

# Attachment 9

**BALTIMORE CITY PUBLIC  
SCHOOL SYSTEM**

**ENHANCED MONITORING FOR  
CONTINUOUS IMPROVEMENT  
AND RESULTS**

**Volume Four**

**The Continuing Lack of Provision of  
Special Education Services  
in the 2005-06 School Year**

**(Addendum)**

**Prepared by:  
The Maryland State Department of Education  
Division of Special Education/  
Early Intervention Services**

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## The Report

# ENHANCED MONITORING FOR CONTINUOUS IMPROVEMENT AND RESULTS

## Volume Four (Addendum)

### IX. INTERRUPTIONS OF RELATED SERVICES AUDIT

#### A. Purpose and Procedures

##### 1. Purpose

In June 2005, as part of the third volume of the Enhanced Monitoring for Continuous Improvement and Results Process (EMCIR-III), the Maryland State Department of Education (MSDE) issued the results of an intensive *Interruptions of Related Services Audit*. In that Report, MSDE determined that 83% of the students included in the audit sampling experienced an interruption in one or more related services, and 63% of all the related service types reviewed had an interruption. Further, MSDE found that the Baltimore City Public School System (BCPSS) was unaware of the interruption of services and had not intervened to provide those services or otherwise address the need to provide missed services to those students impacted during the 2004-05 school year. Based on filings by the parties, United States District Court Judge Marvin J. Garbis projected that 9000 students were entitled to compensatory services for the 2004-2005 school year<sup>1</sup>. These students were due nearly 90,000 hours of related services.

In order to ascertain whether BCPSS has improved in providing students with required related services, as well as to determine whether BCPSS is tracking interruptions in service and has taken steps to remediate any loss of services that may have occurred, MSDE has conducted a second intensive *Interruptions of Related Services Audit*. This audit was strategically timed to review the provision of related services for the first half of the school year, August 29, 2005 through December 23, 2005, in order to ensure that BCPSS has time to provide any needed compensatory services prior to the end of the 2005-06 school year.

To gather relevant information concerning the provision of *each* related service, information was gathered for the following factors:

- The name of the related service provider;
- The availability of a service provider contact log and/or a universal log;

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<sup>1</sup> Supplemental Order re: Substituted Order re: Implementation of Compensatory Services for Interruptions in Services Experienced in the 2004/05 School Year dated December 28, 2005.

- The duration and frequency of service to be provided;
- The expected number of services to have been provided since the start of the school year;
- The actual number of services provided since the start of the school year;
- Whether the number of services expected to have been provided matched the number of services actually provided;
- Whether the student's attendance was verified for each day a service provider indicated the student was provided that service; and
- The location where the service was provided.

Additionally, for each interruption of related service(s), MSDE also gathered the following information:

- Whether the student's folder indicated that BCPSS was aware that the interruption of services existed;
- Whether information in the folder indicated BCPSS's determination of an interruption of service matched that of MSDE's; and
- Whether compensatory services were provided.

## 2. Procedure

- MSDE determined that a review of the records of 20% of BCPSS elementary schools and 33.3% of BCPSS middle schools, high schools, K-8 schools and charter schools would provide sufficient data to yield statistically relevant information. Accordingly, MSDE randomly chose 54 schools to participate in the audit. The breakdown of the schools reviewed is included in Table 27 below.

**Table 27: EMCIR-IV Interruptions Audit  
Breakdown of Schools Included in  
Interruption of Related Services Audit**

School Type	Percentage of Schools Selected	Number of Schools Included in Audit
Elementary Schools	20%	18
Middle Schools	33.3%	8
High Schools	33.3%	14
K-8 Schools	33.3%	8
Charter Schools	33.3%	6
<b>Total</b>		<b>54</b>

