

**Maryland Part B FFY 2005 SPP/APR Response Table**

Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
<b>Monitoring Priority: FAPE in the LRE</b>		
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 76.77%. This represents progress from the State's FFY 2004 reported data of 74.80%. However, the State did not meet its FFY 2005 target of 83%.</p>	<p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p>
<p>2. Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 5.65%. This represents slippage from the State's FFY 2004 reported data of 5.5%. The State did not meet its FFY 2005 target of 3.81% for FFY 2005.</p>	<p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>A. Percent of districts that have a disability subgroup that meets the State's minimum "n" size meeting the State's AYP objectives for progress for disability subgroup.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 21%. This represents slippage from the State's FFY 2004 reported data of 29%. The State did not meet its FFY 2005 target of 29%.</p>	<p>The State revised its targets and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State reported that it revised its baseline to reflect the number of local school systems making AYP in the FFY 2004 State testing (last year it had used data from the FFY 2003 testing) and revised its targets to be in line with this lower baseline.</p> <p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>B. Participation rate for children with IEPs in</p>	<p>The State's FFY 2005 reported data for this indicator are 100%. The State met its</p>	<p>State revised the baseline, targets, and improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP appreciates the State's efforts to improve performance.</p>

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<p>a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.</p> <p>[Results Indicator]</p>	<p>FFY 2005 target of 95%.</p>	
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator range from 23%-55% in math and 21%-59% in reading for grades assessed. This represents both progress and slippage from the State's FFY 2004 reported data that ranged from 22%-51% in math and 22%-57% in reading. The State met its FFY 2005 target of 29.80% for math in grade 10 and 50.91% for reading in grade 3.</p>	<p>State revised the baseline, targets, and improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p>
<p>4. Rates of suspension and expulsion:</p> <p>A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 33%. This represents slippage from FFY 2004 data of 29%. The State did not meet its FFY 2005 target of 25%.</p>	<p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>The State was instructed in Table A to OSEP's March 25, 2006 FFY 2004 SPP response letter to describe how the State reviewed, and if appropriate revised (or required the affected LEAs to revise) its policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b) for the LEAs identified with significant discrepancies in FFY 2004. The State did not provide this information. This represents noncompliance with 34 CFR §300.170(b). In its FFY 2006 APR, the State must also describe the review, and if appropriate revision, of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA for: (1) the</p>

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		<p>remaining LEAs identified as having significant discrepancies in the FFY 2005 APR (the State described this review for 6 of the 8 districts identified in FFY 2005); and (2) the LEAs identified as having significant discrepancies in the FFY 2006 APR.</p> <p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p>
<p>4. Rates of suspension and expulsion:</p> <p>B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.</p> <p>[Results Indicator; New]</p>		<p>Based upon our preliminary review of all State submissions for Indicator 4B, it appears that the instructions for this indicator were not sufficiently clear and, as a result, confusion remains regarding the establishment of measurements and targets that are race-based and for which there is no finding that the significant discrepancy is based on inappropriate policies, procedures, or practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. As a result, use of these targets could raise Constitutional concerns. Therefore, OSEP has decided not to review this year's submissions for Indicator 4B for purposes of approval and will revise instructions for this indicator to clarify how this indicator will be used in the future. Based upon this, OSEP did not consider the submissions for Indicator 4B in making determinations under section 616(d). It is also important that States immediately cease using Indicator 4B measurements and targets, unless they are based on a finding of inappropriate policies, procedures, or practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p>
<p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Removed from regular class less than 21% of the day;</p> <p>B. Removed from regular class greater than 60% of the day; or</p> <p>C. Served in public or private separate schools, residential placements, or homebound</p>	<p>A. The State's FFY 2005 reported data for this indicator are 59.60%. The State met its FFY 2005 target of 57.75%.</p> <p>B. The State's FFY 2005 reported data for this indicator are 16.86%. The State met its FFY</p>	<p>The State revised its targets for 5A and B and its improvement activities for this indicator in the SPP and OSEP accepts those revisions.</p> <p>OSEP appreciates the State's efforts to improve performance.</p>

