To:	Members of the State Board of Education
From:	Mohammed Choudhury, State Superintendent of School
Date:	September 27, 2022
Subject:	Deep Dive: Students with Disabilities

Purpose

To take a deep dive into data related to Maryland's children with disabilities (birth through 21 years) and the strategic response and programming of the Division of Early Intervention and Special Education Services.

Background/Historical Perspective

The Maryland State Department of Education's Division of Early Intervention and Special Education Services provides leadership, accountability, technical assistance, and resource management to local education agencies, public agencies, and stakeholders through a seamless, comprehensive system of coordinated services to children and students with disabilities, birth through age 21, and their families.

Executive Summary

The presentation provides information and data on the following:

- Individuals with Disabilities Education Act (IDEA)
- Division of Early Intervention and Special Education Services
- What makes Maryland Unique?
- COVID-19 and Compensatory Education/Recovery Services
- Dispute Resolution: Rights of Families
- Students with Disabilities Demographic and Outcome Data
- Significant Disproportionality
- Maryland Initiatives

Action

No action is required; this information is for discussion only

Attachments

- Deep Dive: Students with Disabilities PowerPoint
- Division of Early Intervention and Special Education Services Strategic Plan *Moving Maryland Forward* Executive Summary

Data Deep Dive: Students with Disabilities

MARYLAND STATE BOARD OF EDUCATION | September 27, 2022

Presented By |

Dr. Deann Collins, Deputy State Superintendent for Teaching and Learning
Marcella Franczkowski, Assistant State Superintendent, Division of Early Intervention and Special Education Services
Chandra Haislet, Assistant State Superintendent, Division of Assessment, Accountability and Performance Reporting
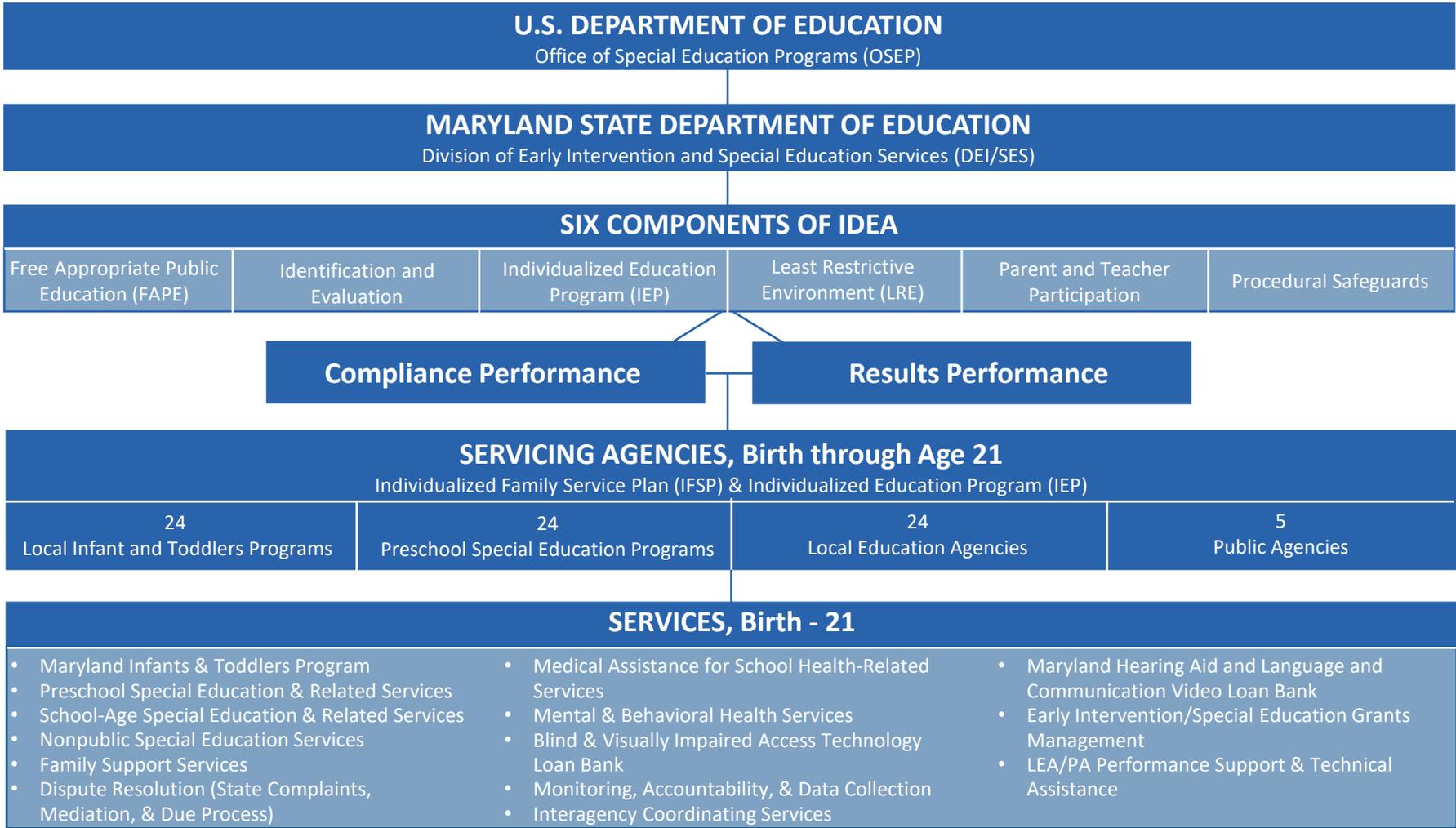
MARYLAND STATE DEPARTMENT OF
EDUCATION
EQUITY AND EXCELLENCE

Individuals with Disabilities Education Act (IDEA)

Ensuring students with disabilities receive a free appropriate public education (FAPE)
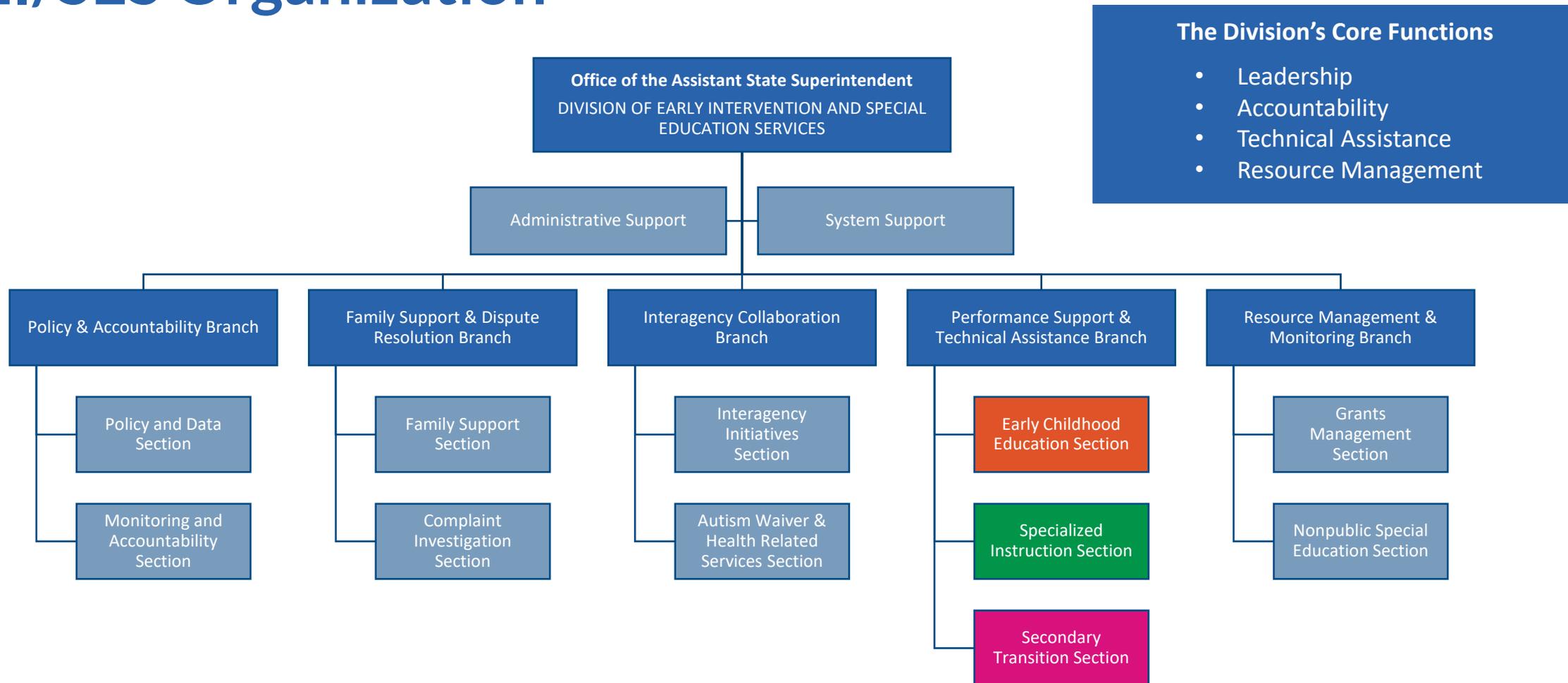
Individuals with Disabilities Education Act (IDEA)

U.S. DEPARTMENT OF EDUCATION
Office of Special Education Programs (OSEP)

MARYLAND STATE DEPARTMENT OF EDUCATION
Division of Early Intervention and Special Education Services (DEI/SES)

SIX COMPONENTS OF IDEA

Free Appropriate Public Education (FAPE)	Identification and Evaluation	Individualized Education Program (IEP)	Least Restrictive Environment (LRE)	Parent and Teacher Participation	Procedural Safeguards

Compliance Performance **Results Performance**

SERVICING AGENCIES, Birth through Age 21
Individualized Family Service Plan (IFSP) & Individualized Education Program (IEP)

24 Local Infant and Toddlers Programs	24 Preschool Special Education Programs	24 Local Education Agencies	5 Public Agencies

SERVICES, Birth - 21

- Maryland Infants & Toddlers Program
- Preschool Special Education & Related Services
- School-Age Special Education & Related Services
- Nonpublic Special Education Services
- Family Support Services
- Dispute Resolution (State Complaints, Mediation, & Due Process)

- Medical Assistance for School Health-Related Services
- Mental & Behavioral Health Services
- Blind & Visually Impaired Access Technology Loan Bank
- Monitoring, Accountability, & Data Collection
- Interagency Coordinating Services

- Maryland Hearing Aid and Language and Communication Video Loan Bank
- Early Intervention/Special Education Grants Management
- LEA/PA Performance Support & Technical Assistance

Division of Early Intervention and Special Education Services (DEI/SES)

Serving Maryland's children and students with disabilities, birth through age 21, and their families

DEI/SES Organization

The Division's Core Functions

- Leadership
- Accountability
- Technical Assistance
- Resource Management

Office of the Assistant State Superintendent

DIVISION OF EARLY INTERVENTION AND SPECIAL EDUCATION SERVICES

Administrative Support

System Support

Policy & Accountability Branch

- Policy and Data Section
- Monitoring and Accountability Section

Family Support & Dispute Resolution Branch

- Family Support Section
- Complaint Investigation Section

Interagency Collaboration Branch

- Interagency Initiatives Section
- Autism Waiver & Health Related Services Section

Performance Support & Technical Assistance Branch

- Early Childhood Education Section
- Specialized Instruction Section
- Secondary Transition Section

Resource Management & Monitoring Branch

- Grants Management Section
- Nonpublic Special Education Section

Data Source: Division of Early Intervention and Special Education Services Strategic Plan, Revised June 2021

DEI/SES Strategic Plan: *Moving Maryland Forward*

Data Source: Division of Early Intervention and Special Education Services Strategic Plan, Revised June 2021

DEI/SES Strategic Plan: Differentiated Accountability Framework
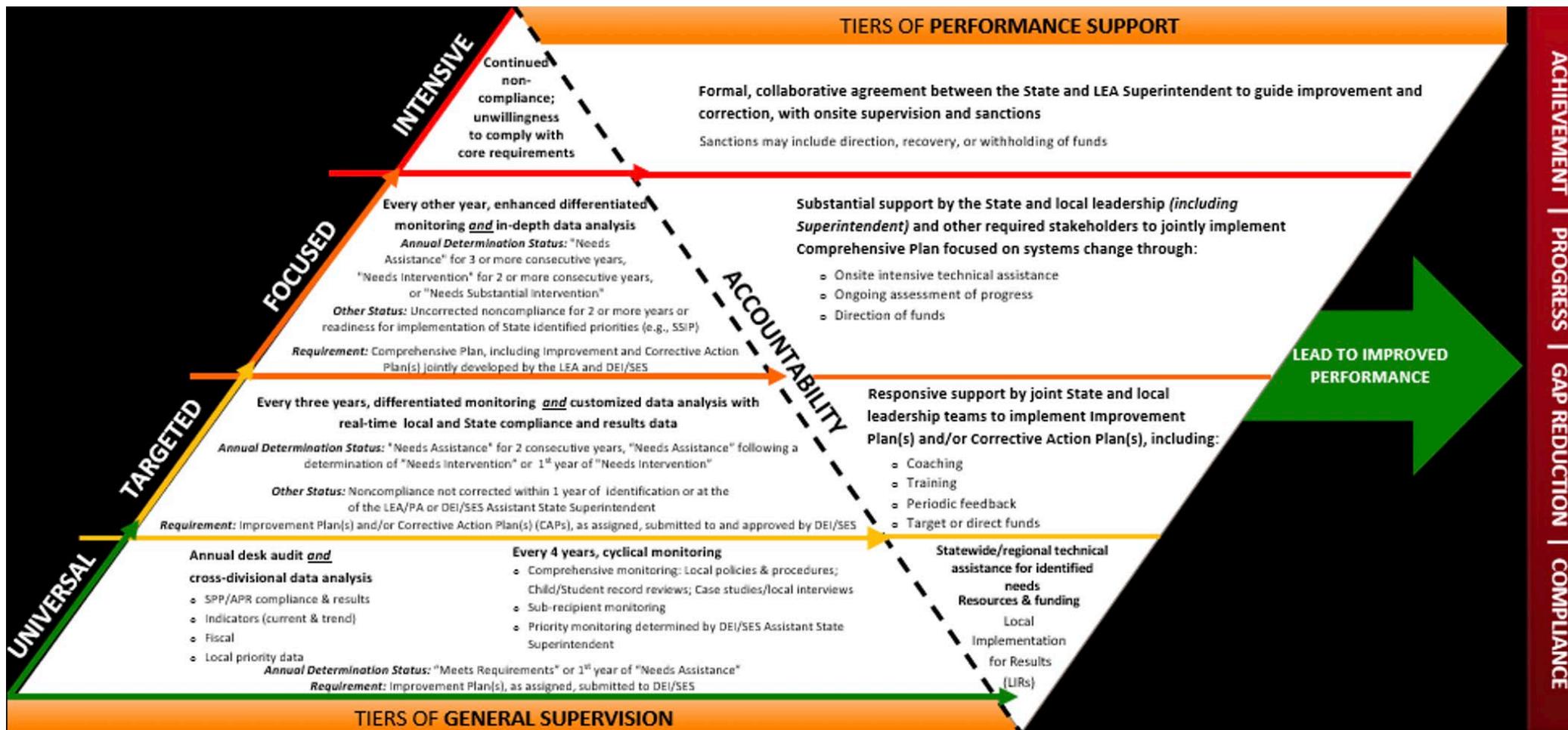
Data Source: Division of Early Intervention and Special Education Services Strategic Plan, Revised June 2021

Differentiated Accountability Framework

Data Source: Division of Early Intervention and Special Education Services Strategic Plan, Revised June 2021

Comprehensive Monitoring and Response

THE MONITORING CYCLE

Tier of General Supervision and Frequency of Monitoring

- Universal – Four (4) Years
- Targeted – Three (3) Years
- Focused – Two (2) Years
- Intensive – Yearly

A review and analysis of Performance data:

- Compliance;
- Systemic Results; and
- Individual Student results.

PERFORMANCE

Compliance → Results
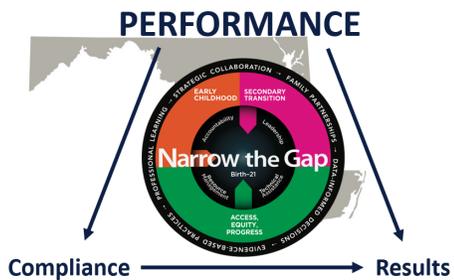
THE MONITORING COMPONENTS

Policy and Procedure Review
- Enforce IDEA and COMAR requirements
- Implementation guidance

IFSP/IEP Reviews
- Development, implementation, and evaluation

Services/Related Services Review
- Direct service delivery

Alternate Framework Record Review
- IEP team decision-making
- Focus on race, gender, disability, placement, and age

Restraint and Seclusion Record Review
- Documentation and debrief process
- Evidence of less intrusive interventions

Student Case Studies
- IFSP/IEP review of progress over time
- Observation of the delivery of specially designed instruction
- Identification of local evidence-based practices
- Aligned well documented data-driven decision-making with family input

CORRECTION AND TECHNICAL ASSISTANCE

Two (2) Prong Correction of Noncompliance

- **Prong One** – correction of individual child noncompliance
- **Prong Two** – verification of correction of systemic noncompliance

Technical Assistance

- **Regionalized support:**
  - Early Childhood
  - Access, Equity, and Progress
  - Secondary Transition
- **Customized response**
- **Guidance documents**

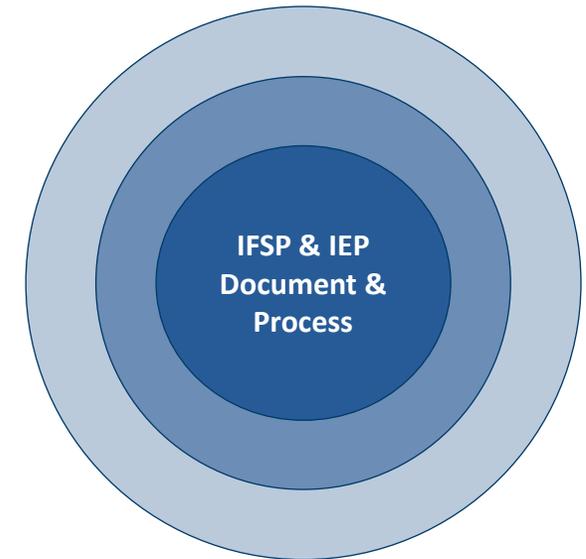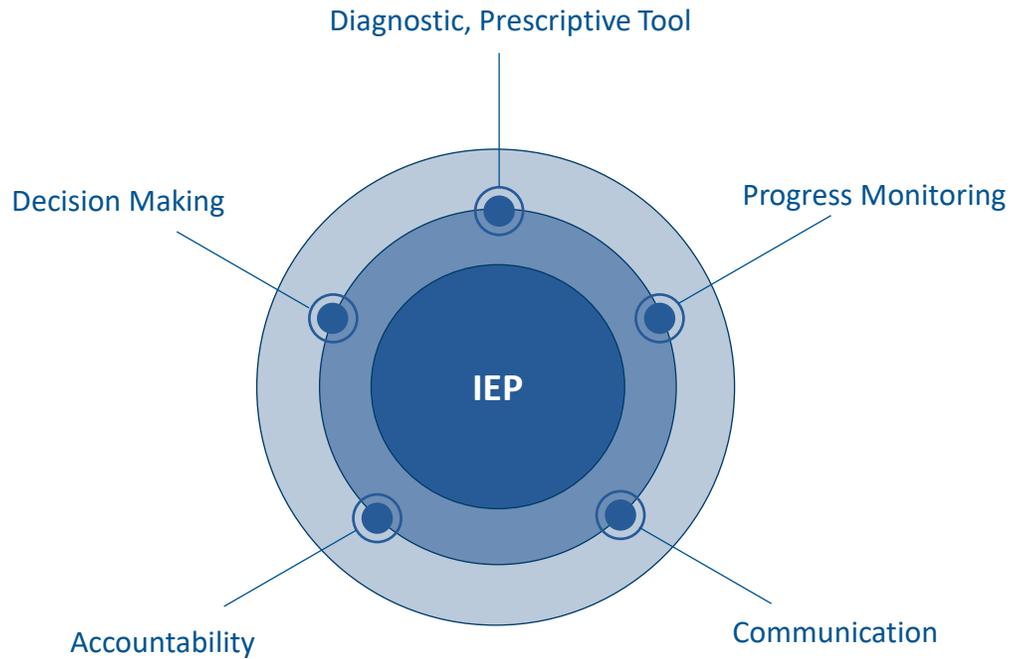# Differentiated Accountability Framework
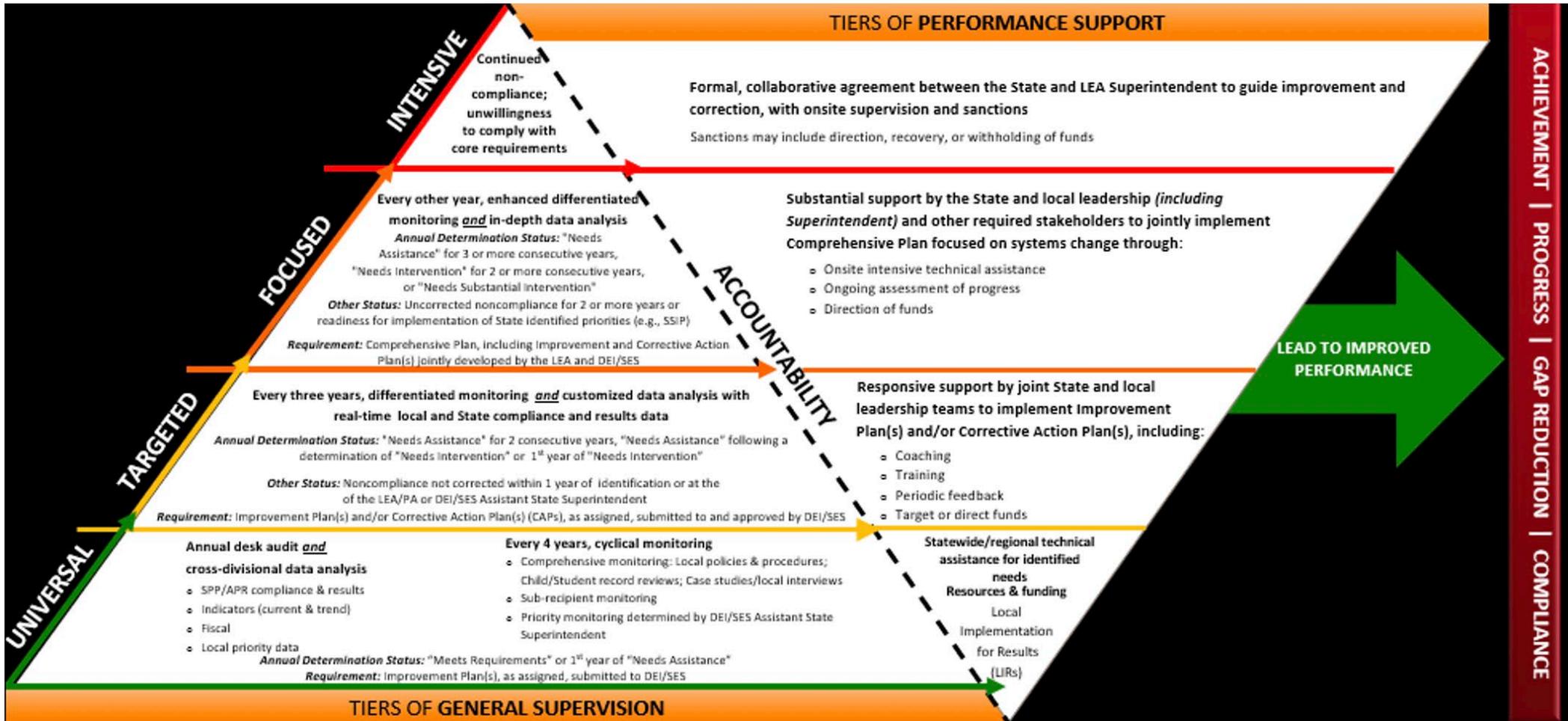
DEI/SES Strategic Plan: Regionalization

READINESS

PROFESSIONAL LEARNING

ONGOING COACHING

PROGRESS MONITORING

LESSONS LEARNED

Improved Results

Region 1

Region 2

Region 3

Region 4

Region 5

Regionalized System for Strategic Implementation
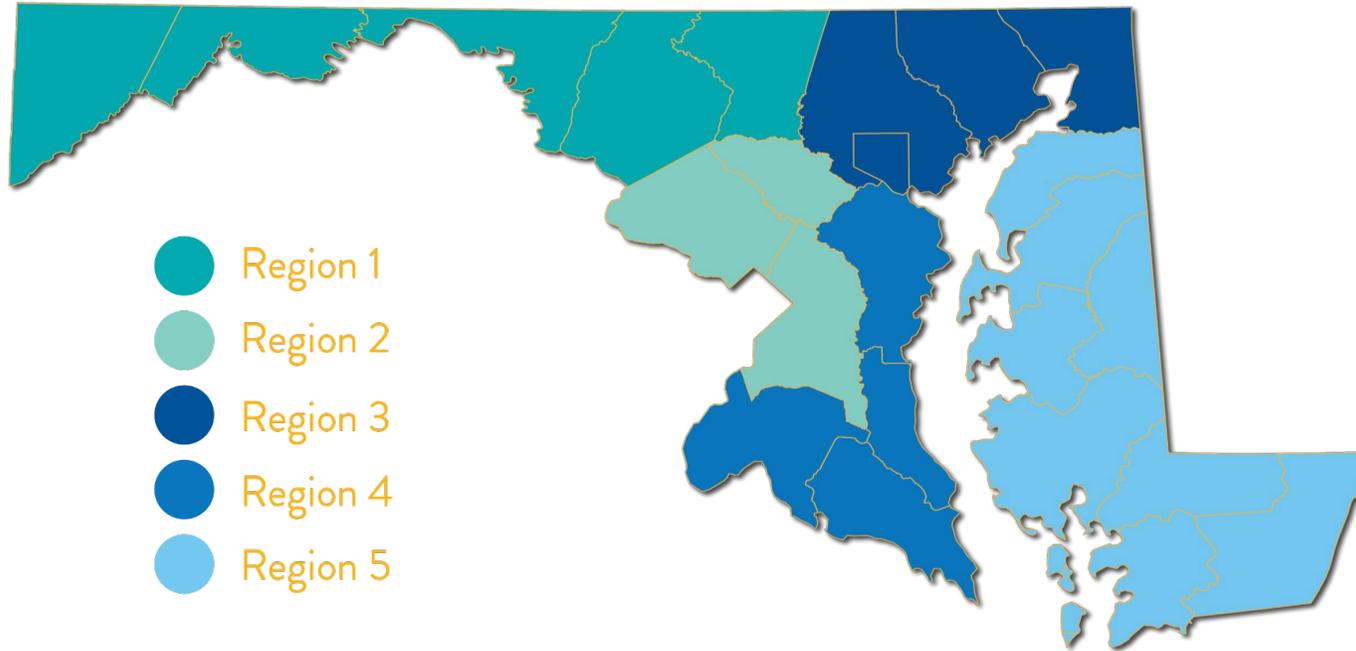
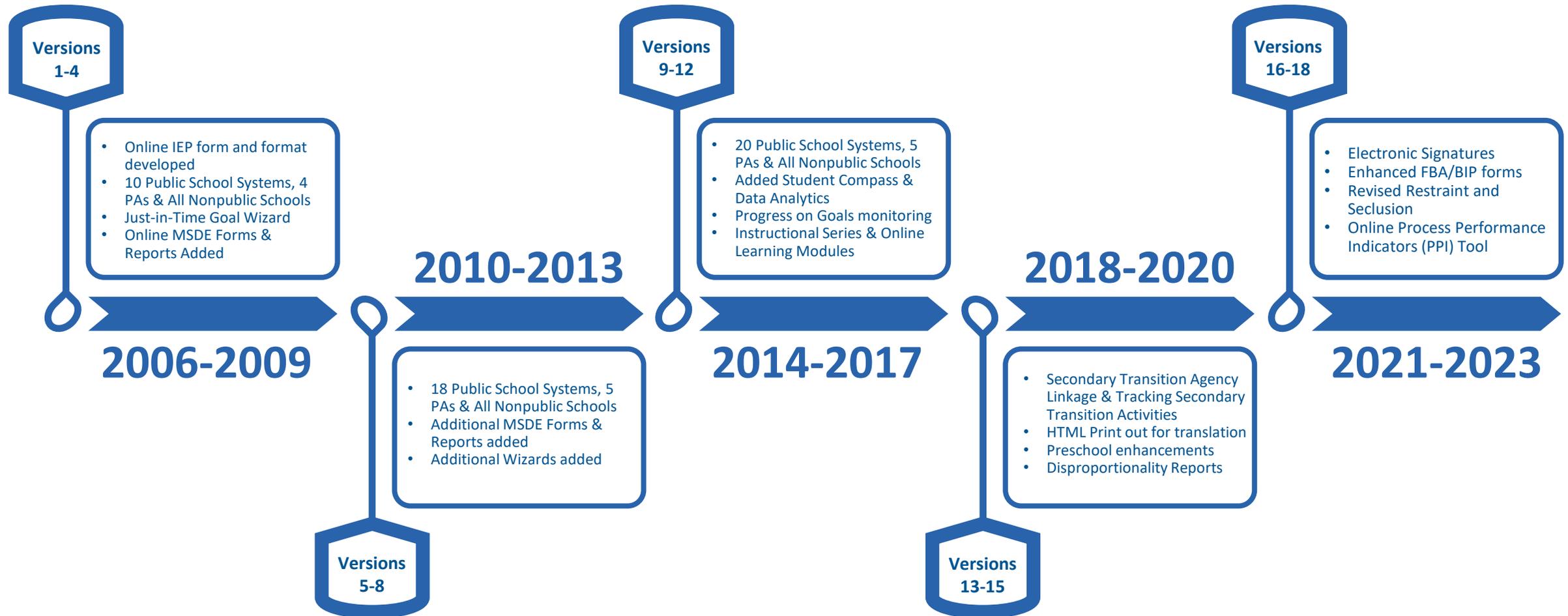# Seamless Integrated System to Serve Children and Students with Disabilities from Birth through Age 21

IFSP & IEP Document & Process

Maryland Online Individualized Education Program (MOIEP)

Diagnostic, Prescriptive Tool
Decision Making
Progress Monitoring
IEP
Accountability
Communication

- **Number of Students Served on MOIEP:** 84,102

- **Number of Users on MOIEP:** 18,593

- **Jurisdictions Served on MOIEP:**

  - 20 LEAs: Allegany, Baltimore City, Calvert, Caroline, Carroll, Cecil, Charles, Dorchester, Frederick, Garrett, Harford, Kent, Montgomery, Prince George's, Queen Anne's, St. Mary's, Somerset, Talbot, Washington, & Worcester

  - Baltimore County Onboarding – July 1, 2024

  - MSDE/Juvenile Services Education, Adult Correctional Facilities, SEED School of Maryland, MSB, & MSD

  - All nonpublic special education schools

- **LEAs not on the MOEIP as of July 1, 2024**

  - 3 Districts: Anne Arundel, Howard, & Wicomico

History of the MOIEP

Versions 1-4

- Online IEP form and format developed
- 10 Public School Systems, 4 PAs & All Nonpublic Schools
- Just-in-Time Goal Wizard
- Online MSDE Forms & Reports Added

2006-2009

2010-2013

Versions 5-8

- 18 Public School Systems, 5 PAs & All Nonpublic Schools
- Additional MSDE Forms & Reports added
- Additional Wizards added

Versions 9-12

- 20 Public School Systems, 5 PAs & All Nonpublic Schools
- Added Student Compass & Data Analytics
- Progress on Goals monitoring
- Instructional Series & Online Learning Modules

2014-2017

2018-2020

Versions 13-15

- Secondary Transition Agency Linkage & Tracking Secondary Transition Activities
- HTML Print out for translation
- Preschool enhancements
- Disproportionality Reports

Versions 16-18

- Electronic Signatures
- Enhanced FBA/BIP forms
- Revised Restraint and Seclusion
- Online Process Performance Indicators (PPI) Tool

2021-2023

Maryland IEP Features

Significant Disproportionality Reports
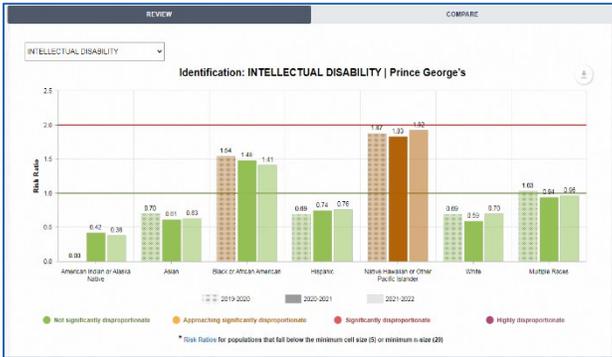
Progress/Goal Monitoring

Data Analytics

Wizards

- **Professional Learning and Capacity Building**
  - Wizards with embedded guidance and feedback
  - Interactive User and Process Guides
- **Collaboration and Family Engagement**
  - Sparkline of student progress
  - Electronic signatures
  - "IEP Planning for Emergency Conditions"
- **Continuous Improvement**
  - Disproportionality Reports
  - Goal/Progress Monitoring
  - Data Analytics with racial disaggregation
  - Process Performance Indicators
- **Service Delivery Tracking:**
  - Compensatory education/recovery services
  - Medical Assistance Billing
- **Compliance Support through Page-Level and System-Level Audits and Cautions**
  - Alternate framework for young students
  - Restraint/Seclusion decision-making process
  - Secondary transition linking of goals

What Makes Maryland Unique?

Maryland's unique approach to early intervention and special education services

What Makes Maryland Unique?