- Based on information contained in SETS, MSDE then randomly selected 10% of the students receiving related services at each school, but in no event fewer than two students at each school, to be subject to the file review process. In total, 314 folders were reviewed from January 17, 2006 to February 6, 2006 (15 school days).
- A staff of 11 professionals was trained by MSDE on the record review process over a period of one day. Total staff hours for completing the 2005 *Interruptions of Related Services Audit* were 2240.
- The following documentation was reviewed for analysis of interruption of service: confidential record, service provider contact logs, universal logs, daily attendance (per SASI) and transportation logs, if applicable and available.
- In some instances, students had transferred from one BCPSS school to another, but records were only available concerning the provision of related services at the most recent school. In those instances, MSDE considered the folder to have had an interruption of service.
- In many instances, the student's attendance (per SASI) did not correlate with the notations of the delivery of service by the provider. In some cases, the service provider indicated the student was absent when SASI indicated the student was present. In others, the service provider indicated services were provided when SASI indicated the student was absent. In those instances when the conflict was unable to be resolved, MSDE determined that the service had not been provided.
- Recording forms used by auditors included: 2005-06 Focused Monitoring for Related Services, Calendar Verification Form for BCPSS – School Year 2005-06, and Interruption of Related Service Form – 2005-06 School year. The protocols used for review are included in Appendix 6.

## B. Data and Analysis

As discussed above, data obtained during the EMCIR-III *Interruptions of Related Services Audit* indicated that BCPSS had a systemic problem with the delivery of related services to its students during the 2004-05 school year. Based on these findings, an additional *Interruptions of Related Services Audit* reported in this EMCIR IV Addendum was necessary to determine if this systemic problem continues to exist, and if so, the extent to which, if any, BCPSS has improved the provision of related services to its students. It was decided that the instant audit would cover only the first half of the 2005-06 school year. In this way, BCPSS' delivery of services could be assessed and BCPSS would also have sufficient time to address specific problems and remedy the loss of services prior to the end of the school year. MSDE conducted the EMCIR-IV Addendum *Interruptions of Related Services Audit* with a similar sampling percentage and methodology as employed in the EMCIR-III *Interruptions of Related Services Audit*. This audit encompasses August 29, 2005 (the 1<sup>st</sup> day of school for the 2005-06 school year) through December 23, 2005 (the last day of school prior to Winter Break). While the EMCIR-IV *Interruptions of Related Services Audit* and EMCIR-III *Interruptions of Related Services Audit* both included a comparable number of students and related services, the EMCIR-IV *Interruptions of Related Services Audit* covers only 40% of the time span covered in the EMCIR-III *Interruptions of Related Services Audit*. Accordingly, a direct comparison of the figures is inappropriate, since the number of interruptions accrued in four months cannot equate to the number of interruptions accrued in 10 months.

In the EMCIR-IV *Interruptions of Related Services Audit*, 314 records were reviewed. These files represent 54 schools (approximately 30% of the schools within BCPSS). The record review process included review of confidential folders, related service contact logs (when available), universal contact logs, and attendance records (SASI). The 54 schools included in the audit were chosen at random. The files reviewed at the schools were chosen at random from the list of students receiving related services at each of the schools pursuant to information contained in SETS.

Of the 314 students included in the EMCIR-IV *Interruptions of Related Services Audit*, 172 experienced at least one interruption in the provision of a related service as defined by the consent decree. Interruption is defined as the failure to continue one or more elements of the IEP following initiation of the IEP implementation (when the failure to implement is not due to the legal absence of the student). For services that are required to be delivered on a daily basis, compensatory services will be awarded equivalent to the missed IEP service for each day that an interruption continues for longer than five consecutive school days or 10 cumulative school days (where each interruption is of fewer than six consecutive days in duration). For services that are required to be delivered every week but not every day, compensatory services will be awarded for each additional session missed after one week of services is missed. For services with a frequency of less than one time per week, compensatory services will be provided for each missed session. In accordance with this definition, 55% of the students in the sampling having at least one interruption in service. (See Table 28).

