

Table A – Maryland Part C

Issues Identified in the State Performance Plan

SPP Indicator	Issue	Required Action
<p><b>Indicator 1:</b> Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner. (20 USC 1416(a)(3)(A) and 1442)</p>	<p>Noncompliance: The State reported an 86% level of compliance for Indicator #1 in the SPP, specifically the requirement at 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1), that all eligible children with IFSPs receive in a timely manner the early intervention services on their IFSPs that are consented to by their parents. In calculating its compliance rate, the State specifically factored out those delays attributable to documented exceptional child or family circumstances.</p>	<p>The State must ensure that this noncompliance is corrected within one year of its identification and include data in the FFY 2005 APR, due February 1, 2007, that demonstrate compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>
<p><b>Indicator 2:</b> Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or programs for typically developing children.<sup>1</sup> (20 USC 1416(a)(3)(A) and 1442)</p>	<p>Other: The State in its discussion of the baseline data for this performance indicator identified noncompliance that is discussed in Indicator #9 in this table.</p>	<p>The State must respond to the required action specified in Indicator 9 in this table, in the APR, due February 1, 2007.</p>

<sup>1</sup> At the time of the release of this package, revised forms for collection of 618 State reported data had not yet been approved. Indicators will be revised as needed to align with language in the 2005-2006 State reported data collections.

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<b>SPP Indicator</b>	<b>Issue</b>	<b>Required Action</b>
<p><b>Indicator 4:</b> Percent of families participating in Part C who report that early intervention services have helped the family:</p> <ul style="list-style-type: none"> <li>A. Know their rights;</li> <li>B. Effectively communicate their children's needs; and</li> <li>C. Help their children develop and learn.</li> </ul> <p>(20 USC 1416(a)(3)(A) and 1442)</p>	<p>Other:</p> <p>An evaluation of the sampling plan for Indicator #4 indicated that it was not technically sound (see OSEP's February 14, 2006 memorandum). Data will lack validity based on a sampling plan that is not technically sound.</p> <p>OSEP is concerned because your plan is to use these invalid data to establish baseline data for this indicator. The submission of invalid data is inconsistent with Federal statute and regulations, including section 616(b)(2)(B) of the IDEA, and will affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>	<p>As indicated in the February 14, 2006 OSEP memorandum, if a revised sampling plan has not been accepted by OSEP by the time the State submits its FFY 2005 APR on February 1, 2007, the State must submit a revised sampling methodology that describes how data were collected with the State's FFY 2005 APR. In the FFY 2005 APR, you also need to explain how your State addressed the deficiencies in the data collection noted in the attachment to the OSEP memorandum.</p> <p>If you decide not to sample, but rather gather census data, please inform OSEP and revise your SPP accordingly.</p>
<p><b>Indicator 7:</b> Percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline. (20 USC 1416(a)(3)(B) and 1442)</p>	<p>Noncompliance:</p> <p>The State reported an 85% level of compliance for Indicator #7 in the SPP, specifically the requirement at 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a), that an evaluation and assessment and initial IFSP meeting is conducted within 45 days for all children referred to Part C. The State did not identify as noncompliance delays attributable to documented exceptional family or child circumstances.</p>	<p>The State must ensure that this noncompliance is corrected within one year of its identification and include data in the APR, due February 1, 2007, that demonstrate compliance with this requirement. The State should review and, if necessary revise, its improvement strategies included in the SPP to ensure they will enable the State to include data in the APR, that demonstrate full compliance with this requirement. The State's final progress report demonstrating compliance with this requirement, which was due October 22, 2006, may be submitted with the State's FFY 2005 APR on February 1, 2007.</p> <p>Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>