Early Intervention
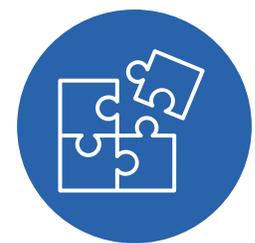IFSP

Birth Mandate
1 of 5 States

State Lead Agency for Early Intervention
1 of 11 States

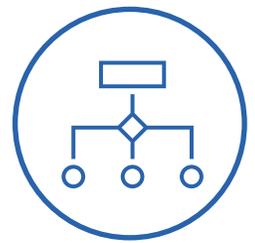**Broad Eligibility Criteria**
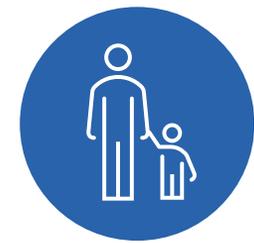
Extended IFSP Option
Family Choice
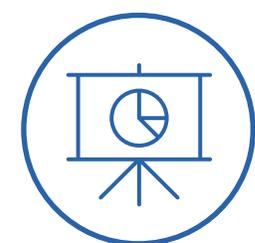
Autism Waiver
1 of 6 States with Waivers for Children

Blueprint
Funding and Opportunities

Special Education
IEP

Birth through 21 Infrastructure

Significant Disproportionality
Most Robust Methodology

Secondary Transition
(ages 14-21)

Braiding of Funds
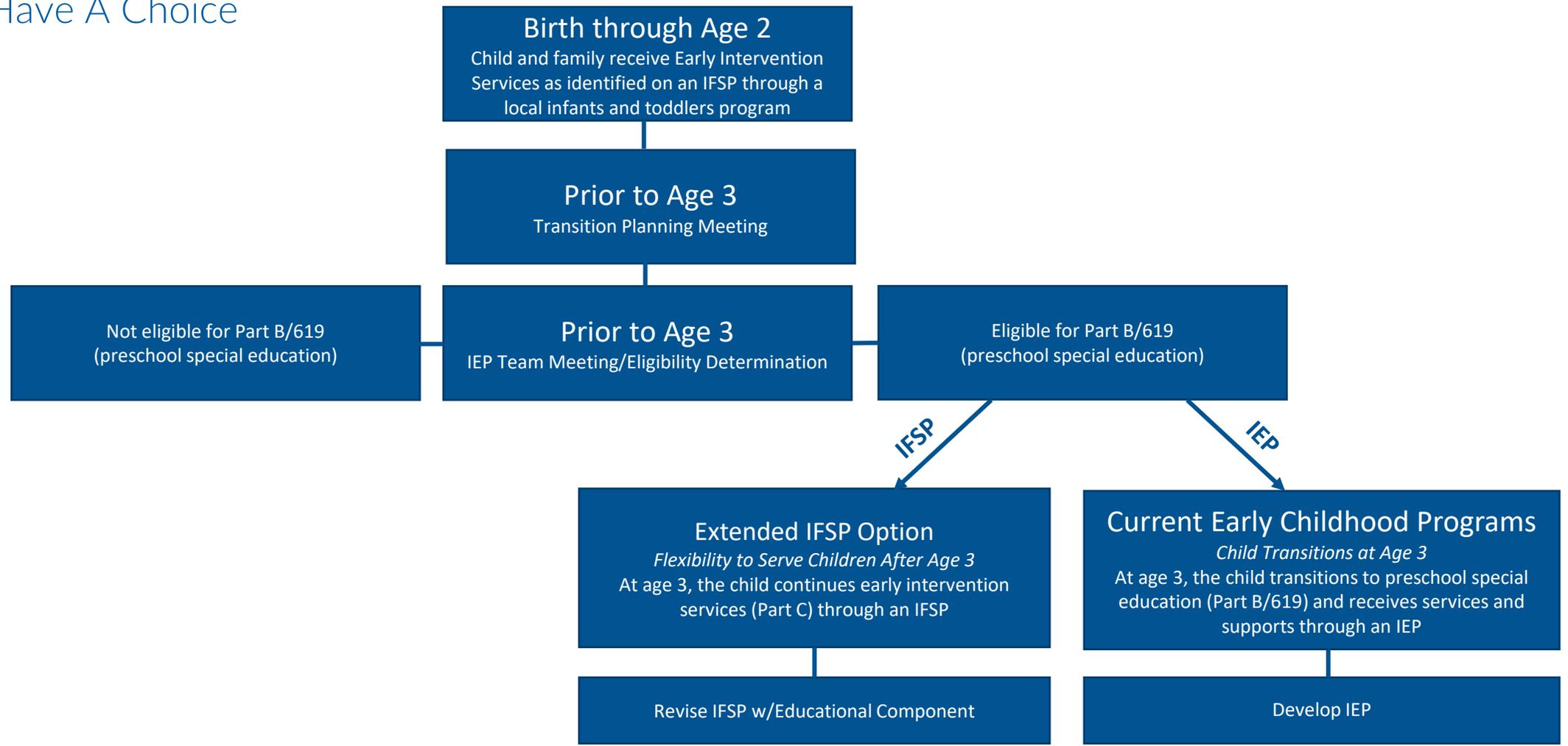Birth through 21

Extended IFSP Option

Maryland's Extended IFSP Option **offers families the choice** to remain on an IFSP beyond their child's third birthday, if their child is determined eligible for preschool special education and related services as a child with a disability.

- Maryland received **$14,382,810** through a 2009 **ARRA incentive grant** to adopt the Extended IFSP Option.
- Maryland received an additional **$7,825,800 State Implementation Grant (SIG)** in SFY 2022 to implement the Extended IFSP (focus on school readiness outcomes).
- Only Maryland, Tennessee, and Washington, DC allow children to remain on an IFSP until the **beginning of the school year following the child's 4th birthday**.
- **54% of families have chosen** the Extended IFSP Option since its inception on February 1, 2010.
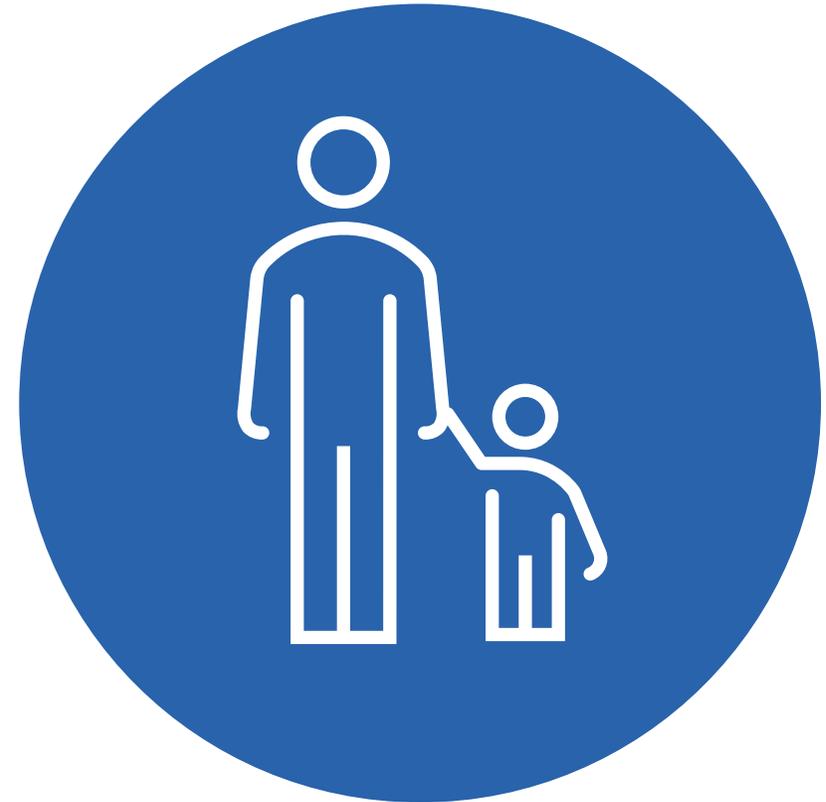
Extended IFSP Option Family Decision-Making Process

Families Have A Choice

Birth through Age 2
Child and family receive Early Intervention Services as identified on an IFSP through a local infants and toddlers program

Prior to Age 3
Transition Planning Meeting

Not eligible for Part B/619 (preschool special education)

Prior to Age 3
IEP Team Meeting/Eligibility Determination

Eligible for Part B/619 (preschool special education)

IFSP

IEP

Extended IFSP Option
Flexibility to Serve Children After Age 3
At age 3, the child continues early intervention services (Part C) through an IFSP

Current Early Childhood Programs
Child Transitions at Age 3
At age 3, the child transitions to preschool special education (Part B/619) and receives services and supports through an IEP

Revise IFSP w/Educational Component

Develop IEP

Extended IFSP Option Outcomes

Families report understanding their options for transition at age 3 and services in the Extended IFSP Option have been shown to narrow the gap.

Family Outcomes

Percent of families receiving early intervention services reported that they agree, strongly agree or very strongly agree that they understood their transition at Age 3 options.

2.5%

97.5%

■ Yes ■ No
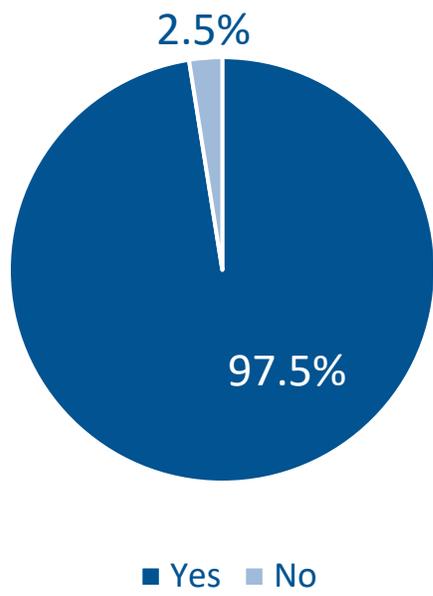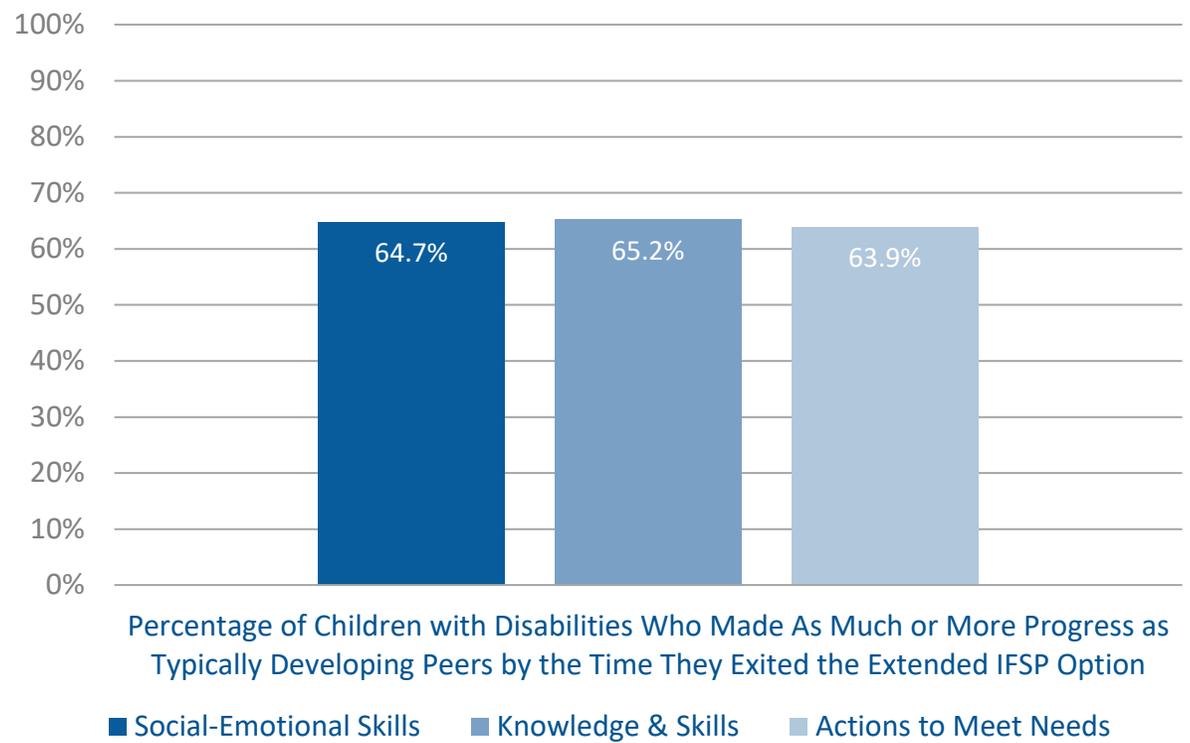
Child Outcomes

Percentage of Children with Disabilities Who Made As Much or More Progress as Typically Developing Peers by the Time They Exited the Extended IFSP Option

- Social-Emotional Skills: 64.7%
- Knowledge & Skills: 65.2%
- Actions to Meet Needs: 63.9%

■ Social-Emotional Skills   ■ Knowledge & Skills   ■ Actions to Meet Needs

Data Source: 2021 Family Survey Data, 2020-2021 Child Outcome Summary Data

Autism Waiver

Maryland's Autism Waiver (AW) is designed to provide **community-based, long-term, person-centered therapeutic services and support** to eligible children and youth with Autism Spectrum Disorder (ASD) to enable home and community living as an alternative to institutional care.

Highlights of the AW:
- Approved by the Centers for Medicare and Medicaid Services and **began serving children in 2001**;
- **Only collaboration in the nation** between State Departments of Education and Health;
- **One of six State waivers** for children with Autism; and
- All services provided **outside of the school day,** and include**:**
  - Adult Life Planning (ALP);
  - Environmental Accessibility Adaptations (EAA);
  - Family Consultation (FC);
  - Intensive Individual Support Services (IISS);
  - Residential Habilitation (Regular or Intensive);
  - Respite Care;
  - Service Coordination; and
  - Therapeutic Integration (TI-Regular or Intensive).
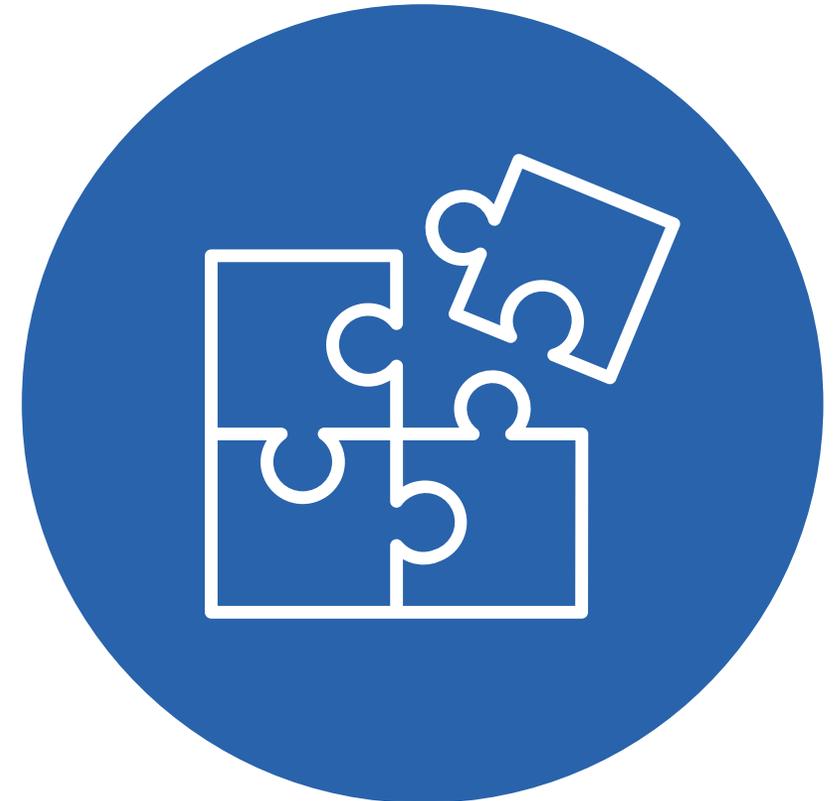
Autism Waiver Participants

1,495
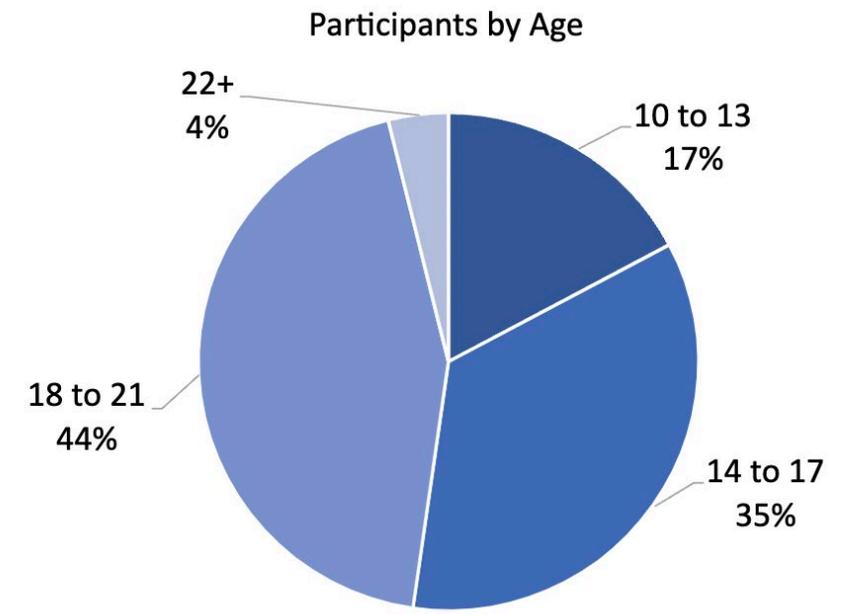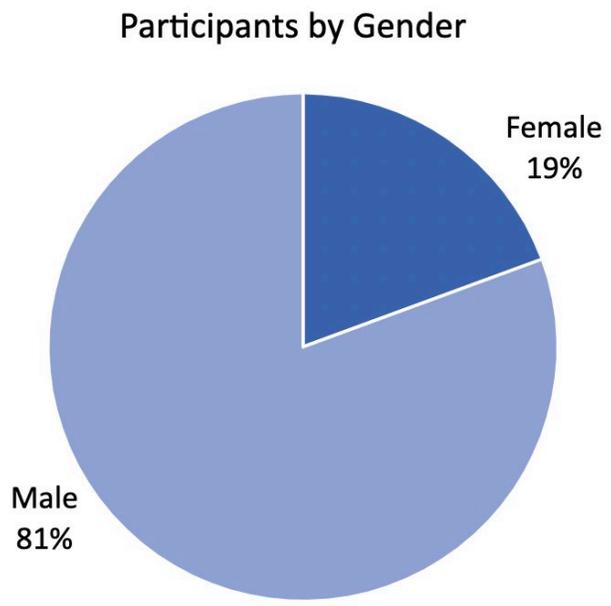Total participants enrolled in the Autism Waiver during FY22
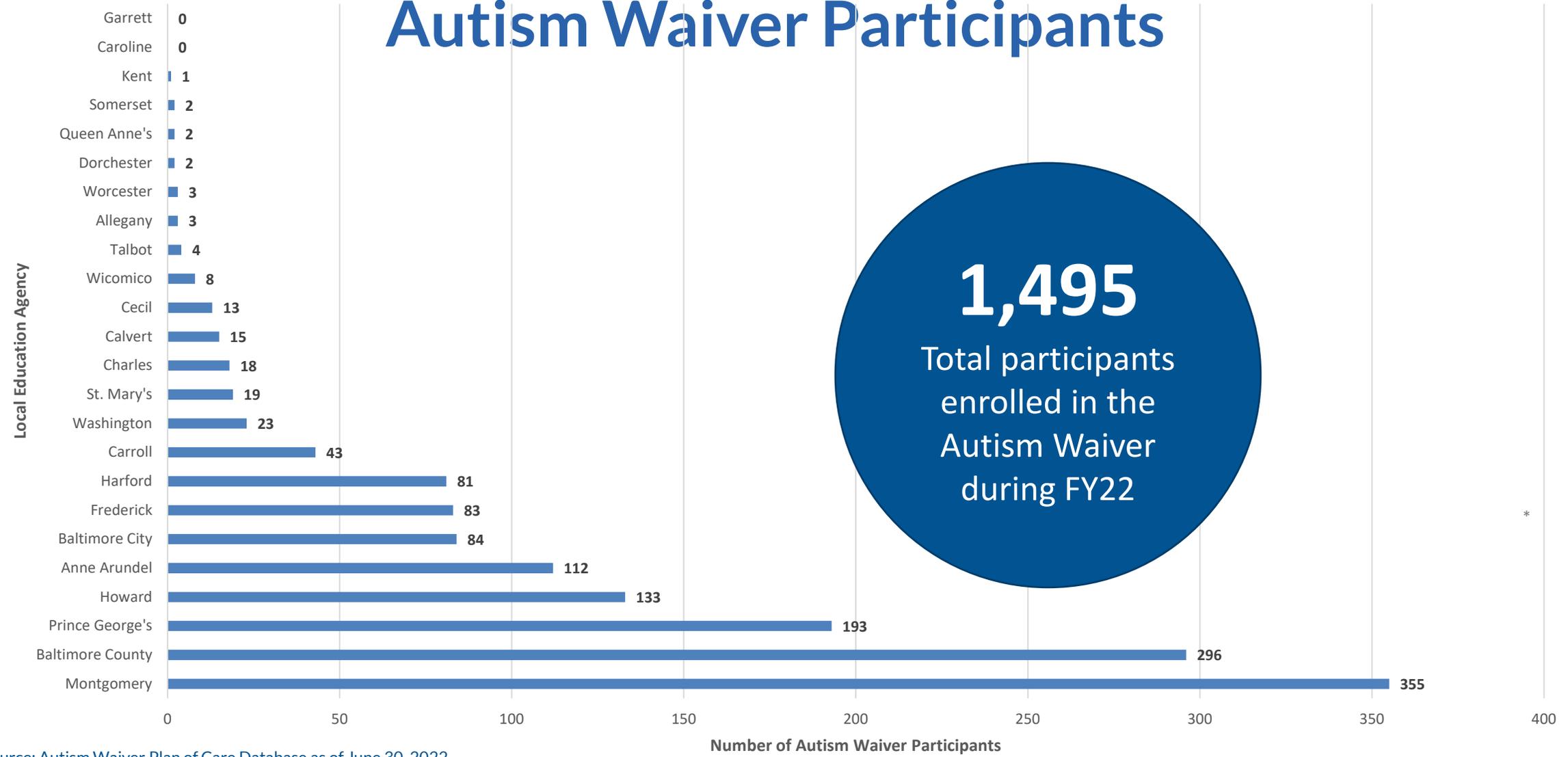
Data Source: Autism Waiver Plan of Care Database as of June 30, 2022

Demographics of Autism Waiver Participants

Of those students participating in the Autism Waiver, the majority of students are Black and White (for whom race is reported), male, and ages 18 to 21
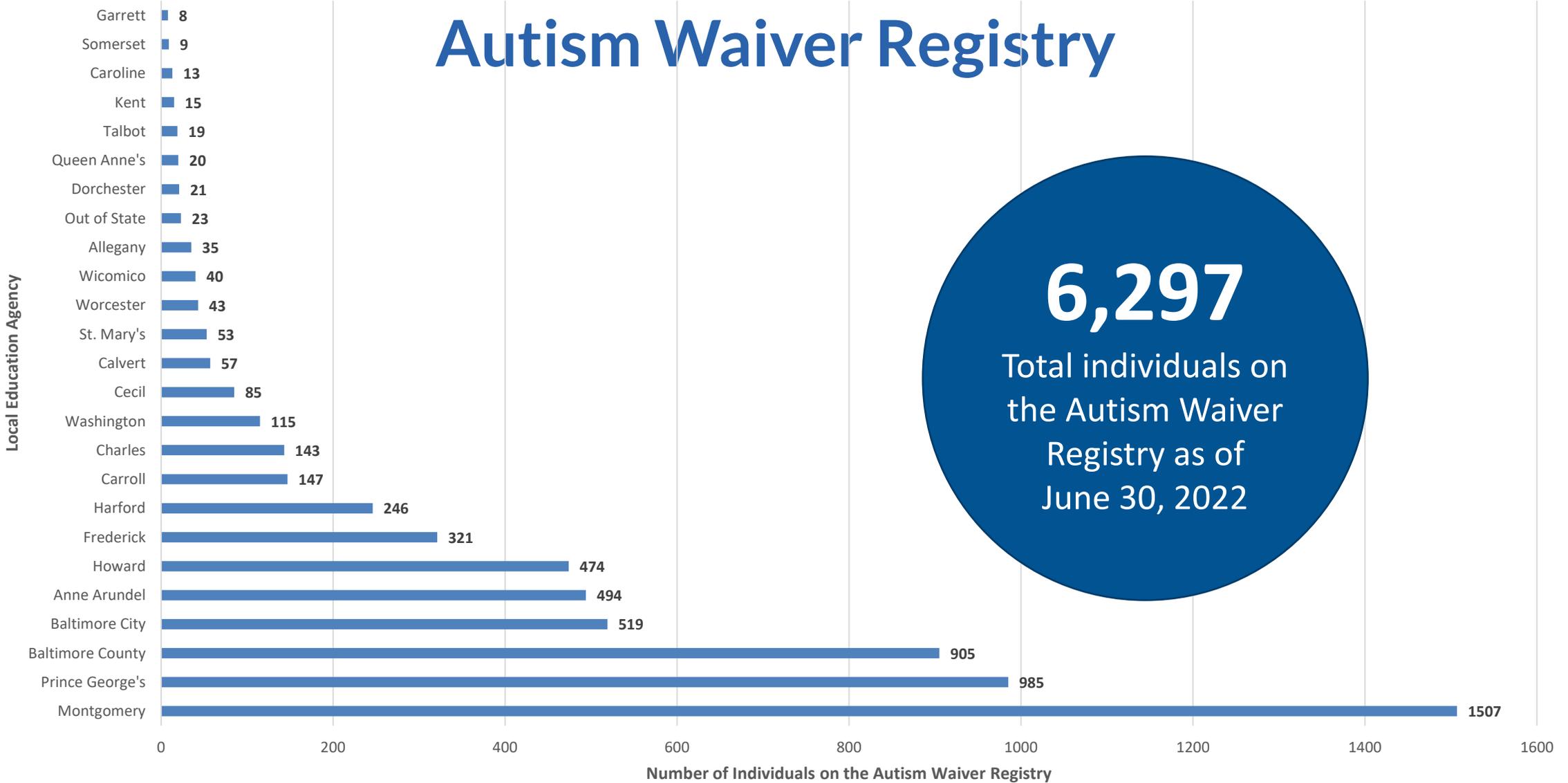
Participants by Race
(Not a required field)

Black 33%
White 32%
Asian 6%
Other** 4%
Unknown Race 25%

Participants by Gender

Female 19%
Male 81%

Participants by Age

22+ 4%
10 to 13 17%
14 to 17 35%
18 to 21 44%
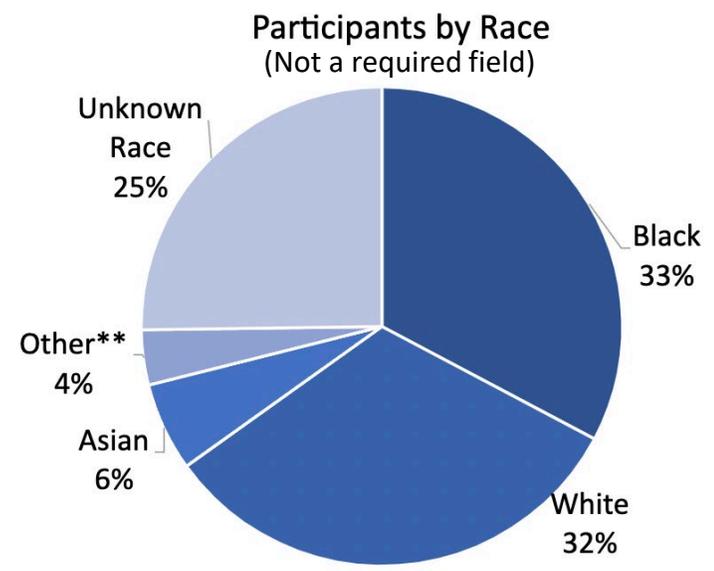
**Other includes Native American and Hispanic

Data Source: Autism Waiver Plan of Care Database & Maryland Department of Health Autism Waiver Registry as of June 30, 2022 (Self-Reported Data)

Autism Waiver Registry

6,297
Total individuals on the Autism Waiver Registry as of June 30, 2022

Data Source: Maryland Department of Health Autism Waiver Registry

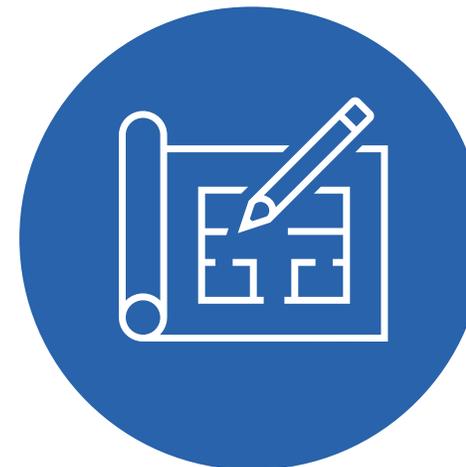# Maryland's Autism Waiver – 2022 Legislation

FY 2023

- **1400** Participants (+200 Appendix K-Public Health Emergency)
- Appropriation: $30,773,905
- Legislative Report: Autism Waiver Program
- Senate Bill 636/House Bill 1403 (Chapter 464, 2022) Maryland Department of Health - Waiver Programs - Waitlist and Registry Reduction Act (**End the Wait Act**): Determine eligibility, establish Waitlist, plan to recruit providers, assess rates, serve 50% on Waitlist

CHALLENGES	SOLUTIONS
Autism Waiver Registry – 40% return rate	Transition from Registry to Waitlist • Determine Technical Eligibility to be placed on a Waitlist • Confirm diagnosis, IEP hours, confirm contact information, ensure interest in applying • Update entry to Waitlist process, moving forward
Provider Capacity (Direct Care and Supervisory Staff to serve individuals and their families)	Seek State and national support for obtaining NEW provider agencies and expanding workforce • Identify national initiatives to address industry shortages • Engage in formal rate study to support financial needs of providers • Utilize expertise of Advisory Committee to guide practice
LEA AW Service Coordinator Capacity	Promote LEA ability and support for onboarding dedicated AW Service Coordinators • Alert LEAs of possible substantial increase in capacity • Explore options to increase LEA reimbursement opportunities/rates • Enhance MSDE role during eligibility determination process

Funding: Braiding of Funds/Blueprint

- The Division of Early Intervention and Special Education Services supports local education agencies and public agencies to **layer funds to blend services**. This framework:
  - Encourages local stakeholders to **think more holistically** across programs to advance a **comprehensive strategy** rather than considering each funding stream and planning requirement in isolation; and
  - Incorporates **alignment among federal funds, State funds, and local government funds** and strengthens the coherence and effectiveness of improvement activities.
- Maryland's **Blueprint formula** provides for Early Intervention (MITP) and Special Education funding each year

Braiding of Funds (SFY 2023)

Birth-Age 3 IFSP	Ages 3-4 Extended IFSP	Ages 3–5 IEP	Ages 3–21 IEP
FEDERAL 871		FEDERAL PART B 619 PASSTHROUGH	FEDERAL PART B 611 PASSTHROUGH
STATE GENERAL FUNDS includes BLUEPRINT FUNDING		FEDERAL PART B 611 LOCAL CHOICE	NON-COMPETETIVE DISCRETIONARY FUNDS
NON-COMPETETIVE DISCRETIONARY FUNDS			Special Education Citizens Advisory Committee (SESAC)
FEDERAL PART C Focused Discretionary Supplement (to limit the decrease in funding to 2% due to lower Child Count)			Family Support Local Implementation for Results (LIR) EARLY CHILDHOOD (B–K) SECONDARY TRANSITION (14–21) ACCESS, EQUITY PROGRESS (3-21)
FEDERAL PART B 619 Preschool Partners			
FEDERAL PART B 611 LITP Implementation	FEDERAL PART B 619		State Systemic Improvement Plan (4 LEAs) Alternate Framework (2 LEAs)
FEDERAL PART C: State Systemic Improvement Plan (4 LITPs)		COMPETETIVE DISCRETIONARY FUNDS	COMPETETIVE DISCRETIONARY FUNDS
	FEDERAL PART C Collaborative Partnership for Strategic Implementation	FEDERAL PART B 619 PRESCHOOL INCLUSION PRACTICES	Non-Profit Organizations, Community-Based Partners, & Institutes of Higher Education (IHE)
	EXTENDED IFSP OPTION STATE IMPLEMENTATION GRANT – Expires 9/30/2023		State Personnel Development Grant (SPDG) (3 LEAs)

ADDITIONAL FEDERAL RELIEF FUNDING RESOURCES
Coronavirus Aid, Relief, and Economic Security (CARES) Act: ELEMENTARY & SECONDARY SCHOOLS EDUCATION RELIEF (ESSER I) – LOCAL CHOICE *Expires 9/30/2022*
Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA) ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND (ESSER II) – LOCAL CHOICE *Expires 9/30/2023*
American Rescue Plan (ARP) ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND (ESSER III) – LOCAL CHOICE *Expires 9/30/2023*

Birth-Age 3	Ages 3-4	Ages 3–5	Ages 3–21
ARP IDEA PART C - Expires 9/30/2023		ARP IDEA PART B619 - Expires 9/30/2023	ARP IDEA PART B 611 - Expires 9/30/2023
			NON PUBLIC TUITION ASSISTANCE PROGRAM Special Education Teacher Salaries
	FEDERAL PART B 619 LOCAL CHOICE (FAPE)		AUTISM WAIVER
			STATE GENERAL FUNDS

LOCAL	MEDICAL ASSISTANCE	OTHER	LOCAL	MEDICAL ASSISTANCE	OTHER	LOCAL	MEDICAL ASSISTANCE	OTHER	LOCAL	MEDICAL ASSISTANCE	OTHER
HOME VISITING FUNDS									TITLE I/TITLE II		PERKINS ACT V CTE PROGRAMS ONLY

Special Education Funding in Statute

Maryland's Blueprint formula provides for Special Education funding each year that is the product of a per-pupil amount and the number of "enrolled in a public school in the prior fiscal year who required special education services as defined in the federal Individuals with Disabilities Education Act" (5-225).

- The exact per-pupil amount each year is determined by the statutory Special Education funding weight, where a weight is a proportion that is subsequently multiplied by a dollar amount, in this case the target per-pupil foundation amount.

- The amount of the weight is identified in law and, overall, increases over time – in FY 23 the weight is 86%; In FY 33 and beyond, the weight is 146%.

- The FY 23 per-pupil amount is $7,147 ($8,310 * 86%); the FY 33 per-pupil amount is $18,053 ($12,365 * 146%).

In FY 23, the calculated per-pupil amount for Special Education students is $7,147
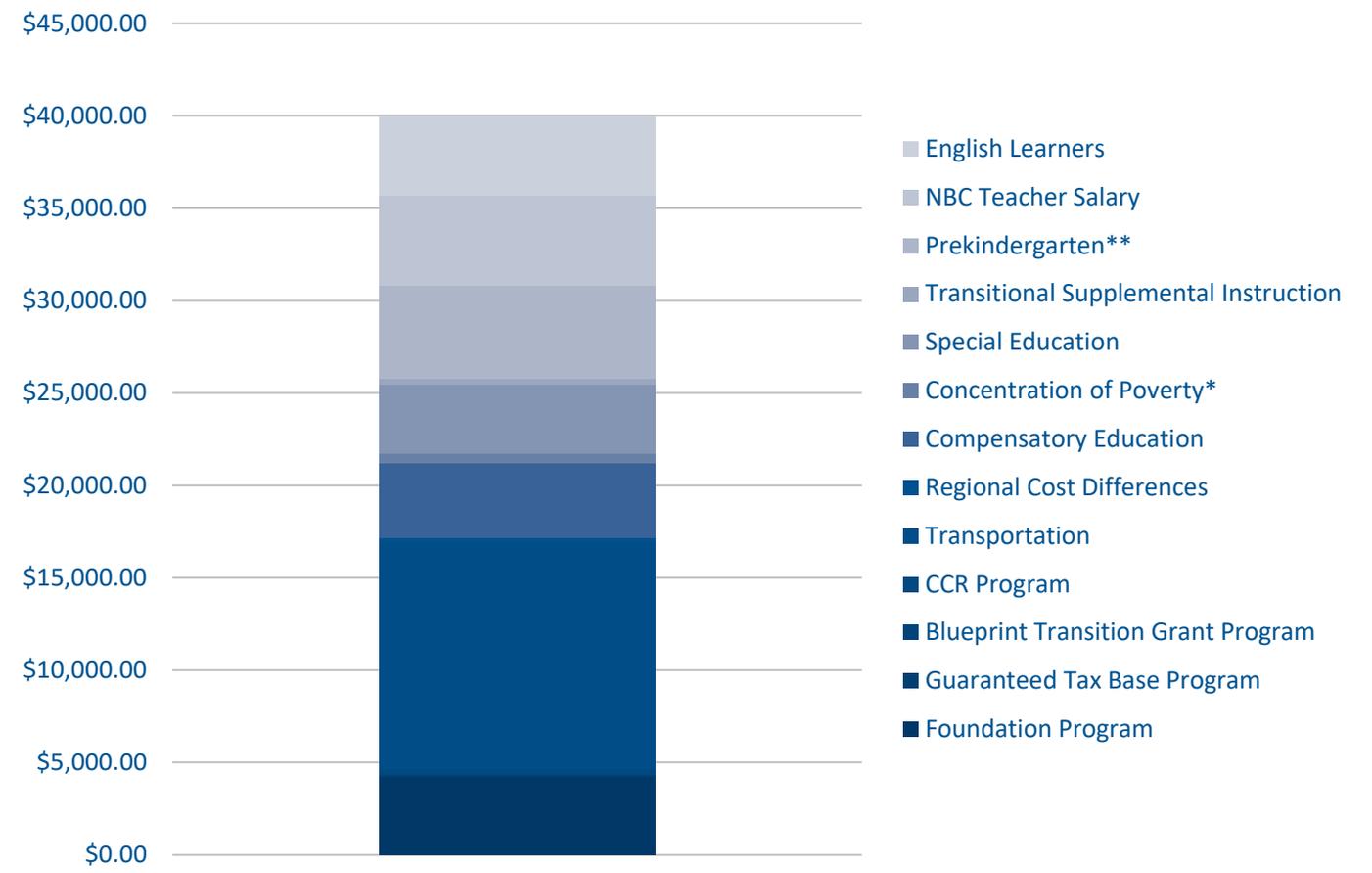
Fiscal Year 2023 State Aid Calculations (page 1 of 2)

FY 23 State Aid by Aid Category, Per-pupil

Foundation Program	$4,238.68
Guaranteed Tax Base Program	$53.03
Blueprint Transition Grant Program	$66.82
CCR Program	$270.00
Transportation	$12,345.75
Regional Cost Differences	$182.90
Compensatory Education	$4,004.20
Concentration of Poverty*	$586.12
Special Education	$3,686.48
Transitional Supplemental Instruction	$332.50
Prekindergarten**	$5,048.12
NBC Teacher Salary	$4,885.62
English Learners	$4,286.07

*Concentration of Poverty per-pupil amount is calculated here using the total Compensatory Education count, which understates the actual per-pupil since concentration of poverty-eligible students are a subset of total compensatory education.