**Table 28: EMCIR-IV Interruptions Audit  
Number and Percentage of Students in Audit and Experiencing Interruptions**

Number of Students Randomly Selected	Number of Students that had Related Services	Number of Students with Documented Interruption(s)	Percentage of Students that had Documented Interruption(s)
314	314	172	55%

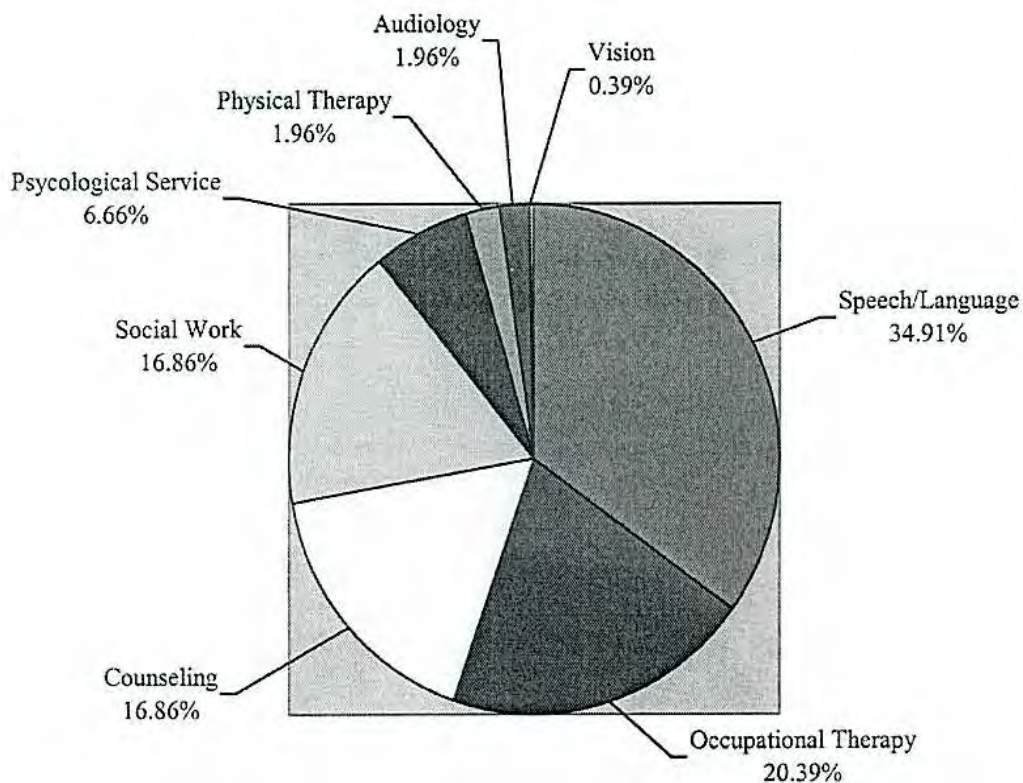
The EMCIR-IV *Interruptions of Related Services Audit* encompassed 676 related services, 255 of which had documented interruptions. This means that 38% of all related services provided between August 29, 2005 and December 23, 2005 experienced an interruption. (See Table 29). At some schools, many of the interruptions were due to the fact that a service provider had not been assigned to the school.

**Table 29: EMCIR-IV Interruptions Audit  
Number and Percentage of Related Services and Interruptions**

Number of Services	Number of Interruptions	Percent Interruptions
676	255	38%

Speech and language and occupational therapy constitute the majority of interruptions of services, accounting for more than 55% of all interruptions of service in the sample. Counseling and social work were the other areas where significant proportions of interruptions were discovered, at 16.86% each. Psychological services accounted for nearly 7% of the interruptions in the audit, and physical therapy and audiology both accounted for nearly 2% of interruptions. There was one interruption of a vision service, which accounted for 0.39% of the total interruptions. (See Chart 21). Transportation data was not available on a consistent basis at the school level and will be addressed upon receipt of transportation logs from BCPSS. This information was requested from the BCPSS Office of Transportation on February 27, 2006 but has not been received as of the release of this report. Once received, MSDE will revise its findings, as appropriate. Interruption of special education instruction was not addressed in this audit and will be incorporated into the least restrictive environment audit in EMCIR Volume V to be released in June 2006.

