

**Table B – Maryland Part B  
Previously-Identified Issues**

Issue	State Submission	OSEP Analysis	Required Action
<p><b>Indicator 9</b></p> <p>OSEP's September 22, 2005 letter responding to MSDE's FFY 2003 Annual Performance Report (APR), identified noncompliance with the requirements of 34 CFR §300.755 because, while the State identified districts with significant disproportionality, the State did not include the results of its review of policies, procedures and practices used in the identification and placement of children with disabilities to ensure they are consistent with the requirements of Part B and are race-neutral for those districts with data illustrating significant disproportionality in the identification of children into specific categories and the placement of children with disabilities in particular educational placements. OSEP directed the State to provide, with the SPP, its plan to correct this noncompliance.</p>	<p>MSDE submitted a plan on pages 4 and 5 of the December 2, 2005 attachment submitted with the SPP.</p>	<p>OSEP accepts the State's plan.</p>	<p>In the APR, due February 1, 2007, demonstrate that the review of policies, procedures and practices, required by 34 CFR §300.755, has been conducted.</p>
<p><b>Indicators 15A and 15B</b></p> <p>MSDE's inability to document its ability to correct noncompliance within a year of identification, specifically related to children with disabilities receiving special education in the least restrictive environment (LRE), as required at 34 CFR §300.550, and the provision of all related services, as required at 34 CFR</p>	<p>On page 65 of the SPP, the State provided baseline data for the FFY 2004 (period covering 2004-2005) indicating the number of districts (8 of 24) monitored for compliance with requirements for the placement of children with disabilities in the LRE and the provision of related services in</p>	<p>The State provided information regarding the State's plan for correcting the noncompliance. The State has not provided the required data and analysis to satisfy the Special Condition on its FFY 2005 grant award to demonstrate its ability to correct noncompliance within a year.</p>	<p>Under the Special Conditions, a final Progress Report is due May 15, 2006. Failure to demonstrate compliance with this requirement in the final Progress Report may result in the State being identified as a "high-risk" grantee or may otherwise affect the State's FFY 2006 grant award.</p>

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<p>§300.347, has been a longstanding issue first identified in OSEP's 2001 Monitoring Report. Subsequent information provided by MSDE in the FFY 2002 APR, the FFY 2003 APR and during the March 2005 verification visit was not sufficient for OSEP to verify that MSDE consistently corrects noncompliance identified through the State's monitoring activities within one year of identification.</p> <p>On July 5, 2005, OSEP informed MSDE that the State had not demonstrated compliance with the requirements at 34 CFR §300.600 and 20 U.S.C. 1232d(b)(3), resulting in the Department imposing Special Conditions on Maryland's FFY 2005 grant award under Part B.</p>	<p>accordance with individual IEPs. The State reported that of the eight sites monitored, five had findings of noncompliance. The State further reported that completion of corrective actions and findings, based on verification of correction, will be reported in the APR, due February 2007. (The State also reported that, during the FFY 2003 period (2003-2004), it monitored one LEA and required corrective action within one year. The LEA did not correct all noncompliance, and the State initiated further actions with that LEA.)</p> <p>The State provided information in its November 2005 and February 2006 Progress Report on the Special Conditions in the State's FFY 2005 grant award concerning compliance with the requirements at 34 CFR §300.600 and 20 U.S.C. 1232d(b)(3).</p>		
<p><b><u>Indicator 15C</u></b></p> <p>OSEP's September 22, 2005 letter required MSDE to include data and analysis demonstrating full compliance with the requirement to ensure correction of the noncompliance identified by the State's complaint system in a final report due January 19, 2006, or to submit this information as part of the SPP.</p>	<p>MSDE's provided data on page 3 of the December 2, 2005 attachment submitted with the SPP indicating 93% (103 of 111) of the complaints filed during FFY 2003-2004 that required individual and school-based corrective actions were completed within timelines and in no case longer than one year. An additional</p>	<p>The State reported a 93% level of compliance with the requirement at 34 CFR §300.661(b). While this level of compliance is below 100% and requires continued implementation of improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward</p>	<p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement.</p>

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	5% of the issues identified through the State's complaint system were corrected as of December 2, 2005 (see also page 70 of the SPP).	compliance with this requirement.	
<p><b><u>Indicator 16</u></b> OSEP's September 22, 2005 letter required MSDE to include data and analysis demonstrating compliance related to resolving all complaints within 60 calendar days, unless the timeline is extended because exceptional circumstances exist with respect to a particular complaint.</p>	MSDE's provided data on page 1 of the December 2, 2005 attachment submitted with the SPP indicating 97.8% of all complaints were resolved within 60 calendar days, unless the timeline was extended because exceptional circumstances existed with respect to a particular complaint (see also page 74 of the SPP).	The State reported a 97.8% level of compliance with the requirement at 34 CFR §300.661(a). While this level of compliance is below 100% and requires continued implementation of improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with this requirement.	OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement.
<p><b><u>Indicator 17</u></b> OSEP's September 22, 2005 letter required MSDE to demonstrate, in the SPP, compliance related to timely due process decisions.</p>	MSDE provided data on page 76 of the SPP indicating that of the fully adjudicated due process hearing requests, 88.61% were fully adjudicated within the 45-day timeline or a timeline properly extended by the hearing officer at the request of either party.	The State provided data that demonstrate continued noncompliance with the requirements at 34 CFR §300.511. The level of compliance reported was 88.61%. OSEP initially identified this noncompliance in July 2004 and required correction.	The State must submit data that demonstrate compliance with this requirement by June 1, 2006. Failure to demonstrate compliance at that time may result in the State being identified as a "high-risk" grantee or may otherwise affect the State's FFY 2006 grant award.