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<p>or hospital placements.</p> <p>[Results Indicator]</p>	<p>2005 target of 17.47%.</p> <p>C. The State's FFY 2005 reported data for this indicator are 7.89%. This represents progress from FFY 2004 data of 7.92%. However, the State did not meet its FFY 2005 target of 7.67%.</p>	
<p>6. Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (i.e., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 43.69%. The State met its FFY 2005 target of 41%.</p>	<p>The State revised its improvement activities for this indicator in the SPP and OSEP accepts those revisions.</p> <p>OSEP appreciates the State's efforts to improve performance.</p> <p>Please note that, due to changes in the 618 State-reported data collection, this indicator will change for the FFY 2006 APR, due February 1, 2008. States will be required to describe how they will collect valid and reliable data to provide baseline and targets in the FFY 2007 APR, due February 1, 2009.</p>
<p>7. Percent of preschool children with IEPs who demonstrate improved:</p> <p>A. Positive social-emotional skills (including social relationships);</p> <p>B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and</p> <p>C. Use of appropriate behaviors to meet their needs.</p> <p>[Results Indicator; New]</p>	<p>Entry data provided.</p>	<p>The State reported the required entry data and activities. The State must provide progress data and improvement activities with the FFY 2006 APR, due February 1, 2008.</p> <p>OSEP's March 20, 2006 FFY 2004 SPP response letter required the State to include in the February 1, 2007 APR a revised sampling methodology with its FFY 2005 APR, that describes how data were collected, if a revised sampling plan has not been accepted by OSEP by the time the State submits its FFY 2005 APR, due February 1, 2007. In the FFY 2005 APR, the State explained that it was collecting census information instead of sampling.</p>
<p>8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for</p>	<p>The State reported FFY 2005 baseline data of 27%.</p>	<p>The State provided baseline data and targets and OSEP accepts the SPP for this indicator.</p> <p>In OSEP's March 20, 2006 FFY 2004 SPP response letter and OSEP's February 14, 2006 memorandum, the State was required to revise the</p>

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<p>children with disabilities. [Results Indicator; New]</p>		<p>sampling plan with its FFY 2005 APR or, if the State decided not to sample but rather gather census data, OSEP was to be informed and the SPP was to be revised accordingly. On pages 55-58 of the SPP, the State provided a description of the sampling model it planned on using but did not provide a copy of the survey with the SPP. The State must submit a copy of the survey in the FFY 2006 APR, due February 1, 2008.</p> <p>The sampling plan provided for this indicator is not technically sound. Call your State Contact as soon as possible.</p>
<b>Monitoring Priority: Disproportionality</b>		
<p>9. Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. [Compliance Indicator; New]</p>	<p>The State reported FFY 2005 baseline data of 0%.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>While not required under Indicator 9, the State described its process for determining if significant disproportionality based on race and ethnicity is occurring in LEAs with respect to identification, placement and disciplinary actions. The process described by the State appeared to comply with the requirements of 34 CFR §300.646.</p> <p>OSEP looks forward to data in the FFY 2006 APR, due February 1, 2008, that continue to demonstrate compliance with the requirements of 34 CFR §300.173.</p>
<p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. [Compliance Indicator; New]</p>	<p>The State reported FFY 2005 baseline data of 0%.</p>	<p>The State provided baseline data, targets and improvement activities. OSEP accepts the SPP for this indicator.</p> <p>While not required under Indicator 9, the State described its process for determining if significant disproportionality based on race and ethnicity is occurring in LEAs with respect to identification, placement and disciplinary actions. The process described by the State appeared to comply with the requirements of 34 CFR §300.646.</p> <p>OSEP looks forward to data in the FFY 2006 APR, due February 1, 2008, that continue to demonstrate compliance with the requirements of 34 CFR §300.173.</p>
<b>Monitoring Priority: Effective General Supervision</b>		
<p>11. Percent of children with parental consent</p>	<p>The State's FFY 2005</p>	<p>The State provided baseline data, targets and improvement activities and</p>

