



Nancy S. Grasmick
State Superintendent of Schools

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

November 11, 2005

Mr. Michael Slade
Education Program Specialist
United States Department of Education
Office of Special Education Programs
Potomac Center South
550 12th Street, SW, Room 4175
Washington, DC 20202

Re: Special Conditions Report I

Dear Mr. Slade:

The Maryland State Department of Education, Division of Special Education/Early Intervention Services is submitting the first of three required "special conditions" reports to the Office of Special Education Programs, United States Department of Education, to address ensuring individualized placement decisions and the provision of all related services as part of a Free Appropriate Public Education (FAPE) for the 2003-2004 School Year (SY).

During the United States Department of Education, Office of Special Education and Rehabilitation Services verification visit in March 2005, the Maryland State Department of Education, Division of Special Education/Early Intervention Services acknowledged previously identified specific gaps in the State's general supervisory system. The areas of focus identified during that initial onsite visit in 1999 included individualized placement decisions and the provision of all related services as part of a FAPE for the 2003-2004 SY.

The Maryland State Department of Education, Division of Special Education/Early Intervention Services, Office of Quality Assurance and Monitoring (QAM) has gone back and reviewed 2003 – 2004 SY data as part of the current Self-Assessment process and used available information to make determinations as to improved public agency performance. During the next reporting period MSDE will begin to report on the requirement for corrective action plans based on monitoring reports issued during the 2004 – 2005 SY.

In this report, the Division of Special Education/Early Intervention Services, Office of QAM is reporting on current diligent efforts to correct prior documented admissions required to monitor Public Agencies. Evidence of the Office of Quality Assurance and Monitoring efforts is presented in Attachments 1-4 of the enclosed report.

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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 or by phone at (410) 767-0242.

Sincerely,



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

CAB/LB

Enclosures

c: Lois Taylor
Linda F. Bluth
Branch Chiefs

Maryland State Department of Education
Division of Special Education/Early Intervention Services
Special Conditions: First Reporting Period
November 15, 2005

Background

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS), is responding to the United State Department of Education, Office of Special Education Programs (OSEP) requirement to submit three reports to comply with Special Conditions. This report is the first of three reports covering monitoring visits conducted during the 2003-2004 SY which is required to be submitted to OSEP by November 15, 2005.

Reports are required to include the following information:

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 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 agreed that there are identified specific gaps in its general supervisory system as required by OSEP related to monitoring. At the time of the onsite visit, documentation that was unavailable for the 2003-2004 SY in March 2005 continues to be unavailable. MSDE will discuss its current diligent efforts to correct document admissions to and monitor 2003-2004 SY individualized placement decisions and the provision of all related services as part of FAPE.

In response to the OSEP March 2005 visit, MSDE, DSE/EIS, created a separate office dedicated to coordinating activities for monitoring public agencies (PA). (**Attachment 1**). The DSE/EIS Office of Quality Assurance and Monitoring Office (QAM) was established on March 21, 2005 and reports directly to the State Assistant Superintendent in the DSE/EIS. At that time the QAM office consisted of two full time appointed employees, and three part-time employees that were assigned to specific tasks. The office has been expanded to four full time employees with a fifth employee projected to join the staff by December 31, 2005. There continues to be three part-time employees. Between March 24, 2005 and November 15, 2005 QAM staff met as a group 19 times and focused efforts on developing the self-assessment form (**Attachment 2**), self-

assessment verification desk-audit instrument (**Attachment 3**), policies and procedures manual and revision of the record-review form.

In Maryland, the monitoring for continuous improvement and results (MCIR) process has undergone significant changes and is designed to ensure improved performance results for children with disabilities and compliance with IDEA 2004, Part B requirements. The MSDE structure encompasses a cyclical system of general supervision, verification, program improvement, monitoring for compliance, public reporting, and enforcement.

The public agencies currently engage in MCIR activities listed below in their efforts to increase the performance results for children with disabilities and ensure compliance with all IDEA 04 requirements:

- Self-Assessment of performance on priority indicators;
- Collect accurate quantitative and qualitative data;
- Involve broad stakeholder input in self-assessment and improvement planning;
- Develop and submit to MSDE, DSE/EIS a Local Performance Plan (LPP) and subsequent Local Annual Performance Report (LAPR);
- Participation in MSDE, DSE/EIS, monitoring activities;
- Completion of required "Corrective Action Plans" (CAP) or requirements based on MSDE monitoring functions; and
- Reporting local performance annually to the public.