**Chart 21: EMCIR-IV Interruptions Audit  
Breakdown of Interruptions by Related Service**

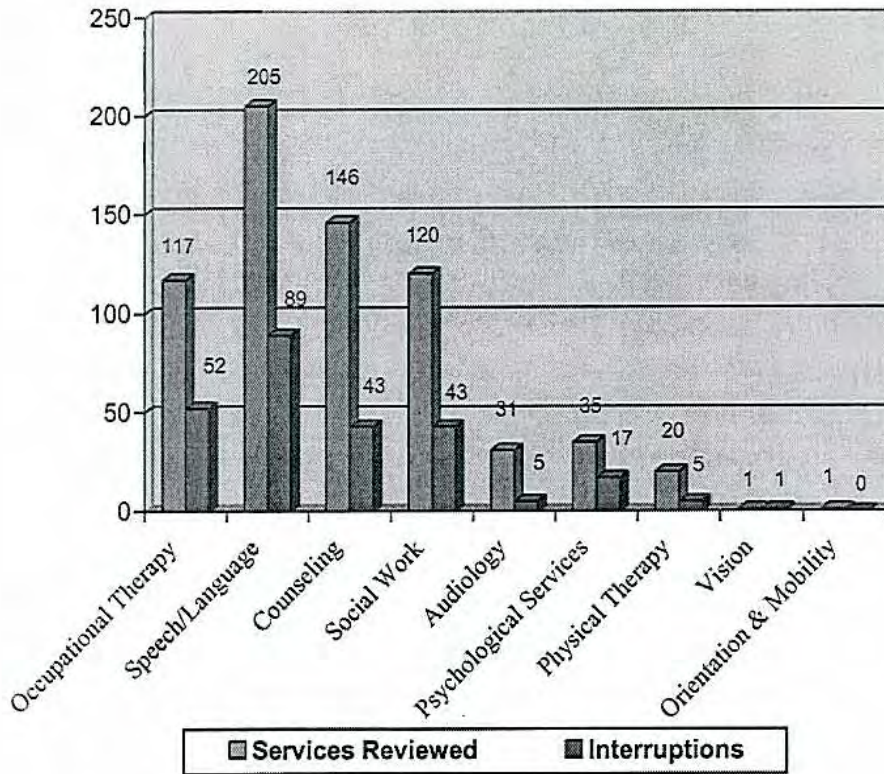


A breakdown of each type of related service reviewed in the sample as compared to the number of interruptions found in each area provides further insight into the rates of interruptions for each related service area. In terms of sheer volume, speech and language therapy, occupational therapy, counseling and social work have both the largest number of services and the largest number of interruptions. Psychological services had the highest percentage rate of interruption in that 49% of all students in the sample expected to receive psychological services experienced an interruption. Other percentage rates of interruption are listed below:

- Occupational therapy 44%
- Speech and language services 43%
- Social work services 36%
- Counseling 30%
- Physical therapy 25%
- Audiology 16%
- Vision service 100% (rate of interruption skewed because there was only a sample of one record in this related service category)
- Orientation & mobility service 0% (rate of interruption skewed because there was only a sample of one record in this related service category) (See Chart 22).