** The Prekindergarten per-pupil is artificially high in FY 23 due to the funding of non-Tier 1 eligible students.

FY 23 State Aid Calculations, Per-Pupil

Legend (top to bottom):
- English Learners
- NBC Teacher Salary
- Prekindergarten**
- Transitional Supplemental Instruction
- Special Education
- Concentration of Poverty*
- Compensatory Education
- Regional Cost Differences
- Transportation
- CCR Program
- Blueprint Transition Grant Program
- Guaranteed Tax Base Program
- Foundation Program

Fiscal Year 2023 State Aid Calculations (page 2 of 2)

FY 23 State Aid by Aid Category, Total

Foundation Program	$3,659,452,582.00
Guaranteed Tax Base Program	$45,783,860.00
Blueprint Transition Grant Program	$57,688,465.00
CCR Program	$18,669,966.00
Transportation	$335,964,983.00
Regional Cost Differences	$157,909,651.00
Compensatory Education	$1,295,201,860.00
Concentration of Poverty	$189,586,846.00
Special Education	$401,310,445.00
Transitional Supplemental Instruction	$49,951,813.00
Prekindergarten*	$144,063,352.00
NBC Teacher Salaries	$9,033,505.00
English Learners	$422,465,014.00

FY 23 State Aid Calculations
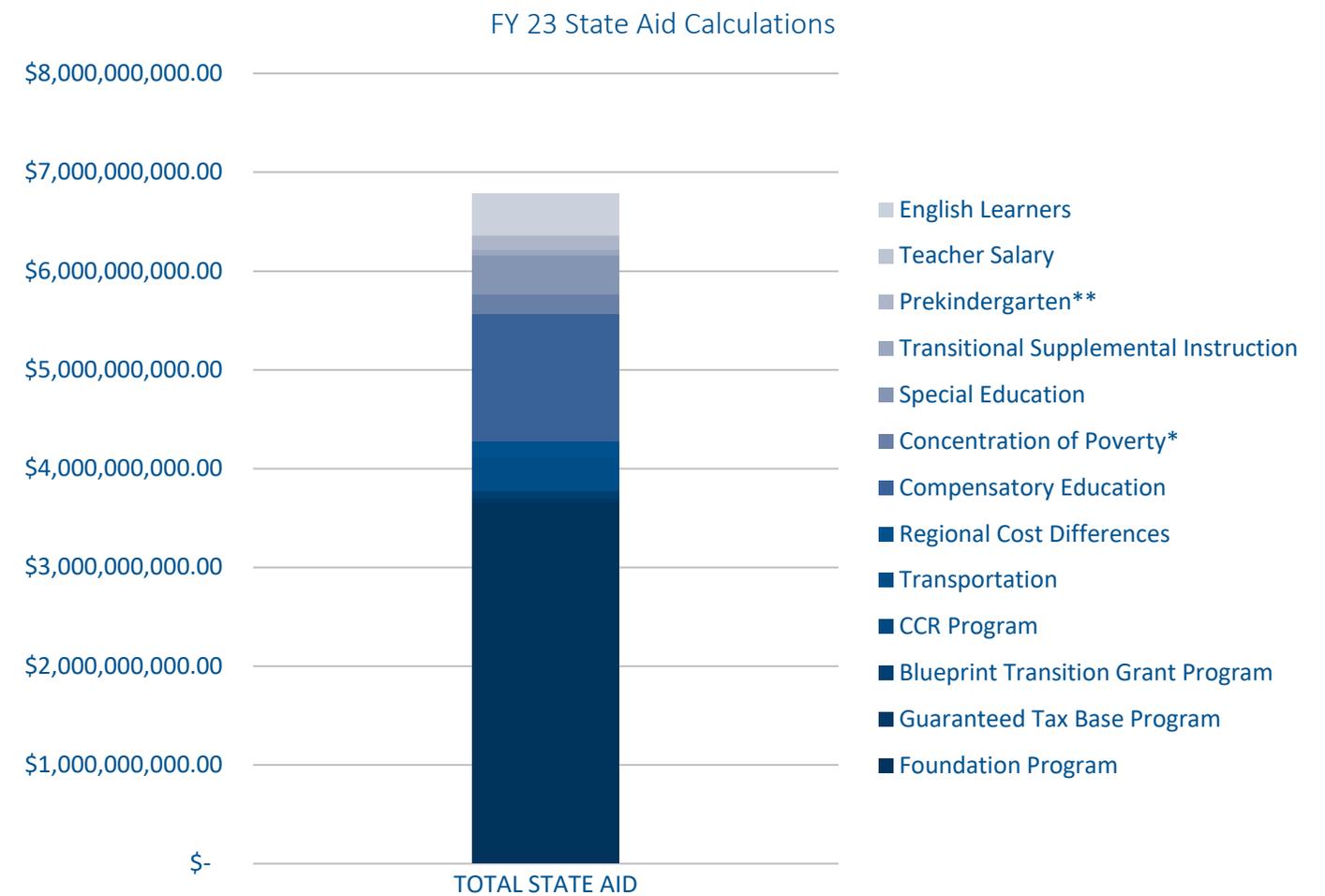
Special Education Minimum School Funding in Statute

Maryland's Blueprint law does not restrict Special Education fund usage but does require LEAs to ensure at least 75% of Special Education funds are allocated to the schools to directly support and serve eligible students.

- Title 5, section 234 of the Maryland Education article requires that each LEA distribute "at least 75% of the per pupil amount applicable to...the special education program under § 5–225...multiplied by the school enrollment for the applicable program".

- State Special Education funding under Blueprint, governed by Md. Code, Education § 5-225 further states:

  - Each school shall use the funds provided under this section to provide the services required by each student's individualized education program or 504 plans.

COVID-19 Response and Compensatory Education/Recovery Services

1. Individuals with Disabilities Education Act (IDEA)
2. Division of Early Intervention and Special Education Services
3. What Makes Maryland Unique?
4. **COVID-19 and Compensatory Education/Recovery Services**
5. Dispute Resolution: Rights of Families
6. Students with Disabilities Demographic and Outcome Data
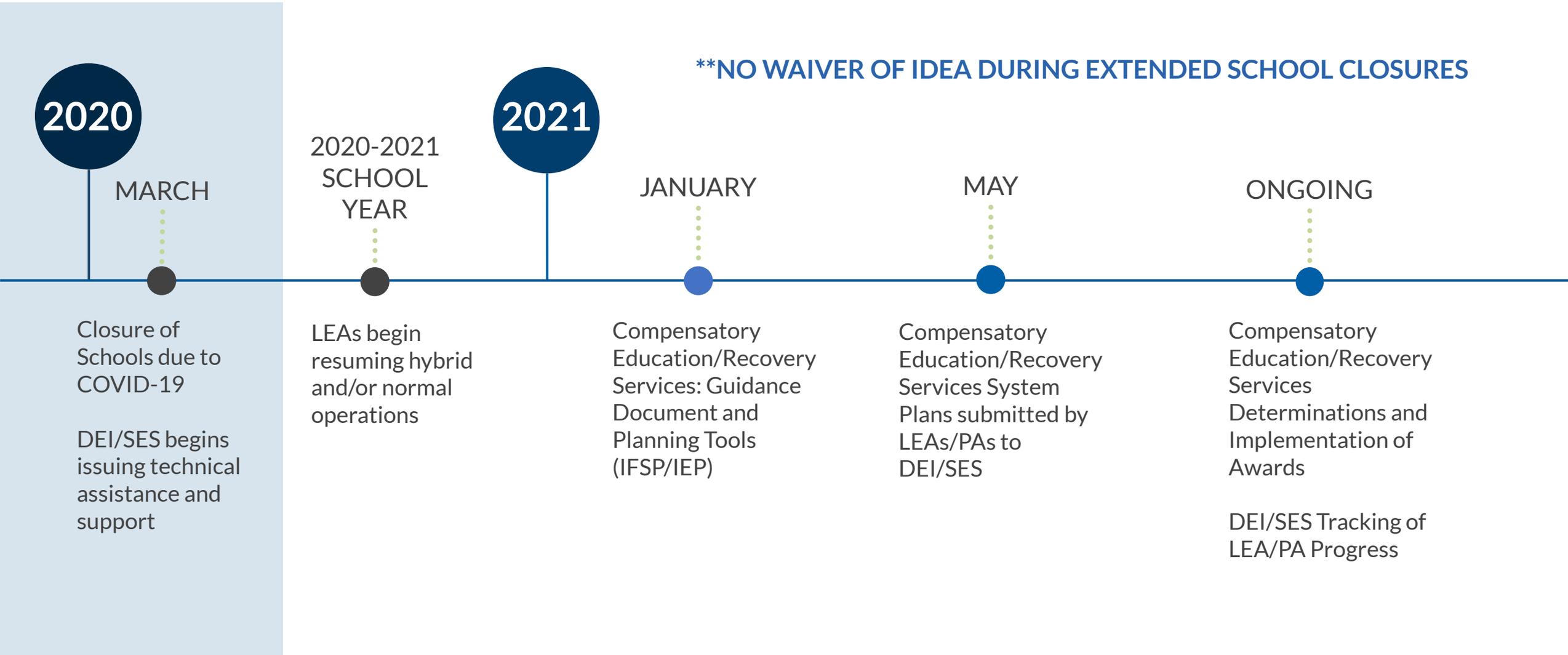7. Significant Disproportionality
8. Maryland Initiatives

Addressing the loss of FAPE due to COVID-19 through compensatory education/recovery services

Addressing the Loss of FAPE: Compensatory/Recovery Services

- Under the IDEA, **students with disabilities are entitled to a FAPE** (e.g., IEP development and implementation)

- When an LEA/PA is unable to provide FAPE, the courts created a remedy for students called-**compensatory education**

  - e.g., speech language services, tutoring, assistive technology devices, summer camps, etc.

- Compensatory education services help the student **recoup progress** due to a loss of FAPE. Services must be **individualized to each student's needs**.

- Due to the large number of students who did not receive FAPE due to extended school closures (e.g., LEA/PA inability to meet evaluation timelines; students inability to engage in virtual learning; staffing shortages; technology barriers; etc.), LEAs/PAs are providing **compensatory education/recovery services** on a larger scale, which requires **intentional and thoughtful systemic planning**

Timeline of DEI/SES Response to COVID-19

****NO WAIVER OF IDEA DURING EXTENDED SCHOOL CLOSURES**

2020

MARCH

Closure of Schools due to COVID-19

DEI/SES begins issuing technical assistance and support

2020-2021 SCHOOL YEAR

LEAs begin resuming hybrid and/or normal operations

2021

JANUARY

Compensatory Education/Recovery Services: Guidance Document and Planning Tools (IFSP/IEP)

MAY

Compensatory Education/Recovery Services System Plans submitted by LEAs/PAs to DEI/SES

ONGOING

Compensatory Education/Recovery Services Determinations and Implementation of Awards

DEI/SES Tracking of LEA/PA Progress

Top 3 Challenges within Maryland's Virtual Special Education Community
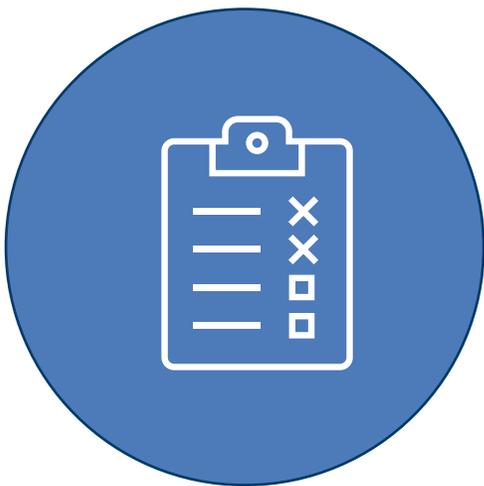
Administering Evaluations and Meeting Required IDEA Timelines (No IDEA waiver)

Meeting the unique needs of students who require extensive, intensive, individualized instruction and support
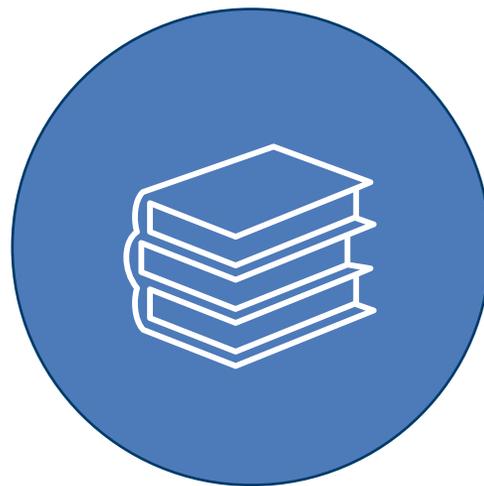
Planning for Compensatory Education/Recovery Services* and new/different/additional student needs

*As determined by the IEP Team

DEI/SES Response to COVID-19

weekly
Birth-21 Webinars

19 TIPs for Curriculum, Instruction and Assessment Documents
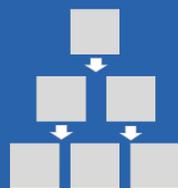
4 Continuity of Learning and Recovery Guidance Flowcharts

8 Continuity of Learning Technical Assistance Bulletins

4 Recovery Technical Assistance Bulletins

3 Special Education and Early Intervention Guidance Documents

2 Parent Guidance Documents
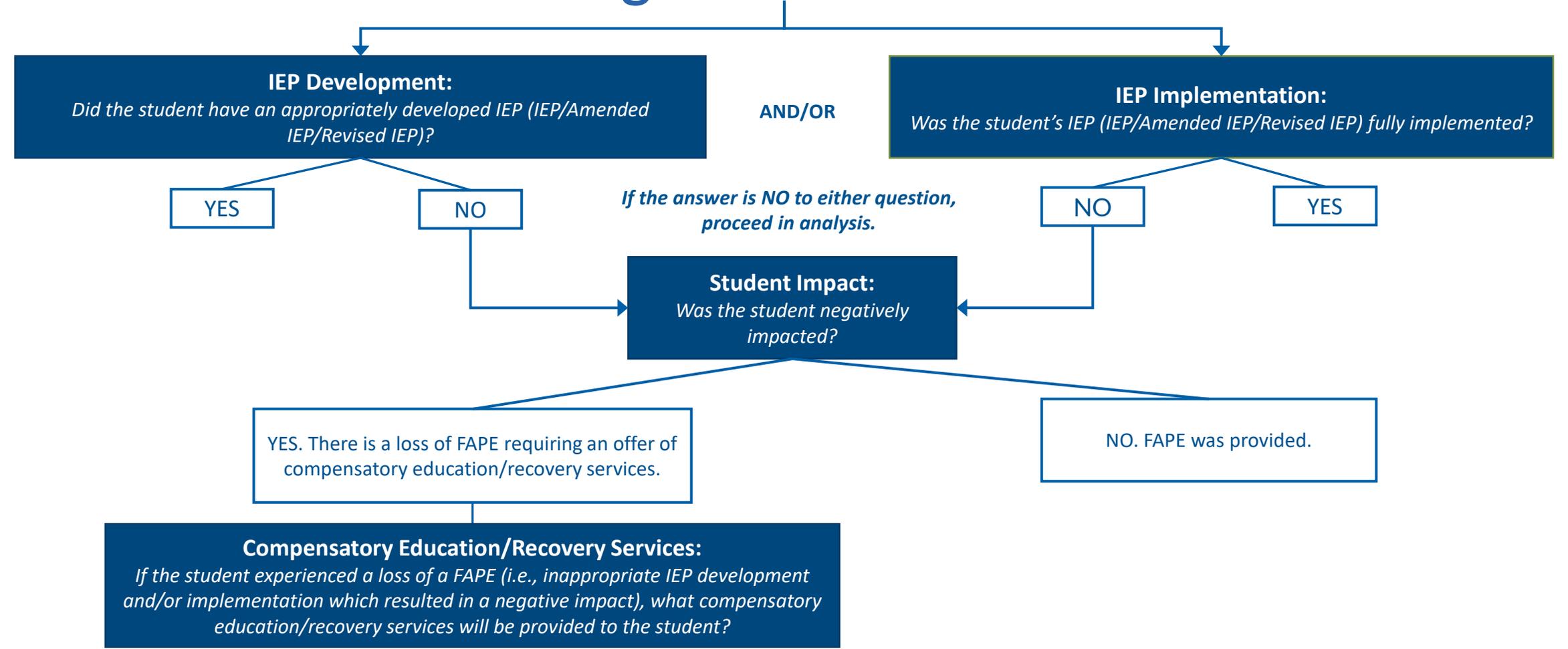
Compensatory Education/Recovery Services Flowchart
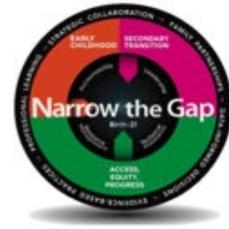
Timeline of DEI/SES Response to COVID-19

2020

2021

**NO WAIVER OF IDEA DURING EXTENDED SCHOOL CLOSURES

MARCH

2020-2021 SCHOOL YEAR

JANUARY

MAY

ONGOING

Closure of Schools due to COVID-19

DEI/SES begins issuing technical assistance and support

LEAs begin resuming hybrid and/or normal operations

Compensatory Education/Recovery Services: Guidance Document and Planning Tools (IFSP/IEP)

Compensatory Education/Recovery Services System Plans submitted by LEAs/PAs to DEI/SES

Compensatory Education/Recovery Services Determinations and Implementation of Awards

DEI/SES Tracking of LEA/PA Progress

COMPENSATORY EDUCATION/RECOVERY SERVICES

Individualized Decision-Making Process

System Process Plan
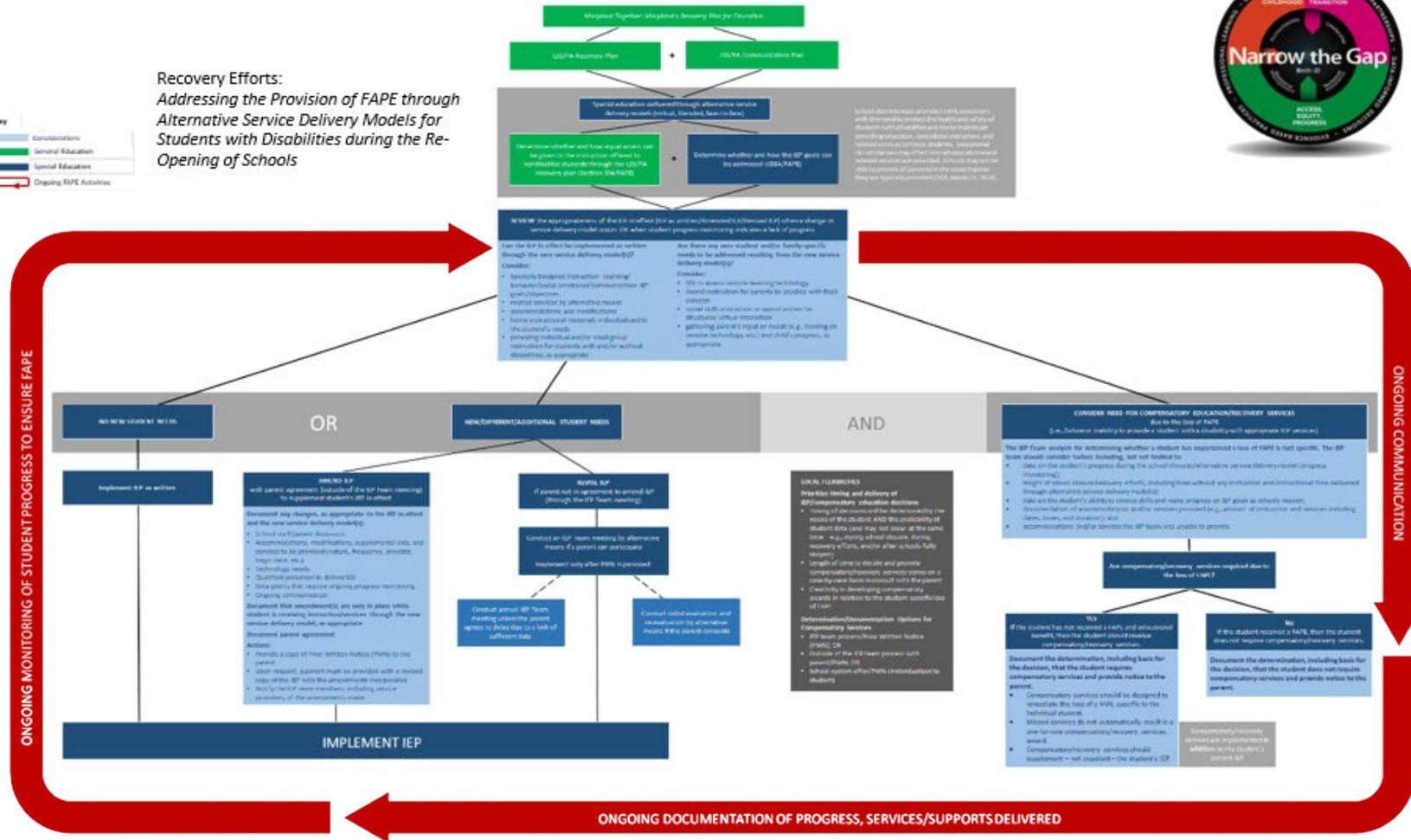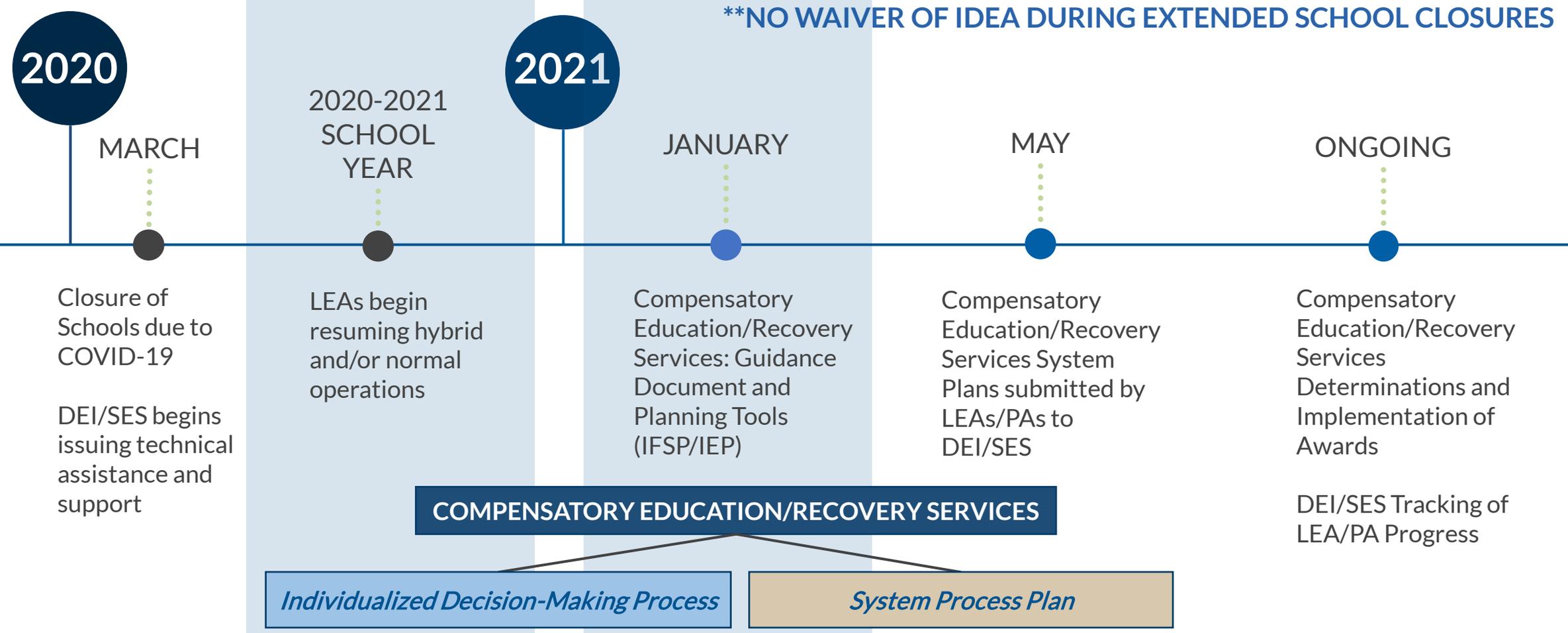
INDIVIDUALIZED Compensatory Education/Recovery Services Decision-Making Process

IEP Development:
Did the student have an appropriately developed IEP (IEP/Amended IEP/Revised IEP)?

AND/OR

IEP Implementation:
Was the student's IEP (IEP/Amended IEP/Revised IEP) fully implemented?

YES

NO

If the answer is NO to either question, proceed in analysis.

NO

YES

Student Impact:
Was the student negatively impacted?

YES. There is a loss of FAPE requiring an offer of compensatory education/recovery services.

NO. FAPE was provided.

Compensatory Education/Recovery Services:
If the student experienced a loss of a FAPE (i.e., inappropriate IEP development and/or implementation which resulted in a negative impact), what compensatory education/recovery services will be provided to the student?

INDIVIDUALIZED Decision-Making Process Template

- Part I: IEP Development

- Part II: IEP Implementation

- Part III: Student Impact

- Part IV: Compensatory Education/Recovery Services

SYSTEM Process Planning Template

- Part I: System Process Planning Team

- Part II: Logistics and Documentation

- Part III: Communication

- Part IV: Professional Development

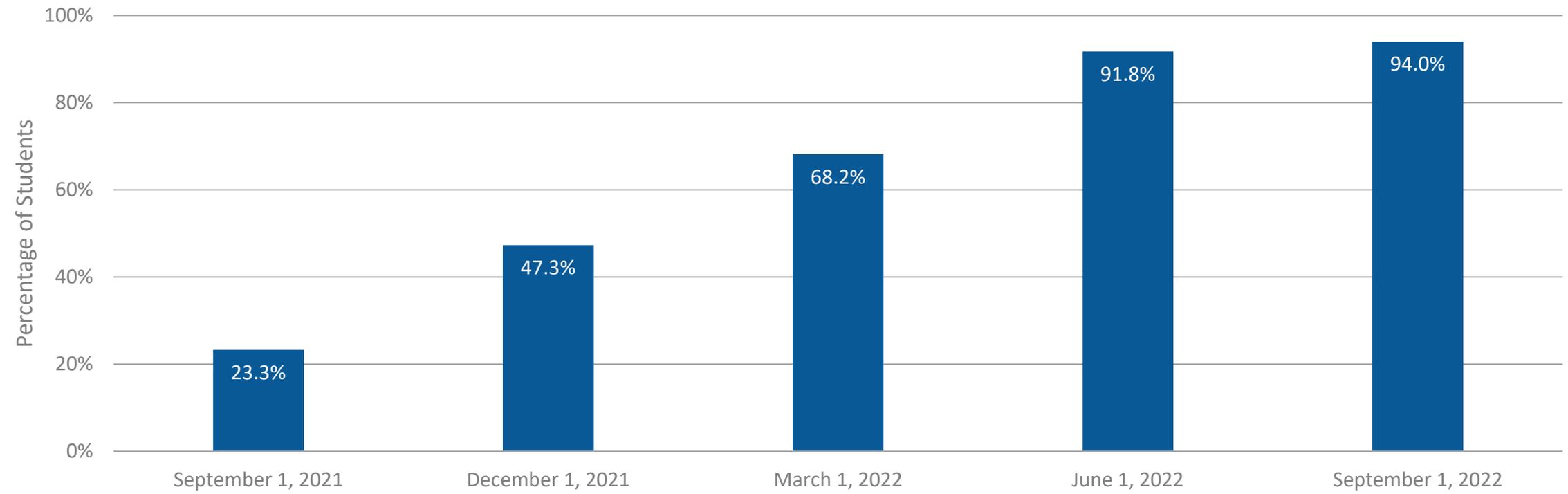- Part V: Implementation

- Part VI: Funding

Timeline of DEI/SES Response to COVID-19

2020

2021

**NO WAIVER OF IDEA DURING EXTENDED SCHOOL CLOSURES

MARCH

2020-2021 SCHOOL YEAR

JANUARY

MAY

ONGOING

Closure of Schools due to COVID-19

DEI/SES begins issuing technical assistance and support

LEAs begin resuming hybrid and/or normal operations

Compensatory Education/Recovery Services: Guidance Document and Planning Tools (IFSP/IEP)

Compensatory Education/Recovery Services System Plans submitted by LEAs/PAs to DEI/SES

Compensatory Education/Recovery Services Determinations and Implementation of Awards

DEI/SES Tracking of LEA/PA Progress

State Compensatory Education – Eligibility Determination

As of September 1, 2022, 17 LEAs have completed 100% of eligibility determinations, six have completed eligibility determinations for 75% - 99% of students, and one has completed eligibility determinations for 25% - 49% of students.

Legend:
- <25%
- 25% - 49%
- 50% - 74%
- 75% - 99%
- 100%

Data Source: Part B Special Education Compensatory Education/Recovery Services Quarterly Reporting Form

State Compensatory Education – Service Initiation

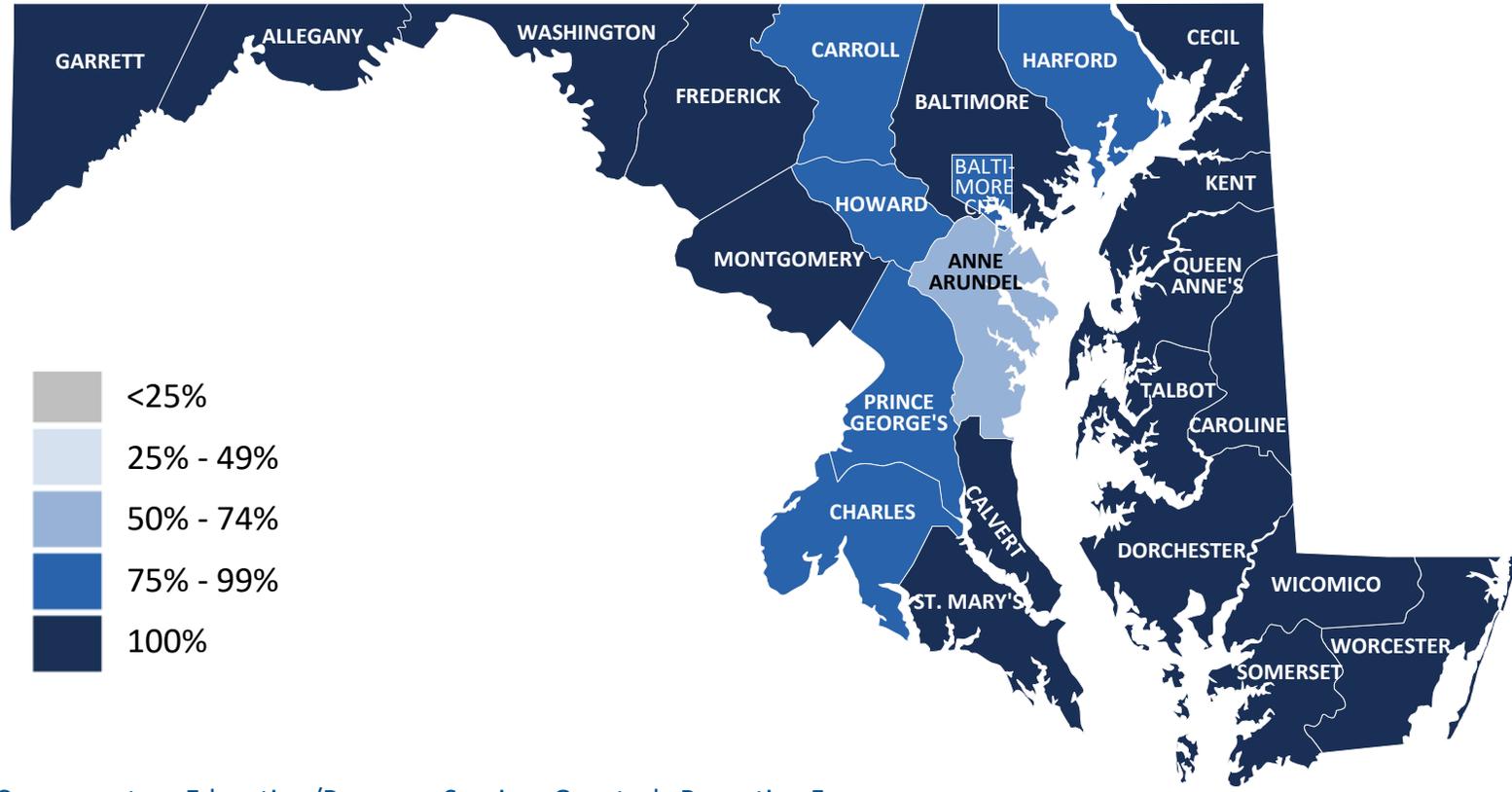The percentage of students with disabilities who have received all required compensatory education/recovery services has increased from 39.7% to 48.7% since March of 2022.
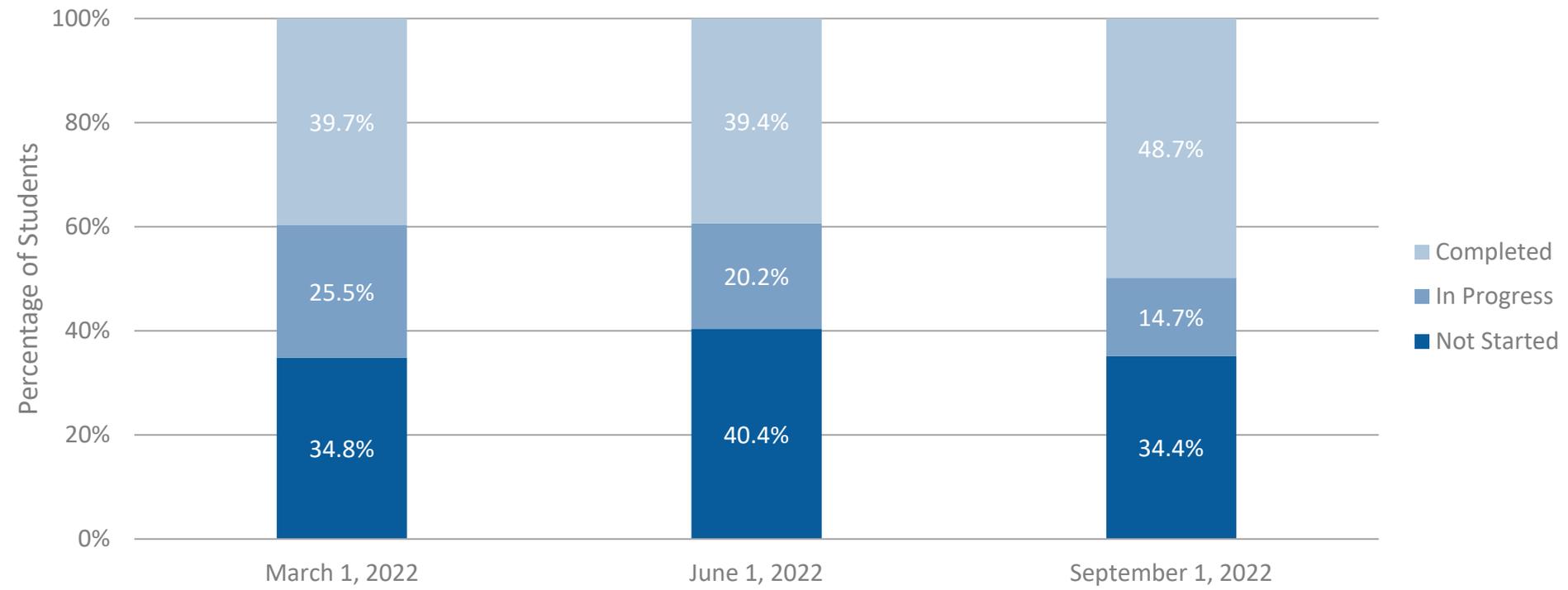
Data Source: Part B Special Education Compensatory Education/Recovery Services Quarterly Reporting Form