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<p>to evaluate, who were evaluated within 60 days (or State established timeline).</p> <p>[Compliance Indicator; New]</p>	<p>reported baseline data for this indicator are 77%.</p>	<p>OSEP accepts the SPP for this indicator. The State reported data based on a State-established timeline within which the evaluation must be conducted.</p> <p>OSEP looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008 that demonstrate compliance with the requirements of 34 CFR §300.301(c)(1), including correction of the noncompliance identified in FFY 2005.</p>
<p>12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 83.4%. This represents progress from the State's FFY 2004 reported data of 6.2%. The State did not meet its FFY 2005 target of 100%.</p>	<p>The State revised the baseline and improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP's March 2006 FFY 2004 SPP response letter required the State to include in the February 1, 2007 APR baseline data from FFY 2004 and progress data from FFY 2005. The State provided the required data.</p> <p>The State must review its improvement activities, and revise them, if appropriate, to ensure that the State will be able to provide data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements of 34 CFR §300.124, including data demonstrating correction of noncompliance identified in FFY 2005.</p>
<p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.</p> <p>[Compliance Indicator; New]</p>	<p>The State reported, separately, on the percentages of youth who had: (1) post-secondary goals; (2) measurable, annual goals that reasonably enable the student to meet their post-secondary goals; and (3) coordinated transition services in their IEPs that will reasonably enable the student to meet their post-secondary goals.</p> <p>The State did not provide data consistent with the required measurement.</p>	<p>The State provided targets and improvement activities. OSEP accepts the SPP for this indicator.</p> <p>The State reported that, for students 16 years old and older, 90.23% had post-secondary goals in their IEPs; 89.07% had measurable annual goals in the IEPs that will reasonably enable the student to meet their post-secondary goals; and 63.54% had coordinated transition services listed in their IEPs that will reasonably enable the student to meet their post-secondary goals. However, the State did not report on the percentage whose IEP included coordinated, measurable annual goals and transition services that will reasonably enable the student to meet the post-secondary goals. In the FFY 2006 APR, due February 1, 2008, the State must provide data, consistent with the measurement for FFY 2005 (if possible) and FFY 2006.</p> <p>OSEP looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008 that demonstrate full compliance with the requirements of 34 CFR §300.320(b), including correction of the noncompliance identified in FFY 2005.</p>
<p>14. Percent of youth who had IEPs, are no</p>	<p>The State provided a plan that</p>	<p>The State must provide baseline data, targets, and improvement activities</p>

