

Attachment 8



Nancy S. Grasmick
State Superintendent of Schools

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May 17, 2006

Dr. Joe A. Hairston
Superintendent
Baltimore County Public Schools
6901 Charles Street
Baltimore, MD 21204

Dear Dr. *Joe* Hairston:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS), expresses appreciation to the Baltimore County Public Schools (BCPS) special education staff for their cooperation during the recent on-site comprehensive Monitoring for Continuous Improvement and Results (MCIR) review conducted on February 27-March 3, March 6, April 4, April 18, and May 3, 2006. MCIR is the process used to review and analyze information and data. The purpose of this review was to ensure that federal and State requirements related to the education of students with disabilities are met. Monitoring activities in BCPS included a review of student records, related service provider logs, district data, classroom visitations, and local school system staff interviews. Each step of the process was evaluated against the requirement prescribed in federal and State law.

The MCIR report provides BCPS with data and information regarding compliance and required corrective actions and timelines on the following performance indicators:

- IEP Team Process and Development
- Part C to Part B Transition
- Least Restrictive Environment
- Extended School Year
- Secondary Transition
- Discipline
- Provision of Related Services
- Parentally Placed Private School Students.

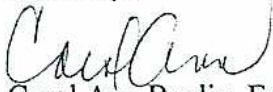
The MSDE, DSE/ESI, recognizes BCPS' commitment to the students and the families it serves and looks forward to working with BCPS in a collaborative relationship. If you or your special education staff have questions or would like to schedule a meeting at MSDE to review



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information contained in this report with staff from the Office of Quality Assurance and Monitoring (QAM), please contact Linda F. Bluth, Director, Office of QAM at 410-767-0988.

Sincerely,



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

CAB/lfb
Attachments

C: Judith Glass
Linda Bluth
Sandi Marx
Nancy FitzGerald

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

Monitoring for Continuous Improvement and Results

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addition, the Parent Resource Center plays a vital role in BCPS by serving as a liaison between schools, parents, and community agencies.

The accuracy, reliability, and validity of special education census data that is reported to the MSDE is managed by an office that is specifically responsible for this information. During the overview meeting, specific information regarding data accuracy, reliability, and validity were not described.

The special education department collaborates with the human resources department regarding the recruitment, hiring, and retention of highly qualified teachers. A special educator is located in the human resources department to assist with the hiring process. Professional development activities to address instructional practices and special education federal and State requirements is an ongoing process. Training opportunities are provided several times each year.

BCPS has a system in place to ensure the proper implementation of policies, procedures, and practices pertaining to special education. The Program Review and Support Process (PRASP) is designed to assist schools in providing a free, appropriate, public education (FAPE) to students with disabilities while maintaining compliance with federal and state mandates. Components of the PRASP include record reviews, student observations, Individualized Education Program (IEP) team observations, and review of previous results and recommendations.

MSDE OFFICE OF QUALITY ASSURANCE AND MONITORING TEAM MEMBERS

The following MSDE/DSE/EIS staff participated in the BCPS monitoring activities: Linda F. Bluth, Director, Office of Quality, Assurance, and Monitoring (QAM), Tom Barkley, Transition Specialist, Paul Bolig, Program Monitor Consultant, Dorothy Coleman, Program Monitor Consultant, Nancy FitzGerald, Monitoring Specialist, Cathy Jurist, Program Monitor Consultant, Sandra Marx, Monitoring Coordinator, Jack Mead, Program Monitor Consultant, Diana Mitchell, Program Monitor Consultant, David Patterson, Monitoring Specialist, Bonwyn Preis, Monitoring Specialist, Martha Roulette, Education Program Specialist, Carol Schofield, Program Monitor Consultant, Marjorie Shulbank, Special Initiatives and Parent Support Specialist, and Cheryl Strong, Program Monitor Consultant