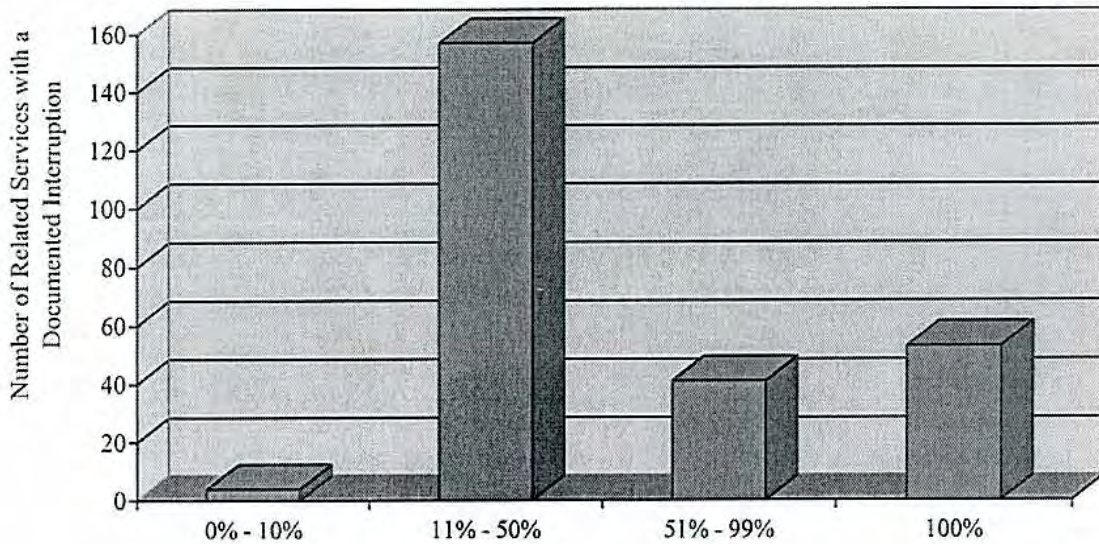


**Chart 22: EMCIR-IV Interruptions Audit  
Number of Services Reviewed and Number of Interruptions  
for Each Type of Related Service**



Thus far in this report, the analysis of the audit results has been to quantify the interruptions. However, to further clarify the nature of the interruptions of service, a qualitative analysis was needed in order to ascertain just how much service was missed as a result of each interruption. In other words, for each of the 255 missed services, the amount of services denied the students was also of import. For all of the documented interruptions of related services, 61% resulted in a loss of between 11% and 50% of service due to the student. Another 37% of interruptions resulted in a loss of 51% or more of the service, including in that ratio the 21% of interruptions where none of the service was provided. In 2% of the records reviewed, a loss of 10% or less of the required service was identified. (See Chart 23 and Table 30).

**Chart 23: EMCIR-IV Interruptions Audit  
The Extent of Related Services Interruptions**



**Table 30: EMCIR-IV Interruptions Audit  
The Extent of Related Services Interruptions**

Extent of Missed Services	Number of Interruptions	Percentage of Total Interruptions
0% to 10%	4	2%
11% to 50%	157	61%
51% to 99%	41	16%
100%	53	21%
<b>Total Interruptions</b>	<b>255</b>	<b>100%</b>

**a. Direct and Indirect Services**

To date in the 2005-06 school year, there does not seem to be a significant discrepancy in the percentage of interruptions for direct and indirect services. Sixty-nine percent (69%) of the related services in the sample were direct services (interaction between the service provider and the student), and 31% were indirect services (services provided to a direct service provider). However, the rates of interruption for both direct and indirect services were similar (35% for direct and 30% for indirect). The similarity of these rates is due in part to improved documentation of indirect services. However, monitors still encountered service providers who did not believe they were required to document the provision of indirect services or considered participation in an IEP team meeting or conference with a parent as an indirect service. This is so despite having received training in the

beginning of the year regarding what constituted an indirect service and the need to document the provision of indirect services. (See Table 31).

Table 31: EMCIR-IV Interruptions Audit Number and Percentage of Interruptions Broken Down by Delivery Type				
Service Delivery	Number of Services	Percent of Total Services	Number of Interruptions	Percentage Interruptions of Delivery Type
Direct	468	69%	165	35%
Indirect	207	31%	62	30%

**b. Lack of Required Documentation**

During the record review process, there was a general lack of documentation. Service providers were trained at the beginning of the year concerning documentation requirements. When there was no documentation that would tend to show that a service was provided to the student whose folder was being reviewed, MSDE determined that there had been an interruption of service.

In many instances, particularly (and almost uniformly) with speech and language therapy, service providers documented the provision of service on the universal log, but either did not maintain a contact log or did not place the contact log in the student's confidential folder, as they were trained to do. Frequently there were discrepancies between the information documented in the universal log and information documented in the contact log. When discrepancies occurred, MSDE did not count them as interruptions as long as one of the logs indicated services were provided as required.

As stated above, some service providers did not believe that documentation of indirect services was necessary. Additionally, some service providers documented that service was provided, but not to whom, the duration of the service given, or the activity that was provided. In those instances, MSDE did not automatically consider an interruption to have occurred, unless there was a discrepancy in the frequency of the service, as well.

