children participating in the Part C program demonstrated improved and sustained functional abilities. MSDE reported that a pilot project was conducted to measure the benefit of early intervention services utilizing a rating scale based on the achievement of IFSP outcomes. Interviews with families, service providers and service coordinators conducted relative to progress on IFSP outcomes, generated a greater understanding of the impact of early intervention services on child and family outcomes than the rating scale alone. MSDE reported that, with support from the GSEG and in collaboration with Johns Hopkins University, an Early Childhood Accountability System would be piloted. In the State's submission of its State Performance Plan (SPP) on December 2, 2005, the State should incorporate and update the data and information collected for and reported in the State's APRs to address the requirements related to this indicator. In preparing the SPP, the State must determine whether data collected related to this area will be responsive to those requirements. OSEP looks forward to reviewing updated early childhood outcome data in the State's SPP.

Early Childhood Transition

OSEP's July 2004 FFY 2004 APR letter accepted the State's plan to correct the following finding from OSEP's 2001 monitoring report: the 90-day transition conference requirement under 34 CFR §303.148(b)(2). MSDE reported that its new transition policies and procedures went into effect on October 24, 2004. IFSP forms were revised and revisions were made to the electronic database to capture the required data. Revised guidance documents were issued and follow-up training was provided to address data entry issues. As a result, the data reported for this reporting period did not reflect children who transitioned after the implementation of the revised policies and procedures. In a telephone call with MSDE staff on May 25, 2005, OSEP learned that the revisions were completed and the State was reviewing the data on a monthly basis.

On pages 58-65, GS2, Table1 and Table 1b of the FFY 2003 APR, the State included data and analysis demonstrating progress in correcting noncompliance related to transition from Part C to Part B as follows: (1) all IFSPs reviewed indicated that steps were included to support the transition

of the child to Part B preschool and other community-based programs, as required by 34 CFR §303.344(h); and (2) nine LITPs demonstrated compliance with the provision to ensure that a transition conference was held, with the approval of the family, at least 90 days before the child's third birthday as required by 34 CFR §303.148 (b)(2). The timeline for the remaining LITPs to demonstrate compliance to hold the transition conference, at least 90 days before the child's third birthday extended beyond the reporting period. In the SPP, due December 2, 2005, MSDE must submit data for the remaining LITPs, demonstrating compliance with this requirement.

Conclusion

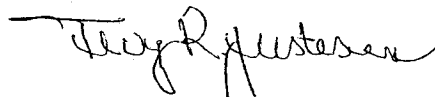
In the SPP, due on December 2, 2005, MSDE must submit data and required information to demonstrate compliance for the remaining LITPs, as follows:

- Early Intervention Services in Natural Environments: (a) ensure that evaluations and assessment are conducted in all five developmental domains as required by 34 CFR §303.3222(c)(3)(ii); and (b) ensure initial IFSPs include present level of functioning as required by 34 CFR §303.344(a).
- Early Childhood Transition: ensure that a transition conference is held with the approval of the family, at least 90 days before the child's third birthday as required by 34 CFR §303.148(b)(2).

IDEA 2004, Section 616, requires each State to submit a SPP that measures performance on monitoring priorities and indicators established by the Department. These priorities and indicators are, for the most part, similar to the clusters and probes in the APR. OSEP encourages the State to carefully consider the comments in this letter as it prepares its SPP.

OSEP recognizes that the APR and its related activities represent only a portion of the work in your State, and we look forward to collaborating with you as you continue to improve results for infants and toddlers with disabilities and their families. If you have questions please contact Alma McPherson at (202) 245-7443.

Sincerely,



Troy R. Justesen
Acting Director
Office of Special Education Programs

cc: Carol Ann Baglin
Deborah Metzger