BCPS CENTRAL OFFICE STAFF

The following BCPS staff participated in the monitoring activities: Beverley Andress, Coordinator, School Support and Compliance, Betsy Neville, Coordinator, Alt-MSA and Related Services, Marcella Franczkowski, Coordinator, Placement and Birth-to-Five, Sharon Floyd, Supervisor, Nancy Feeley, Supervisor, Robin Bosley, Supervisor, Sara Egorin-Hooper, Supervisor, Paula Boykin, Supervisor, Cindy Amirault, Supervisor, Dale Rauenzahn, Executive Director, Department of Student Support Services, Pam Weitz, Resource Teacher, Vicky Ciulla, Coordinator, Alternative Programs, Donna Sochurek, Specialist, Mary O'Melia, Team Leader, and Mary Hutchins Danna, Team Leader

PERFORMANCE INDICATOR(S) MONITORED

All LSSs, in providing for the education of students with disabilities, are required to have Special Education policies and procedures that are consistent with the requirements of the Individuals with Disabilities Education Act. LSSs are charged with the responsibility to properly implement these procedures and comply with all requirements regarding the consideration and documentation of the individualized needs of students with disabilities. The determination of the proper implementation of the requirements is accomplished through a review of student special education records and data. *The Comprehensive Review of Special Education Student Records* instrument was used for this process. **(Attachment A)** This instrument consists of 64 specific requirements. It should be noted that all items on the instrument were not applicable to every student record reviewed.

I. IEP Team Process and Development

BCPS special education student records were reviewed to determine compliance with procedures related to IEP team process and development.

Date(s) of Record Review

February 27-March 2, 2006

Number of Records Reviewed

A total of 152 student records were reviewed from preschool, elementary, middle, high, special, and non-public schools.

Summary of Findings

The record review indicated that BCPS is compliant with many of the requirements relating to IEP team process. This includes items related to assessment, initial evaluation, and reevaluation. BCPS is commended for its efforts in this area. Several requirements related to the development of the IEP were found to be noncompliant. **(Attachment B)**

Required Actions

MSDE requires BCPS to implement a Corrective Action Plan (CAP) to address the areas of noncompliance and ensure correction within one year of the date of this report. A blank CAP document is included with this report. **(Attachment C)**

II. Part C to Part B Transition

BCPS student records were reviewed to determine compliance with procedures related to the transitioning of students from Part C to Part B and with the requirement that IEPs are in effect by age three.

Date(s) of Record Review

February 27-March 2, 2006

Number of Records Reviewed

A total of 12 student records were reviewed.

Summary of Findings

The record review indicated that BCPS is compliant with almost all of the requirements relating to Part C to Part B transition. However, one requirement regarding obtaining written parent consent before conducting assessment procedures for initial identification was found to be noncompliant. **(Attachment B)**

A review of 2005 Maryland Special Education/Early Intervention Services Census Data and Related Table, October 28, 2005 (2005 Census Data) does not corroborate the record review findings. The 2005 Census Data indicates that 80.95 % of students transitioning from Part C to Part B have an IEP in effect by their third birthday. When MSDE called the Birth-to-Five Supervisor in BCPS to assess the nature of the delay for individual students, no information was provided that could be used to excuse the delays.

Required Actions

MSDE requires BCPS to implement a Corrective Action Plan (CAP) to address the area of noncompliance and ensure correction within one year of the date of this report. In addition, BCPS is required to review its policies, procedures, and practices to ensure IEP teams document why the IEP is not in effect by the child's third birthday. A summary of this information is required to be submitted to MSDE by September 30, 2006.

III. FAPE in the Least Restrictive Environment (LRE)

BCPS special education records were reviewed to determine whether IEP teams follow appropriate procedures to ensure a FAPE in the LRE. In addition, the 2005 Census Data was reviewed to determine trends in LRE over the last three years.

Date of Record Review

February 27-March 2, 2006

Number of Records Reviewed

A total of 152 student records were reviewed from preschool, elementary, middle, high, special, and non-public schools.

