

Attachment 6



Nancy S. Grasmick
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD

March 17, 2006

Mrs. Nancy M. Mann
Interim Superintendent
Anne Arundel County Public Schools
2644 Riva Road
Annapolis, MD 21401

Dear Mrs. Mann:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS), thanks the Anne Arundel County Public Schools (AACPS) Special Education staff for their cooperation during the recent on-site verification review on January 25 and 27, 2006 and February 7, 2006. The purpose of the reviews was to verify correction of noncompliance with requirements in least restrictive environment (LRE) and the suspension of students with disabilities (SWD). In addition, records were reviewed to verify the provision of related services and the transition of three-year-old children with disabilities from Part C to Part B.

During the on site visit, AACPS staff fully cooperated with MSDE staff. AACPS is recognized for the diligent efforts that were exercised in correction of the noncompliant requirements. Attached are the results of the record review by specific category area. The corrective action plan (CAP) addressing LRE is closed and one of the four components of the CAP addressing suspension is also closed. No further action is needed in C to B transition or related services as both areas were identified as compliant. The CAP for suspension must be updated and continued to correct the three remaining areas of noncompliance. A CAP form is attached for this purpose.

The MSDE looks forward to reviewing and discussing with AACPS staff the results of the monitoring verification visits and the renewal of the CAP to address the remaining areas of noncompliance with regard to suspension requirements.

A meeting with staff from the Office of Quality Assurance and Monitoring (QAM) from the Division of Special Education/Early Intervention Services has been scheduled with Ms. Diane Black, Director of Special Education and staff from the Special Education Office on March 23, 2006 at 9:00 a.m. at the ACCPS Board of Education Building.



Mrs. Nancy Mann
March 17, 2006
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If you have any questions about the contents of this report, please contact Dr. Linda Bluth at 410-767-0988 or lbluth@msde.state.md.us.

Sincerely,



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

CAB/lfb
Attachments

C: Diane Black
Linda Bluth
Sandi Marx
David Patterson

Maryland State Department of Education
Division of Special Education/Early Intervention Services
Office of Quality Assurance and Monitoring

Monitoring for Continuous Improvement and Results

**Submitted to the
Anne Arundel County Public School System**

March 17, 2006

**Maryland State Department of Education
Division of Special Education/Early Intervention Services
Office of Quality Assurance and Monitoring**

**A Review of Least Restrictive Environment, Suspension,
the Provision of Related Services and Transition from Part C to Part B
in the Anne Arundel County Public Schools**

INTRODUCTION

On January 18, 2005, Anne Arundel County Public Schools (AACPS) was identified as noncompliant with State and federal regulations regarding least restrictive environment (LRE) and long-term suspension of students with disabilities. As a result of these findings, the Maryland State Department of Education (MSDE) required the AACPS Office of Special Education to develop and implement corrective action plans (CAPS) to correct the noncompliance within one year. AACPS submitted a CAP for each area on January 12, 2005. MSDE conducted a record review and verified that compliance was achieved on all requirements regarding LRE and some of the requirements regarding long-term suspension. The CAP was closed in all areas of compliance. MSDE used the record review opportunity to monitor compliance with two other areas of significant importance to the provision of a free appropriate public education (FAPE). These areas were the provision of related services in accordance with a student's individualized education program (IEP) and compliance with the requirement that young children with disabilities who transition from Part C to Part B have an IEP in effect by their third birthday.

**MSDE OFFICE OF QUALITY ASSURANCE AND MONITORING TEAM
MEMBERS**

Linda F. Bluth, Director, Paul Bolig, Program Monitor Consultant, Nancy FitzGerald, Monitoring Specialist, Sandra Marx, Monitoring Coordinator, Jack Mead, Program Monitor Consultant, Diana Mitchell, Program Monitor Consultant, David Patterson, Monitoring Specialist, and Bonnie Preis, Monitoring Specialist

AACPS CENTRAL OFFICE STAFF

Diane Black, Director, Trish DeWitt, Compliance Specialist, Ellen Meyer, Coordinator of Compliance and Related Services

PERFORMANCE INDICATOR(S) MONITORED

I. Least Restrictive Environment (LRE)

The CAP specified that IEP teams meet responsibilities in the implementation of requirements in determination of least restrictive environment (LRE).