On April 29, 2005 the Office of QAM held a Statewide technical assistance meeting in Columbia, Maryland. Public agencies attended this meeting to learn about the revised monitoring process that emphasizes the self-Assessment as the foundation for future improvement activities. As a follow up to the meeting, the same power-point presentation developed and used by MSDE was made available to all public agencies for the purpose of providing public agencies on-site technical assistance training for staff. Self-assessments were submitted as required by all public agencies in June 2005. Self-assessments were reviewed by July 2005 and meetings were scheduled (**Attachment 4**) for an on-site overview of the self-assessment and provide technical assistance prior to the desk-audit to verify information. All self-assessments will be reviewed on-site by December 31, 2005. As of November 15, 2005, 18 self-assessment on-site visits will be completed. The desk audit verifications for public agencies began on October 11, 2005. The order in which public agencies were selected to be visited were based on a rank order of self-assessment information provided and the need for technical assistance in addressing priority areas and initiatives. Those public agencies identified in the need of the most technical assistance and supervision was scheduled to be visited first.

The State's monitoring priority areas for the periods July 1, 2003 – June 30, 2004 were a free appropriate public education (FAPE) in the least restrictive environment (LRE) and the provision of related services as required to on an individual child's IEP. These indicators were selected due to the requirement that the State demonstrate that the noncompliance identified in the 2001 OSEP Monitoring Report regarding LRE and the delivery of related services was corrected.

Ensuring Individualized Placement Decisions

During the SY July 1, 2003 – June 30, 2004, MSDE, DSE/EIS, did not carry-out monitoring activities nor maintain data in the way expected by OSEP for ensuring individualized placement decisions as a part of FAPE. While Improvement Plans for public agencies were developed during this period, MSDE, DSE/EIS, did not record and document that corrections took place within a year as required to enforced and meet OSEP standards. As a result, there is no data to support the type of evidence required for the monitoring visits conducted for this period. MSDE has put in place a process for timely monitoring and reviewing all corrective action plans. The results and status of monitoring corrective action plans will be reported on during the February 15, 2006 special conditions report submission.

Ensuring the Provision of all Related Services as Part of FAPE

During the SY July 1, 2003 – June 30, 2004, monitoring activities were not specifically implemented nor was supportive data maintained in the way expected by OSEP for ensuring the provision of all related services as part of FAPE. As a result, there is no data to support the type of evidence required for monitoring the provision of all related services as part of FAPE. The results and status of monitoring related services will be reported on during the February 15, 2006 special conditions report submission.

Summary

In January 2005, MSDE completed the Enhanced Monitoring for Continuous Improvement and Results (EMCIR) process for the Baltimore City Public School System (BCPSS) for the 2003-2004 school year. The staff from MSDE and BCPSS jointly approved the Corrective Action Plan and identified the period of October 9, 2004 to September 9, 2005 as the one-year time frame for the implementation and completion of the Corrective Action Plan. Although BCPSS completed activities to address the findings, the activities did not produce the desired results and progress was not made toward accomplishment of the goals. MSDE has continued to monitor in the same areas as part of the verification process.

As a result, in September 2005, MSDE put together an Intensive Management and Capacity Improvement (IMCI) team consisting of nine members in the key areas of special education and financial management to oversee BCPSS. Due to continued noncompliance, MSDE is considering further sanctions and the redirected funding of carry over funding to address only the areas of noncompliance either through monitoring or the complaint process.

The final corrective action plan was submitted to MSDE on October 7, 2005 and MSDE staff is in the process of reviewing it. The MSDE monitoring team will continue to monitor to verify LRE and the provision of related services.

In summary, MSDE acknowledges it does not have the required information as specified in the letter of Special Conditions, Enclosure D. However, MSDE has gone back and reviewed 2003 – 2004 data as part of the Self-Assessment process and used that information to make determinations as to improved performance. MSDE recognizes that this does not satisfy OSEP determination of noncompliance in either LRE or the provision of related services. During the next reporting period MSDE will begin to report on the requirement for corrective action plans based on monitoring reports issued during the 2004 – 2005 SY.