Summary of Findings

The record review for LRE indicated that, in general, IEP teams comply with the requirements related to LRE decision making and providing FAPE in the LRE. However, one requirement regarding the documentation of the student's transportation needs was found to be noncompliant in meeting regulations. **(Attachment B)**

LRE TRENDS AGES 6-21

School Year	LRE A	LRE C	Public/Private schools, Home and Hospital
2003	57.06%	27.22%	8.35%
2004	58.14%	24.94%	8.06%
2005	62.38%	19.98%	8.69%

According to 2005 Census Data over the last three years, BCPS has made consistent progress in providing services to students with disabilities ages 6-21 in general education settings. BCPS is 4.63% above the State target of 57.75% in educating students with disabilities in LRE A. BCPS is to be commended for this accomplishment. While BCPS is still below the state target in LRE C, they have shown consistent improvement in this area. Interviews of general education teachers, special education teachers, and classroom visitations by MSDE staff support this data. Teachers indicate that they have access to the IEPs of students with disabilities in their classrooms. They implement the goals and objectives and accommodations, supplementary aids, services, and other supports or modifications listed on the student's IEP. This was evidenced during the classroom visitations. Information obtained from visitations indicate that students with disabilities are instructed in the general curriculum. Teachers also indicate they are familiar with the IEP process and are active participants at IEP team meetings. They report that utilizing the co-teaching model, providing differentiated instruction, and having parent support are factors that contribute to the success of students with disabilities in the general education classroom.

LRE TRENDS AGES 3-5

School Year	Home (LRE J), Early Childhood (LRE M), Combined (LRE O)
2003	83.53%
2004	63.80%
2005	58.64%

Preschool LRE data, while above the 2005 State target of 41.00% has shown a decline over the last three years and inconsistencies in the reported data. BCPS should monitor to ensure that LRE codes are being used appropriately and that there is a system in place to ensure the accurate reporting of data.

Required Actions

MSDE requires BCPS to implement a CAP to address the area of noncompliance and ensure correction within one year of the date of this report. In addition, using the 2005 Census Data, BCPS is directed to review 10% of preschool records and determine if appropriate LRE codes, particularly the use of Early Childhood (LRE M), Combined (LRE O), and home (LRE J) are reported accurately. A summary of the findings is required to be submitted to MSDE by September 30, 2006.

IV. Extended School Year (ESY)

BCPS student records were reviewed to determine compliance with the requirements regarding ESY.

Date(s) of Record Review

February 27-March 2, 2006

Number of Records Reviewed

A total of 152 student records were reviewed from preschool, elementary, middle, high, special, and non-public schools.

Summary of Findings

Two out of five items on the record review in the area of ESY were found to be noncompliant. (Attachment B)

EXTENDED SCHOOL YEAR (ESY)

School Year	Number of Students Receiving ESY Services	Percent of Students Receiving ESY Services
2002-03	1278	9.1%
2003-04	1061	7.6%
2004-05	1075	7.8 %

Census data indicates that BCPS has remained consistent in the number and percentage of students receiving ESY services.

Required Actions

MSDE requires BCPS to implement a CAP to address the ESY requirements identified as noncompliant and ensure correction within one year of the date of this report.

V. Secondary Transition

BCPS records were reviewed to determine compliance with the requirements regarding secondary transition

Date(s) of Record Review

February 27-March 2, 2006

Number of Records Reviewed

A total of 45 student records were reviewed.

Summary of Findings

The results of the record review indicate that all items in the area of secondary transition in public schools were found to be noncompliant. (Attachment B) BCPS acknowledges that

proper documentation of requirements is an area of need and that increased staff training in the area of secondary transition services needs to be provided.

Required Actions

MSDE requires BCPS to implement a CAP to address all requirements related to secondary transition services and ensure correction within one year of the date of this report.