State Compensatory Education – Service Initiation

As of September 1, 2022, 14 LEAs have initiated the delivery of compensatory education/recovery services for all eligible students.
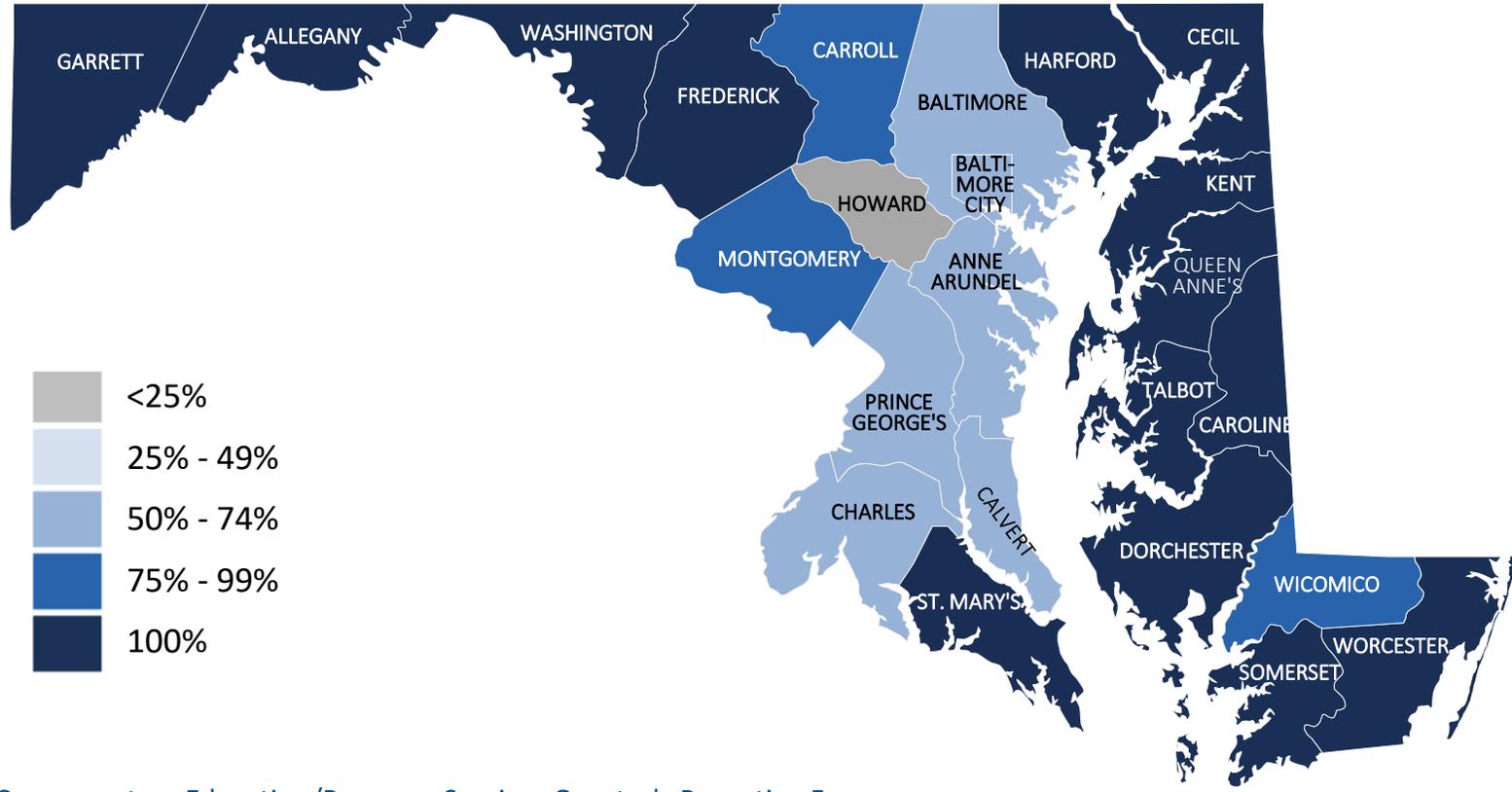
Legend:
- <25%
- 25% - 49%
- 50% - 74%
- 75% - 99%
- 100%

Data Source: Part B Special Education Compensatory Education/Recovery Services Quarterly Reporting Form

Guest Speakers
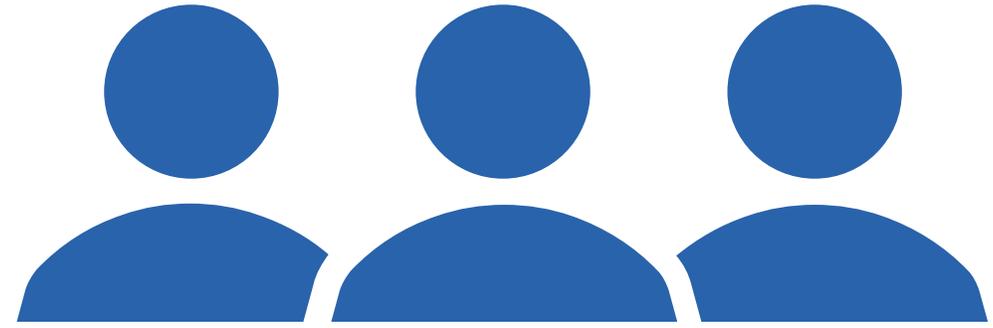
System	School/IEP Team	Parent
Colleen Sasdelli, Director of Special Education	Shannon Jenning-Jones Coordinator of Secondary Programs	Madelyne Mentzer Parent

Dispute Resolution: Rights of Families

1. Individuals with Disabilities Education Act (IDEA)
2. Division of Early Intervention and Special Education Services
3. What Makes Maryland Unique?
4. COVID-19 and Compensatory Education/Recovery Services
5. **Dispute Resolution: Rights of Families**
6. Students with Disabilities Demographic and Outcome Data
7. Significant Disproportionality
8. Maryland Initiatives

Ensuring the rights of families through family support and dispute resolution

Rights of Families

Family Support and Dispute Resolution Options

Informal Processes

- Family Support Services
- Navigate the IFSP/IEP Process
- Liaison between LEA and Family
- Resource Development and Dissemination
- Technical Assistance to LEA/PA Local Family Support Coordinators

Formal Processes

- State Complaint Filings
- Mediation Requests
- Due Process Complaints

State Complaint Process

Day 1	Day 1	Day 5	Days 6-15	Days 15-30	Days 30-60
Individual Files Complaint	Assigned to Investigator	Draft Initiation Letter to Complainant	MSDE Investigator Gathers Documents	MSDE Investigator Conducts Investigation	Letter of Findings Issued
• Identify denial of FAPE or procedural allegations • Utilize State complaint form	• Contact complainant for clarification, if needed • Explain complaint process	• Identify issues to be investigated • Copy LEA	• Collect from LEA and complainant	• Rely only on documentation and cannot use testimony and allegations or defenses unsupported by documentation	• Send to LEA • Send to complainant

Possible Outcomes

- No Violation
- Student Specific Violation: Compensatory Services or other Remedy Determined by IEP Team
- School Specific: Professional Development, Monitoring, Accountability, Reporting to the MSDE
- System Wide: Change of Practice, Professional Development, Monitoring, Accountability, Reporting to the MSDE
- Providing Technical Assistance and Support

State Complaint Trends

The number of state complaints decreased during the COVID-19 pandemic but rose sharply in the 2021-2022 school year.
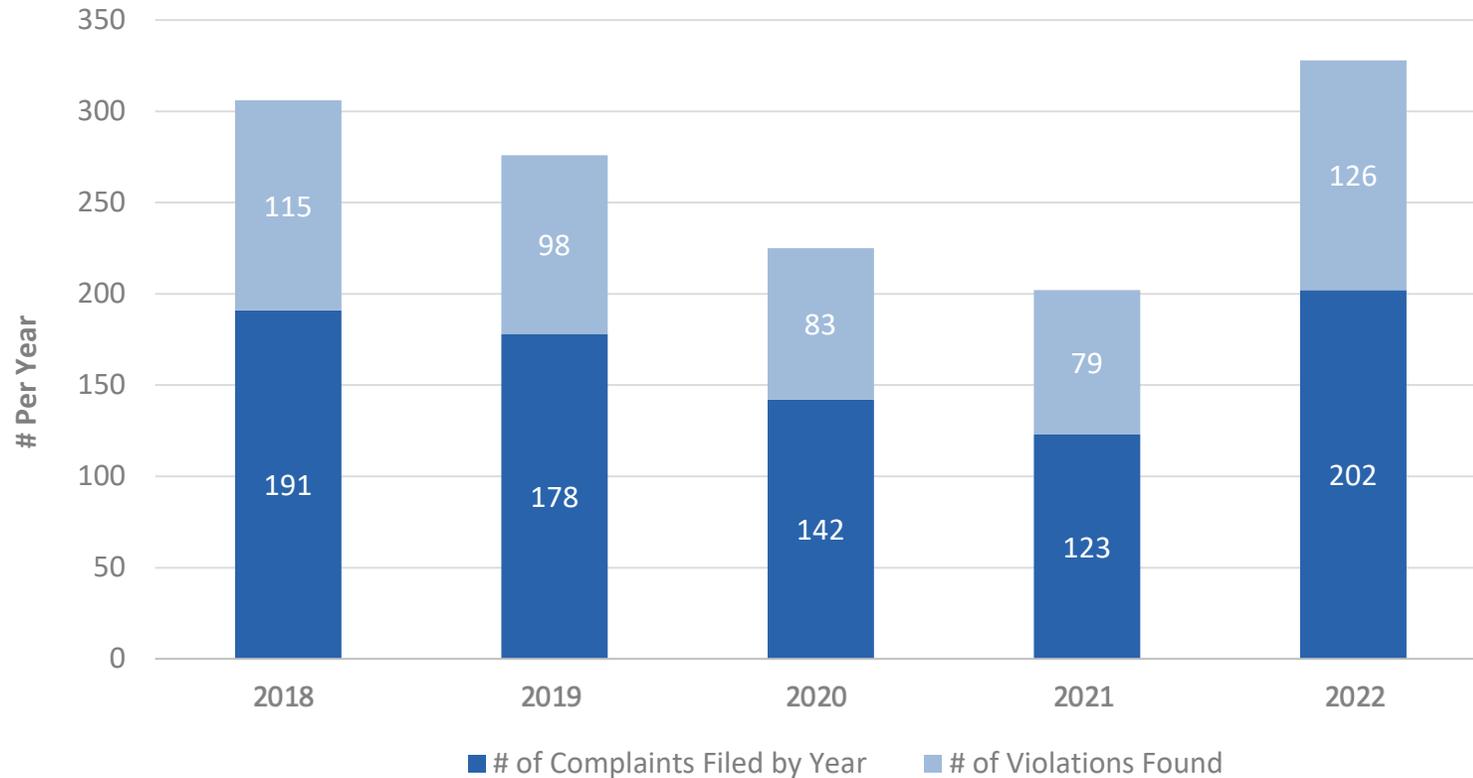
Top 5 Complaint Themes

1. Providing documents to families 5 days before and 5 days following IEP team meetings
2. Providing progress reports aligned with goals and/or sufficient data to support progress
3. Using functional safety equipment for transportation services
4. Providing speech and language and nursing services
5. Developing measurable goals and/or aligning with grade level standards

Data Source: DEI/SES Dispute Resolution Database

Mediation Request Trends and Themes

The number of mediation requests decreased up to and through the COVID-19 pandemic but rose again in the 2021-2022 school year.
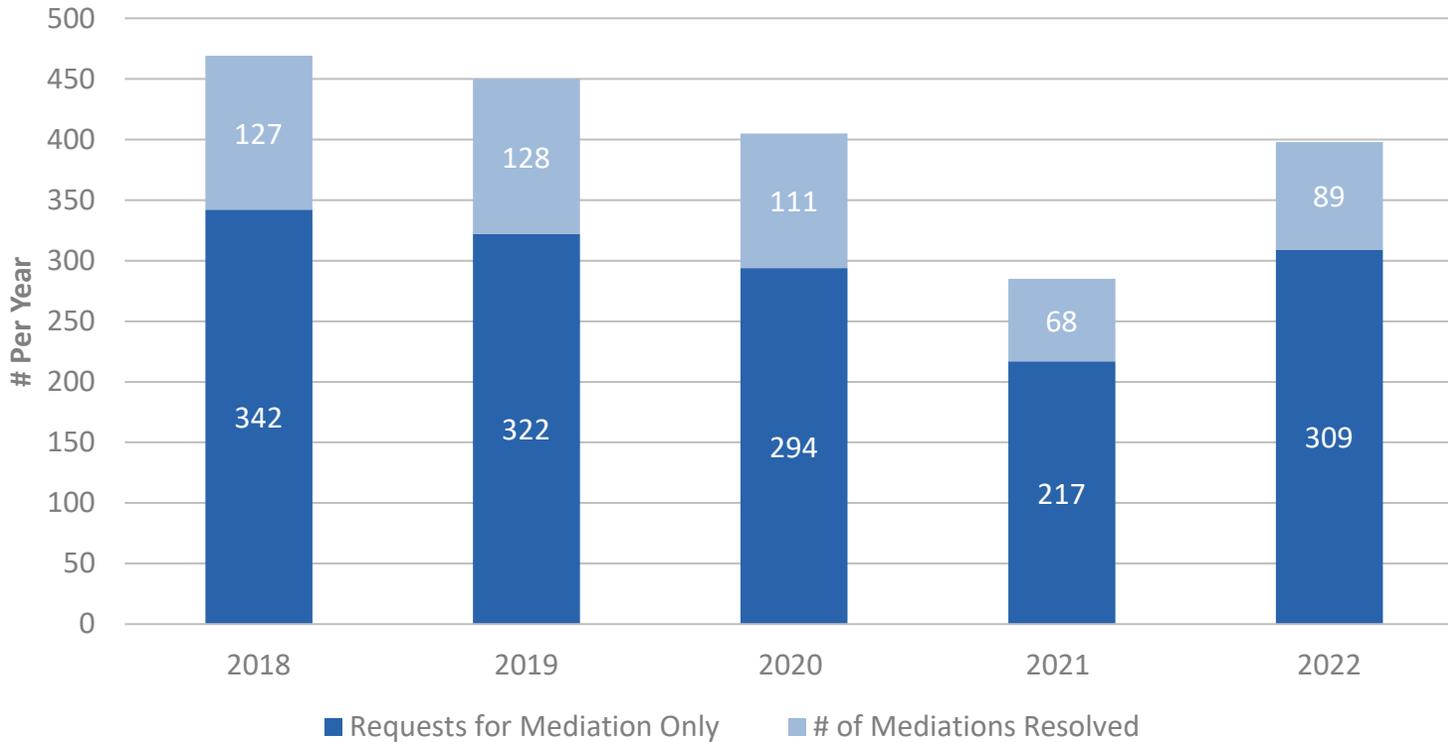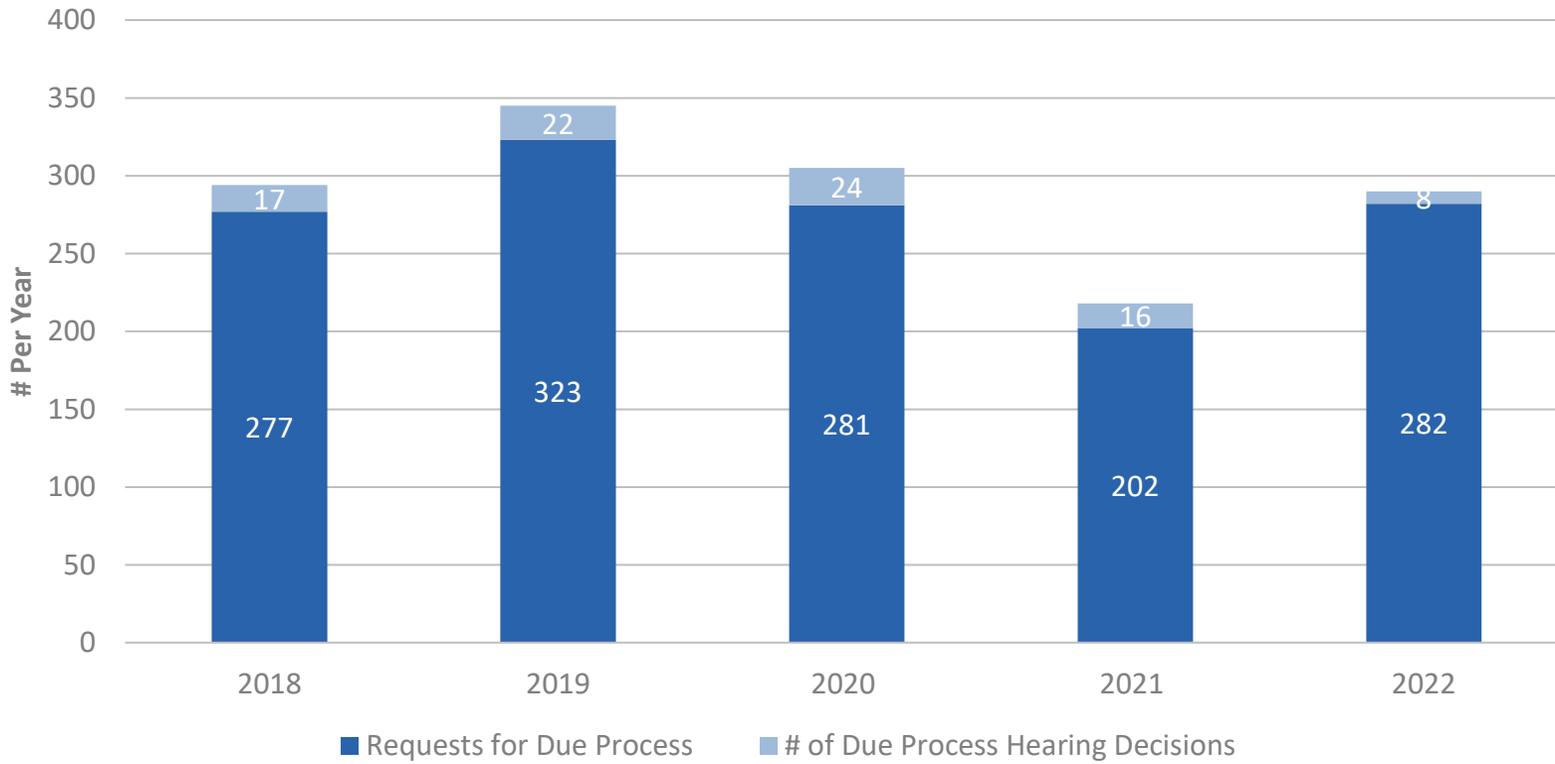

Top 5 Mediation Themes

1. IEP development
2. Placement determinations
3. Evaluation/assessment
4. IEP implementation
5. Compensatory services

Data Source: DEI/SES Dispute Resolution Database

Due Process Complaint Trends and Themes

The number of due process complaints decreased up to and through the COVID-19 pandemic but rose again in the 2021-2022 school year.

Chart data — # Per Year:

Year	Requests for Due Process	# of Due Process Hearing Decisions
2018	277	17
2019	323	22
2020	281	24
2021	202	16
2022	282	8

Legend: ■ Requests for Due Process ■ # of Due Process Hearing Decisions

Top 5 Due Process Themes

1. Compensatory services
2. IEP implementation: accommodations, supplementary aids, and services
3. IEP implementation: placement
4. IEP implementation: speech/language services
5. Independent educational evaluation procedures

Data Source: DEI/SES Dispute Resolution Database

Students with Disabilities: Demographic and Outcome Data

Students with Disabilities by the Numbers

Trend: Students with Disabilities, SY 2012-2022

The percentage of the total population of Maryland students identified as students with disabilities has been consistent over time.

Year	Percent of Total Population
2016	11.3%
2017	11.0%
2018	11.5%
2019	11.7%
2020	11.8%
2021	11.6%
2022	12.0%
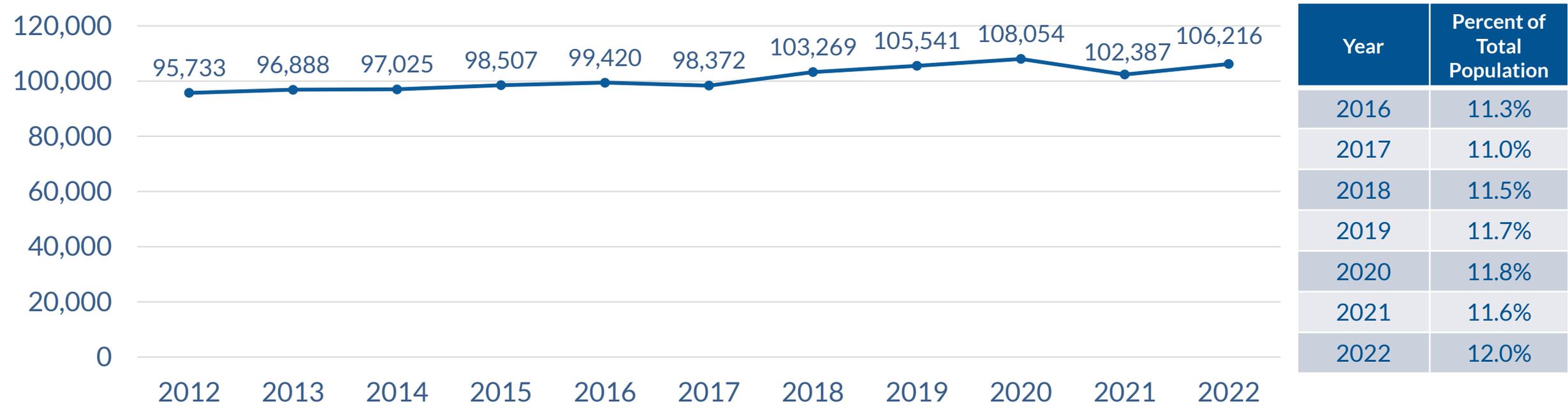
Data Source: MSDE Early Attendance Data Collection

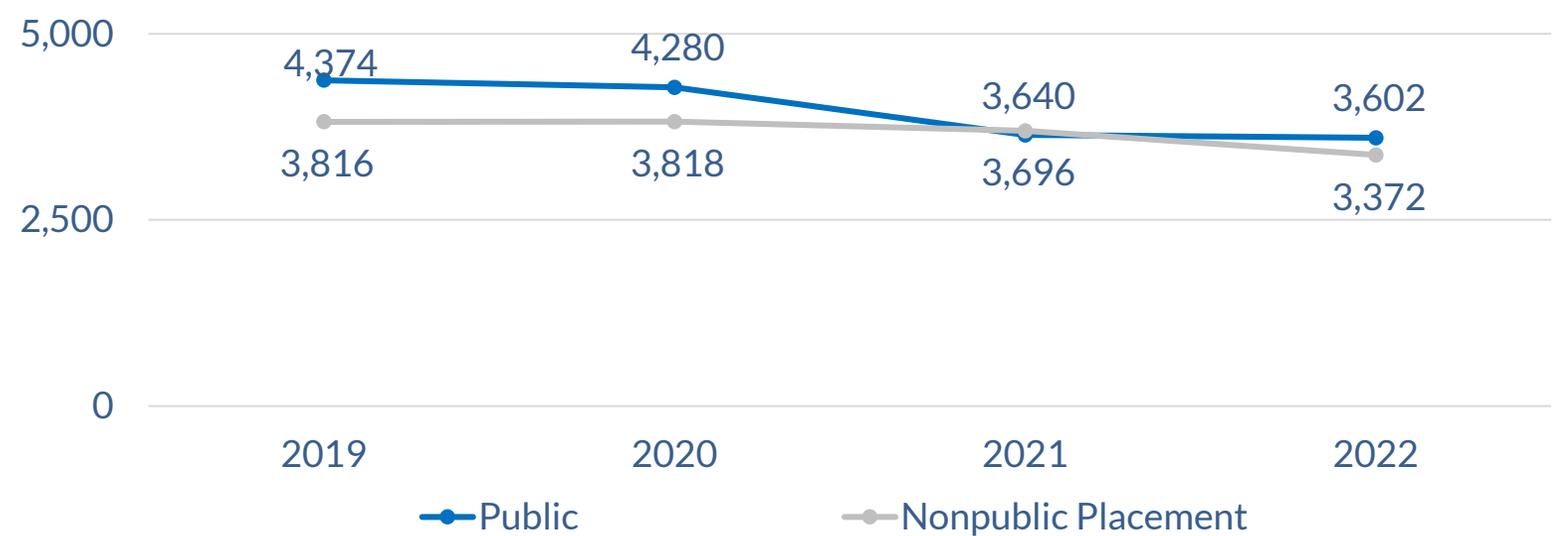# Counts of Students in Maryland's Public Special Education and Nonpublic Placement Schools

The count of Maryland public special education schools has remained consistent, however the count of students enrolled has decreased since SY 2018-2019.

Year	Count of Public Special Education Schools
2019	37
2020	36
2021	37
2022	37

Chart data — Public: 2019: 4,374; 2020: 4,280; 2021: 3,640; 2022: 3,602. Nonpublic Placement: 2019: 3,816; 2020: 3,818; 2021: 3,696; 2022: 3,372.

Legend: Public — Nonpublic Placement

- A special education school is a public elementary/secondary school that focuses primarily on serving the educational needs of students with disabilities and which adopts curriculum, materials, or instruction for these students. (EDFacts specification, FS029)

- If a school has 10 or more students and 90% or more of those students have IEPs, the school should be reported as a Special Education School. (U.S Department of Education, Common Core of Data)

Data Source: MSDE Early Attendance Data Collection (public); September Enrollment (nonpublic placement)

Students with Disabilities by Grade Span, SY 2021-2022
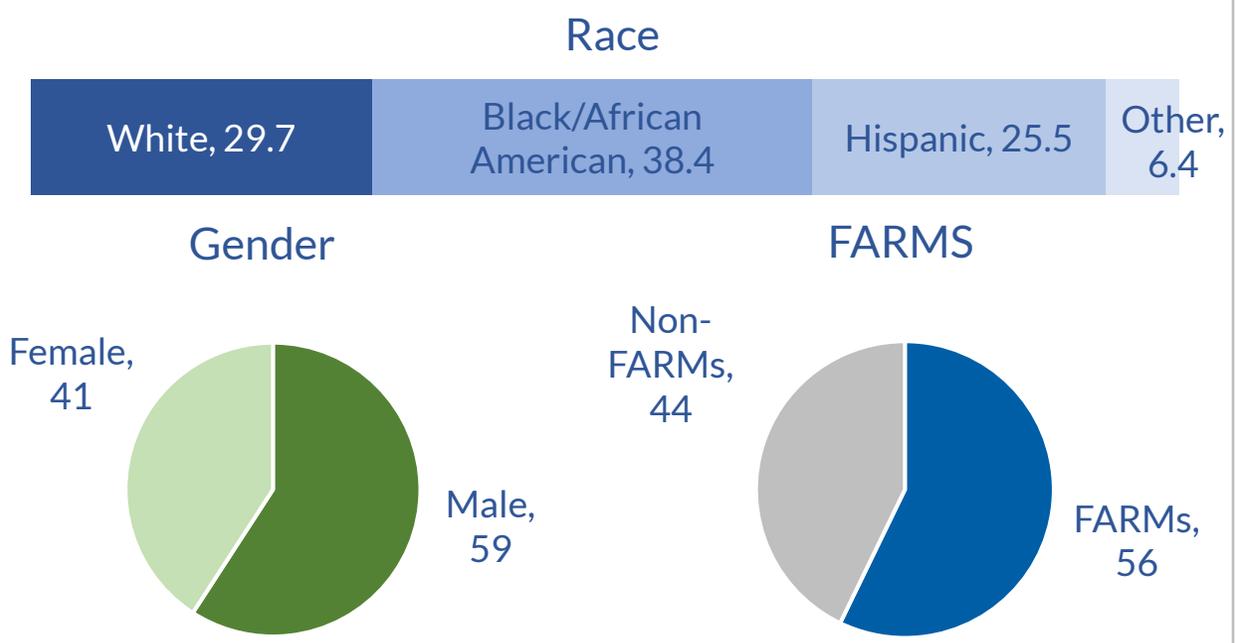
Statewide 12% of students are identified as a student with a disability.
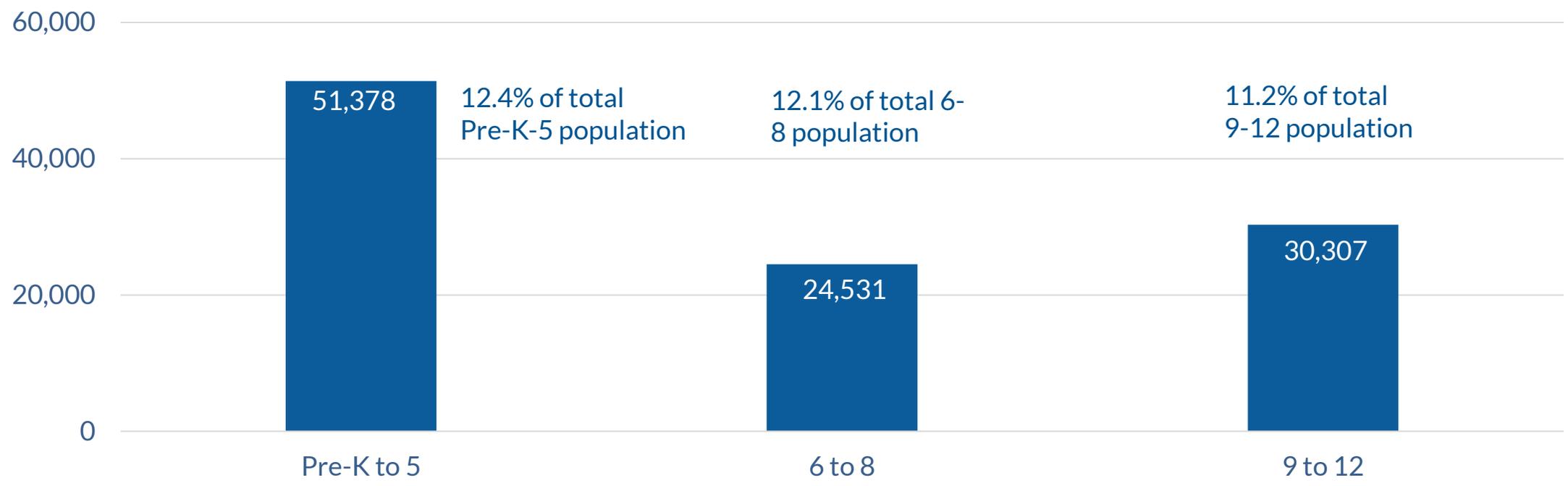
12.4% of total Pre-K-5 population

12.1% of total 6-8 population

11.2% of total 9-12 population

Data Source: MSDE Early Attendance Data Collection

Students with Disabilities: Disability Type by Race, Gender and Eligible for Free and Reduced Meals (FARMs)

Specific Learning Disability
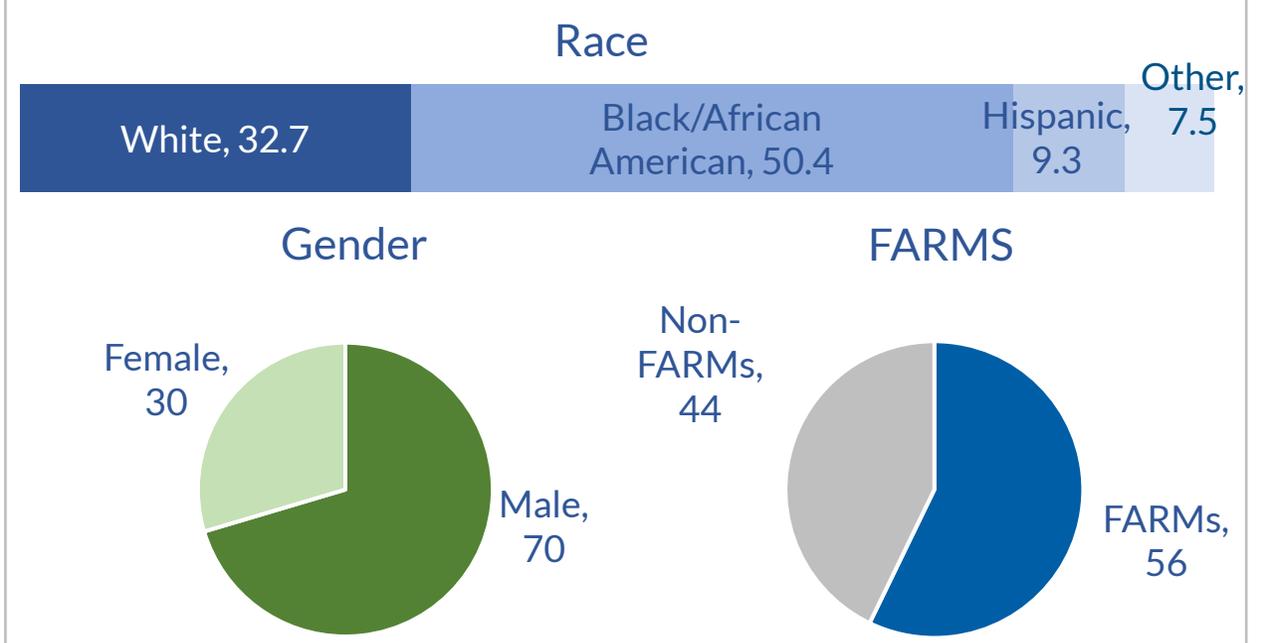
Race

| White, 29.7 | Black/African American, 38.4 | Hispanic, 25.5 | Other, 6.4 |

Gender

Female, 41

Male, 59

FARMS

Non-FARMs, 44

FARMs, 56

Emotional Disability

Race

| White, 32.7 | Black/African American, 50.4 | Hispanic, 9.3 | Other, 7.5 |

Gender

Female, 30

Male, 70

FARMS

Non-FARMs, 44

FARMs, 56

Percent Race/Ethnicity All Students

| White, 33.9 | Black/African American, 33.2 | Hispanic, 20.7 | Other, 12.2 |

Data Sources: MSDE Early Attendance Data Collection, Enrollment Data Collection SY 2021-2022
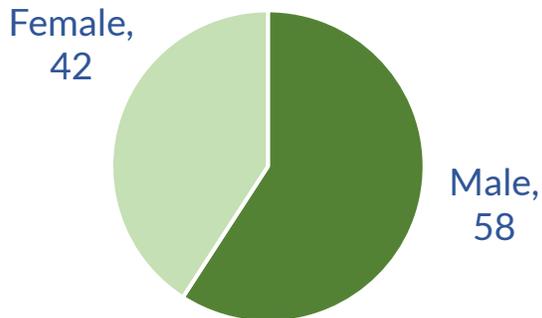
Students with Disabilities: Disability Type by Race, Gender and Eligible for Free and Reduced Meals (FARMs)

