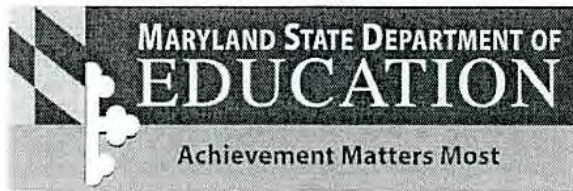


Attachment 10



Nancy S. Grasmick
State Superintendent of Schools

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

April 21, 2006

Ms. Maryanne Ralls
Interim Student Support Services Officer
Baltimore City Public School System
200 East North Avenue
Baltimore, Maryland 21202

***RE: Enhanced Monitoring for Continuous
Improvement and Results (EMCIR) Volume Four***

Dear Ms. Ralls:

On February 3, 2006 the Maryland State Department of Education sent a copy of the EMCIR Four report for the Baltimore City Public School System (BCPSS) that was transmitted electronically on January 31, 2006. This document was the fourth in a series to update data and information gathered since the BCPSS EMCIR III of June 2005.

As noted, the Interruption of Service: Transportation and Final Summary verification was pending. Attached is a copy of the EMCIR Four Addendum to address the 2005-2006 Transportation and Final Summary. The audit results continue to identify a significant number of interruptions in the delivery of transportation to student with disabilities in the BCPSS. Efforts to address this area of continuing noncompliance are to be incorporated into the Corrective Action Plan (CAP) that is to be provided within 30 days and completed within one year of this date.

As noted in correspondence to you dated April 19, 2006, the CAP for the Addendum to EMCIR IV concerning the Continuing Lack of Provision of Special Education Services in the 2005-2006 School Year was not received by its due date April 6, 2006. Since this CAP has not yet been received, MSDE will not continue to process BCPSS' FY 2006 local application for federal funds received on March 17, 2006.

This afternoon, MSDE received the Third Quarter Progress Report for the EMCIR III CAP including Provision of Related Services, Transportation, and Grants Administration and an update concerning the unresolved areas of the EMCIR I CAP. Members of my staff will provide specific feedback to this information under separate cover by May 8, 2006.



Ms. Ralls
April 21, 2006
Page Two

If you have any questions or require additional information about this correspondence, please contact Ms. Kimberly Lewis, Program Manager, at (410) 767-0249. Thank you for your continuing efforts on behalf of students with disabilities served in the BCPSS.

Sincerely,



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

CAB:daw
Attachment

c: Nancy S. Grasmick
Amy Totenburg
Bonnie Copeland
Doug Austin
Janice Hunter, Esq.
Donna Wulkan, Esq.
Luanne McKenna
Harry Fogle
Carol Rabin
Kimberly Lewis

**BALTIMORE CITY PUBLIC SCHOOL
SYSTEM**

**ENHANCED MONITORING FOR
CONTINUOUS IMPROVEMENT
AND RESULTS
Volume Four**

**Interruption of Service:
Transportation and Final Summary**

(Addendum Two)

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

March 2006

The Report

ENHANCED MONITORING FOR CONTINUOUS IMPROVEMENT AND RESULTS

Volume Four (Addendum Two)

TRANSPORTATION PORTION OF THE INTERRUPTION OF RELATED SERVICES AUDIT

A. Purpose and Procedures

The Maryland State Department of Education (MSDE) conducted an *Interruption of Related Services Audit* as part of the Enhanced Monitoring for Continuous Improvement and Results (EMCIR-IV) process in order to ascertain whether the Baltimore City Public School System (BCPSS) has improved in providing students with required related services. The report of MSDE's findings based on the *Interruption of Related Services Audit* was issued earlier this month in the Addendum to EMCIR-IV, reporting on all related services except transportation. MSDE was unable to verify transportation services due to the unavailability of bus and cab logs at the school level.

