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State Superintendent of Schools

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May 10, 2006

Mr. Michael Slade  
Education Program Specialist  
United States Department of Education  
Office of Special Education Programs  
Potomac Center South  
550 12<sup>th</sup> Street, SW, Room 4175  
Washington, DC 20202

Re: Special Conditions Report III

Dear Mr. Slade:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is submitting the third of three required "special conditions" reports to the Office of Special Education Programs (OSEP), United States Department of Education (USDE), to address ensuring individualized placement decisions and the provision of all related services as part of a free appropriate public education (FAPE) for the 2004-2005 School Year (SY).

The MSDE, DSE/EIS, Office of Quality Assurance and Monitoring (QAM) has gone back and reviewed all information to make determinations as to improved public agency performance for the SY 2004 – 2005. MSDE has reviewed the requirements for corrective actions based on monitoring reports issued during the 2004 - 2005 SY. The five local school systems (LSS) with findings of noncompliance will be revisited prior to July 1, 2006 in accordance with each approved corrective action plan date. An update on this activity, including findings are available in Report III. Information in this report is up to date as of May 1, 2006. This report also includes monitoring for continuous improvement and results activities for the 2005 - 2006 SY.

In this report, the DSE/EIS, Office of QAM is reporting on additional diligent efforts to monitor public agencies. Evidence of the Office of QAM efforts is presented in Attachments 1-11 of the enclosed report. If you need additional information or further clarification, please feel free to contact Dr. Linda F. Bluth, Director, Office of Quality Assurance and Monitoring at [lbluth@msde.state.md.us](mailto:lbluth@msde.state.md.us) or by phone at (410) 767-0264.

Sincerely,

Carol Ann Baglin, Ed.D.  
Assistant State Superintendent  
Division of Special Education/  
Early Intervention Services

CAB/LB

Enclosures

c: Lois Taylor  
Nancy S. Grasmick  
Elliott Schoen  
Linda F. Bluth

Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Special Conditions: Third Reporting Period  
May 15, 2006

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is responding to the Office of Special Education Programs (OSEP) requirement to submit three reports to comply with the Special Conditions requested as part of the federal Individuals with Disabilities Education Act (IDEA), 2004. This report is the third of three reports covering monitoring visits conducted during the 2004-2005 SY, and is required to be submitted to OSEP by May 15, 2006.

Reports are required to include the following information:

**1. Ensuring individualized placement decisions**

- a) Approved (or rejected) local school system (LSS) corrective action plans
- b) Verified implementation of those LSS corrective action plans; and
- c) Followed up with specified activities to ensure ongoing compliance with those LSSs; and

**2. Ensuring the provision of all related services as part of FAPE**

- a) Approved (or rejected) LSS corrective action plans
- b) Verified implementation of those LSS corrective action plans; and
- c) Followed up with specified activities to ensure ongoing compliance with those LSSs.

The MSDE identified in its first report submitted to OSEP on November 15, 2005, certain gaps in its general supervisory system related to monitoring identified during the OSEP verification visit in March 2005. In the second report submitted to OSEP on February 6, 2006, the MSDE explained its efforts initiated during the 2004-2005 SY "Ensuring individualized placement decisions" and "Ensuring the provision of all related services as part of FAPE" to meet the OSEP requirements.

In this third report, the MSDE will summarize its progress with the 2004-2005 SY "Ensuring individualized placement decisions" and "Ensuring the provision of all related services as part of FAPE" to meet the OSEP requirements and additional monitoring activities initiated during the 2005-2006 SY.

The DSE/EIS, Office of Quality Assurance and Monitoring (QAM) established on March 21, 2005 reports directly to the Assistant State Superintendent and has made recognizable progress in its first year of operation by establishing a Statewide system for Monitoring for Continuous Improvement and Results (MCIR). Monitoring activities include coordination and collaboration with six (6) branches in the DSE/EIS. (**Attachment 1**)



The DSE/EIS, QAM office, has developed and implemented a comprehensive schedule of meeting dates to ensure the coordination of MCIR activities including participation of appropriate DSE/EIS staff members. **(Attachment 2)** On March 16, 2006, at the monthly QAM meeting all branches received the first draft of the DSE/EIS Part B MCIR manual. May 1, 2006 is the date set for returning all comments, and recommendations to the office of QAM. On April 20, 2006, at the scheduled office of QAM meeting, a timeline was selected to distribute the draft manual to a select group of stakeholders for review and return to the QAM office by August 15, 2006. It is the goal of the DSE/EIS to distribute the manual at the next DSE/EIS Fall Leadership Conference scheduled to be held October 18, 2006-October 20, 2006.