Intellectual Disability

Race
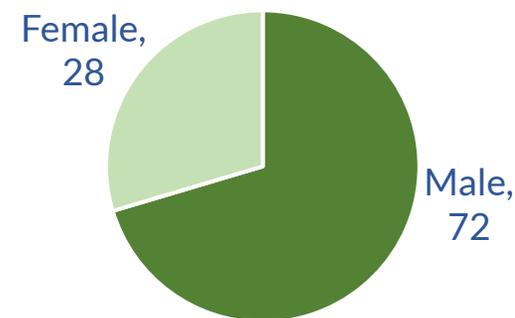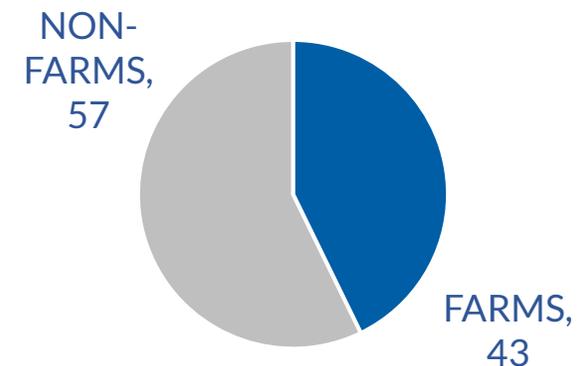
| White, 20.9 | Black/African American, 57.9 | Hispanic, 15.7 | Other, 5.5 |

Gender

Female, 42

Male, 58

FARMS

NON-FARMS, 37

FARMS, 63

Developmental Disability

Race

| White, 25.0 | Black/African American, 39.3 | Hispanic, 23.7 | Other, 12.0 |

Gender

Female, 28

Male, 72

FARMS

NON-FARMS, 57

FARMS, 43

Percent Race/Ethnicity All Students

| White, 33.9 | Black/African American, 33.2 | Hispanic, 20.7 | Other, 12.2 |

Data Sources: MSDE Early Attendance Data Collection, Enrollment Data Collection SY 2021-2022

Students with Disabilities: Disability Type by Race, Gender and Eligible for Free and Reduced Meals (FARMs)
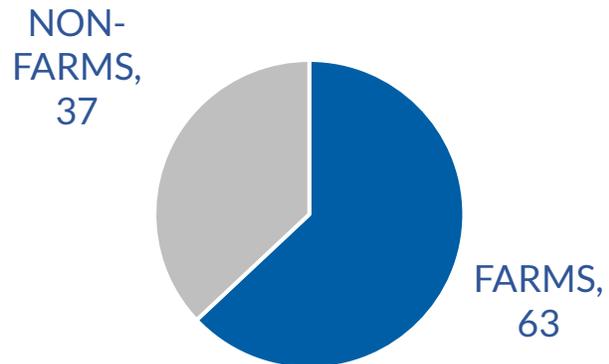
Autism

Race

| White, 31.9 | Black/African American, 40.3 | Hispanic, 14.2 | Other, 13.6 |

Gender

Female, 17

Male, 83

FARMS

FARMS, 37

NON-FARMS, 63

Percent Race/Ethnicity All Students

| White, 33.9 | Black/African American, 33.2 | Hispanic, 20.7 | Other, 12.2 |
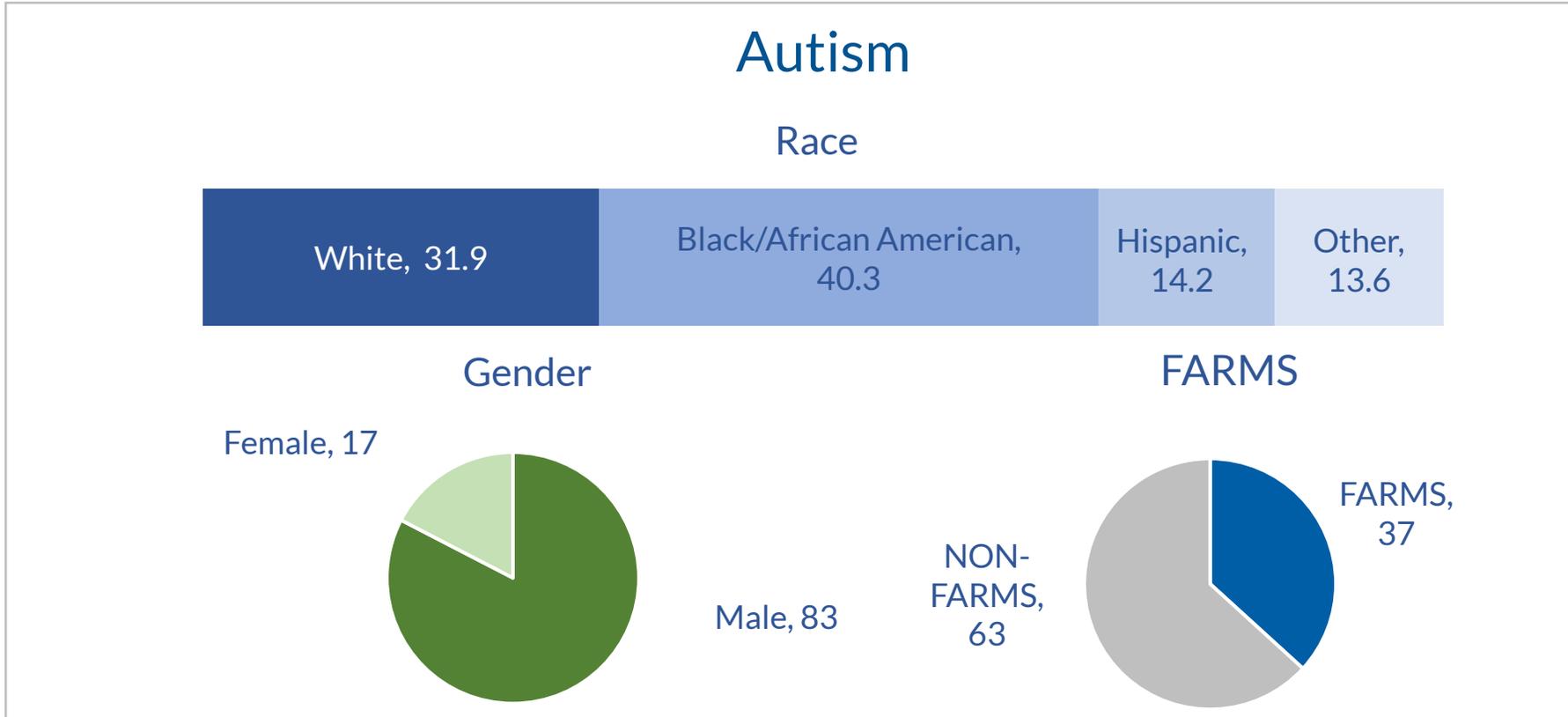
Data Sources: MSDE Early Attendance Data Collection, Enrollment Data Collection SY 2021-2022

National Background

- **The use of intellectual and emotional disability codes is often associated with the removal of students to more restrictive and segregated settings**. This can negatively impact our African American students, who face additional barriers and bias, as compared to their White peers. Students who are misidentified are vulnerable to a less rigorous curriculum and lower expectations in a segregated setting

- **Income does not fully explain the patterns of identification**. Black students from non-low-income brackets had twice the likelihood of being identified with intellectual disabilities (ID) or emotional disturbances (ED), compared to White students from non-low-income backgrounds.

- **Placement decisions exacerbate achievement gaps** with students in general education classrooms having better academic and employment outcomes than students in separate spaces.

  - While 55 percent of White students with disabilities spend more than 80 percent of their school day in a general education classroom, **only a third of Black students with disabilities spend that much time in a general education classroom**. Hispanic and American Indian students with disabilities are also more likely to be taught in separate classrooms, compared to White students.

  - A study in Massachusetts found that students with disabilities **taught in fully inclusive environments were five times more likely to graduate on time**, compared to other students with disabilities, and 11 percentage points more likely to be employed.

- Students of color often receive harsher punishments in school for the same behavior when compared to their White counterparts, and are more likely to receive office referrals, suspensions, and expulsions from school. **Discipline disparities are even more apparent for students with disabilities.**

  - Among students of color with disabilities, one in four boys and nearly one in five girls receive an out-of-school suspension. **Black males from low-income backgrounds receiving special education services are suspended at the highest rates of any student group.**

  - Students who are suspended or expelled are more likely to be held back, drop out, or enter the juvenile justice system when compared to their peers.

Significant Disproportionality in Special Education: Current Trends and Actions for Impact, National Center for Learning Disabilities; https://www.ncld.org/wp-content/uploads/2020/10/2020-NCLD-Disproportionality_Trends-and-Actions-for-Impact_FINAL-1.pdf (2020).

Total Count of Students with Disabilities by LEA, SY 2021-2022

Most students with disabilities are in Montgomery County, Baltimore County, and Prince George's County.
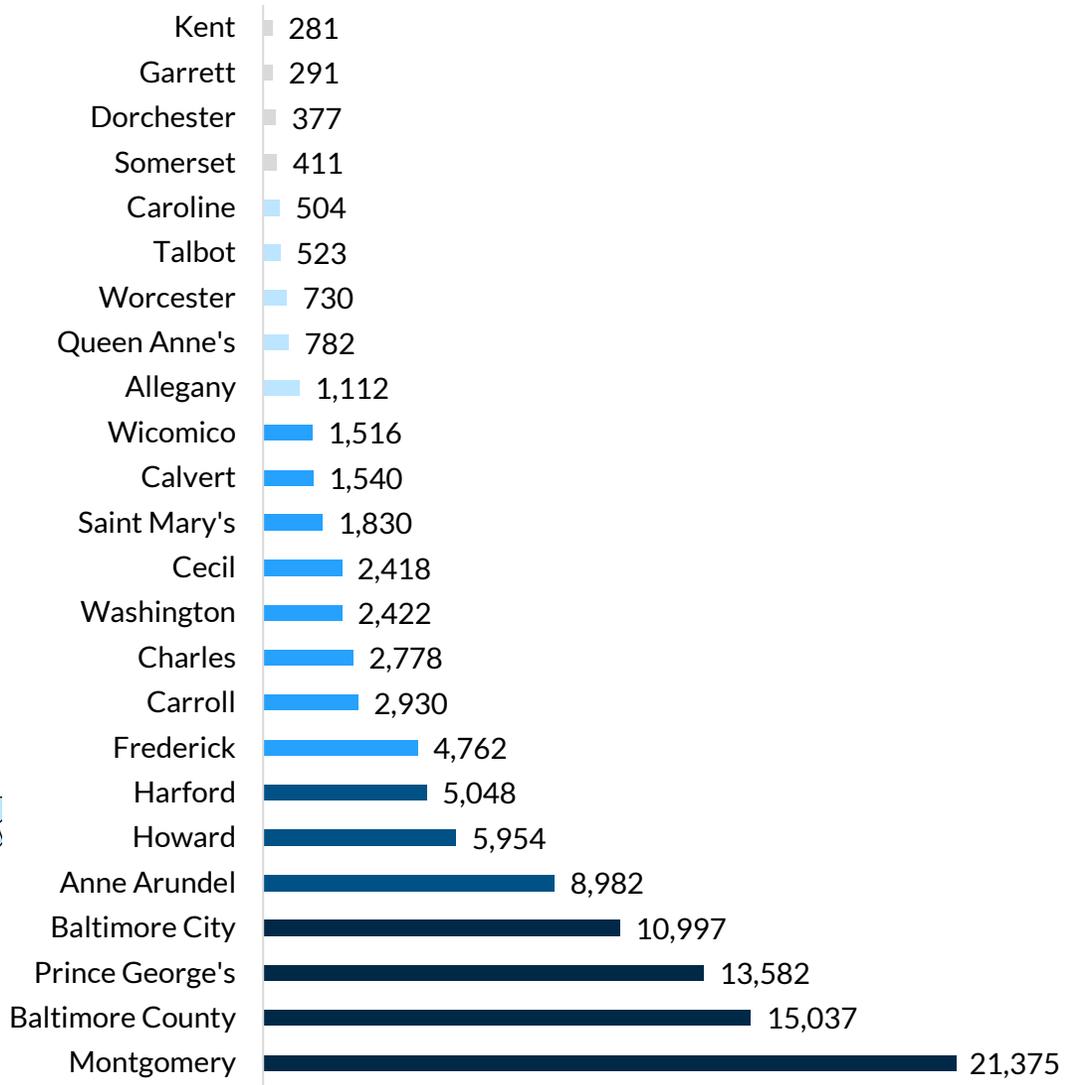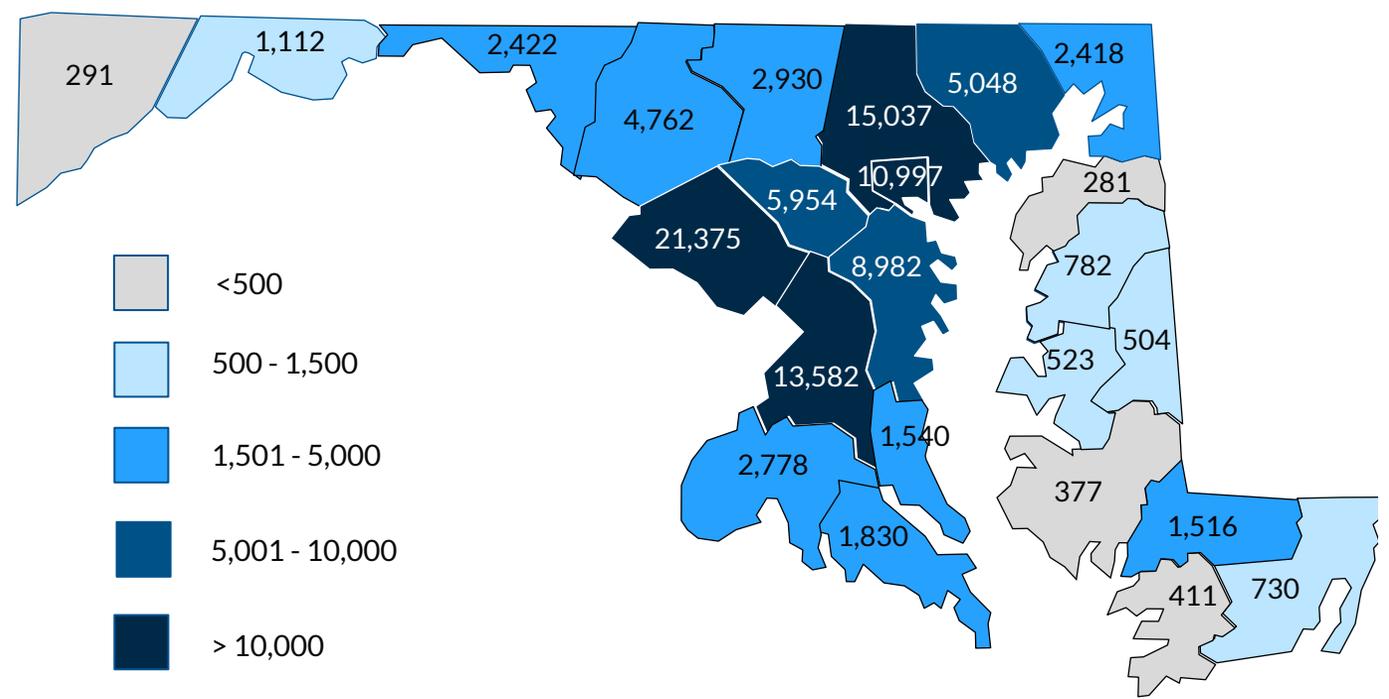
*SEED School omitted from map (34 students).

Data Source: MSDE Early Attendance Data Collection

Percentage of Students with Disabilities by LEA, SY 2021-2022

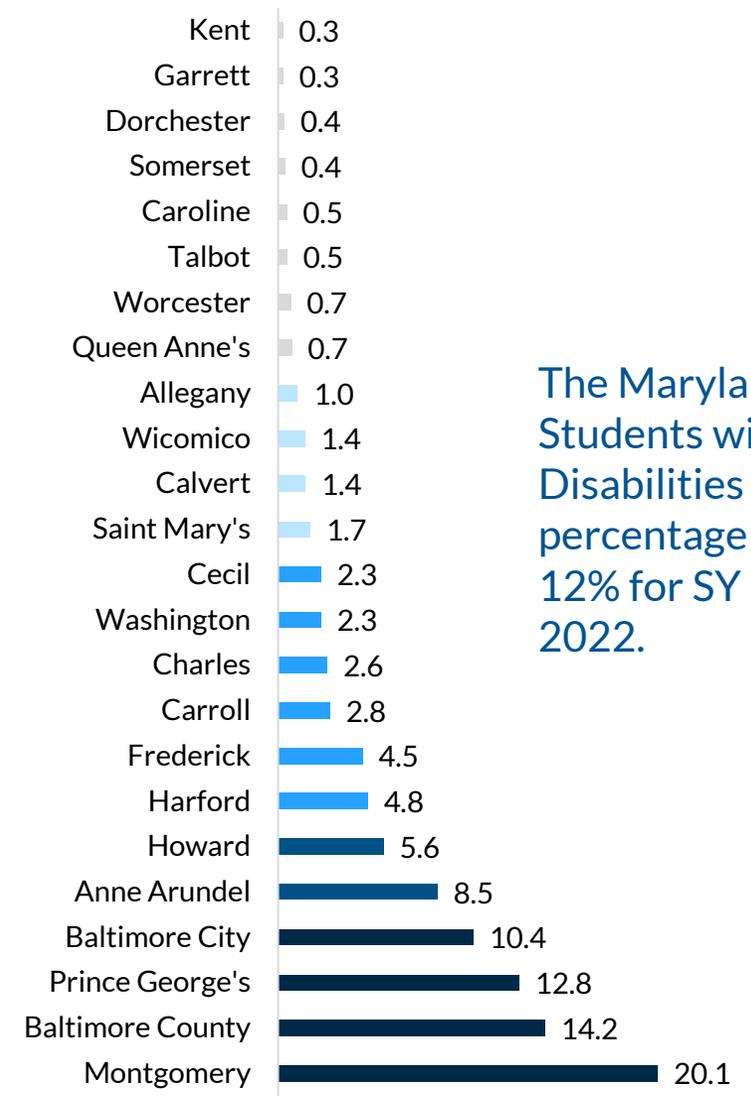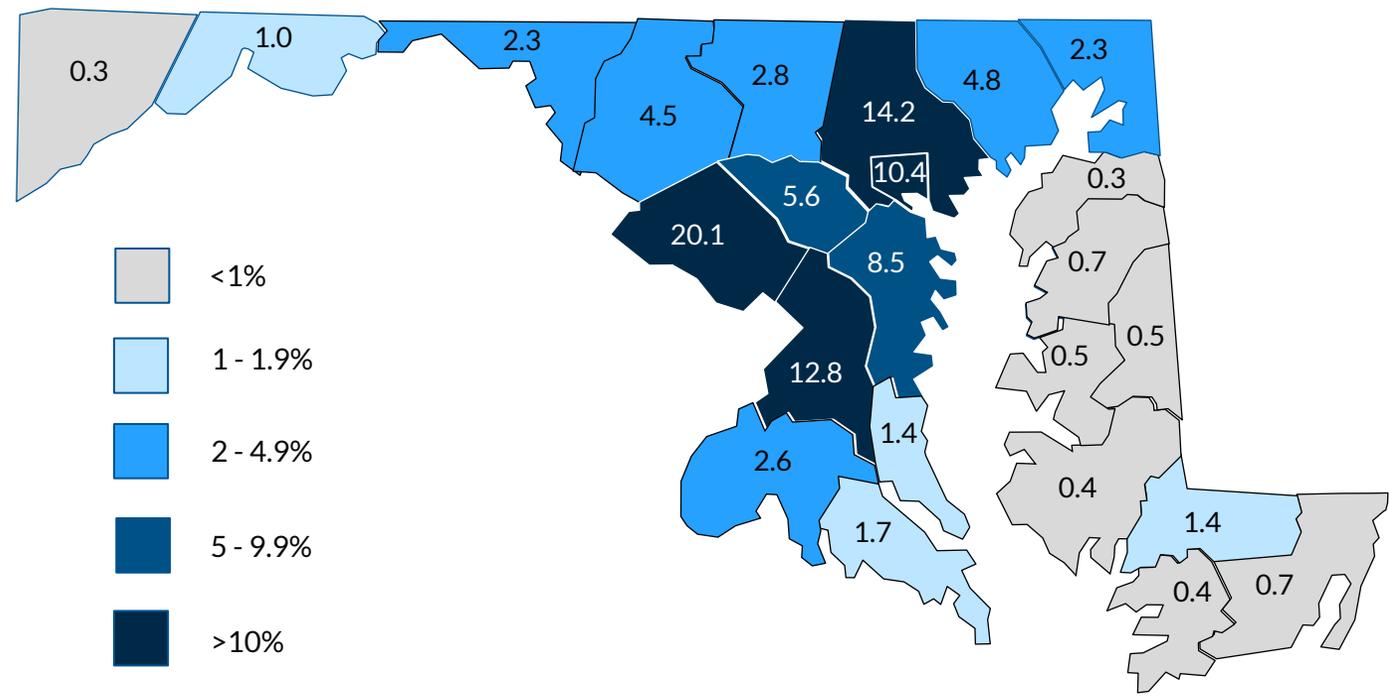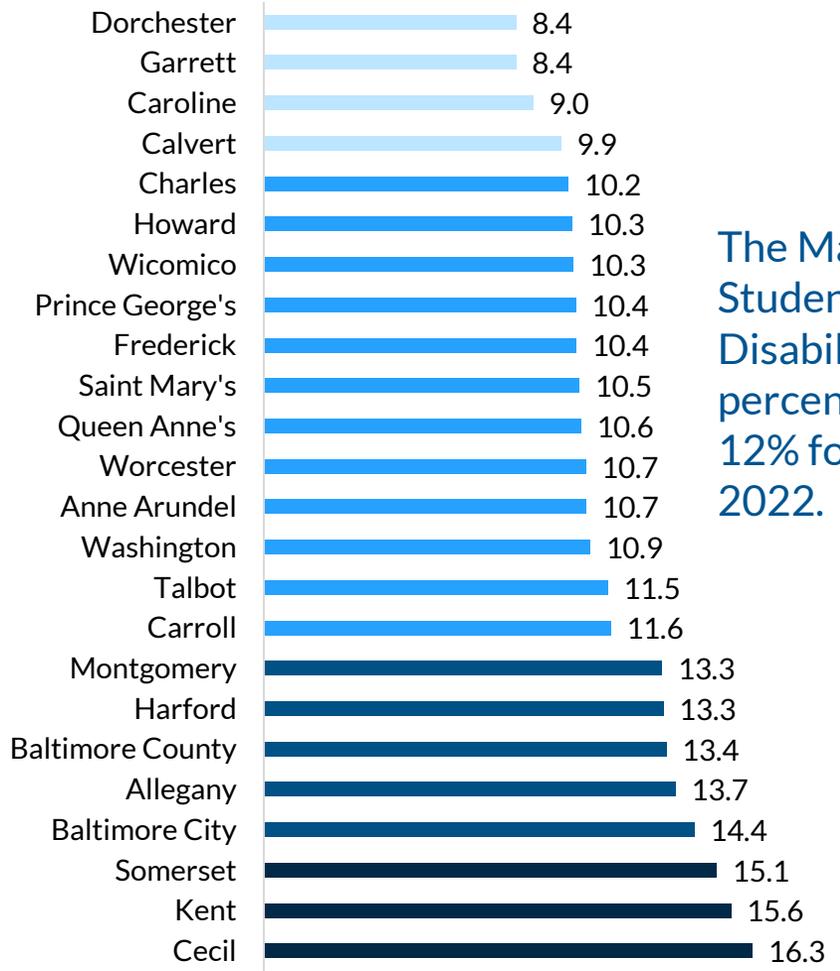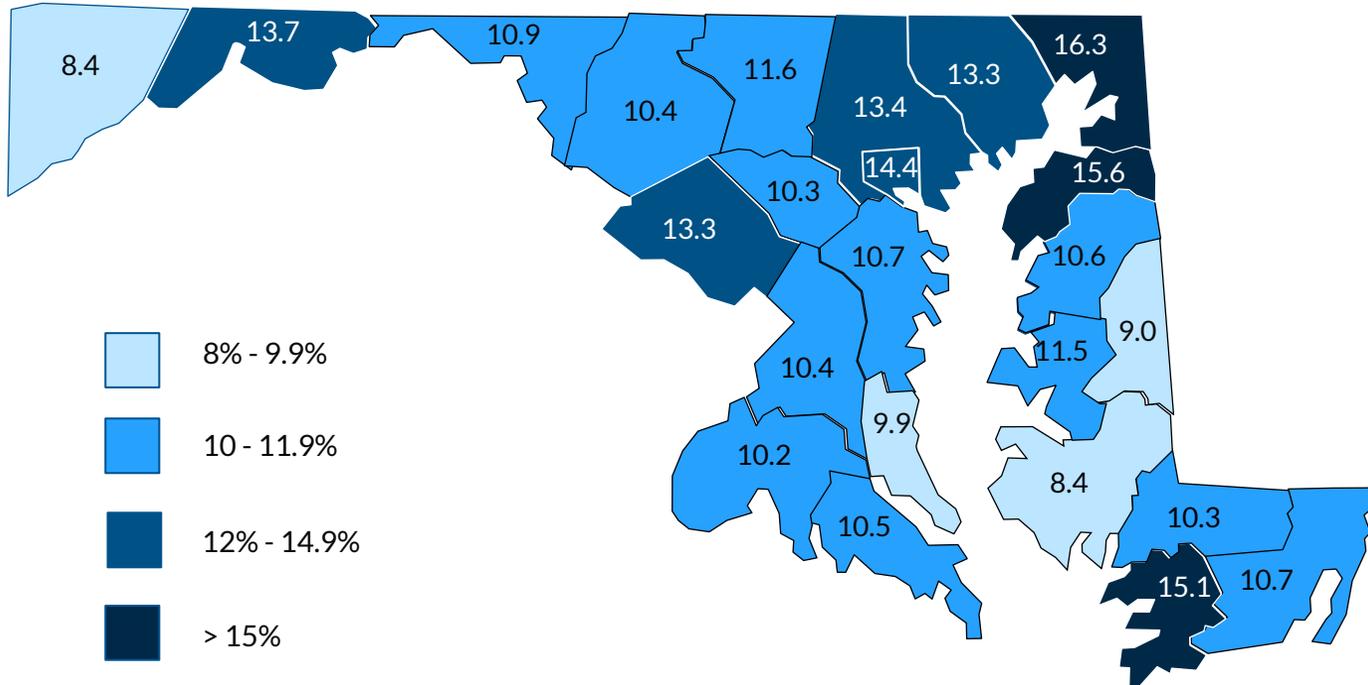Most students with disabilities are in Montgomery County, Baltimore County, and Prince George's County.

Legend:
- <1%
- 1 - 1.9%
- 2 - 4.9%
- 5 - 9.9%
- >10%

The Maryland Students with Disabilities percentage is 12% for SY 2021-2022.

Bar chart values:
LEA	Percentage
Kent	0.3
Garrett	0.3
Dorchester	0.4
Somerset	0.4
Caroline	0.5
Talbot	0.5
Worcester	0.7
Queen Anne's	0.7
Allegany	1.0
Wicomico	1.4
Calvert	1.4
Saint Mary's	1.7
Cecil	2.3
Washington	2.3
Charles	2.6
Carroll	2.8
Frederick	4.5
Harford	4.8
Howard	5.6
Anne Arundel	8.5
Baltimore City	10.4
Prince George's	12.8
Baltimore County	14.2
Montgomery	20.1

*SEED School omitted from map (<1%).

Data Source: MSDE Early Attendance Data Collection

Students with Disabilities as a percentage of LEA total student count, SY 2021-2022

There are 8 LEAs that have a greater percentage of students with disabilities as a percentage of total student population.
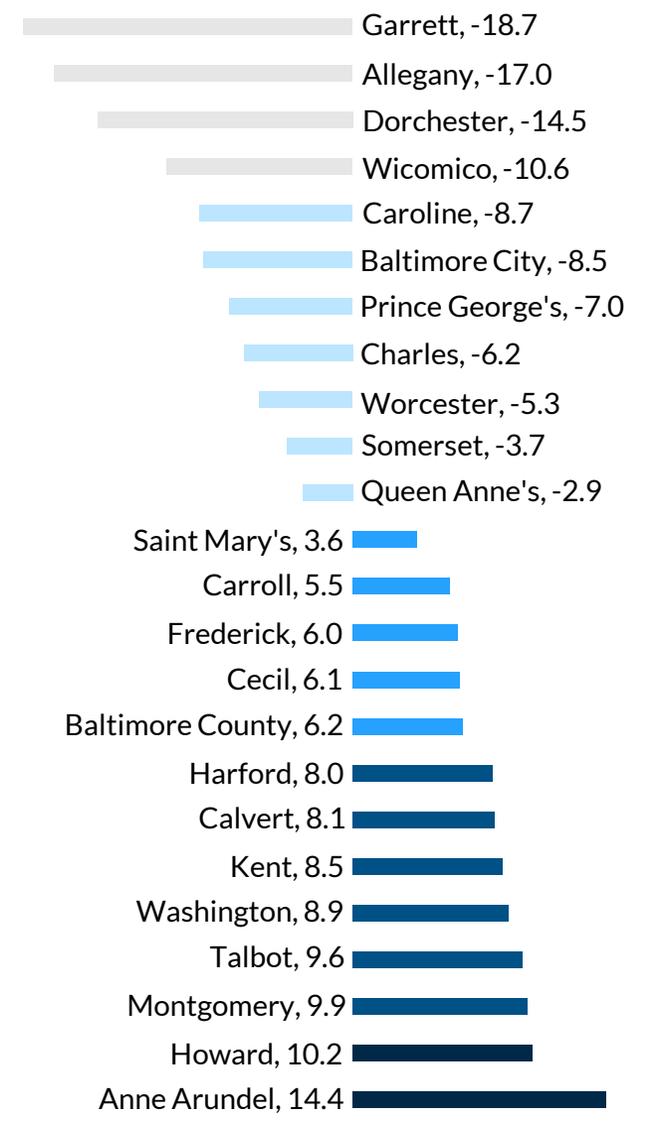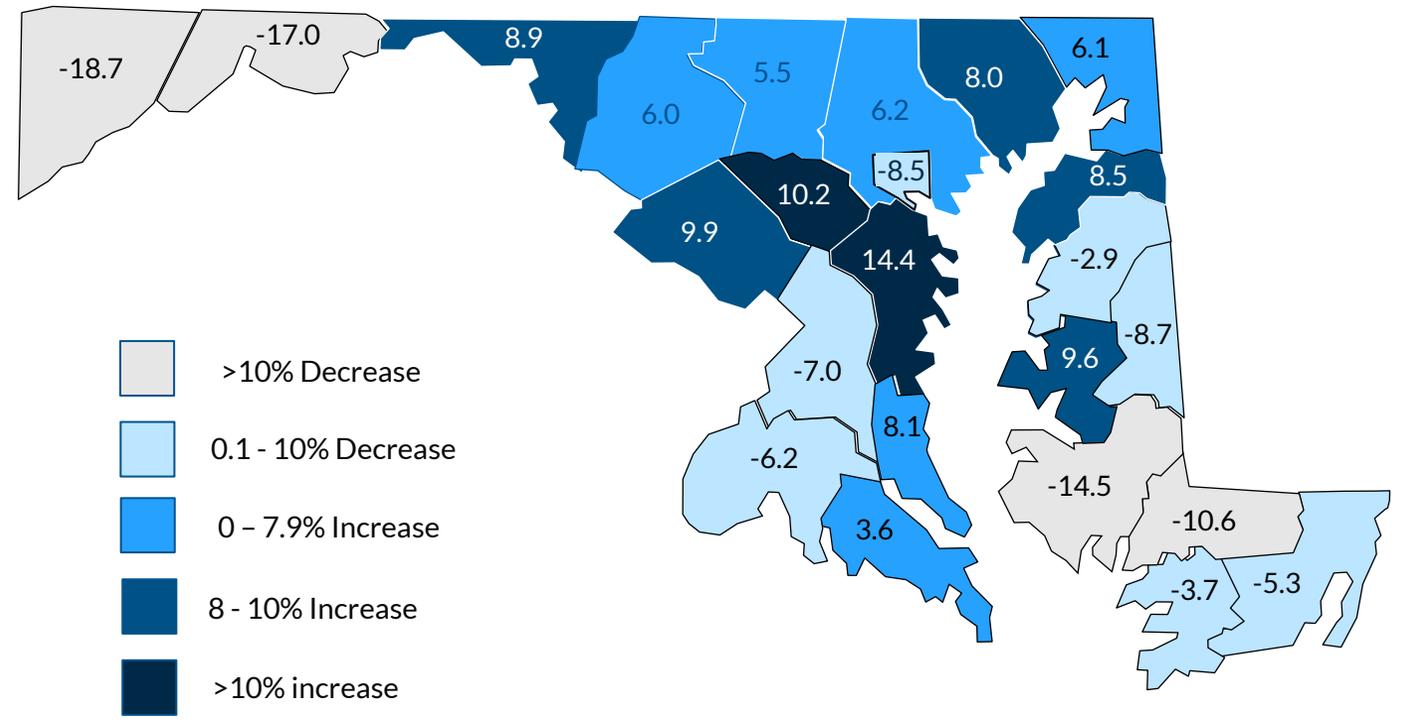
The Maryland Students with Disabilities percentage is 12% for SY 2021-2022.

Map values:
8.4, 13.7, 10.9, 11.6, 13.3, 16.3, 10.4, 13.4, 13.3, 14.4, 15.6, 10.3, 10.7, 10.6, 11.5, 9.0, 10.4, 9.9, 8.4, 10.2, 10.5, 10.3, 10.7, 15.1

Legend:
- 8% - 9.9%
- 10 - 11.9%
- 12% - 14.9%
- > 15%

LEA	Percentage
Dorchester	8.4
Garrett	8.4
Caroline	9.0
Calvert	9.9
Charles	10.2
Howard	10.3
Wicomico	10.3
Prince George's	10.4
Frederick	10.4
Saint Mary's	10.5
Queen Anne's	10.6
Worcester	10.7
Anne Arundel	10.7
Washington	10.9
Talbot	11.5
Carroll	11.6
Montgomery	13.3
Harford	13.3
Baltimore County	13.4
Allegany	13.7
Baltimore City	14.4
Somerset	15.1
Kent	15.6
Cecil	16.3

*SEED School omitted from map (10.8%).
Data Source: MSDE Early Attendance Data Collection

Change Over Time: SY 2018 to SY 2022 Students with Disabilities by LEA

Statewide, students with disabilities increased by 2.9% from school year 2017-2018 as compared to 2021-2022.


Legend:
- >10% Decrease
- 0.1 - 10% Decrease
- 0 – 7.9% Increase
- 8 - 10% Increase
- >10% increase

*SEED School omitted from map (-38.2%).