At the time the *Interruptions of Related Services Audit* was conducted, only one of the 54 randomly selected schools identified to participate in this audit maintained a transportation log at the school. The remaining 53 schools had no documentation of the provision of transportation services to students requiring that service on their IEPs. BCPSS representatives indicated that their transportation office maintained the bus drivers' logs and cab receipts that would verify the provision of transportation, and stated that the information would be forwarded to MSDE.

On February 27, 2006, BCPSS began providing available daily bus logs and cab receipts for documentation concerning the provision of transportation services to the identified special education students. MSDE continued to receive information from BCPSS's Transportation Office up to and including March 20, 2006. That information was reviewed and analyzed in the same manner as all the other related services included in the *Interruptions of Related Services Audit* and reported in the EMCIR-IV Addendum. To gather relevant information concerning the provision of transportation, information was gathered for the following factors:

- The name of the Bus provider;
- The availability of a transportation log;
- 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; and

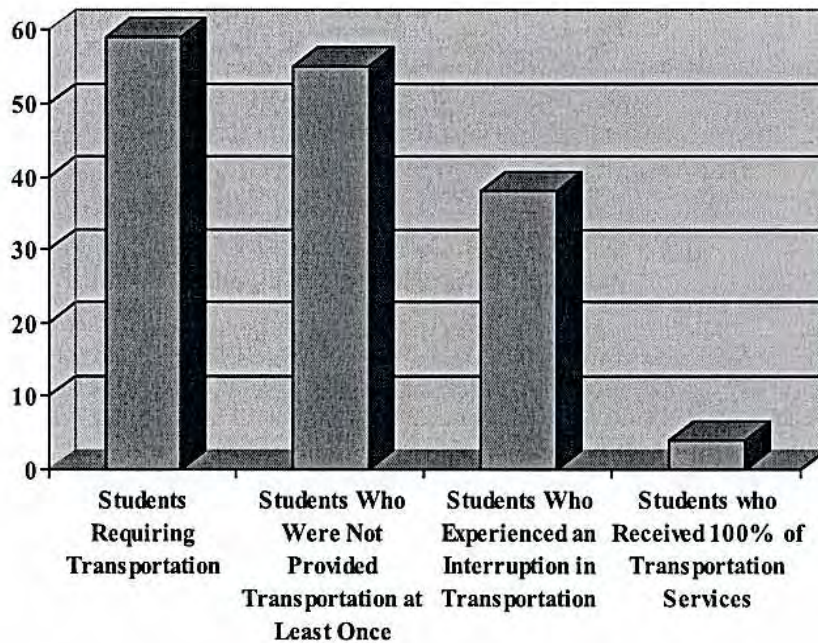
- Whether the number of services expected to have been provided matched the number of services actually provided.

B. Data and Analysis

In the EMCIR-IV Addendum One, the *Continuing Lack of Provision of Special Education Services in the 2005-06 School Year*, it was reported that 314 student records were reviewed. The current dated reported contains a sample of 315 students due to the addition of one student in the original sample who only receives transportation as a related service. Since the EMCIR-IV Addendum One was not reporting on transportation, that student had been removed from the total number of students in order to accurately calculate statistical information.