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<p>longer in secondary school and who have been competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school.</p> <p>[Results Indicator; New]</p>	<p>describes how data will be collected.</p>	<p>with the FFY 2006 APR, due February 1, 2008.</p> <p>OSEP's March 2006 FFY 2004 SPP response letter and OSEP's February 2006 memorandum, required the State to submit a revised sampling methodology with its FFY 2005 APR that describes how data were collected, if a revised sampling plan has not been accepted by OSEP by the time the State submits its FFY 2005 APR, due February 2007. The State reported that in lieu of the sampling plan, a census survey will be used to address this indicator.</p>
<p>15. 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.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 31%. This represents slippage from the State's FFY 2004 reported data of 90%. The State did not meet its FFY 2005 target of 100%.</p>	<p>The State revised the baseline and improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP's September 22, 2005 FFY 2003 APR letter, OSEP's March 2006 FFY 2004 SPP response letter, and OSEP's July 2006 FFY 2006 grant award letter required the State to include in the February 1, 2007 APR data and information demonstrating compliance with the requirements cited in the FFY 2006 Special Conditions. The State's FFY 2005 reported data for this indicator are 31% of the previously identified noncompliance was corrected within one year of identification while a total of 55% were corrected within eighteen months of identification. The State reports the use of technical assistance, redirection and restriction of funds and other sanctions to address the remaining noncompliance.</p> <p>The State must review its improvement activities and revise, if appropriate, to ensure they will enable the State to include data in the FFY 2006 APR, due February 1, 2008 that demonstrate compliance with the requirements of 20 U.S.C. 1232d(b)(3)(E) and 34 CFR §§300.149 and 300.600, including data on the correction of outstanding noncompliance identified in FFY 2004. In its response to Indicator 15 in the FFY 2006 APR, due February 1, 2008, the State must disaggregate by APR indicator the status of timely correction of the noncompliance findings identified by the State during FFY 2005. In addition, the State must, in responding to Indicators 11, 12, and 13, specifically identify and address the noncompliance identified in this table under those indicators.</p>
<p>16. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional</p>	<p>The State's FFY 2005 reported data for this indicator are 99%. This represents</p>	<p>The State revised its improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP's March 2006 FFY 2004 SPP response letter and OSEP's September</p>

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<p>circumstances with respect to a particular complaint.</p> <p>[Compliance Indicator]</p>	<p>progress from the State's FFY 2004 reported data of 98%. However, the State did not meet its FFY 2005 target of 100%.</p>	<p>22, 2005 FFY 2003 APR required the State to include in the February 1, 2007 APR data that demonstrates compliance with the requirements of 34 CFR §300.661 (now 34 CFR §300.152).</p> <p>The State must review its improvement activities and revise them, if appropriate, to ensure that the State will be able to provide data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements of 34 CFR §300.152.</p>
<p>17. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 97%. This represents progress from the State's FFY 2004 reported data of 89%. However, the State did not meet its FFY 2005 target of 100%.</p>	<p>OSEP's March 2006 FFY 2004 SPP response letter and OSEP's September 22, 2005 FFY 2003 APR letter required the State to submit data that demonstrate compliance with the requirements of 34 CFR §300.511 (now 34 CFR §300.515) by June 1, 2006. On May 10, 2006, the State provided data for the period July 1, 2005 through March 15, 2006 that 29 of 30 fully adjudicated hearings were conducted within the allowed timelines (97%).</p> <p>The State must review its improvement activities and revise them, if appropriate, to ensure that the State will be able to provide data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements of 34 CFR §300.515.</p>
<p>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.</p> <p>[Results Indicator; New]</p>	<p>The State's FFY 2005 reported baseline data for this indicator are 64%.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p>
<p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 73%. This represents slippage from the FFY 2004 data of 80%. The State did not meet its FFY 2005 target of 75%.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p>
<p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p>	<p>The State's FFY 2005 reported data for this indicator are 100%. This represents progress from the FFY 2004</p>	<p>The State revised the baseline and improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP's March 2006 FFY 2004 SPP response letter suggested that the State reconsider the baseline data provided for Indicator 20 of the SPP and</p>

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[Compliance Indicator]	<p>data of 96.4%. However, as noted in Indicator 13, the State did not provide the required data. The State did not meet its FFY 2005 target of 100%.</p>	<p>provide accurate information, including improvement activities, in the APR, due February 2007. The State submitted data and information revising the baseline data for FFY 2004 and provided improvement activities addressing data collection system issues and review of policies, procedures, and practices related to Indicator 12 as cited in OSEP's March 2006 FFY 2004 SPP letter.</p> <p>However, as noted in Indicator 13, the State did not provide data consistent with the required measurement. Although the State's APR was timely, the State must consider the accuracy of its APR data when reporting data for this indicator.</p> <p>The State must review its improvement activities and revise them, if appropriate, to ensure that the State will be able to provide data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements in IDEA section 618 and 34 CFR §§76.720 and 300.601(b).</p>