There was also a general problem with documentation concerning the provision of transportation services. Only one school in the sample maintained records concerning the provision of transportation services for students receiving transportation as a related service. BCPSS' Transportation Office has said it will provide MSDE with a student attendance sheet for the buses; however, as of the date of this report, the documentation has not yet been provided. Once the information is provided, MSDE will issue another report documenting the results of the provision

of transportation as a related service. However, it should be noted that the transportation results could potentially have a significant negative impact on the results of the EMCIR-IV *Interruptions of Related Services Audit*.

c. **Accuracy of SASI/Conflicts Between Student's Attendance and Service Logs**

SASI has long been an area of noncompliance for BCPSS, as noted in previous EMCIR reports and acknowledged by BCPSS, even though SASI, as a system, functions properly throughout the rest of Maryland. Notwithstanding the above, SASI was used as the standard for determining whether a student was in school to receive services. In those circumstances when a service provider indicated either that the student was absent when SASI showed the student present, or that the student had received services when SASI showed the student absent, MSDE attempted to resolve the discrepancy by reviewing the service provider logs and any supporting documentation. However, if the discrepancy could not be resolved, MSDE determined that an interruption had occurred.

d. **Frequency and Amount of Service Delivery**

In many instances, related services were provided to students in the required amount, but not with the required frequency (number of sessions per week). For example, if a student was to receive 60 minutes of service in two sessions per week (i.e., in two 30 minute increments), the service was often provided in one 60-minute session. Depending on the frequency with which this happened for a particular student during the school year, this was not necessarily counted as an interruption of service.

However, there were also instances when a service provider would not provide service to a student for several months at a time, and would then try to "catch up" on the missing services later on in the school year. This was counted as an interruption of service.

e. **Interruption of Services Due to Professional Development Days**

There were several days during the period covered by the EMCIR-IV *Interruptions of Related Services Audit* where school was closed in Baltimore City due to professional development of BCPSS staff. For the most part, service providers planned for the professional development day and made up the service; however, there were several instances where service providers did not believe the day had to be made up (similar to a snow-day). In those instances, MSDE determined that an interruption had occurred.

f. Compensatory Services

Of the 255 documented interruptions of related services, none showed documentation that BCPSS was aware of the interruptions. None of the folders with documented interruptions of related services showed documentation that an IEP meeting was held to determine how to remediate the loss of service or that compensatory services were provided.

# APPENDIX 6

**Interruption of Related Service Form –2005-06 School Year**  
Complete this form for every student that shows an interruption of related service.

Name of Student: \_\_\_\_\_ DOB: \_\_\_\_\_ School: \_\_\_\_\_

Related Service(s) on IEP: \_\_\_\_\_

### Interruptions of Services

1. Service: \_\_\_\_\_ Dates of Interruptions: \_\_\_\_\_

BCPSS documentation of interruption in the folder:	YES <input type="checkbox"/> NO <input type="checkbox"/>
BCPSS documentation matches MSDE's findings:	YES <input type="checkbox"/> NO <input type="checkbox"/>
Compensatory services were provided:	YES <input type="checkbox"/> NO <input type="checkbox"/>

2. Service: \_\_\_\_\_ Dates of Interruptions: \_\_\_\_\_

BCPSS documentation of interruption in the folder:	YES <input type="checkbox"/> NO <input type="checkbox"/>
BCPSS documentation matches MSDE's findings:	YES <input type="checkbox"/> NO <input type="checkbox"/>
Compensatory services were provided:	YES <input type="checkbox"/> NO <input type="checkbox"/>

3. Service: \_\_\_\_\_ Dates of Interruptions: \_\_\_\_\_

BCPSS documentation of interruption in the folder:	YES <input type="checkbox"/> NO <input type="checkbox"/>
BCPSS documentation matches MSDE's findings:	YES <input type="checkbox"/> NO <input type="checkbox"/>
Compensatory services were provided:	YES <input type="checkbox"/> NO <input type="checkbox"/>

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Interruption of Service as Defined in the Consent Decree\*

Interruption is defined as the failure to continue one or more elements of the IEP following initiation of the IEP implementation (when the failure to implement is not due to the legal absence of the student).