Without exception, the activities and timelines have been implemented as scheduled including timely monitoring and verification of the completion of corrective action plans (CAPs). The DSE/EIS, QAM office developed a master calendar of activities to track corrective action plan (CAP) timelines and project future monitoring activities for local school systems (LSSs) and public agencies (PAs). This master calendar is reviewed monthly and updated as required. **(Attachment 3)**

In the second report due February 15, 2006, it was stated that all of the On-Site Desk Audit verification visits for the Self-Assessment IDEA 2004 Part B would be scheduled and the status of this activity will be reported in the May 15, 2006 report. This task was completed and a copy of the results for each LSS was provided at the local directors of special education meeting held on April 12, 2006 during a presentation related to local responsibilities in the monitoring process. Each LSS received a summary report titled Self-Assessment IDEA 2004, Part B-Local School System Statewide Results, **(Attachment 4)**. In addition, each LSS received a customized report providing information to compare statewide averages with individual LSS performance in four priority areas. **(Attachment 5)** This information provides a LSS baseline information to measure progress. The information disseminated will be updated by MSDE on December 31, 2006.

### **Ensuring individualized placement decisions and the provision of all related services as part of FAPE**

During the SY July 1, 2004-June 30, 2005, MSDE, began carrying out monitoring activities to both ensure individualized placement decisions and the provision of all related services as a part of a free appropriate public education (FAPE). During this period, eight (8) of the 24 LSSs were monitored for compliance with requirements for the placement of students with disabilities in the least restrictive environment (LRE) and the provision of related services in accordance with individual student individualized education programs (IEPs). Of these, five (5) LSSs had findings of noncompliance. **Chart 1** summarizes the total number of LSSs monitored for a FAPE in the LRE and the provision of related services requiring CAPs for the period from July 1, 2004-June 30, 2005. During SY July 1, 2005-June 30, 2006, the QAM office established as a priority area monitoring LSSs to verify CAPs for LRE and/or related services. CAPs in other areas were monitored as well during this time period.

## Chart 1

### *Local School Systems Monitored for a Free Appropriate Public Education*

Time Period	Total # Number of LSSs in MD	Total # LSSs Monitored for FAPE in the LRE	# LSSs Monitored Compliant	# LSSs Monitored Noncompliant	# LSSs Monitored with a CAP for LRE and/or related services	# LSSs with completed CAPs
July 1, 2004 – June 30, 2005	24	8	3	5	6*^	1^

*\*One CAP in the State's monitoring was added as the result of a LSS self-assessment.*

*^One CAP in the State's monitoring was added as a result of the EMCIR process. One CAP was completed for this system. Desired progress was not achieved and an additional CAP and other sanctions are being implemented.*

**Chart 2** is the CAP Completion Date Summary information. Included in this chart is the required CAP completion date. One LSS was required to submit a CAP on or before January 1, 2006. This information was submitted as required within specified timelines. A copy of this report is located in **Attachment 6**.

## Chart 2

### *Corrective Action Plan Completion Date Summary Least Restrictive Environment and Related Services*

Date of Monitoring Report	Identified Non-compliant with LRE and or Related Services	Scheduled CAP Completion Date	CAP Report Verified and Approved by MSDE
01-18-05	√	01-18-06	<b>03/17/06</b>
03-01-05	√	03-01-06	Report in Progress
03-11-05	√	03-11-06	Report in Progress
04-14-05	√	04-14-06	Report in Progress
06-01-05	√	06-01-06	Not Due

In addition, during the SY 2005-2006, the MSDE under General Supervision, conducted on-site visits for identified noncompliance in areas other than LRE and or Related Services. One report letter is provided as a sample in **Attachment 7**.



