



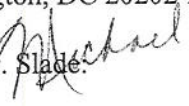
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Nancy S. Grasmick  
State Superintendent of Schools

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January 29, 2007

Mr. Michael Slade  
Education Program Specialist  
United States Department of Education  
Office of Special Education Programs  
400 Maryland Avenue, SW  
Washington, DC 20202-2550

Dear Mr. Slade: 

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS), is submitting the first progress report due on February 1, 2007, which updates information on the correction of the findings of noncompliance since the State reported on "Special Conditions" in the May 10, 2006 report. The report includes a description of the actions that the State has taken, including enforcement actions to ensure correction of the findings, an analysis of factors that have contributed to continuing noncompliance, and the strategies that the State has implemented to address those factors.

In this first progress report, the DSE/EIS is reporting on current diligent efforts to monitor public agencies (PAs) and correct noncompliance. Evidence of these efforts is supported in Attachments 1-9 of the enclosed report. It is the goal of the DSE/EIS to make substantial progress prior to the submission of the second progress report, due by June 1, 2007. Each of the PAs in which correction of findings is in process will be visited by June to determine corrective actions have taken place. Additional technical assistance is being provided by the DSE/EIS on a regular basis to correct identified findings of noncompliance in the areas of "Special Conditions," including least restrictive environment decision-making by IEP teams, provision of related services, and suspension.

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:lfb  
Enclosures

c: Nancy S. Grasmick  
Lois Taylor  
Linda F. Bluth  
Branch Chiefs

Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
Update on the Correction of Noncompliance Reported Since the  
Third "Special Conditions" Report dated May 10, 2006

January 29, 2007

**I. Introduction**

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS), is requesting the Office of Special Education Programs (OSEP) to consider the removal of "Special Conditions" placed on the MSDE, as a result of certain gaps in the general supervisory system identified during the OSEP on-site verification visit to Maryland in March 2005.

As required by OSEP, the MSDE, DSE/EIS, timely submitted three reports addressing "Special Conditions" covering the required reporting periods for the 2003-2004 school year and the 2004-2005 school year. This report includes updated information since the third required report submitted to OSEP on May 10, 2006 through November 30, 2006. Maryland currently has in place a well-organized system to ensure compliance with the monitoring requirements of IDEA 2004 in order to meet its general supervisory responsibilities. The MSDE is currently exploring web-based monitoring systems that could further enhance the current informational system by providing a comprehensive, automated system. Leader Services presented a tactical view of their Advanced Compliance Monitoring System on September 26, 2006 and November 29, 2006 (**Attachment 1**). The MSDE, DSE/EIS, is currently inquiring about the feasibility of issuing a Request for Proposals to develop a web-based monitoring system to coordinate multiple monitoring activities. At the current time, six (6) public agencies are participating in the MSDE web-based Individualized Education Program (IEP) project and one public agency is in the process of joining this group. The MSDE web-based IEP will enhance the capacity of the Office of Quality Assurance and Monitoring (QAM) to conduct desk-audits while simultaneously reducing statewide travel beginning July 1, 2007.

**II. Background**

Three previous "Special Conditions" reports were submitted to OSEP on November 11, 2005, February 6, 2006, and May 10, 2006, and were required to address:

**1. Ensuring individualized placement decisions**

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



**2. Ensuring the provision of all related services as part of a free appropriate public education (FAPE)**

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

The MSDE, DSE/EIS, addressed in its first report submitted to OSEP on November 11, 2005, certain gaps in its general supervisory system related to monitoring that were identified during the OSEP verification visit in March 2005. In the second report submitted to OSEP on February 6, 2006, the MSDE activities initiated during the 2004-2005 school year "Ensuring individualized placement decisions" and "Ensuring the provision of all related services as part of FAPE" to meet the OSEP requirements. In the third report submitted on May 10, 2006, the MSDE summarized its progress with the 2004-2005 school year status for "Ensuring individualized placement decisions" and "Ensuring the provision of all related services as part of FAPE" to meet the OSEP requirements. The MSDE also described additional monitoring activities initiated during the 2005-2006 school year.

**III. The Process: Monitoring for Continuous Improvement and Results (MCIR) Update**

The MSDE, DSE/EIS, Office of QAM established on March 21, 2005, continues to report directly to the Assistant State Superintendent for Special Education/Early Intervention Services and has made appreciable progress in facilitating the implementation of a coordinated statewide system for general supervision. The DSE/EIS general supervision monitoring activities include coordination and collaboration within the six (6) branches in the DSE/EIS (**Attachment 2**). The branches meet regularly to ensure the DSE/EIS is coordinating general supervisory responsibilities and to prevent and address gaps in meeting its supervisory responsibilities. The most recent meeting took place on November 20, 2006. In attendance were members from the following branches: Program Administration and Staff Development, Divisional and State Support, Special Services, Complaint Investigation and Due Process, and the Office of QAM. An agenda from this meeting is located in **Attachment 3**. A scheduled meeting takes place three times a year to coordinate and plan for all Office of QAM activities. The most recent meeting took place on November 30, 2006 (**Attachment 4**). The QAM full time staff located at MSDE meet on a scheduled basis, a minimum of two times a month.