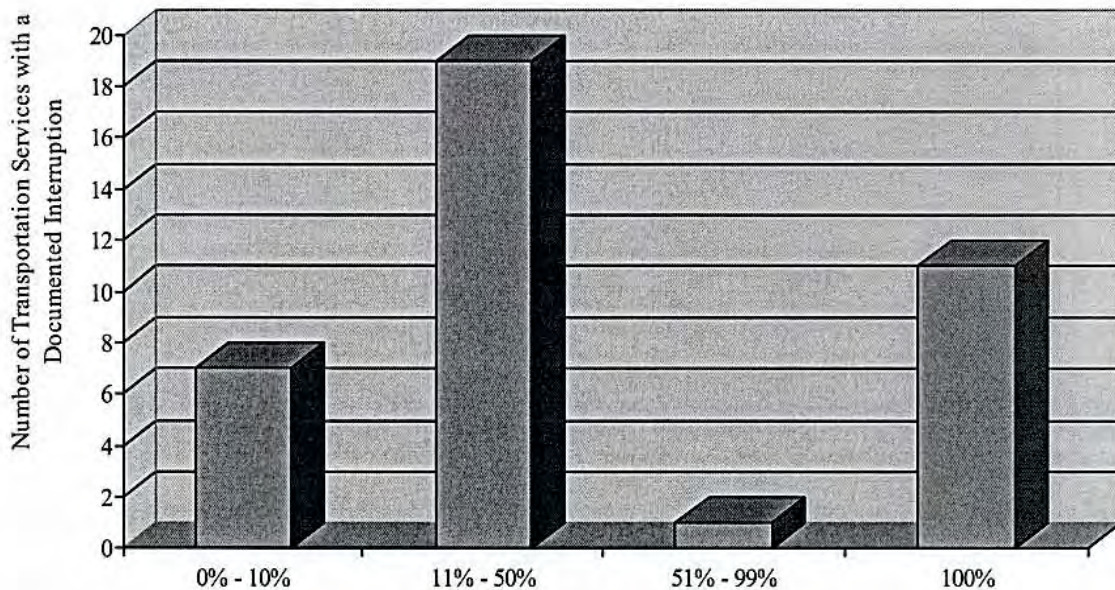
Of the 315 students contained in the original sampling, 59 required transportation be provided as a related service. Of those 59 students, 55 (or 93.22%) although this does not constitute an interruption as defined by the consent decree, were not provided the necessary transportation at least once. Further, 38 (or 64.41%) experienced an interruption as defined by the Consent Decree, i.e., missed IEP service for each day that an interruption continues for longer than five consecutive days or ten cumulative school days. (See Chart 24).

**Chart 24: Transportation Interruptions Audit
Transportation Services Summary**



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. While it is clear that 38 students experienced an interruption in their transportation (as defined by the Consent Decree), the amount of service each of those students missed as a result of the interruption is also significant. For the total of the documented interruptions in transportation, 50.00% resulted in an additional loss of between 11% and 50% of services due to the student. Another 31.58% of interruptions resulted in a loss of 51% or more of the service, including in that ratio the 28.95% of total interruptions where none of the service was documented. In 18.42% of the records reviewed, a loss of 10% or less of the required service was identified. (See Chart 25 and Table 32). It is important to note that those folders found to have missed all of the required transportation were folders where BCPSS failed to produce any transportation logs, despite allowing the Office of Transportation to submit logs on February 27th, March 15th, and March 16, 2006. On March 16, 2006, the Office of Transportation said they had no additional logs to be submitted.

**Chart 25: Transportation Interruptions Audit
The Extent of Transportation Interruptions**



**Table 32: Transportation Interruptions Audit
The Extent of Transportation Interruptions**

| Extent of Missed Services | Number of Interruptions | Percentage of Total Interruptions |
|----------------------------|-------------------------|-----------------------------------|
| 0% to 10% | 7 | 18.42% |
| 11% to 50% | 19 | 50.00% |
| 51% to 99% | 1 | 2.63% |
| 100% | 11 | 28.95% |
| Total Interruptions | 38 | 100% |

a. Lack of Required Documentation

Throughout the transportation *Interruptions of Service Audit*, there has been a problem with the availability of documentation to verify the provision of transportation services. Only one of the 54 schools targeted in the audit maintained transportation records on site. As stated previously, records for the students attending the remaining 53 schools came on February 27th, March 15th, or March 16, 2006. Not only were records sent for some of the students, but incomplete records were sent where full months were missing. The lack of records exists for students being transported by bus, as well as by cab. There are still 11 students for whom BCPSS has failed to provide documentation of transportation as a related service.