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<p><b>Indicator 8:</b> Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:</p> <ul style="list-style-type: none"> <li>A. IFSPs with transition steps and services</li> <li>B. Notification to LEA, if child potentially eligible for Part B: and</li> <li>C. Transition conference, if child potentially eligible for Part B. (20 USC 1416(a)(3)(B) and 1442)</li> </ul>	<p><b>Noncompliance:</b> <u>8B.</u> The State reported a 95% level of compliance with the Indicator #8B, specifically the requirement at 34 CFR §303.148(b)(1) that the lead agency appropriately notify the local educational agency (LEA) where a child resides for children receiving early intervention services. The State reported that the remaining five percent of the children did not have the required documentation on their records in the data system. While this level of compliance is below 100% and requires improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with this requirement. <u>8C.</u> The State reported a 68% level of compliance for Indicator #8C, specifically the requirement at 34 CFR §303.148(b)(2)(i), that for all children receiving early intervention services under Part C and potentially eligible under Part B, a transition conference is convened, with the approval of the family, between the lead agency, the family, and the LEA at least 90 days and, at the discretion of the parties, up to nine months, before the child is eligible for preschool services. See Table B for the past history regarding this requirement. The State reported that a review of IFSPs indicated that 13% of the transition conferences were delayed due to family reasons, 12% were delayed due to program issues, and seven percent did not have the required documentation on the IFSP in the data system.</p>	<p><u>8B:</u> OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement. <u>8C:</u> The State must ensure that this noncompliance is corrected within one year of its identification and include data in the APR, due February 1, 2007, that demonstrate compliance with this requirement. The State should review and, if necessary revise, its improvement strategies included in the SPP to ensure they will enable the State to include data in the APR, that demonstrate full compliance with this requirement. The State must also provide the data requested under Indicator #8B in Table B. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>
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<p><b>Indicator 9:</b> General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification. (20 U.S.C. 1416(a)(3)(B) and 1442)</p>	<p>Noncompliance: <u>9A.</u> The State reported monitoring data indicating a 58% level of noncompliance with the timely correction requirements that included Indicators #7 (at 57% timely correction rate) and #8C (53% timely correction rate). On pages 50-51 of the SPP, MSDE reported the results from the State's follow-up monitoring activities conducted from December 30, 2004 to June 30, 2005, that currently demonstrate an 87% level of compliance with this requirement. <u>9B.</u> (1) The State reported an 88% level of compliance regarding the requirement at 34 CFR §303.344(d)(1)(ii) that all IFSPs either identify the provision of an early intervention service in the natural environment or the appropriate child-outcome based justification for why the IFSP team has determined the service cannot be provided in a natural environment. The State reported that 1% of the remaining 12% of IFSPs did not have an appropriate child-outcome based justification. (2) Table B incorporates the additional findings of noncompliance in non-priority areas regarding the requirements at 34 CFR §§303.322(c)(3)(ii) and 303.344(a) that were previously identified by OSEP. The State reported a 95% level of compliance for this requirement, specifically the requirements at 34 CFR §§303.322(c)(3)(ii) and 303.344(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.</p>	<p><u>9A.</u> The State must ensure timely correction of State-identified noncompliance and report data in the FFY 2005 APR due February 1, 2007 that demonstrate compliance. <u>9B.</u> (1) Regarding the natural environment IFSP requirement at 34 CFR §303.344(d)(1)(ii), the State must ensure that this noncompliance is corrected within one year of its identification and demonstrate compliance with this requirement in the FFY 2005 APR due February 1, 2007. The State should review and, if necessary revise, its improvement strategies included in the SPP to ensure they will enable the State to include data in the APR, that demonstrate full compliance with this requirement. (2) OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement for the one remaining local infant toddler program (LITP).</p>
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<p><b>Indicator 11:</b> Percent of fully adjudicated due process hearing requests that were fully adjudicated within the applicable timeline.  (20 U.S.C. 1416(a)(3)(B) and 1442)</p>	<p>Other:  Although the State indicated on pages 58 and 59 of its SPP that it has adopted the Part C due process hearing procedures under 34 CFR §303.420(b), the State reported that one of two due process hearing requests was resolved within 45 days due to extensions. Under 34 CFR §303.423(b) of the current IDEA Part C regulations, when a State chooses to implement due process procedures under Part C, the hearing decision must be rendered within 30 days of the request for a hearing and no extensions are allowed.</p>	<p>The State must by June 1, 2006 either submit its revised due process timeline policy to clarify that there are no allowable extensions or submit a written assurance confirming that it is using the 30-day timeline under 34 CFR §303.423(b) (without extensions) in order to receive it FFY 2006 Part C funds.</p>
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