The DSE/EIS manual "Monitoring for Continuous Improvement and Results: Part B" was presented and reviewed at the Local School Systems (LSS) Directors' meeting on September 14, 2006 and the Special Education State Advisory Committee (SESAC) meeting on September 21, 2006. The DSE/EIS exceeded its goal to distribute the manual by the "Division of Special Education/Early Intervention Services 2006 Leadership Conference" in October 2006. A copy of the manual table of contents is located in **Attachment 5**. This manual is currently under revision to incorporate updated information regarding technical assistance, enforcements, and determinations presented at the OSEP Summer Leadership Meeting held on August 27-30, 2006 in Washington, DC and the OSEP Accountability Meeting held on September 18-20, 2006 in Denver, Colorado. A



team of MSDE, DSE/EIS, staff representing multiple offices attended both of these meetings and MSDE, DSE/EIS, staff will be attending the OSEP Regulations Implementation Meeting in the District of Columbia on January 30-31, 2007.

The MSDE, DSE/EIS, 2006 Leadership Conference (October 18-20, 2006) focused on the theme "Moving Forward for Positive Results." This leadership conference is designed for LSS and public agency (PA) personnel. The conference focused on the OSEP model for accountability to measure states' effectiveness in improving outcomes for children and youth with disabilities and correcting noncompliance. Planning for this meeting included input from multiple stakeholders and technical assistance by Dr. W. Alan Coulter, Director of the National Center for Special Education Accountability Monitoring. Dr. Coulter presented multiple sessions at this meeting. A copy of the agenda is located in **Attachment 6**.

The Office of QAM updated the DSE/EIS Self-Assessment of public agency performance on IDEA 2004, Part B Indicators instrument for future dissemination to the public agencies. The Office of QAM was fortunate to have Dr. Coulter review a draft of the Self-Assessment instrument as part of the preparation for the fall 2006 Leadership Conference. The QAM staff will present this information at the upcoming FY 2008 Grants meeting to review the Local Application for Federal Funds (LAFF). A sample from the Self-Assessment instrument is located in **Attachment 7**.

#### **IV. Monitoring Results between May 10, 2006 and November 30, 2006**

Information pertaining to the correction of noncompliance reported since the third "Special Conditions" report is located in Charts 1 and 2 below. In addition, these charts address factors contributing to noncompliance and MSDE strategies implemented to correct noncompliance.

**Chart 1  
LRE Update on the Correction of Noncompliance Reported  
Since the Third "Special Conditions" Report dated May 10, 2006**

LRE	Corrected (C)	Factors Contributing to Noncompliance  LRE	MSDE Strategies Implemented to Correct Noncompliance
	Not Corrected (NC)		LRE
4	2 (C) 2 (NC)	-Lack of PA evidence of required documentation to ensure FAPE to students with disabilities in the Least Restrictive Environment (LRE)	-MSDE, DSE/EIS increased technical assistance to PAs regarding LRE documentation of requirements to ensure FAPE to students with disabilities in the LRE -MSDE, DSE/EIS, mandatory use of Statewide IEP document (implementation date July 1, 2007) -MSDE, DSE/EIS, provides opportunities for PAs to submit competitive grant applications

**Chart 2**  
**Related Services Update on the Correction of Noncompliance Reported**  
**Since the Third “Special Conditions” Report dated May 10, 2006**

Related Services	Corrected (C)	Factors Contributing to Noncompliance	MSDE, DSE/EIS Strategies Implemented to Correct Noncompliance
	Not Corrected (NC)	Related Services	Related Services
4	4 (NC)	<ul style="list-style-type: none"> <li>-Lack of available certified and licensed related service providers</li> <li>-Lack of evidence of required documentation of the provision of related services</li> <li>-Insufficient knowledge and understanding by PAs about the PA’s responsibilities for the provision of related services including: <ul style="list-style-type: none"> <li>-monitoring required documentation of the provision of services</li> <li>-makeup of missed services due to staff unavailability</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>-MSDE, DSE/EIS increased TA to PAs regarding the required documentation of related services</li> <li>-MSDE, DSE/EIS has initiatives with institutions of higher education to proactively address related service personnel shortages</li> <li>-Use of contractual services agreements for insufficient full-time or part-time staff</li> </ul>

The MSDE, DSE/EIS applies the following enforcement actions to ensure PAs’ substantial compliance with the provision and purpose of IDEA 2004.

**Meets Requirements**

When a PA meets the requirements and purposes of IDEA as monitored by the MSDE, DSE/EIS, no action is required.

**Needs Assistance**

When a PA does not demonstrate substantial compliance or timely correction of noncompliance, MSDE, DSE/EIS may implement the following actions:

- Technical Assistance;
- Development of an Improvement Plan; and
- Development of a corrective action plan (CAP), including correction and verification within one calendar year of MSDE, DSE/EIS, identified noncompliance.