Data Source: MSDE Early Attendance Data Collection

Bar chart values:
- Garrett, -18.7
- Allegany, -17.0
- Dorchester, -14.5
- Wicomico, -10.6
- Caroline, -8.7
- Baltimore City, -8.5
- Prince George's, -7.0
- Charles, -6.2
- Worcester, -5.3
- Somerset, -3.7
- Queen Anne's, -2.9
- Saint Mary's, 3.6
- Carroll, 5.5
- Frederick, 6.0
- Cecil, 6.1
- Baltimore County, 6.2
- Harford, 8.0
- Calvert, 8.1
- Kent, 8.5
- Washington, 8.9
- Talbot, 9.6
- Montgomery, 9.9
- Howard, 10.2
- Anne Arundel, 14.4

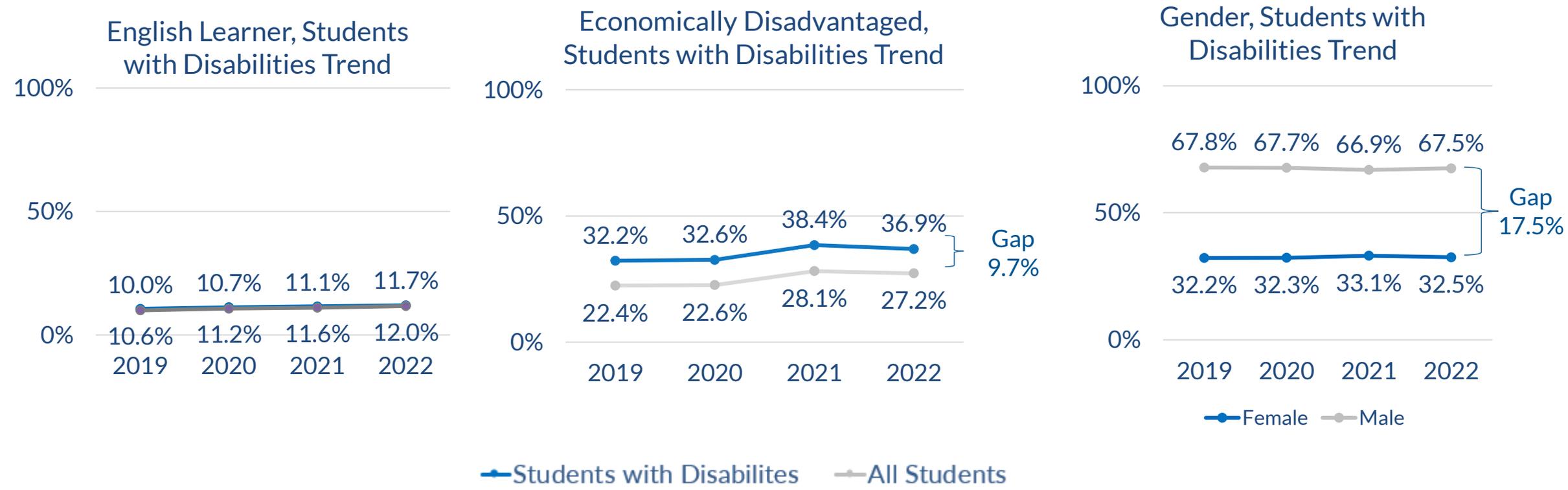# Students with Disabilities by Race/Ethnicity, SY 2021-2022

Black/African American students disproportionately comprise the students with disabilities population compared to other race/ethnicities.
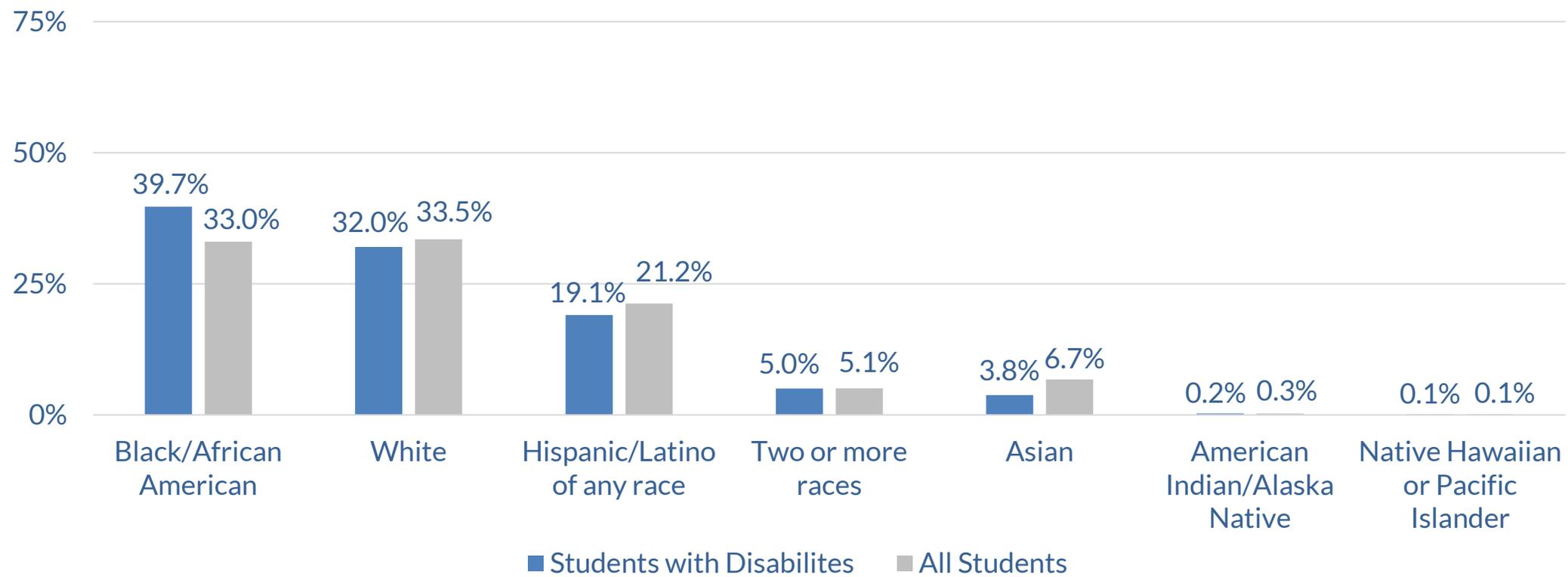
Data Source: MSDE Early Attendance Data Collection
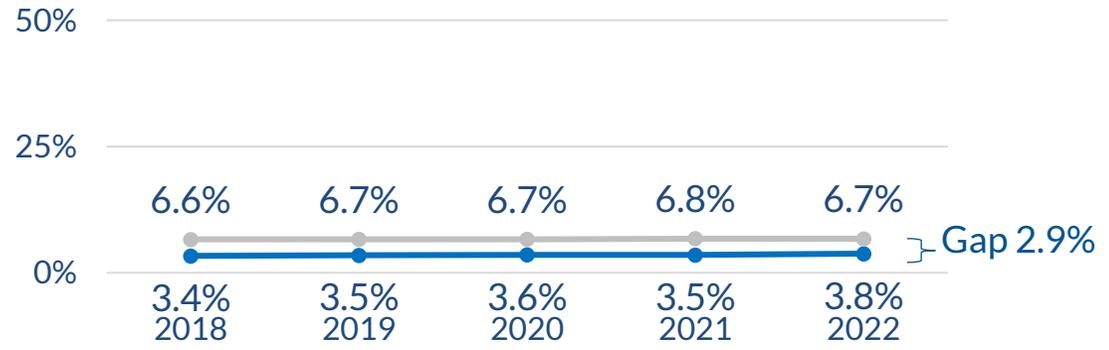
Trend: Students with Disabilities by Student Groups

Students with disabilities who are also English learners or economically disadvantaged have increased at similar rates to their peers. The percentage of male students with disabilities continue to trend more than double that of female students with disabilities.
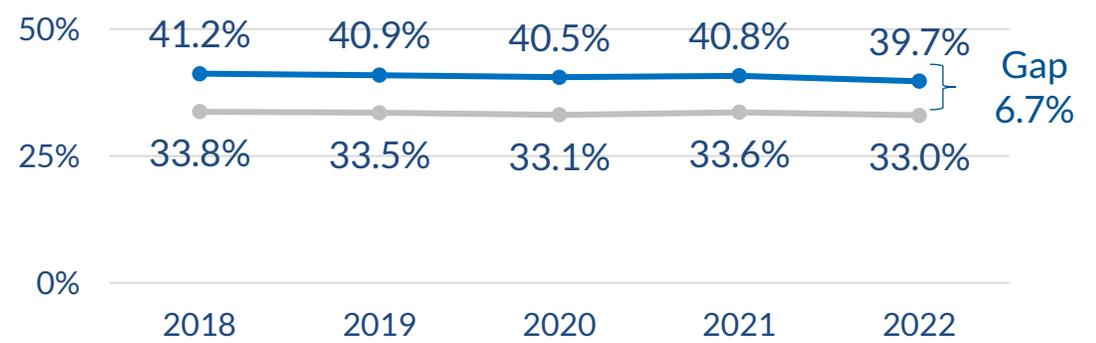
English Learner, Students with Disabilities Trend

100%

50%

10.0%   10.7%   11.1%   11.7%

0%

10.6%   11.2%   11.6%   12.0%

2019   2020   2021   2022

Economically Disadvantaged, Students with Disabilities Trend

100%

50%   32.2%   32.6%   38.4%   36.9%

Gap
9.7%

0%   22.4%   22.6%   28.1%   27.2%

2019   2020   2021   2022

- Students with Disabilites   All Students

Gender, Students with Disabilities Trend

100%

67.8%   67.7%   66.9%   67.5%

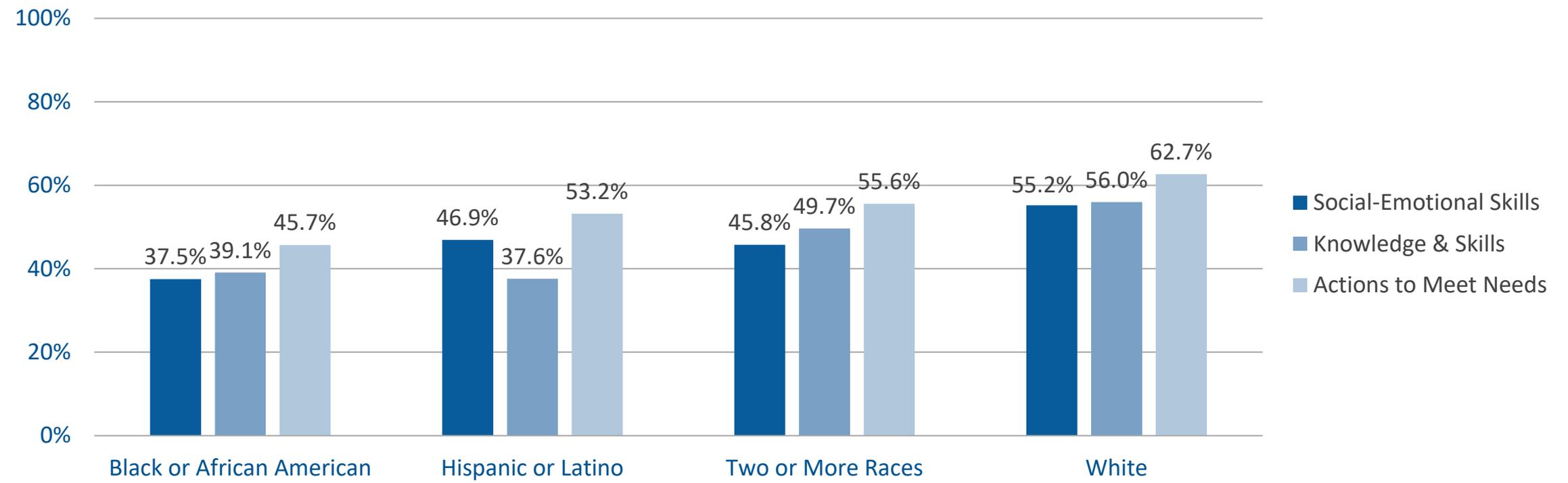50%

Gap
17.5%

0%   32.2%   32.3%   33.1%   32.5%

2019   2020   2021   2022

Female   Male

Data Source: MSDE Early Attendance Data Collection

# Outcome Data: State Preschool Child Data

The percentage of children (ages 3-K) who were functioning within age expectations in each outcome by the time they exited the program by race (2020-2021) was highest for White students.

Legend:
- Social-Emotional Skills
- Knowledge & Skills
- Actions to Meet Needs

Black or African American: 37.5%, 39.1%, 45.7%
Hispanic or Latino: 46.9%, 37.6%, 53.2%
Two or More Races: 45.8%, 49.7%, 55.6%
White: 55.2%, 56.0%, 62.7%

Data Source: State Performance Plan/Annual Performance Report: Part B

Outcome Data: Proficiency Trend, Elementary and Middle School
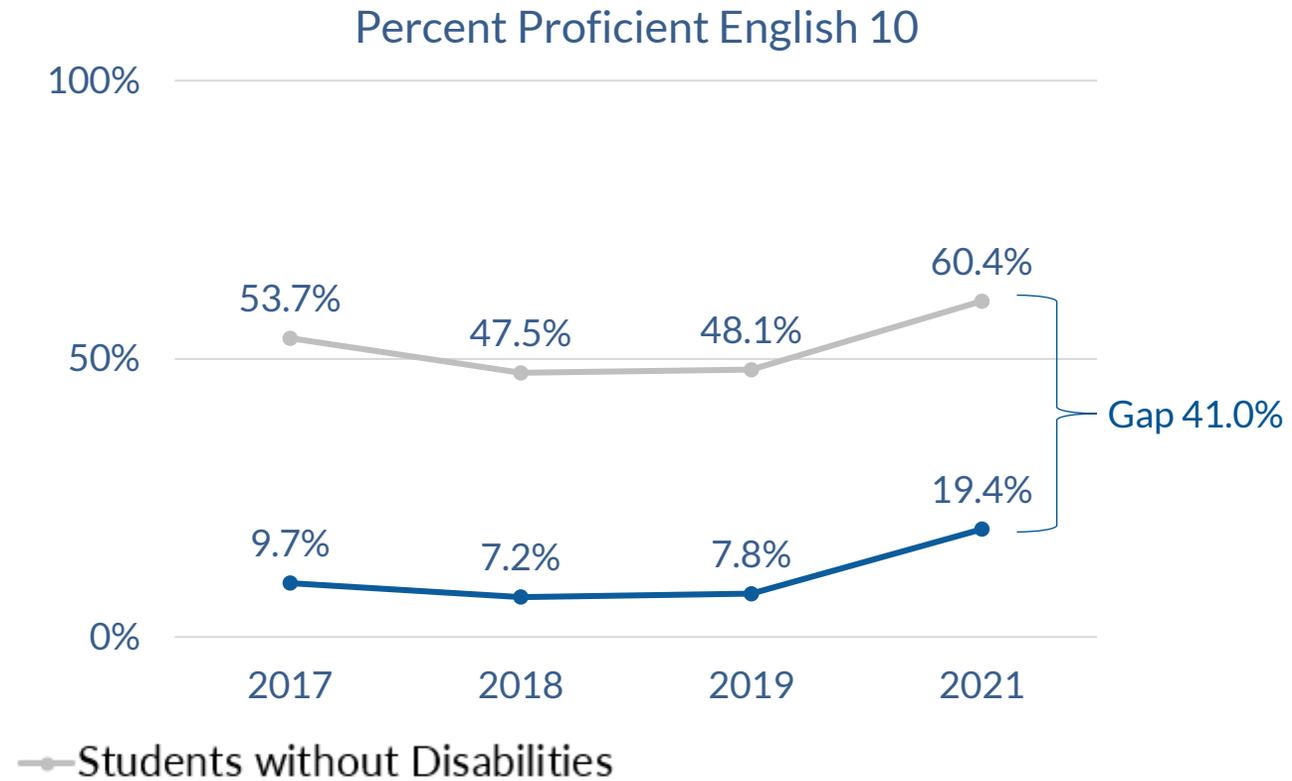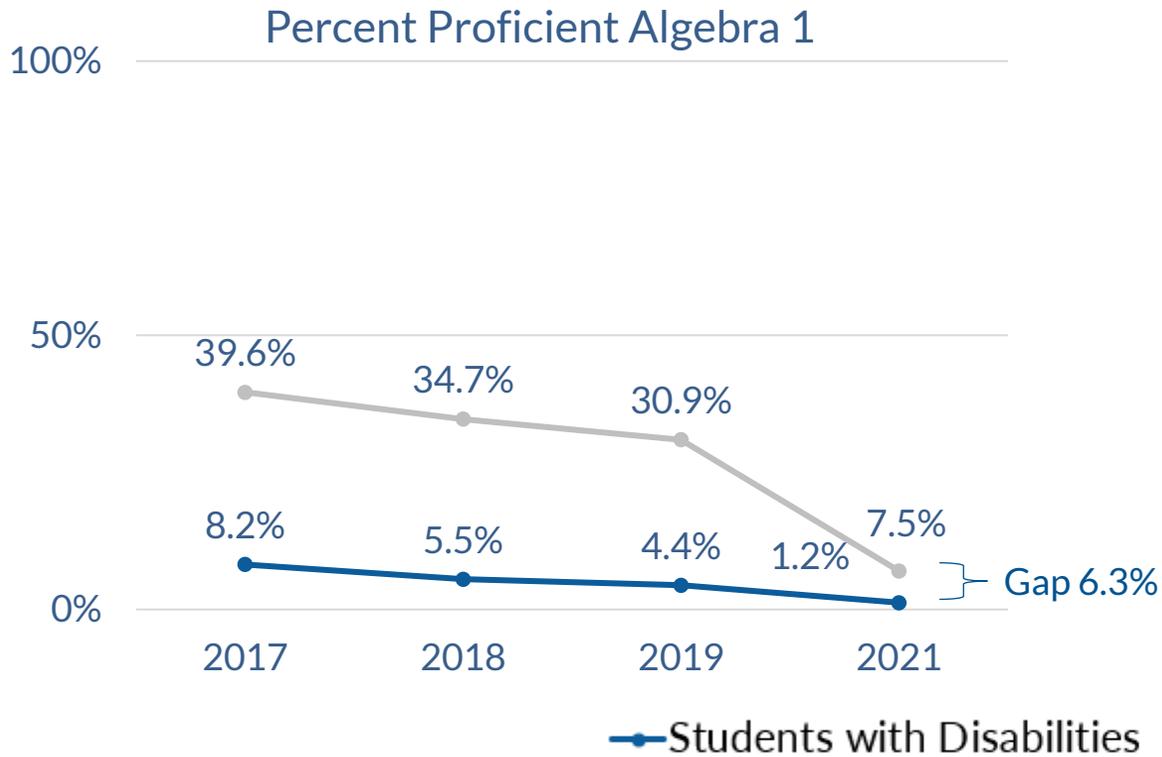
The Maryland Comprehensive Assessment Program (MCAP) Spring 2022 ELA and mathematics grade 3-8 tests are brand new tests. These tests are currently undergoing a required standard setting process and are not yet available.

Percent Proficient Mathematics 3-8

Percent Proficient English Language Arts 3-8
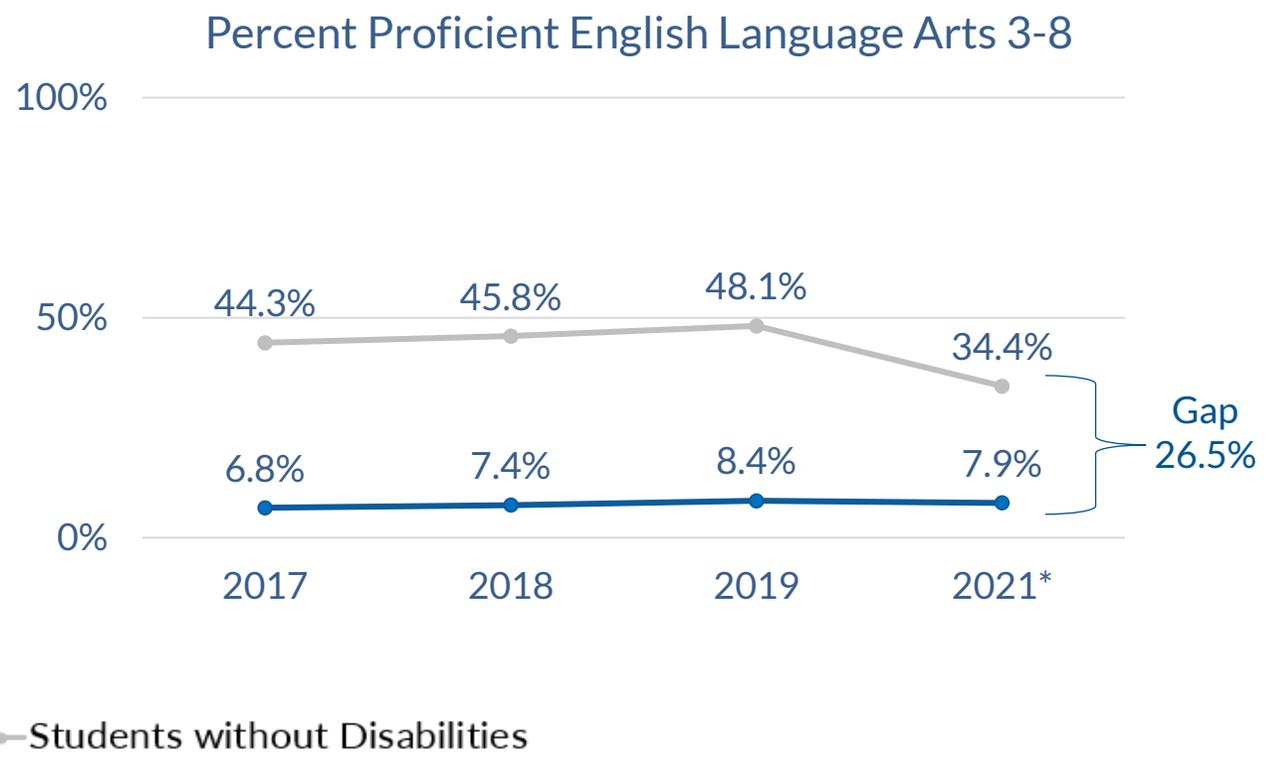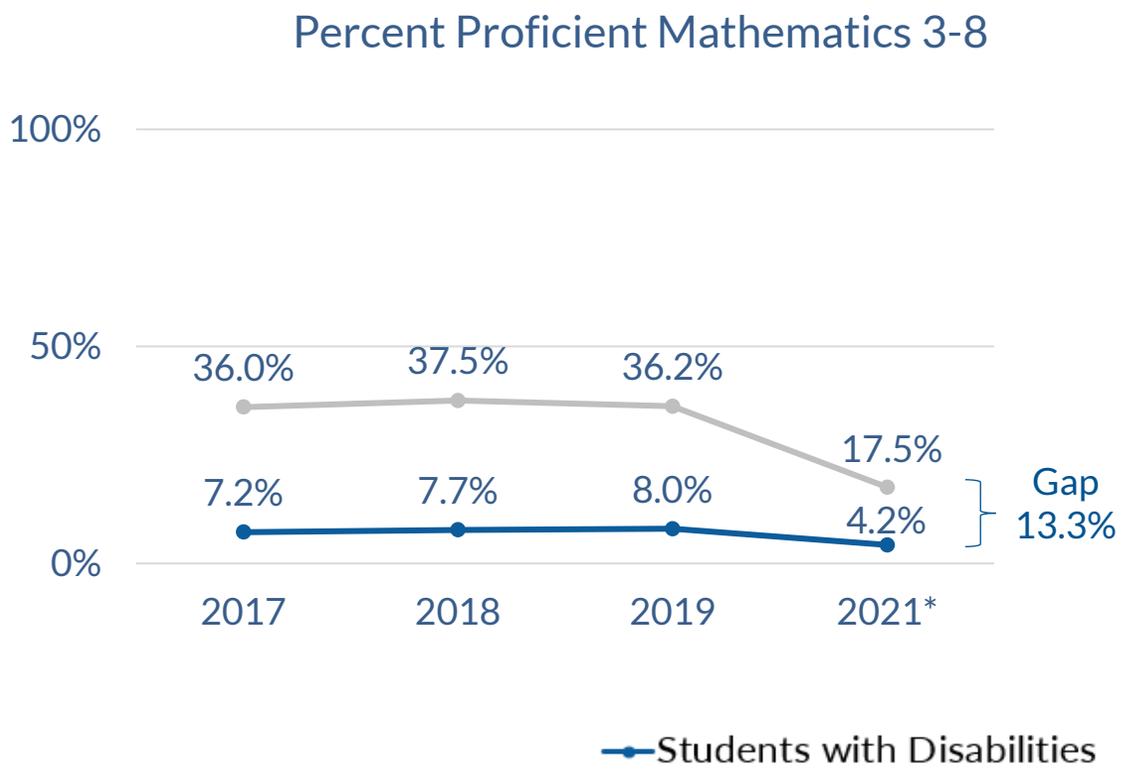
*Assessments for 2021 (SY 2020-2021) were shortened tests and were administered in Fall 2021.

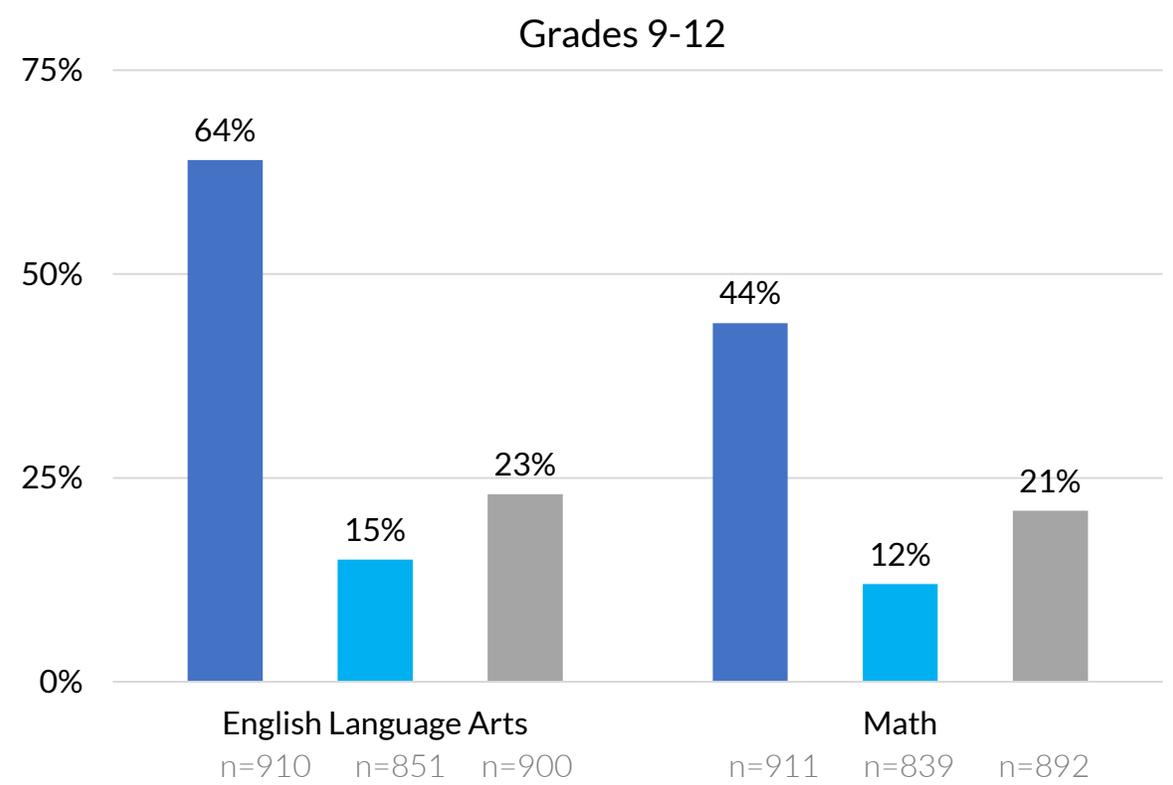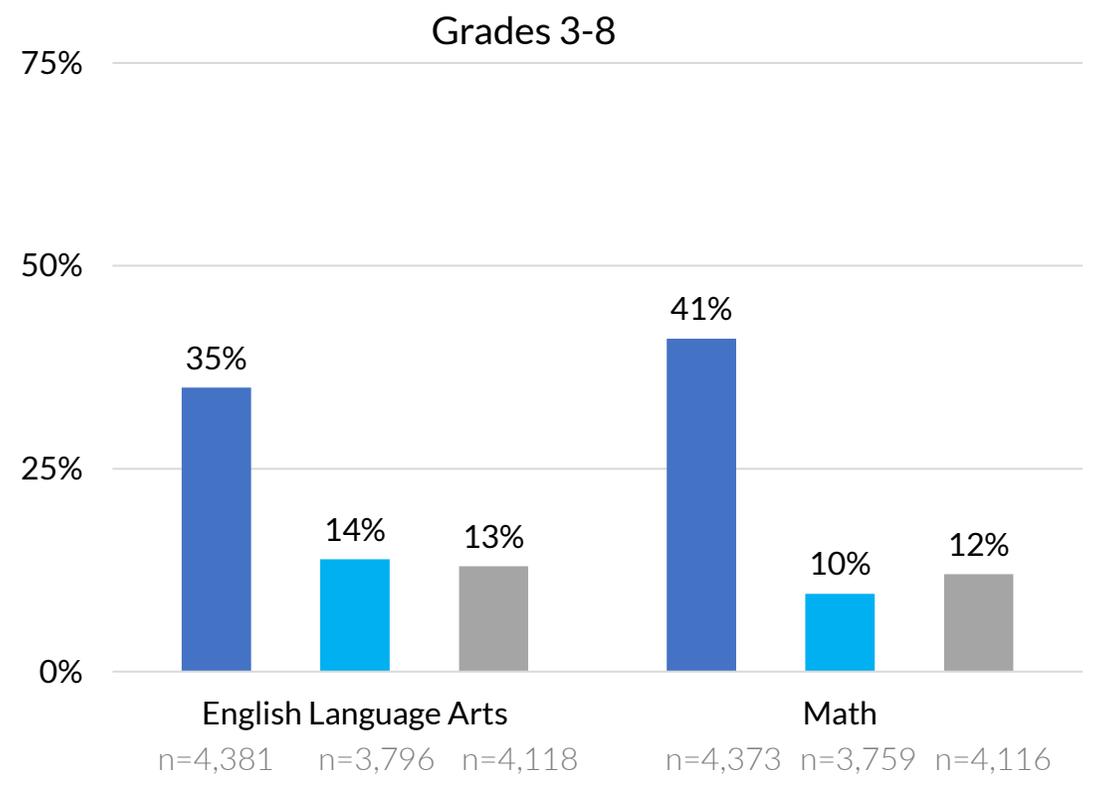# Outcome Data: Proficiency Trend, Algebra I and English 10

The Maryland Comprehensive Assessment Program (MCAP) Spring 2022 ELA and mathematics high school tests are brand new tests. These tests are currently undergoing a required standard setting process and are not yet available.

Percent Proficient Algebra 1

Students without Disabilities: 39.6% (2017), 34.7% (2018), 30.9% (2019), 7.5% (2021)
Students with Disabilities: 8.2% (2017), 5.5% (2018), 4.4% (2019), 1.2% (2021)
Gap 6.3%

Percent Proficient English 10

Students without Disabilities: 53.7% (2017), 47.5% (2018), 48.1% (2019), 60.4% (2021)
Students with Disabilities: 9.7% (2017), 7.2% (2018), 7.8% (2019), 19.4% (2021)
Gap 41.0%

Legend: Students with Disabilities — Students without Disabilities

*Assessments for 2021 (SY 2020-2021) were shortened tests and were administered in Fall 2021.

Outcome Data: Alternate Assessment Proficiency

The Maryland Comprehensive Assessment Program (MCAP) Spring 2022 Alternate Assessment* results show the percentage of students demonstrating proficiency have not returned to outcomes from SY 2019.
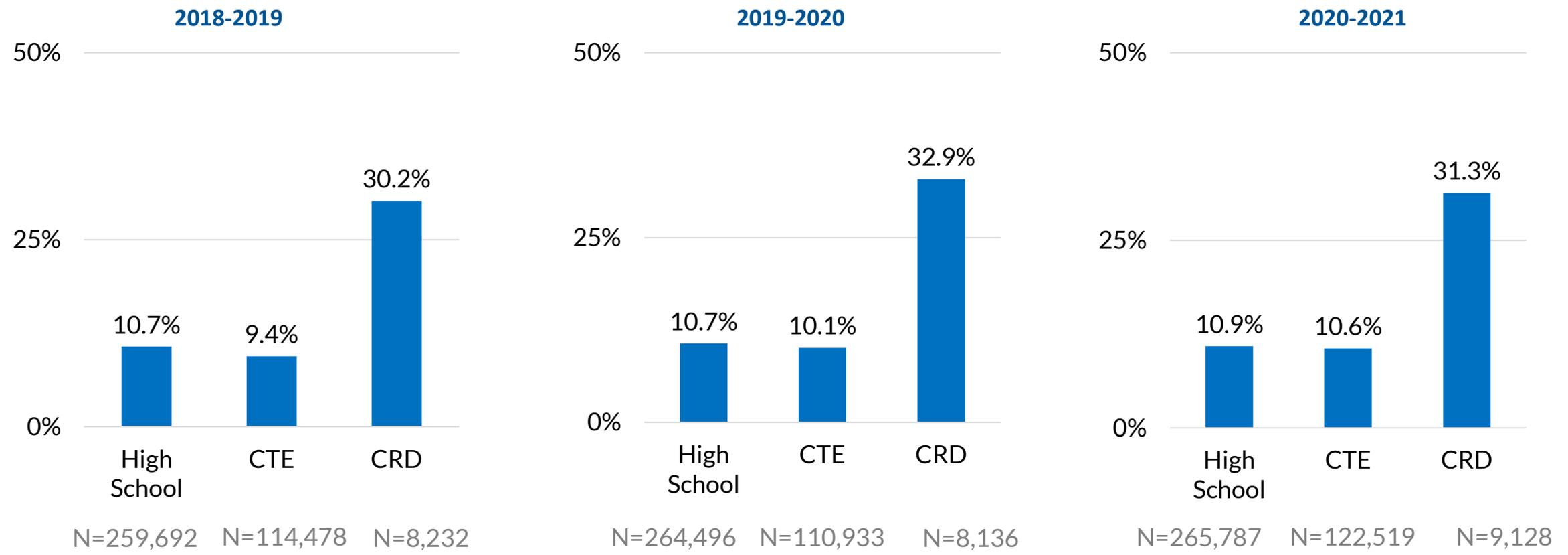

Grades 3-8

	English Language Arts	Math
2019	35%	41%
2021	14%	10%
2022	13%	12%
	n=4,381 n=3,796 n=4,118	n=4,373 n=3,759 n=4,116

Grades 9-12

	English Language Arts	Math
2019	64%	44%
2021	15%	12%
2022	23%	21%
	n=910 n=851 n=900	n=911 n=839 n=892

■ 2019 ■ 2021 ■ 2022

*Alternate Assessment administered to students with significant cognitive disabilities.

Maryland Students with Disabilities in Career and Technical Education (CTE)

Students with disabilities as a percentage of high school, CTE, and Career Research and Development (CRD) Enrollment, SY 2020-2021.