- a. Daily Services  
For services that are required to be delivered daily, compensatory services will be awarded equivalent to the missed IEP service for each day that an interruption continues for longer than five consecutive school days or 10 cumulative school days (where each interruption is of fewer than six consecutive days' duration)
- b. Weekly Services  
For services that are required to be delivered every week but not every day, compensatory services will be awarded for each additional session missed after one week of services is missed.
- c. Service with a Frequency of Less than One Time Per Week  
For services with a frequency of less than one time per week, compensatory services will be provided for each missed session.

## Calendar Verification Form for BCPSS - School Year 2005-06

Name of Student: \_\_\_\_\_ School: \_\_\_\_\_

Pupil #: \_\_\_\_\_ DOB: \_\_\_\_\_

Related Service Area: \_\_\_\_\_ Related Service Provider: \_\_\_\_\_

Frequency of Service: Direct: \_\_\_\_\_ Expected # of Services to Date: \_\_\_\_\_

Indirect: \_\_\_\_\_ Expected # of Services to Date: \_\_\_\_\_

Directions: This audit is being conducted through the end of December, a period of 16 weeks.

Do not audit for January unless the service provider is using January for make-up time.

Place A for each date the student is absent.

Place D (direct) for each date seen and list the amount of time (i.e. 30 mins.).

Place I (indirect) for each date seen and list the amount of time.

Determine if there is a service match or not and mark on Monitoring Form.

AUGUST					SEPTEMBER					OCTOBER				
MON	TUE	WED	THUR	FRI	MON	TUE	WED	THUR	FRI	MON	TUE	WED	THUR	FRI
								1	2	3	4	5	6	7
														½ day
					5 closed	6	7	8	9	10	11	12	13	14
					12	13	14	15	16	17	18	19	20	21 closed
													½ day	
					19	20	21	22	23 closed	24	25	26	27	28
29	30	31			26	27	28	29	30	31				
NOVEMBER					DECEMBER					JANUARY				
MON	TUE	WED	THUR	FRI	MON	TUE	WED	THUR	FRI	MON	TUE	WED	THUR	FRI
	1	2	3	4 closed				1	2	2 closed	3	4	5	6
									½ day					
7	8	9	10	11	5	6	7	8	9 ** Snow	9	10	11	12	13
						2hrs. late								½ day
14	15	16	17	18	12	13	14	15	16	16 closed	17	18	19	20
				½ day					½ day					
21	22	23	24 closed	closed	19	20	21	22	23	23	24	25	26	27
28	29	30			26	27	28	29	30	30	31			

\*No time listed by provider

\*\* Snow Day





Check all related services on the IEP.	A. Name of Provider	B. Log Available? Y/U, YU/C Y/C No	C. Frequency of Service (in minutes) Example: 30 minutes, 2 times per week	D. Expected Number of Services Since Start of School Year or Service	E. Actual Number of Services Since Start of School Year or Service	F. Service Match Y/U, YU/C Y/C No	G. Verified Attend. for Date(s) Of Service (Y or N)	H. Location of Service 1. Thrp rm 2. Gen Ed 3. Spec Ed 4. Multi Set	I. Discrepancy Between Universal & Contact Notes Y, N, or N/A (not applica)	J. Conflict Between SASI & Universal &/or Notes (Y or N)
Counseling (26)	Dir									
	Ind									
Social Work (29)	Dir									
	Ind									
*Transportation (31)	Dir									
Other:	Dir									
	Ind									

\*Note: Indicate mode of transportation student is receiving under Name of Provider and if it is consistent with the IEP.

Box F. Service Match: Mark YES if:

- The number of expected services (column D) matches the number of services provided (column E).
- The number of expected services (column D) does not match the number of services provided (column E) AND reasons are documented (ex: absence of student).

Mark NO if:

- The number of services provided (column E) does not match the number of expected services to date (column D) and no reasons were documented.

Box G. Verified Attendance for Date(s) Of Service

Mark YES if:

- The dates the services were provided and documented on the log, match the attendance dates of student.

Mark NO if:

- The dates the services were provided and documented on the log, do not match the attendance dates of student.

The only valid reason for missed service is absence of student. If service is missed due to field trips, assemblies or providers absence, the related service provider is expected to make up that service. Missed service does not equal noncompliance if the service is made up.