Date(s) of Record Review

January 25 & 27, 2006

Number of Records Reviewed

A total of 84 student records were reviewed from preschool, elementary, middle and high schools as well as special, charter and non-public schools.

Summary of Findings

The record review for LRE was to verify that IEP teams complied with all procedures related to LRE decision-making. The MSDE review verified compliance with these requirements. The CAP for LRE has been met and will be closed.

Required Actions

AACPS will continue to self-monitor for compliance with requirements regarding LRE decision-making and submit a summary of the results of this activity to MSDE once per year for the next two years to ensure that correction is maintained. During the on-site follow up visit, MSDE and AACPS will determine when and how this will occur.

II. Long Term Suspension

The primary purpose of the record review for suspension was to verify compliance with requirements in the long-term suspension of students with disabilities. This includes disproportionate suspension of students with disabilities compared to nondisabled peers and the use of Home and Hospital Teaching services for students with disabilities disciplinarily removed from the school setting for more than ten days.

Date(s) of Record Review

February 7, 2006

Number of Records Reviewed

25 of 51 records of students who were subject to extended suspensions during the 2004-2005 school year were reviewed.

Summary of Findings

There was no significant discrepancy in the rate of students with disabilities that were subject to extended suspensions when compared to nondisabled students subject to such suspensions. The review also found that requirements for

determining whether the student's behavior was a manifestation of the student's disability were also appropriately addressed by IEP teams.

The following areas continue to require correction:

- the proper development and implementation of Functional Behavioral Assessments (FBAs) and Behavior Intervention Plans (BIPS), when appropriate for the student;
- the continued practice of expunging student records if the student's behavior is determined to be a manifestation of the disability; and
- the use of Home and Hospital Teaching as an alternative placement in order to provide services for students with disabilities removed for disciplinary reasons.

Required Actions

AACPS will revise the CAP to correct the following areas of noncompliance:

- (1) the proper implementation of regulations related to long-term suspensions including consideration and development of FBAs/BIPs and elimination of the practice of expunging records;
- (2) the discontinued use of Home and Hospital Teaching for students with disabilities removed for disciplinary reasons with the exception of those students in an emotional crisis; and ensuring the following requirements for those students who are removed for such reasons:
 - a) to provide the services necessary to enable the student to progress in the general curriculum;
 - b) to enable the student to work toward achieving goals in the IEP, and;
 - c) to develop a plan for the return to school after the period of suspension is served.

III. Provision of Related Services

The review monitored whether related services were provided in accordance with individual student IEPs.

Date of Record Review

January 27, 2006

Number of Records Reviewed

A total of 27 related service provider logs and student IEPs were reviewed.

Summary of Findings

The review of the student records and related service provider logs demonstrated that related services were provided in accordance with student IEPs with the exception of the first two weeks of school. AACPS is to take steps to ensure that services are provided at the beginning of the school year.

Required Actions

AACPS will submit evidence that related services are provided to students at the beginning of the school year.

IV. Transition from Part C to Part B

Student files were reviewed to determine compliance with the requirement that IEPs are in effect by age 3 for young children transitioning from Part C to Part B.

Date(s) of Record Review

January 25, 2006

Number of Records Reviewed

A total of 16 student records of three-year-old children transitioning from Part C to Part B were reviewed.

Summary of Findings

100% of the records reviewed were in compliance with the requirement. AACPS is commended for their work in this area.

Required Actions

Additional actions are not required of AACPS at this time.