VI. Discipline: Extended Suspensions Greater Than Ten Days; Use of Home and Hospital Services

The focus of MSDE's student record review was limited to ensuring that a FAPE is provided to students with disabilities (SWD) who have received extended suspensions greater than ten days and to ensure that Home and Hospital services are not used for disciplinary reasons except as consistent with the requirement. In addition, the Special Education Coordinator of School Support and Compliance and the Director of the Department of Student Support Services were interviewed regarding discipline procedures in BCPS.

EXTENDED SUSPENSION OF GREATER THAN 10 DAYS

School Year	Number of Non-Disabled Students Suspended	Percent of Non-disabled Students Suspended	Number of SWD Suspended	Percent of SWD Suspended
02-03	613	.65%	102	.75%
03-04	560	.59%	60	.43%
04-05	583	.62%	102	.73%

The 2005 suspension data indicates that students with disabilities are suspended at a higher rate than their non-disabled peers, but overall the difference in the rate is not statistically significant. What is questionable is the accuracy of the extended suspension data which shows 102 students with disabilities suspended in 2002-2003, 60 in 2003-2004, and 102 in 2004-2005.

Date(s) of Record Review

April 4, 2006

Number of Records Reviewed

On April 4, 2006 the MSDE reviewed the records of 20 students who received an extended suspension of greater than ten days. In addition, the Home and Hospital services records of 28 students currently receiving or who have received Home and Hospital services due to an emotional crisis in the 2005-06 school year were reviewed.

Summary of Findings: Extended Suspensions Greater Than Ten Days

Results from the record review indicate that BCPS is noncompliant with the following two items regarding extended suspension for greater than 10 days:

- Determination if the removal constitutes a pattern resulting in a change of placement.
- Proper documentation that the IEP team considered all relevant information in determining whether the student's behavior was a manifestation of the student's disability.

BCPS has procedures in place that are implemented when a student with a disability is removed for disciplinary reasons. These procedures are consistent with federal requirements with one exception. BCPS is currently sending the procedural safeguard notice to parents of suspended students with the notice of the disciplinary hearing. To be in compliance, it is recommended that the procedural safeguards notice be sent to parents with the first formal notice of suspension on the date the principal removes the student.

BCPS has developed a variety of interim alternative educational settings located throughout the county to ensure that students with disabilities who are disciplinarily removed from their school setting continue to receive FAPE. BCPS is recognized for working to ensure that disciplinary hearings are held in a timely manner and interruptions in service are minimal. In order to ensure that students are returned to the LRE without any interruption in service, BCPS conducts quarterly meetings to determine when and if students are ready to return to a comprehensive school setting. Specific procedures are in place to ensure a smooth transition for the student. BCPS is developing a system-wide process for tracking the number of days students are suspended. Elementary schools will be utilizing this system by the end of the 2005-2006 school year. A demonstration of the tracking software program was shared with MSDE staff during the record review site visit. BCPS is commended for its efforts in improving procedures and implementing programs to ensure a FAPE for students with disabilities who receive extended suspensions.

Required Actions

MSDE requires that BCPS implement a CAP to address the two areas of noncompliance and ensure correction within one year of the date of this report. In addition, BCPS is to review its extended suspension data for the past three years to determine its accuracy, and send a summary report to MSDE by September 30, 2006. Depending on the results of the summary report, MSDE will determine whether verification of the data is necessary.

Summary of Findings: Use of Home and Hospital Services

Results from the review of records of students receiving home and hospital teaching services indicate that BCPS is compliant with obtaining verification from a certified school or licensed psychologist or psychiatrist that an emotional condition is present, and that the emotional condition prevents the student from participating in the student's school of enrollment. In addition, the student records indicated the home placement did not exceed 60 consecutive school days. It is recommended that BCPS continue to self-monitor its

implementation of all requirements and continue to review its records to correct any identified noncompliance.

Required Actions

No required actions are indicated based on this review.

VII. Related Services

MSDE reviewed related service logs and student IEPs to determine whether the frequency and duration of related services specified on a student's IEP matched the services provided.