2018-2019

- High School: 10.7% (N=259,692)
- CTE: 9.4% (N=114,478)
- CRD: 30.2% (N=8,232)

2019-2020

- High School: 10.7% (N=264,496)
- CTE: 10.1% (N=110,933)
- CRD: 32.9% (N=8,136)

2020-2021

- High School: 10.9% (N=265,787)
- CTE: 10.6% (N=122,519)
- CRD: 31.3% (N=9,128)

Data Source: Maryland CTE Works: CTE Participant Enrollment

High School Completion: Students with Disabilities by Race/Ethnicity, SY 2020-2021

Of the 5,373 Students with Disabilities completing high school in school year 2020-2021, 87.2% graduated with a diploma and 12.8% graduated with a certificate (689).
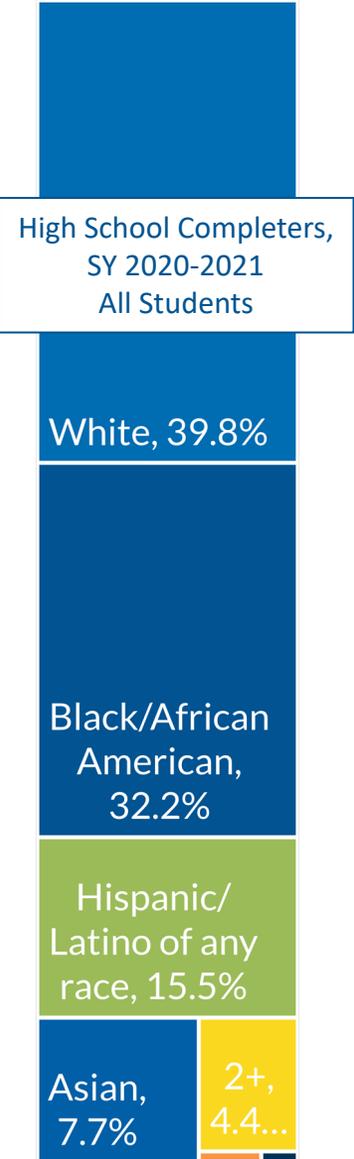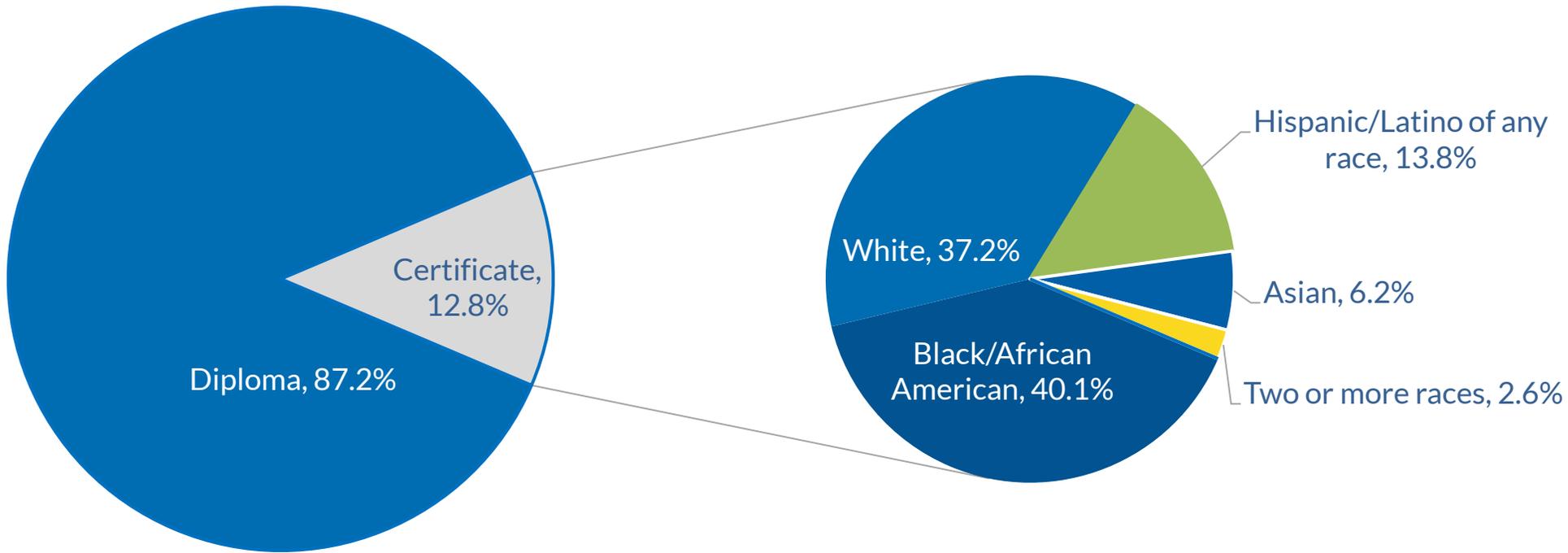

High School completion includes Diplomas, Certificates and early college admission.

Native Hawaiian/Pacific Islander Students with Disabilities graduated with a Special Education certificate data are suppressed due to small population.

Cohort Graduation Rates

For students with disabilities, 68.1% graduated within 4 years and 73% graduated within 5 years. Although these rates have both trended up, there continues to be a gap in comparison to all students.

Four-Year Cohort Graduation Rate
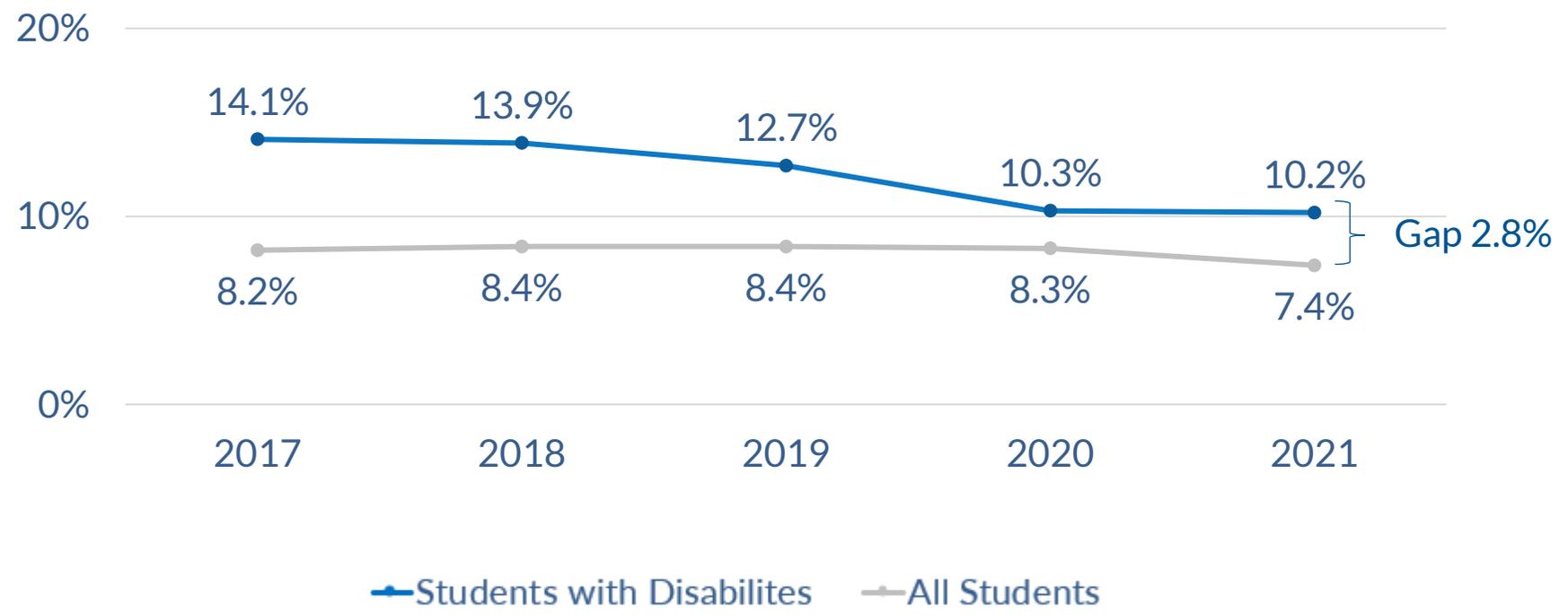
Five-Year Cohort Graduation Rate

Data Source: Maryland Report Card

Cohort Dropout Rate
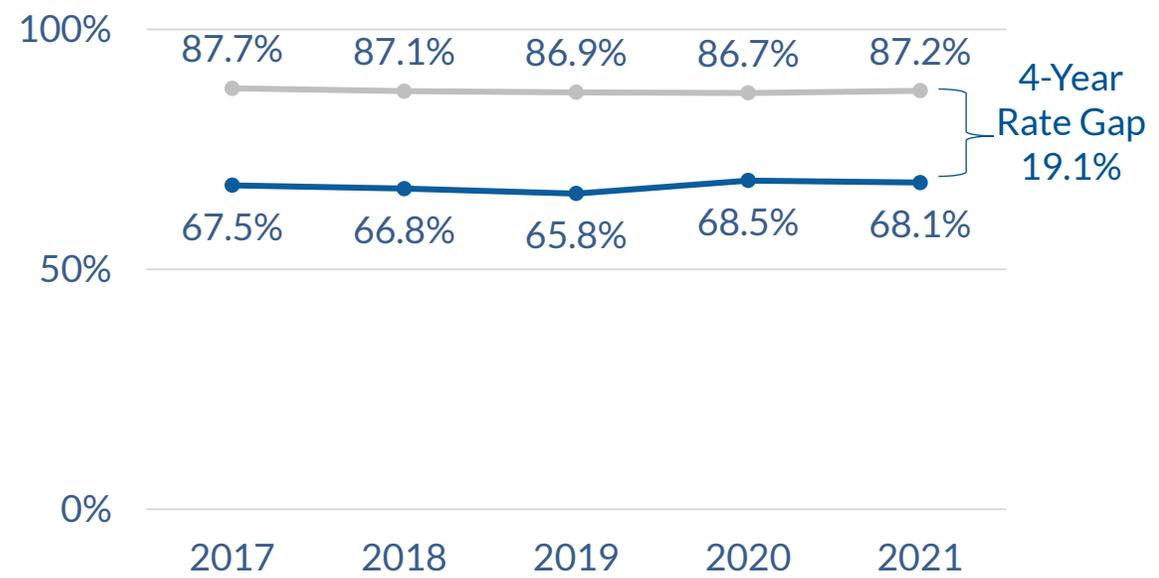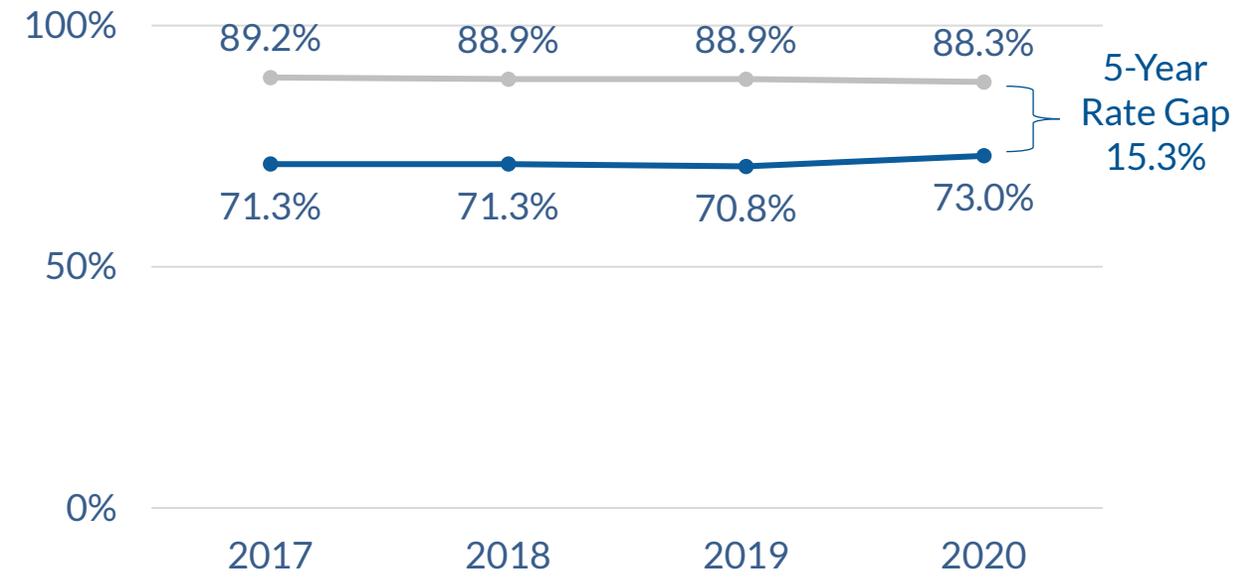
Dropout rates for students with disabilities has decreased, and the gap has also decreased in comparison to all students.
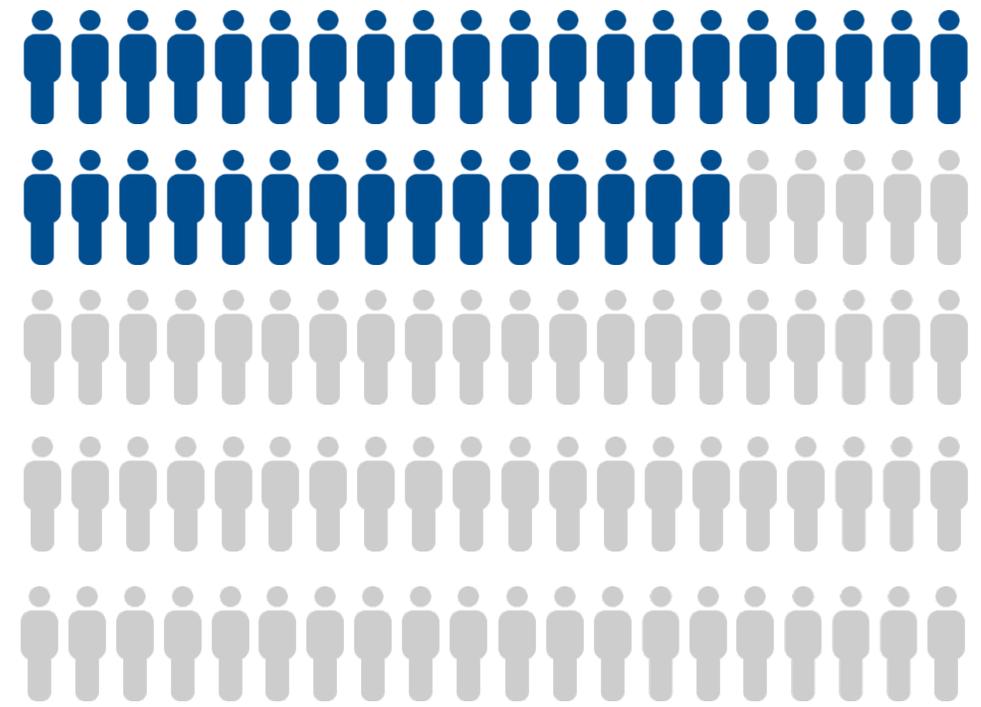
Data Source: Maryland Report Card

College Enrollment for Students with Disabilities

Fewer students without disabilities from the class of 2020 enrolled in college within twelve months of graduating from high school in comparison to their peers.
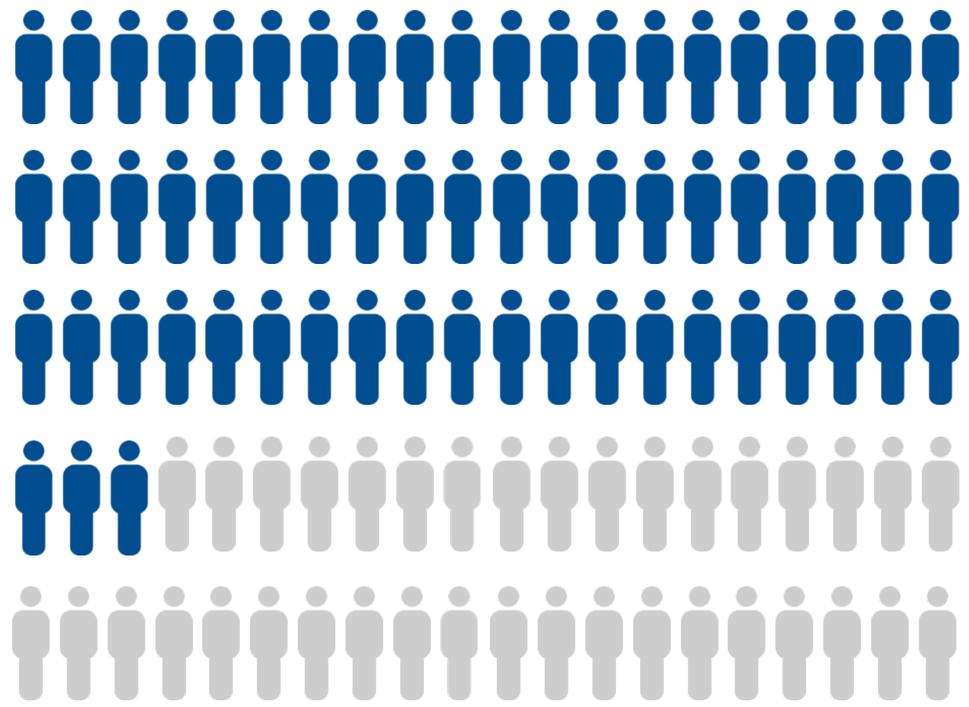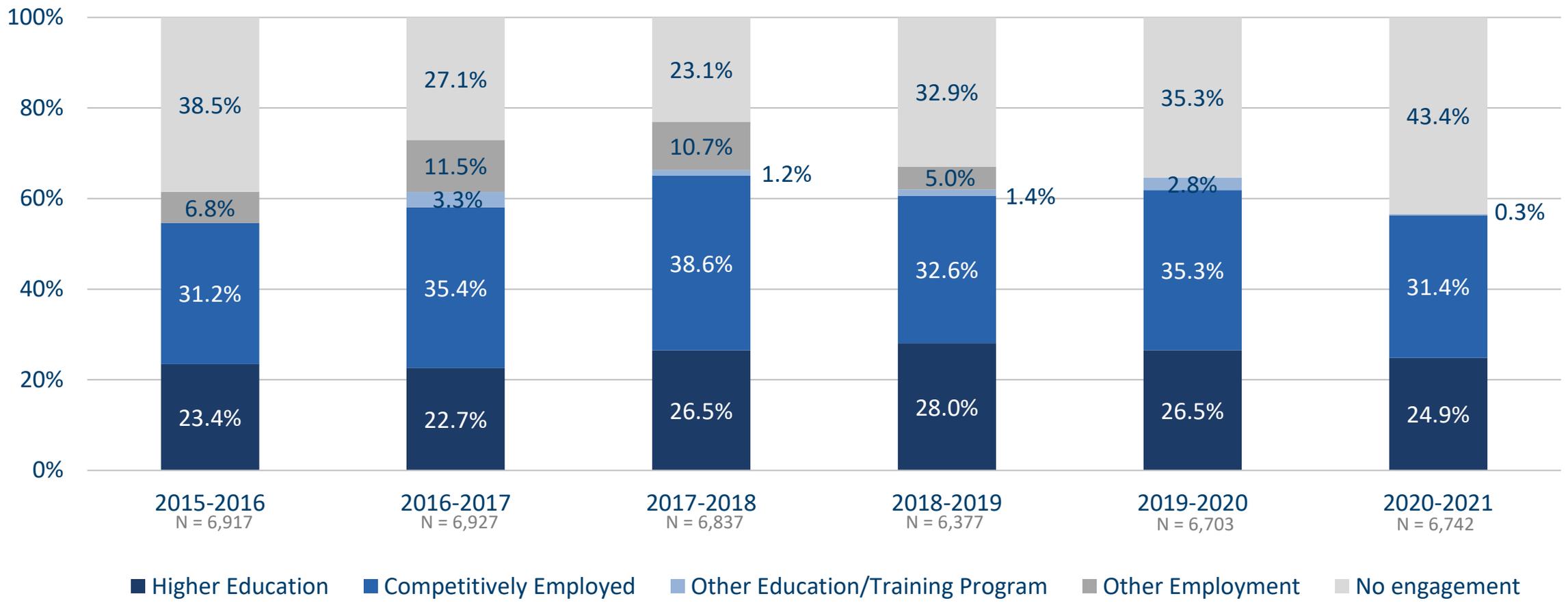
63% of Students without Disabilities   35% of Students with Disabilities

Data Source: Maryland Report Card, National Student Clearinghouse

Postsecondary Outcomes for Students with Disabilities

Data Source: Maryland Longitudinal Data System Center (MLDSC), Division of Early Intervention and Special Education Services (DEI/SES), Department of Rehabilitation Services (DORS)

Postsecondary Outcomes by LEA

Percentage of Students with Disabilities Enrolled in Higher Education or Competitively Employed within One Year of Leaving School.
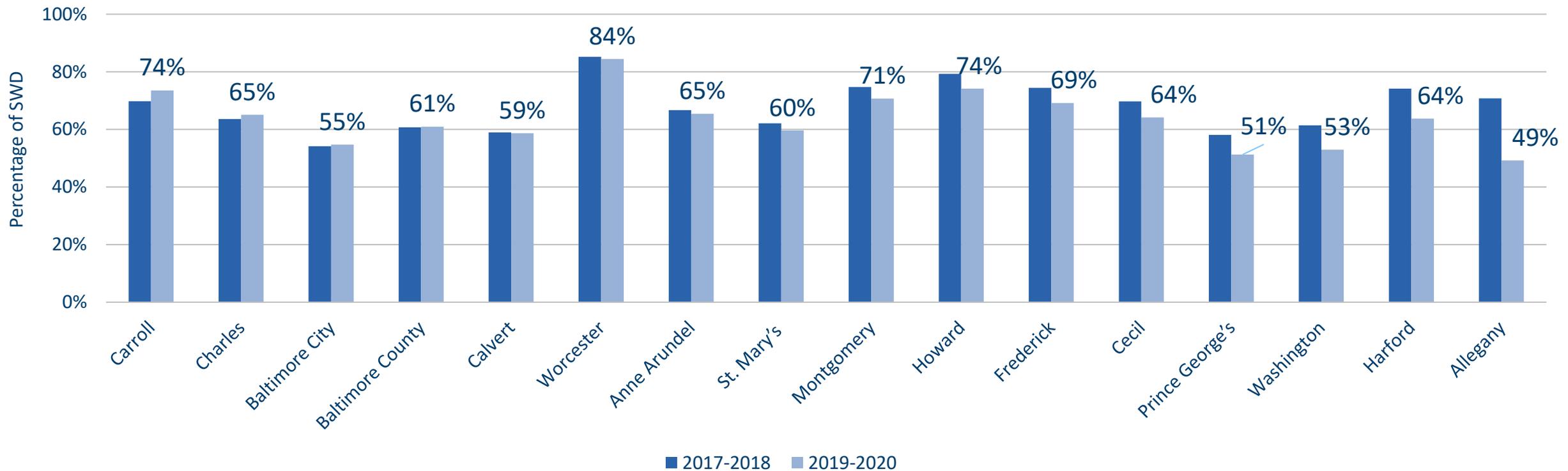

*LEAs having less than 1% Students with Disabilities excluded.
Data Source: Maryland CTE Works: CTE Participant Enrollment

Maryland Postsecondary Outcomes

Percentage of students with disabilities by postsecondary outcome within one year of graduating high school.

A: Enrolled in Higher Education

B: Enrolled in Higher Education or Competitively Employed

C: Enrolled in Higher Education or in Some Other Postsecondary Education or Training Program or Competitively Employed or in Some Other Employment
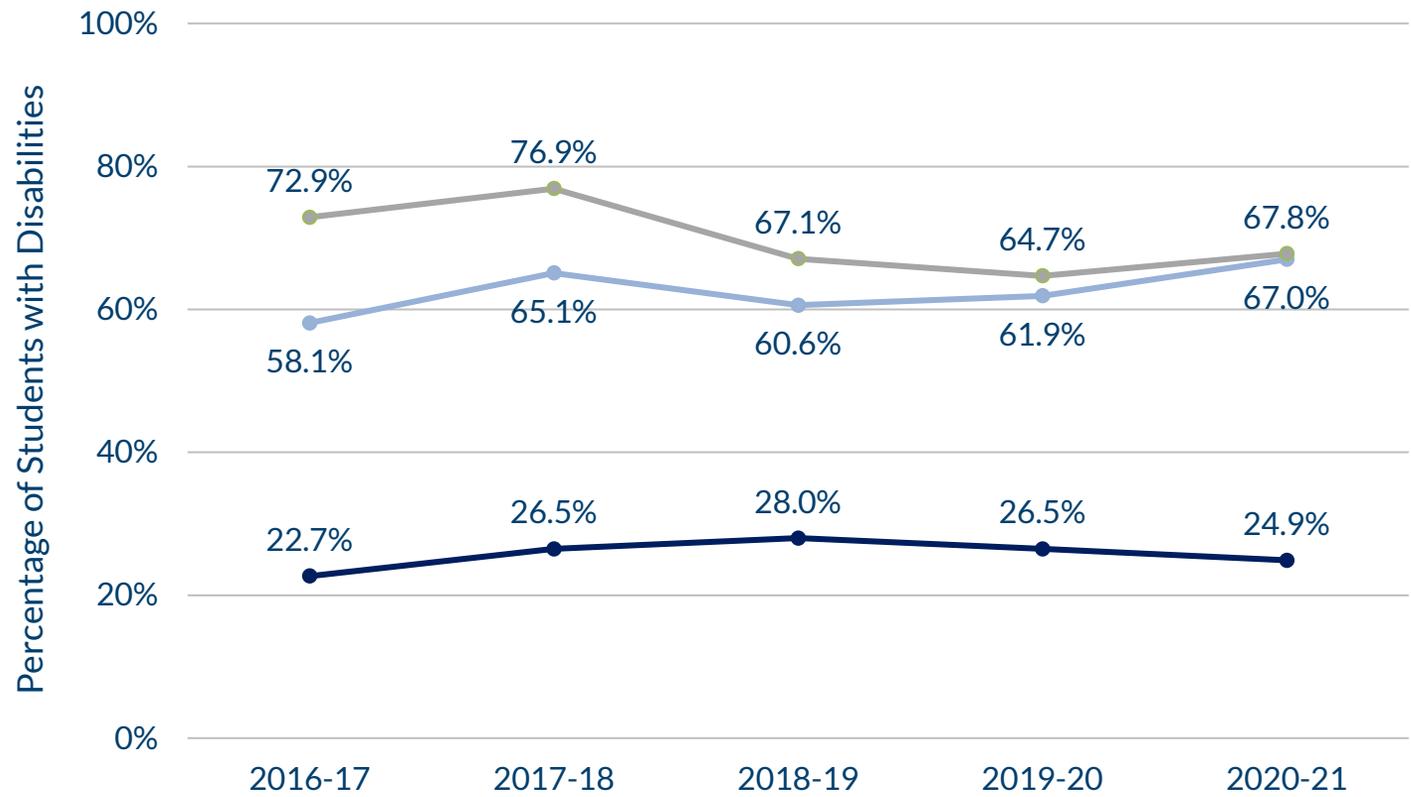
Data Source: State Performance Plan/Annual Performance Report: Part B

Significant Disproportionality

Addressing significantly disproportionate representation of racial/ethnic groups in special education
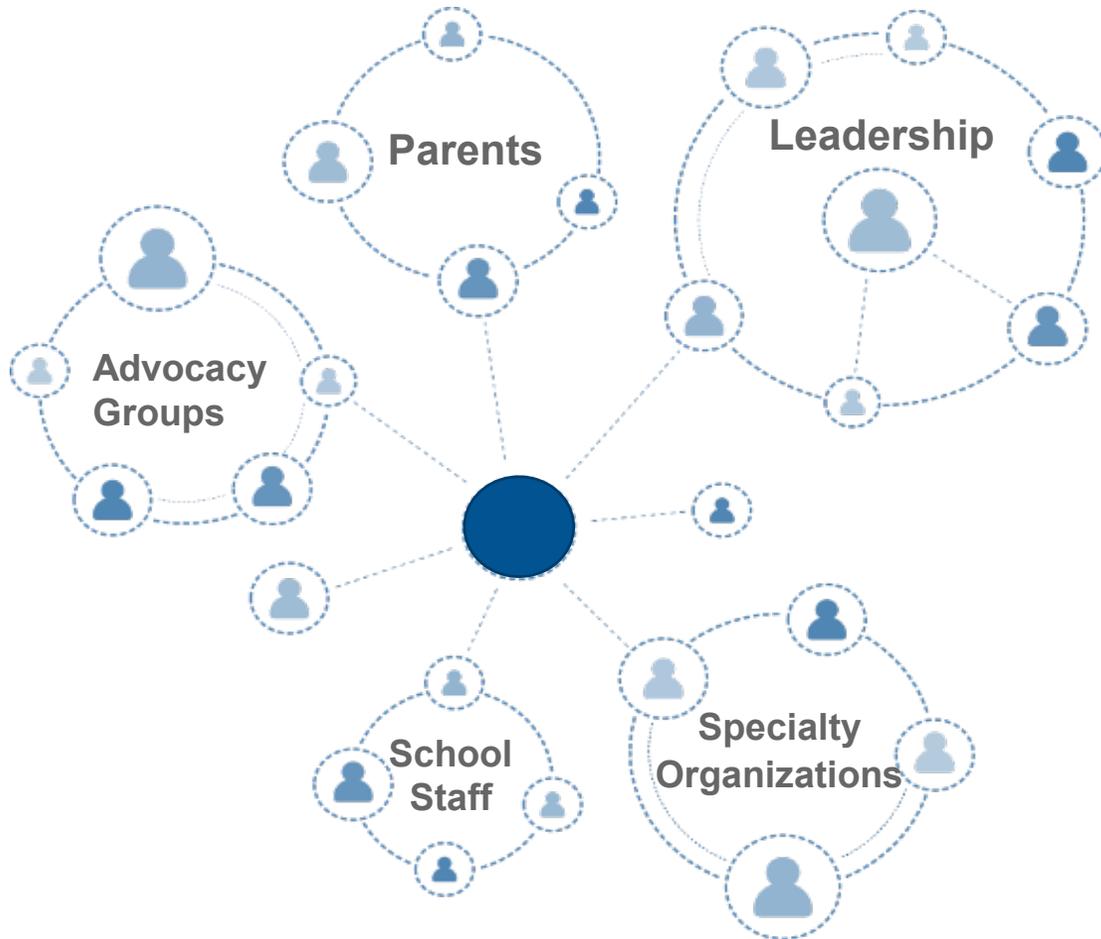
Equity in Special Education

Revised Federal Regulations for Useful Comparisons Across States

- Provisions to **monitor racial disproportionality** in identification and placement were first introduced as part of **IDEA 1997**
- Those provisions were **strengthened in IDEA 2004** (added disciplinary removal and made interventions mandatory, including reservation of federal funds)
- This has been a **priority for the federal government and Maryland**, with impacts in both general education and special education
- In 2013, the Government Accountability Office (GAO) reported that about 2% of all State districts used IDEA funds to provide **coordinated early intervening services (CEIS)**
- The way States defined significant disproportionality made **identification unlikely**; **comparison and oversight difficult**
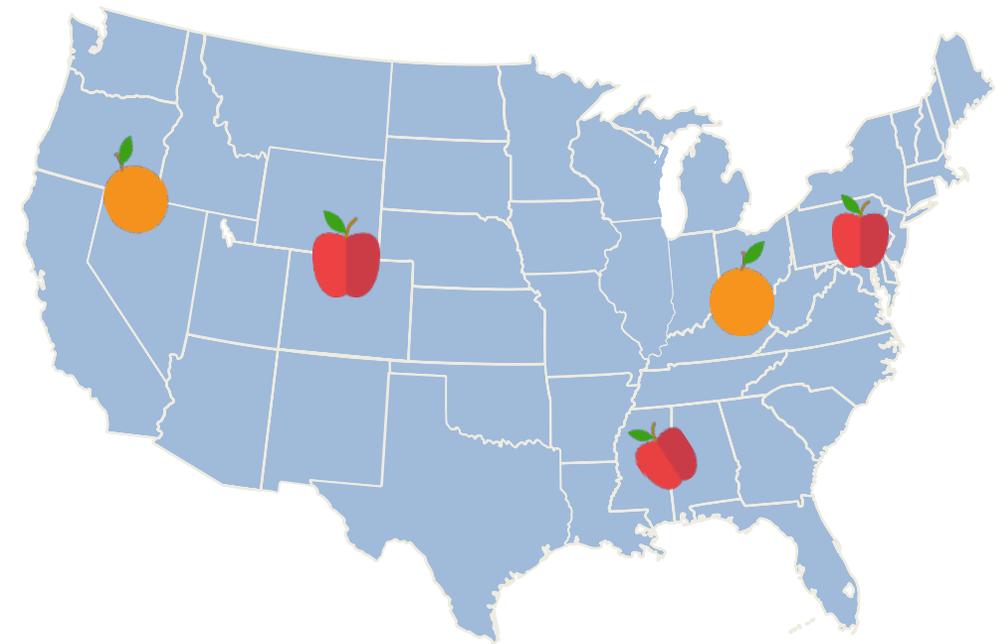
Stakeholder Engagement

Workgroups to Determine State Methodology

Parents

Leadership

Advocacy Groups

School Staff

Specialty Organizations

- Maryland State Board of Education
- Local School System Superintendents
- Deputy & Assistant State Superintendents
- Local Directors of Special Education
- Preschool Directors
- Disability Rights Maryland
- Advocates for Children & Youth
- Juvenile Services Education System
- National Association for the Advancement of Colored People (NAACP)
- American Civil Liberties Union (ACLU)
- Maryland Coalition for Inclusive Education
- Institutes of Higher Education (IHE)
- Maryland Association of Nonprofit Special Education Facilities
- Parents/Families
- Pathfinders for Autism
- Decoding Dyslexia
- The ARC Northern Chesapeake Region
- Maryland Coalition of Families
- Department of Juvenile Services
- Department of Human Services
- The Seed School of Maryland
- Developmental Disabilities Council
- Department of Rehabilitative Services
- Maryland State Education Association
- Homeless Education & Neglected and Delinquent Student Specialist

Significant Disproportionality Methodology

	COMAR 13A.05.02.04 Adopted May 22, 2018

Categories of Analysis	Based on race (all races) and ethnicity in any of the following 14 categories:
	
	• **Identification**
	 o As a student with a disability
	 o With a particular disability
	  o Intellectual Disability
	  o Specific Learning Disability
	  o Emotional Disability
	  o Speech and Language Disability
	  o Other Health Impaired
	  o Autism
	
	• **Placement**
	 o Inside Regular Education < 40%
	 o Inside separate schools/residential facilities
	
	• **Disciplinary Removals**
	 o Out-of-school suspensions/expulsions 10 days or fewer
	 o Out-of-school suspensions/expulsions > 10 days
	 o In-school suspensions 10 days or fewer
	 o In-school suspensions 10 days or fewer > 10 days
	 o Total disciplinary removals, including removals by school personnel to and interim alternative education setting (IAES) and removals by hearing officer

Population	• Ages 3-5: Identification and Disciplinary Removals • Ages 6-21: Identification, Placement, and Disciplinary Removals
Methodology	Method Federal-Driven • Risk Ratio Threshold State-Driven • 2.0 Minimum cell size (numerator/students in identified group) • 5 Minimum N-size (denominator/students in population) • 20
Flexibility Options	Not identify an LEA until the LEA has exceeded the threshold for 2 prior consecutive years AND Not identify an LEA if the LEA has demonstrated reasonable progress • 0.15 for risk ratios 2.0 – 4.0 • 0.50 for risk ratios above 4.0

Response to Identification	Review policies, procedures, and practices
	• Require LEA to report on any revisions
	
	• Reserve 15% of Part B (611 and 619) fund allocation for comprehensive coordinated early intervening services (CCEIS)
	• Submit CCEIS plan to MSDE
	  • Focus: Root cause(s) of disproportionality
	  • Population: Students with and without disabilities