On January 31, 2006, MSDE issued the fourth report in a series from the Enhanced Monitoring for Continuous Improvement and Results (EMCIR) Process implemented for the Baltimore City Public School System (BCPSS). EMCIR Volume Four (**Attachment 8**) included updated data and analysis concerning the exit audit, provision of related services, discipline, transportation, student performance, status of CAPs, and other issues previously identified in EMCIR Volumes One, Two, and Three. On March 7, 2006, an addendum to EMCIR Volume Four focused on the Continuing Lack of Provision of Special Education Services in the 2005-2006 school year (**Attachment 9**). This report identified a significant number of interruptions in the delivery of related services for students with disabilities. A CAP was required, but has not yet been submitted by BCPSS. On April 21, 2006, EMCIR Volume Four Addendum Two was issued (**Attachment 10**). EMCIR Four Addendum Two focused on transportation as a related service and resulted in the identification of additional interruptions in the provision of special education services. BCPSS was asked to review and revise their CAP as a result of the findings in EMCIR Four Addendum Two. This CAP has not yet been submitted

## Summary

The DSE/EIS has made significant gains in meeting its responsibilities MCIR in the past fourteen (14) months. The following list summarizes many of the DSE/EIS accomplishments since the issuance of special conditions:

1. Established the QAM office in March 2005.
2. Assigned QAM staff to specific LSSs/PAs to ensure monitoring timeline compliance of CAPs.
3. Developed and implemented 7QAM, a DSE/EIS computer site with current MCIR information.
4. Developed and organized monitoring information by LSS/PA in a binder and files for use by all the DSE/EIS monitoring LSSs/PAs.
5. Developed, implemented, verified, and reported on Self-Assessment under IDEA 2004, Part B for LSSs and PAs.
6. Developed a QAM calendar of meetings for the DSE/EIS branches.
7. Conducted a retreat on December 7, 2005 to establish an internal QAM operational manual.
8. Conducted a retreat on April 11, 2006 to confirm the alignment of the next phase of self-assessment with the State Performance Plan (SPP) priority areas.
9. MSDE conducted five (5) on-site CAP monitoring verification visits between July 1, 2005 and May 1, 2006. Of these visits conducted one (1) PA completed its CAP and four PAs have made progress towards eliminating areas of noncompliance. A new CAP was required in four (4) PAs where all previous areas of noncompliance were not corrected.
10. MSDE completed and disseminated to twelve (12) PAs monitoring reports during SY 2004-2005. In total fifteen (15) reports were disseminated to twelve (12) PAs. Two (2) PAs received multiple reports during this time period.

11. MSDE completed and disseminated ten (10) monitoring reports between July 1, 2005 and May 1, 2006. Three (3) reports are pending completion and are scheduled to be completed by June 30, 2006.
12. Developed and disseminated for DSE/EIS staff a draft proposed MCIR manual.
13. Presented an overview of the DSE/EIS MCIR activities to the Special Education State Advisory Committee (SESAC) on March 16, 2006.
14. Developed, field-tested, and utilized new instruments, recording sheets, and interview forms. A sample of these materials is provided in **Attachment 11**.

- Comprehensive Review of Special Education Student Records
- Comprehensive Review of Special Education Student Records Reviewer's Record Recording Sheet
- Review of the Provision of Related Services
- Review of Special Education Student Records: Disciplinary Removal of Students for More than Ten (10) Days
- Review of Special Education Student Records: Disciplinary Removal of Students for More than Ten (10) Days: Reviewer's Record Recording Sheet
- Monitoring for Continuous Improvement and Results: Overview Questions
- Student Support Verification Form
- MSDE Checklist for CAP Review, Verification and Closure
- Focused Monitoring: Special Education Interview for Related Service Providers
- Special Education Interview for General Education Teachers and School Personnel
- Interview for Administrators and Related Services Providers-Parentally Placed Private School Students with Disabilities
- Disciplinary Removal Interview for Special Education Administrators

**Note 1: Attachment 11 is a sample of new instruments, recording sheets and interview forms being used and considered draft until July 1, 2007 in order to make appropriate revisions as required.**

The MSDE is in the process of completing SY 2005-2006 activities that includes three (3) pending reports. Two (2) reports are focused monitoring reports and one (1) report is a comprehensive monitoring. Planning is taking place to ensure that all CAPs are monitored and reported on time. In addition for SY 2006-2007 monitoring activities will continue to be conducted and reported in the Annual Performance Plan (APP).

In summary, of the eight (8) LSS/PA identified in the initial OSEP site visit in 1999, two (2) PAs/LSSs remain noncompliant in LRE, four (4) remain noncompliant in related services and one (1) CAP is not due to be reviewed until September 2006. The most significant problem remains the BCPSS compliance with the provision of related services. The BCPSS EMCIR Volume IV Addendum 1 reported a 64% rate of interruptions in the provision of related services during the 05-06 FY. The BCPSS EMCIR Volume IV Addendum 2 focused on transportation in 05-06 SY and reported an interruption of 54%. The two audits together demonstrate 61% interruption rate in the provision of all related services including transportation during the 05-06 SY.