Date(s) of Record Review

February 27-March 2, 2006

Number of Records Reviewed

A total of 49 speech language therapy logs, 12 occupational therapy logs, 6 physical therapy logs, 13 counseling logs, and 7 social work logs were reviewed.

Summary of Findings

The following table indicates the rate of compliance identified for related services provided as indicated on the student's IEP:

RELATED SERVICES

Services Provided	% Compliant
Speech Language	71%
Occupational Therapy	100 %
Physical Therapy	100%
Counseling	31%
Social Work	43%

The results of the related services review show that speech language services, counseling services, and social work services were not provided in a manner consistent with students' IEPs. MSDE staff found that services were not implemented the first full week of school. In addition, documentation was not found that indicated that IEP teams determined the impact of services not provided or that missed services were made up. MSDE staff interviewed special education teachers and related service providers to verify these findings. Responses from staff contradict the record review in that staff consistently report that services begin promptly with the start of school and that missed services are consistently made up.

Required Actions

Based on this review, the MSDE requires that BCPS implement a CAP to address noncompliance in the area of related services and ensure correction within one year of the date of this report. The CAP should include strategies to address the following:

- Ensuring that services begin with the start of school.
- Ensuring that services missed for any reason other than the absence of the student or school closures are made up or that an IEP team meeting is held to determine educational impact of missed services.
- Ensuring that logs are accurately kept to document the date and duration of services provided.

VIII. Parentally Placed Private School Students

BCPS special education records were reviewed to determine if appropriate procedures were followed regarding the provision of special education and related services to parentally placed private school students.

Date(s) of Record Review

May 3, 2006

Number of Records Reviewed

A total of 10 student records were reviewed.

Summary of Findings

The results of the record review indicate that BCPS is compliant with procedures regarding the provision of services to parentally placed private school students. The BCPS is to be commended for the organization and structure of the records for parentally placed private school students.

Required Actions

No actions are required.

CONCLUSIONS

MSDE acknowledges BCPS for its diligent efforts and preparation during the on-site visit. The QAM staff expresses their appreciation for the collaborative effort, attention, and time BCPS staff allocated to the monitoring visit. BCPS staff cooperated fully with MSDE staff during the on-site visits. In particular, MSDE would like to commend Ms. Beverley Andress and her staff for the organization of the file review and school visits and for making school-based personnel, including building level administrators, teachers, and related service providers, available to assist with the record review process. BCPS is commended for the following: establishing an effective process for self-monitoring; embracing the concept of continuous improvement as a

model in providing FAPE to students in the least restrictive environment; and, establishing the processes and procedures to ensure FAPE is provided to students who are disciplinarily removed.

While MSDE identified many positive findings during their work in BCPS, there are improvements and corrections that need to be made. Specifically, the BCPS is required to submit a CAP to MSDE no later than 30 days from the date of this report in the following areas:

IEP Development

The CAP should address noncompliance in the areas of IEP Development, Part C to Part B Transition, FAPE in the LRE, ESY, and Extended Suspensions of Greater than Ten Days

Secondary Transition

The CAP should address all requirements regarding secondary transition.

Provision of Related Services

The CAP should include procedures for ensuring that related services begin the first full week of school and procedures to follow when a related service is missed for reasons other than the absence of the student or a school closure.

In addition to the three CAPS, BCPS is required to submit the following data/information no later than September 30, 2006:

- Results of the review of its policies, procedures, and practices to ensure IEP teams document why the IEP is not in effect by the child's third birthday.
- Results of its preschool record review regarding LRE codes.
- Results of the review of extended suspension data.

BCPS is required to correct the identified areas of noncompliance within one year of the date of this report. A blank copy of the CAP document is included. **(Attachment C)** All required submissions are due within the timelines indicated in this report. If there are any questions regarding this report, please contact Nancy FitzGerald, Monitoring Specialist, at 410-767-0627 or nfitzgerald@msde.state.me.us.