Furthermore, the records provided for the three students from the sample being transported by cab are unreliable. According to one student's log, the student was picked up on Christmas day, Saturday, Sunday, and on New Year's Eve. Documentation for cab transportation was a list of dates each student was transported by cab, as verified by paid receipts.

Accuracy of SASI/Conflicts between Student's Attendance and Service Logs and/or Taxi Receipts Record

SASI has been a consistent area of noncompliance for BCPSS, as noted in previous EMCIR reports (I, II, III and IV), 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 attendance at school to receive services. In those circumstances when a transportation log indicated a student was absent when SASI indicated the student was present, MSDE treated it as a missed service.

c. Compensatory Services

In the review of the 59 folders where transportation was required by the IEP, MSDE found two folders that contained a form indicating that BCPSS was aware that an interruption had occurred in the student's transportation service. One of those students did not appear to have had an interruption, based on all other available information (SASI, transportation logs, service provider logs for other related services), and the notation on the form indicated that the Instructional Assistant believed SASI to be wrong. The other folder noted a loss of services for about a week, but BCPSS had failed to provide documentation of provision of service for much more.

In either event, there was no documentation of the provision of compensatory services.

C. Summary of Related Services including Transportation

In summary, a breakdown of interruptions of all related services reviewed in the sample by school type provides further insight into the rates of interruptions. The 315 students receiving related services are divided up between the 5 different school types listed in Table 33. Students with interruptions excluding transportation total 172 students and have a 54.60% interruption rate. The highest percent of missed services was in the middle school area with a 68.97% of students with the remaining 4 areas (Elementary, K-8, High Schools, and Charter Schools) showing a percent between 41-55%. Students with interruptions in transportation only, totaled 22 students with the highest rate of interruption being in the middle school area with a rate of 11.49%. The range for the 4 remaining areas was between 0-9.64%. The total students with interruptions were 194 out of the 315 students in the sample. The range of interruptions for total students was between eight and fifty-three percent.

Out of the 194 students with interruptions, the middle school area had the highest rate of interruptions with 80.46%. Although the middle school area has close to the same number of children as the elementary and high school area for children with related services, the percentage of interruptions far exceeds the other two areas.

**Table 33: EMCIR-IV Interruptions Audit
Breakdown of Interruptions by School Type**

| School Type | Number of Students with Related Services | Students with Interruptions Excluding Transportation | | Students with Interruptions in Transportation Only | | Total Students with Interruptions | |
|--------------|--|--|---------------|--|--------------|-----------------------------------|---------------|
| | | Number | Percent | Number | Percent | Number | Percent |
| Elementary | 83 | 45 | 54.22% | 8 | 9.64% | 53 | 63.86% |
| K-8 | 44 | 20 | 45.45% | 0 | 0.00% | 20 | 45.45% |
| Middle | 87 | 60 | 68.97% | 10 | 11.49% | 70 | 80.46% |
| High | 84 | 40 | 47.62% | 3 | 3.57% | 43 | 51.19% |
| Charter | 17 | 7 | 41.18% | 1 | 5.88% | 8 | 47.06% |
| Total | 315 | 172 | 54.60% | 22 | 6.98% | 194 | 61.59% |

D. Recommendations

MSDE urges BCPSS to look at their Corrective Action Plan and make revisions to address this area of continuing noncompliance. The persistent interruptions in service is clearly an indication that a Free Appropriate Public Education (FAPE) is not being provided to all special education students. Since MSDE determined that BCPSS has violated IDEA and corresponding federal and state regulations regarding children with disabilities, the State Education Agency (SEA) has an obligation under 34 CFR & 300.600 and 20 USC 1412.a.11 to ensure that children have a full educational opportunity goal. Since the SEA retains general supervisory authority over BCPSS, I am requiring that an IEP meeting be held for each child who has been identified as not having received special education instruction or related services as required by their IEP and as defined by the Consent Decree.