**Needs Intervention**

When a PA does not demonstrate substantial compliance, including correction of noncompliance for two consecutive years, MSDE may take into consideration any of the following enforcement actions:

- Development and submission of quarterly reports for review by MSDE, DSE/EIS;
- Implementation of a compliance agreement plan approved by MSDE, DSE/EIS; and
- Determination of the need to direct a percentage of the PA’s funds for specific use to correct noncompliance.



### Needs Substantial Intervention

When a PA does not demonstrate substantial compliance, including correction of noncompliance for three or more consecutive years, MSDE, DSE/EIS, may take into consideration any of the following enforcement actions:

- Seek to recover funds;
- Redirect funds; and
- Withhold a portion of the grant until noncompliance is corrected as directed by MSDE, DSE/EIS.

In addition to the above information, staff conducted twenty-one (21) on-site visits between May 10, 2006 and November 30, 2006. Of these visits, eleven (11) were focused monitoring visits, three (3) were comprehensive monitoring visits, four (4) were CAP verification visits, and three (3) were combined CAP and focused monitoring visits. During this time period, staff wrote and disseminated twenty-one (21) written reports in the following areas: focused monitoring, comprehensive monitoring, CAP verification, and CAP and focused monitoring. Sample reports are located in **Attachment 8**.

There are a total of twenty-one (21) CAPs being monitored in the areas of related services and LRE. This number includes more than one CAP in a specific LSS/PA. The information is summarized in Chart 3.

**Chart 3**  
**Number of Corrective Action Plans Currently Monitored by the Office of QAM**  
**Year 1**

Time Period	Related Services	LRE	Total
May 10, 2006- November 30, 2006	15	6	21

Of the twenty-one (21) CAPs in related services and LRE, there are six (6) CAPs continued for a second year. An assigned QAM specialist is closely monitoring each of these PAs and on-going technical assistance is provided as the first step in MSDE, DSE/EIS, enforcement of compliance. The PAs are demonstrating progress in correction of noncompliance and have been fully informed about IDEA 2004 enforcement requirements. Dr. Carol Ann Baglin, Assistant State Superintendent, DSE/EIS, presented a session at the 2006 Leadership Conference titled "State of Accountability" to address MSDE's responsibility for enforcement of the requirements of IDEA Part B. This presentation was further supported by a presentation at this conference by Dr. W. Alan Coulter, "Getting a Focus on Local Improvement: Doing What's Practical." These efforts are a part of the ongoing technical assistance to assist PAs in better understanding the responsibility for meeting the requirements and purposes of IDEA 2004. In summary, there are currently twenty-one (21) LSSs and PAs with CAPs in related services and LRE. During the period May 10, 2006 - November 30, 2006, two (2) CAPs have been closed in LRE.



On July 25, 2006, MSDE issued the fifth 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 V included updated data and analysis concerning the (CAP) Status, the LRE Audit, Discipline Review, Transition Audit, IEP Report Card, and Special Education Grants Management. As a result of findings of noncompliance in EMCIR Volume V, BCPSS was required to develop CAPs in the areas of the IEP Report Card and Secondary Transition. These CAPs were received by MSDE on August 25 and September 11, 2006, respectively. BCPSS was also required to review and revise their existing CAPs from earlier volumes in the EMCIR Process. MSDE is providing on-going additional technical assistance with the revision of the existing CAPS.

The DSE/EIS has made significant gains in meeting its general supervisory responsibilities since the March 2005 OSEP visit. The following list summarizes major accomplishments since the issuance of "Special Conditions:"

1. Established the Office of QAM under the supervision of the Assistant State Superintendent, DSE/EIS, in March 2005, which currently includes twelve (12) full-time and part-time positions.
2. Conducted on-site visits to all PAs since March 2005.
3. Developed and implemented 7QAM, a DSE/EIS computer site with current MCIR information.
4. Developed and organized monitoring information by LSS/PA in binders and files for use by all the DSE/EIS staff monitoring LSSs/PAs.
5. Developed, implemented, verified, and reported on Self-Assessment under IDEA 2004, Part B for LSSs and PAs, and has revised the Self Assessment instrument to reflect new State Performance Plan (SPP) priority areas.
6. Coordinated the findings from the Self-Assessment instrument with the Grant Awards program under the Local Application for Federal Funds (LAFF) in the Program Administration and Staff Development Branch.
7. Completed twenty-one monitoring reports between May 10, 2006 and November 30, 2006.
8. Disseminated a copy of the Monitoring for Continuing Improvement and Results manual to all LSS/PAs and members of the Special Education State Advisory Committee.
9. The Director of QAM attends the SESAC meetings and presents updated general supervision information (**Attachment 9**).
10. During FY 2007 the DSE/EIS will be coordinating a model for technical assistance predicated upon the status of enforcement determination for each LSS/PA.

In summary, based upon the ongoing efforts of the MSDE, DSE/EIS, and demonstration of the State's ability to meet its general supervisory responsibilities, including progress made by the DSE/EIS over the past twenty-two months, MSDE is providing this progress report as required and is requesting OSEP's consideration for removal of MSDE from "Special Conditions."