CONCLUSIONS

MSDE acknowledges the time and effort AACPS staff allocated to the MSDE monitoring visit. AACPS staff cooperated fully with MSDE staff during the on-site visits conducted on January 25 and 27, 2006 and February 7, 2006. In particular, MSDE would like to commend AACPS central office staff for their diligent efforts in working with closely with MSDE during the on-site visit. AACPS staff that paired with MSDE staff to review records did an exemplary job in providing assistance during the record review phase of monitoring for continuous improvement and results.

The AACPS is required to correct identified areas of noncompliance regarding suspension requirements through submission of a CAP within 15 days of the meeting to discuss the results of the review that is scheduled for March 23, 2006. If there are any questions about this report, please contact David Patterson, Monitoring Specialist, at 410-767-0706 or dpatterson@msde.state.md.us.

Attachment A

Maryland State Department of Education
 Division of Special Education/Early Intervention Services

CORRECTIVE ACTION PLAN (CAP) - PART B

LOCAL SCHOOL SYSTEM/ PUBLIC AGENCY	
MSDE TRACKING	

Please complete all of the sections in this report that are not shaded. Submit a paper copy and an electronic copy to the person designated in the letter or report of findings at the Maryland State Department of Education (MSDE)/ Division Special Education/Early Intervention Service (DSE/EIS). The boxes provided will expand to fit the text that is entered.

I. GENERAL INFORMATION	ENTER SPECIFIED INFORMATION BELOW
LOCAL SCHOOL SYSTEM/PUBLIC AGENCY	
CONTACT PERSON	
PHONE NUMBER	
EMAIL ADDRESS	
DATE OF MSDE FINDING, LETTER OR REPORT	
DATE CAP IS DUE TO MSDE	
DATE CAP IS SUBMITTED TO MSDE	
PROJECTED DATE OF COMPLETION	

II. SOURCE OF THE CAP COMPLAINT	CHECK
MONITORING FOR CONTINUOUS IMPROVEMENT AND RESULTS	
OTHER (If checked, write an explanation in this box)	

III. AREA OF NONCOMPLIANCE (for use by MSDE)	
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Maryland State Department of Education
 Division of Special Education/Early Intervention Services

CORRECTIVE ACTION PLAN (CAP) - PART B

IV. DESCRIPTION OF NONCOMPLIANCE ADDRESSED BY THIS CAP	

V. RESULTS OR MEASUREABLE OUTCOMES TO CORRECT NONCOMPLIANCE	

VI. DESCRIPTION OF EVIDENCE OF CHANGE TO SUPPORT THE CORRECTION OF THE NONCOMPLIANCE THAT IS REQUIRED TO BE SUBMITTED TO MSDE	DATE FOR SUBMISSION TO MSDE	NOTES (Optional)

VII. STRATEGIES AND ACTIVITIES TO BE IMPLEMENTED TO CORRECT THE AREA OF NONCOMPLIANCE	PROJECTED IMPLEMENTATION DATE	NOTES (Optional)

VIII. IDENTIFY THE ONGOING STEPS THE LOCAL SCHOOL SYSTEM/PUBLIC AGENCY WILL TAKE TO ENSURE THE IDENTIFIED NONCOMPLIANCE HAS BEEN CORRECTED	

Maryland State Department of Education
 Division of Special Education/Early Intervention Services

CORRECTIVE ACTION PLAN (CAP) - PART B

LOCAL SCHOOL SYSTEM/PUBLIC AGENCY AUTHORIZED SIGNATURE

Director of Special Education _____ Date _____

Note: This signature indicates the Director has reviewed and approved the contents of this plan and has authorized implementation of this corrective action plan.

For use by MSDE Only

MSDE CONTACT INFORMATION	ENTER SPECIFIED INFORMATION BELOW
CONTACT PERSON, NAME AND TITLE	
PHONE NUMBER	
EMAIL ADDRESS	

STATUS OF CAP	DATE	COMMENTS
CAP RECEIVED		
MSDE APPROVED PLAN		
MSDE NOTIFIED LSS/PA OF APPROVAL		
MSDE VERIFIED CAP COMPLETED		

CONTACTS:	DATE	NOTES