Categories of Analysis Matrix

98 Potential Areas of Significant Disproportionality

Category		Race/Ethnicity						
Identification	Identification: Special Education	ASIAN	BLACK AFRICAN AMERICAN	NATIVE HAWAIIAN or OTHER PACIFIC ISLANDER	HISPANIC/ LATINO	TWO OR MORE RACES	AMERICAN INDIAN OR ALASKA NATIVE	WHITE
	Identification: Intellectual Disability	ASIAN	BLACK OR AFRICAN AMERICAN	NATIVE HAWAIIAN or OTHER PACIFIC ISLANDER	HISPANIC/ LATINO	TWO OR MORE RACES	AMERICAN INDIAN OR ALASKA NATIVE	WHITE
	Identification: Specific Learning Disability	ASIAN	BLACK OR AFRICAN AMERICAN	NATIVE HAWAIIAN or OTHER PACIFIC ISLANDER	HISPANIC/ LATINO	TWO OR MORE RACES	AMERICAN INDIAN OR ALASKA NATIVE	WHITE
	Identification: Emotional Disability	ASIAN	BLACK OR AFRICAN AMERICAN	NATIVE HAWAIIAN or OTHER PACIFIC ISLANDER	HISPANIC/ LATINO	TWO OR MORE RACES	AMERICAN INDIAN OR ALASKA NATIVE	WHITE
	Identification: Speech or Language Impairments	ASIAN	BLACK OR AFRICAN AMERICAN	NATIVE HAWAIIAN or OTHER PACIFIC ISLANDER	HISPANIC/ LATINO	TWO OR MORE RACES	AMERICAN INDIAN OR ALASKA NATIVE	WHITE
	Identification: Other Health Impairments	ASIAN	BLACK OR AFRICAN AMERICAN	NATIVE HAWAIIAN or OTHER PACIFIC ISLANDER	HISPANIC/ LATINO	TWO OR MORE RACES	AMERICAN INDIAN OR ALASKA NATIVE	WHITE
	Identification: Autism	ASIAN	BLACK OR AFRICAN AMERICAN	NATIVE HAWAIIAN or OTHER PACIFIC ISLANDER	HISPANIC/ LATINO	TWO OR MORE RACES	AMERICAN INDIAN OR ALASKA NATIVE	WHITE
Placement	Placement: Less than 40%	ASIAN	BLACK OR AFRICAN AMERICAN	NATIVE HAWAIIAN or OTHER PACIFIC ISLANDER	HISPANIC/ LATINO	TWO OR MORE RACES	AMERICAN INDIAN OR ALASKA NATIVE	WHITE
	Placement: Separate School and Residential Facility	ASIAN	BLACK OR AFRICAN AMERICAN	NATIVE HAWAIIAN or OTHER PACIFIC ISLANDER	HISPANIC/ LATINO	TWO OR MORE RACES	AMERICAN INDIAN OR ALASKA NATIVE	WHITE
Disciplinary Removal	Discipline: Out-of-School Suspension: Less than/Equal to 10 days	ASIAN	BLACK OR AFRICAN AMERICAN	NATIVE HAWAIIAN or OTHER PACIFIC ISLANDER	HISPANIC/ LATINO	TWO OR MORE RACES	AMERICAN INDIAN OR ALASKA NATIVE	WHITE
	Discipline: Out-of-School Suspension: Greater than 10 days	ASIAN	BLACK OR AFRICAN AMERICAN	NATIVE HAWAIIAN or OTHER PACIFIC ISLANDER	HISPANIC/ LATINO	TWO OR MORE RACES	AMERICAN INDIAN OR ALASKA NATIVE	WHITE
	Discipline: In-School Suspension: Less than/Equal to 10 days	ASIAN	BLACK OR AFRICAN AMERICAN	NATIVE HAWAIIAN or OTHER PACIFIC ISLANDER	HISPANIC/ LATINO	TWO OR MORE RACES	AMERICAN INDIAN OR ALASKA NATIVE	WHITE
	Discipline: In-School Suspension: Greater than 10 days	ASIAN	BLACK OR AFRICAN AMERICAN	NATIVE HAWAIIAN or OTHER PACIFIC ISLANDER	HISPANIC/ LATINO	TWO OR MORE RACES	AMERICAN INDIAN OR ALASKA NATIVE	WHITE
	Discipline: Sum Disciplinary Total	ASIAN	BLACK OR AFRICAN AMERICAN	NATIVE HAWAIIAN or OTHER PACIFIC ISLANDER	HISPANIC/ LATINO	TWO OR MORE RACES	AMERICAN INDIAN OR ALASKA NATIVE	WHITE

Identification = 49

Placement = 14

Disciplinary Removal = 35

LEA 1 Scenario: Over-Identification for Intellectual Disability (ID) by Race

Year 1

30 Black students with ID in LEA 1 / 100 total Black students in LEA 1

$$\frac{30 \text{ Black students with ID in LEA 1}}{100 \text{ total Black students in LEA 1}} = \frac{30}{100} = 0.30$$

$$\frac{100 \text{ non-Black students with ID in LEA 1}}{1{,}000 \text{ total non-Black students in LEA 1}} = \frac{100}{1{,}000} = 0.10$$

Risk Ratio: $\dfrac{0.30}{0.10} = 3.0$

Black students are 3 times more likely to be identified as having an intellectual disability than their non-Black peers in LEA 1

Year 2

$$\frac{27 \text{ Black students with ID in LEA 1}}{100 \text{ total Black students in LEA 1}} = \frac{27}{100} = 0.27$$

$$\frac{100 \text{ non-Black students with ID in LEA 1}}{1{,}000 \text{ total non-Black students in LEA 1}} = \frac{100}{1{,}000} = 0.10$$

Risk Ratio: $\dfrac{0.27}{0.10} = 2.7$

Black students are 2.7 times more likely to be identified as having an intellectual disability than their non-Black peers in LEA 1

LEA 1 Significant Disproportionality Determination

☑ Was LEA 1 disproportionate (RR over 2.0) for two consecutive years?
  - ☑ Year 1 – 3.0
  - ☑ Year 2 – 2.7

☑ Was RR for Year 1 between 2.0 and 4.0?

☑ Did LEA 1 make reasonable progress (0.15) between Year 1 and Year 2?
  - RR 3.0 – RR 2.7 = 0.30
  - 0.30 >0.15

REASONABLE PROGRESS WAS MADE

Determination:
NOT SIGNIFICANTLY DISPROPORTIONATE

LEA 2 Scenario: Over-Identification for Emotional Disability (ED) by Race

Year 1

$$\frac{30 \text{ Black students with emotional disabilities (ED)}}{100 \text{ total Black students}} = \frac{30}{100} = 0.30$$

$$\frac{100 \text{ non-Black students with ED}}{1,000 \text{ total non-Black students}} = \frac{100}{1,000} = 0.10$$

Risk Ratio: $\frac{0.30}{0.10} = 3.0$

Black students are 3.0 times more likely to be identified as having an intellectual disability than their non-Black peers in LEA 1

Year 2

$$\frac{29 \text{ Black students with ED}}{100 \text{ total Black students}} = \frac{29}{100} = 0.29$$

$$\frac{100 \text{ non-Black students with ED}}{1,000 \text{ total non-Black students}} = \frac{100}{1,000} = 0.10$$

$$\frac{0.29}{0.10} = 2.9$$

Black students are 2.9 times more likely to be identified as having an intellectual disability than their non-Black peers in LEA 1
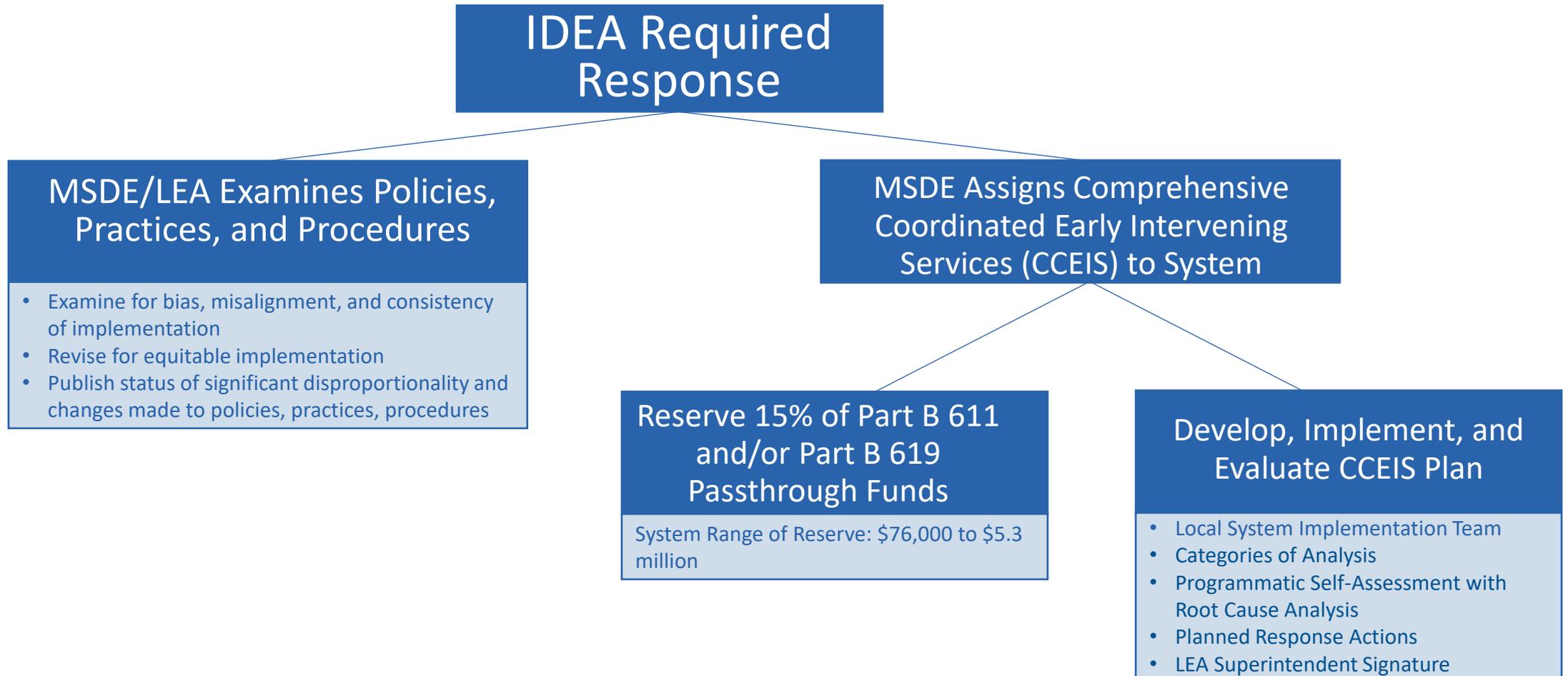
LEA 2 Significant Disproportionality Determination

☑ Was LEA 2 disproportionate (RR over 2.0) for two consecutive years?
- ☑ Year 1 – 3.0
- ☑ Year 2 – 2.9

☑ Was RR for Year 1 between 2.0 and 4.0?

☐ Did LEA 2 make reasonable progress (0.15) between year 1 and year 2?
- RR 3.0 – RR 2.9 = 0.10
- 0.10 < 0.15

REASONABLE PROGRESS WAS <u>NOT</u> MADE

Determination:
SIGNIFICANTLY DISPROPORTIONATE

IDEA Required Response

IDEA Required Response

MSDE/LEA Examines Policies, Practices, and Procedures

- Examine for bias, misalignment, and consistency of implementation
- Revise for equitable implementation
- Publish status of significant disproportionality and changes made to policies, practices, procedures

MSDE Assigns Comprehensive Coordinated Early Intervening Services (CCEIS) to System

Reserve 15% of Part B 611 and/or Part B 619 Passthrough Funds

System Range of Reserve: $76,000 to $5.3 million

Develop, Implement, and Evaluate CCEIS Plan

- Local System Implementation Team
- Categories of Analysis
- Programmatic Self-Assessment with Root Cause Analysis
- Planned Response Actions
- LEA Superintendent Signature
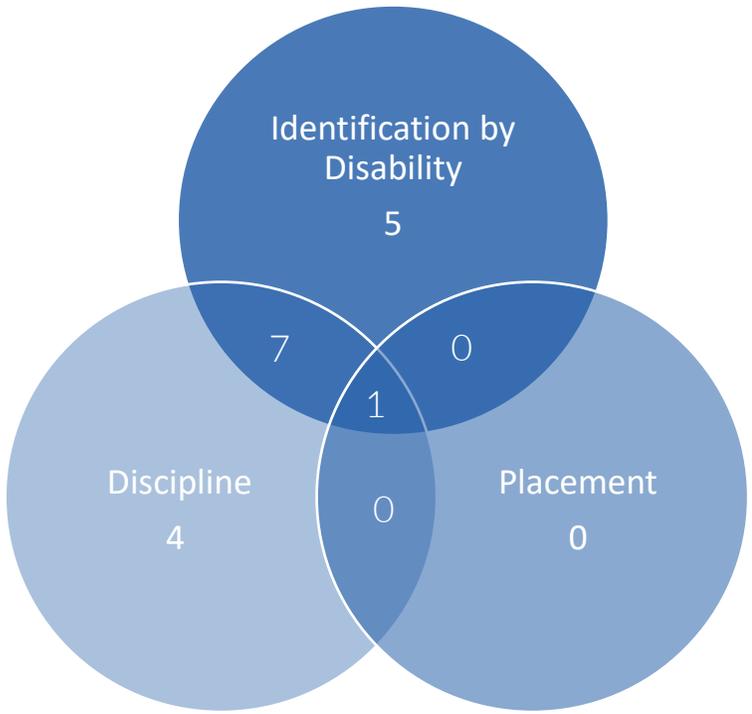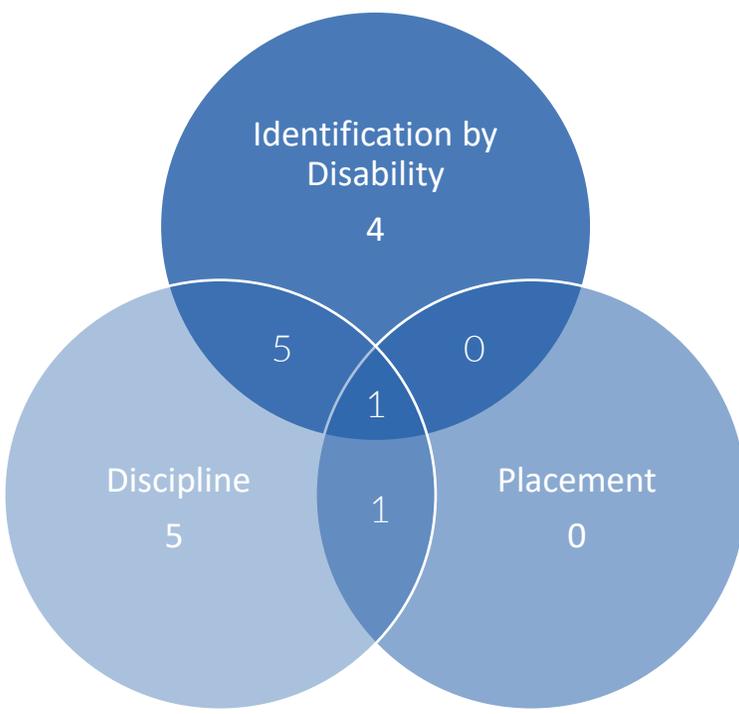
State Significant Disproportionality

LEAs can be determined significantly disproportionate in three overarching categories: identification, placement, and discipline. State trends in disproportionality over the past three years are included below.
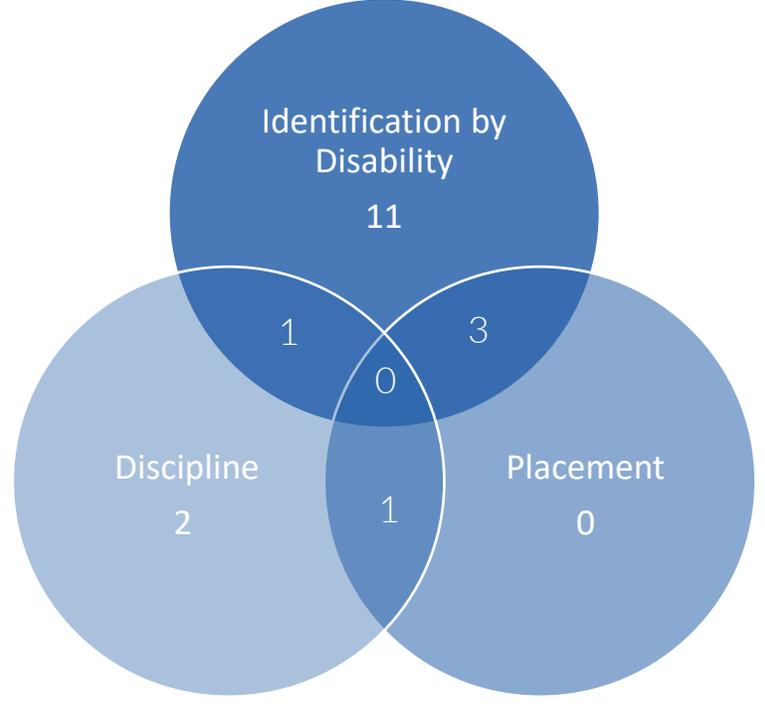
2020 Data
(SY 2017 & SY 2018)

Identification by Disability
5

7

0

1

Discipline
4

0

Placement
0

2021 Data
(SY 2018 & SY 2019)

Identification by Disability
4

5

0

1

Discipline
5

1

Placement
0

2022 Data
(SY 2019 & SY 2020)

Identification by Disability
11

1

3

0

Discipline
2

1

Placement
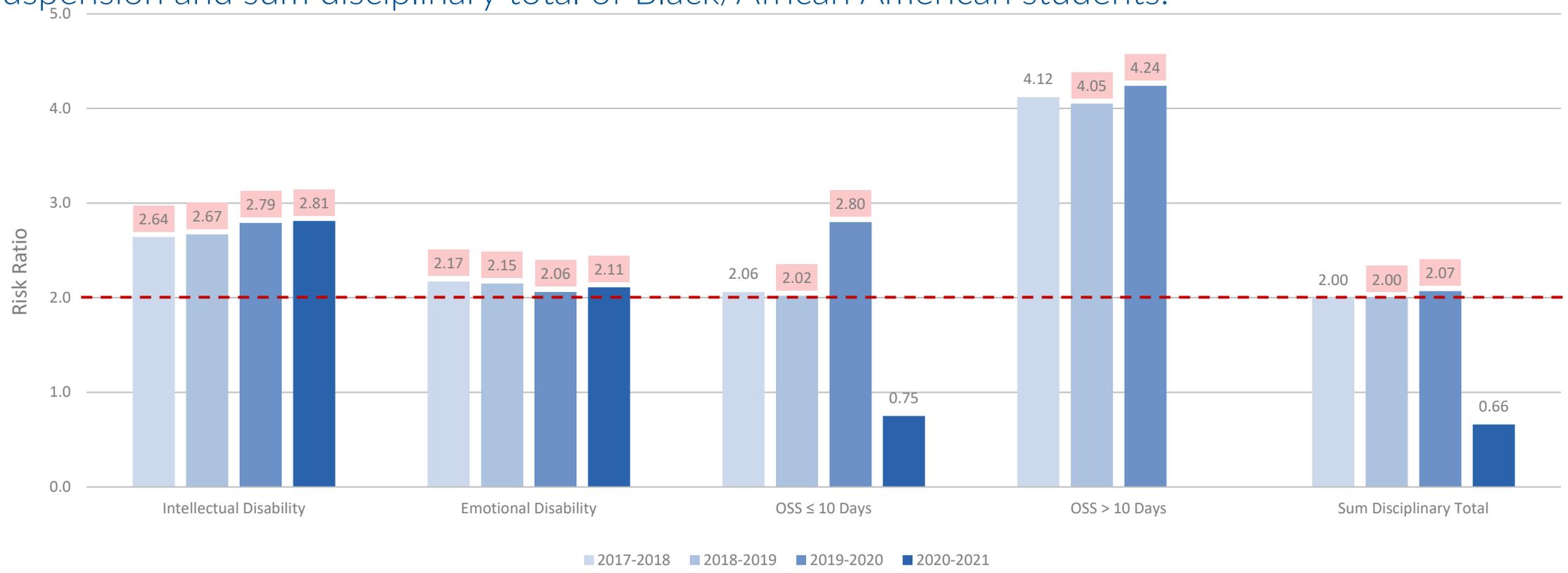0

Data Source: Significant Disproportionality Profiles
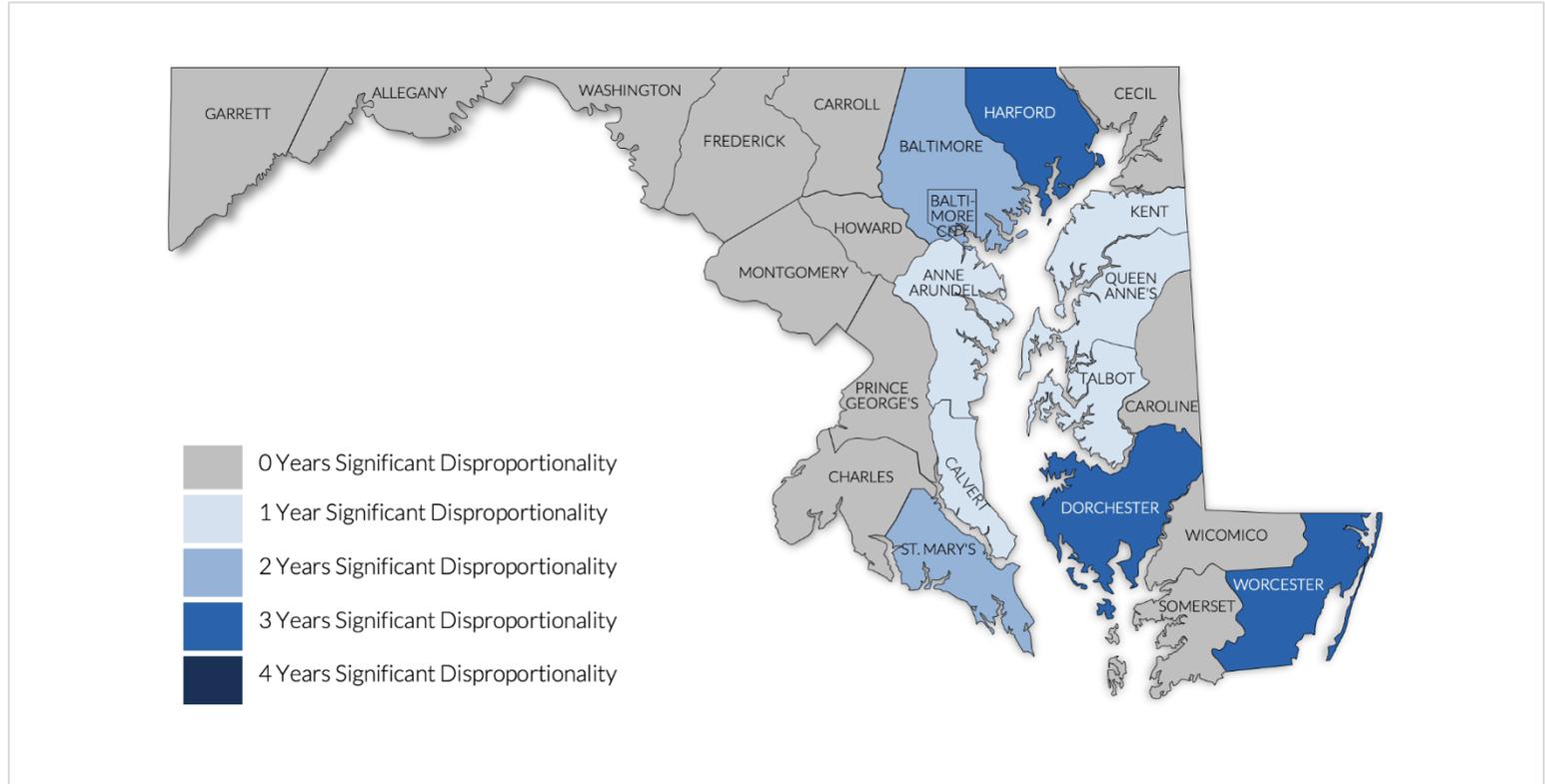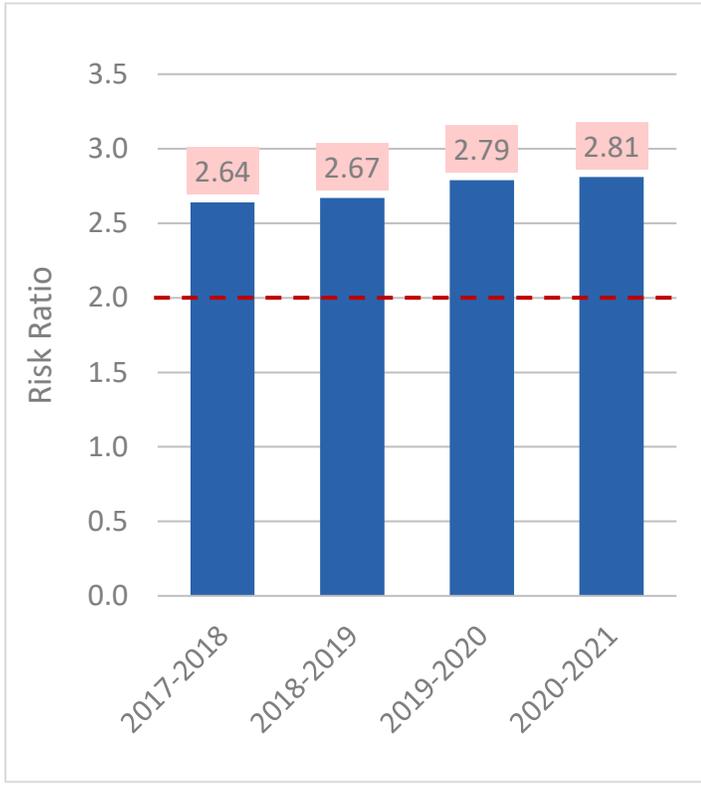
State Significant Disproportionality

Over the past four years, Maryland has been significantly disproportionate in the identification of Black/African American students as intellectually and emotionally disabled and the out of school suspension and sum disciplinary total of Black/African American students.

Data Source: Significant Disproportionality Profiles

Identification: Intellectual Disability

Maryland has been significantly disproportionate in the identification of Black/African American students as having an intellectual disability for the past four years; three LEAs have been significantly disproportionate in this area for three of those four years.

Data Source: Significant Disproportionality Profiles

# Identification: Emotional Disability

Maryland has been significantly disproportionate in the identification of Black/African American students as having an emotional disability for the past four years; two LEAs have been significantly disproportionate in this area for all four years.
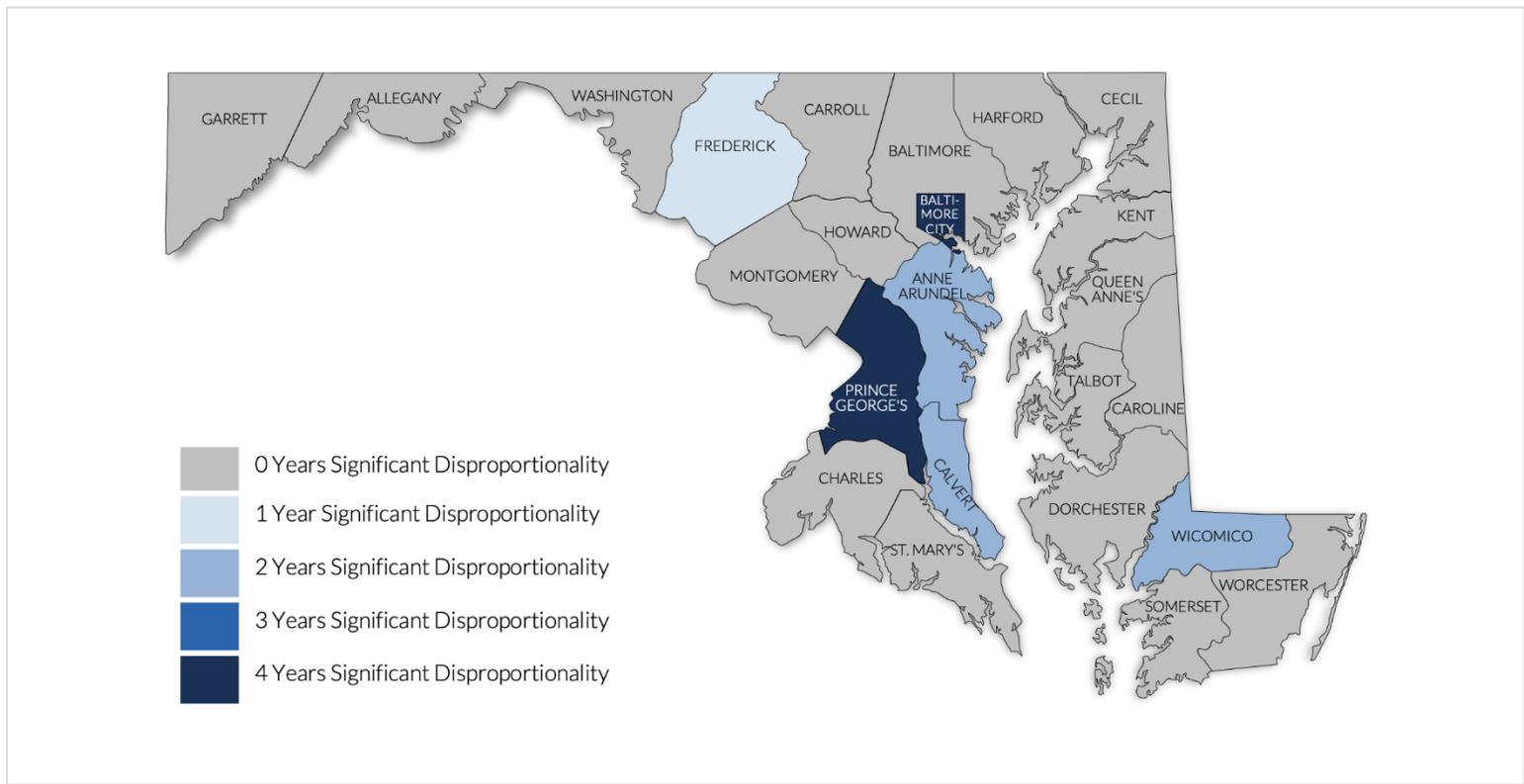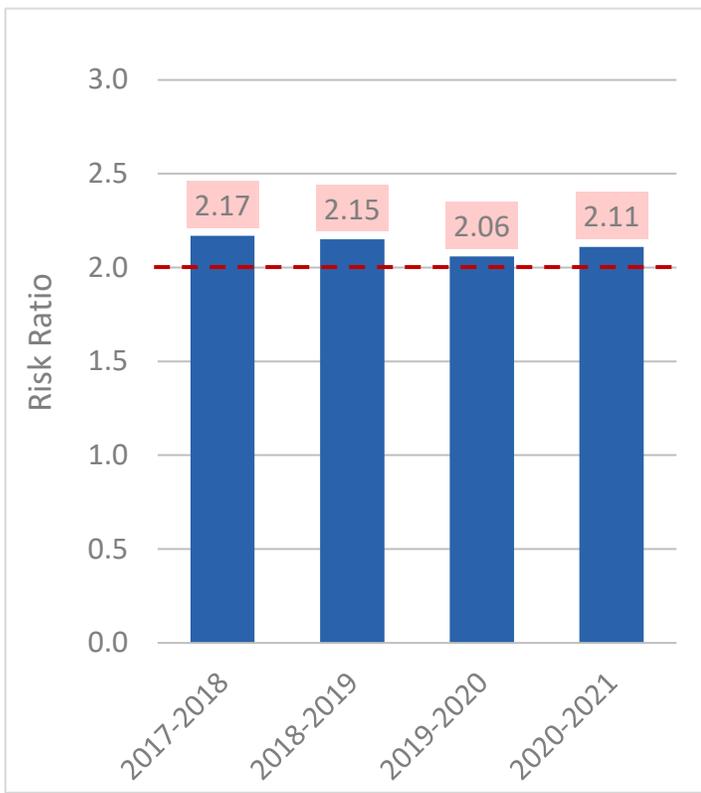
Data Source: Significant Disproportionality Profiles

# Discipline: Out of School Suspension ≤ 10 Days

Maryland has been significantly disproportionate in the out of school suspension (ten days or less) of Black/African American students for two of the past four years; three LEAs have been significantly disproportionate in this area for three years.
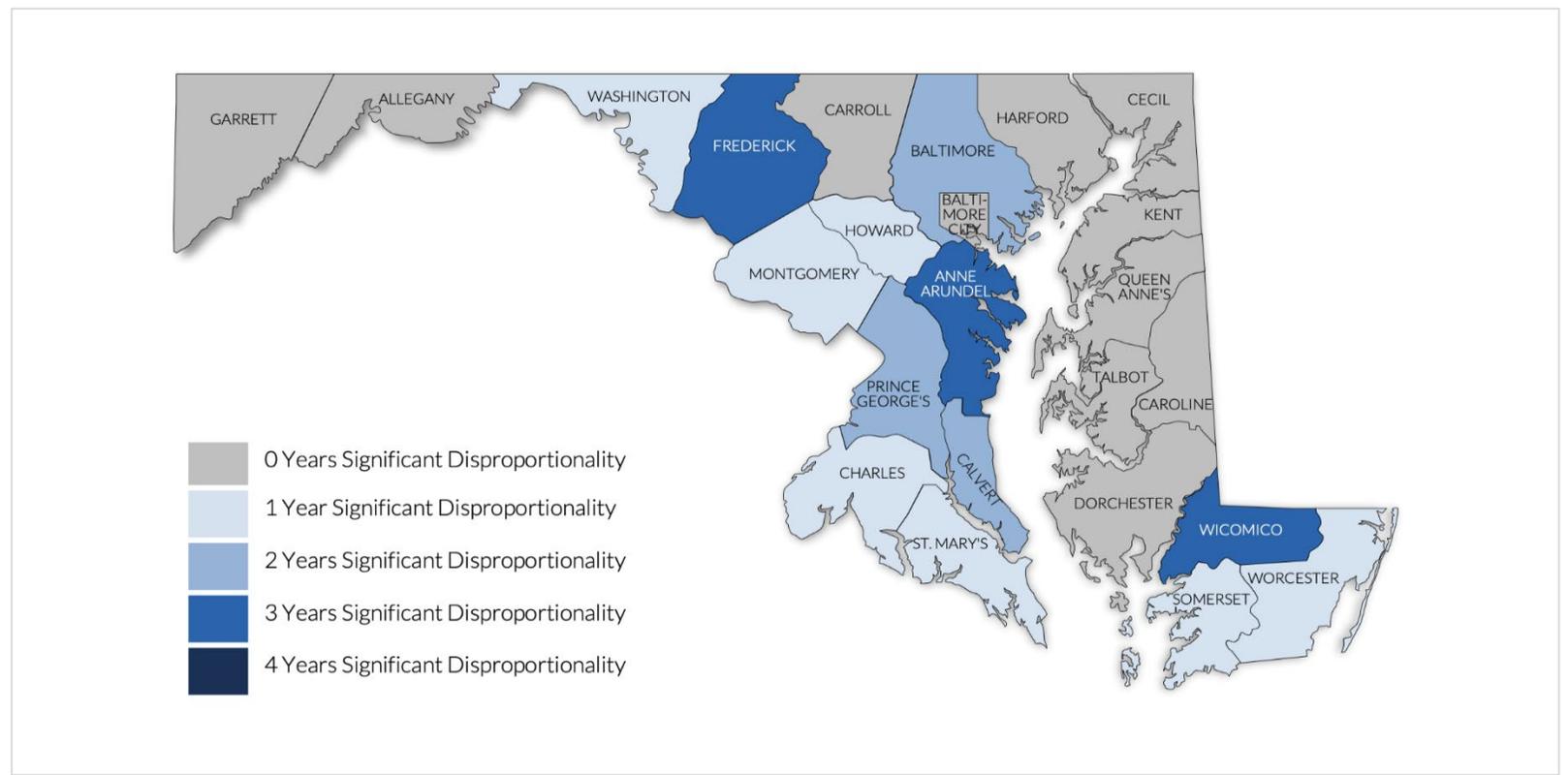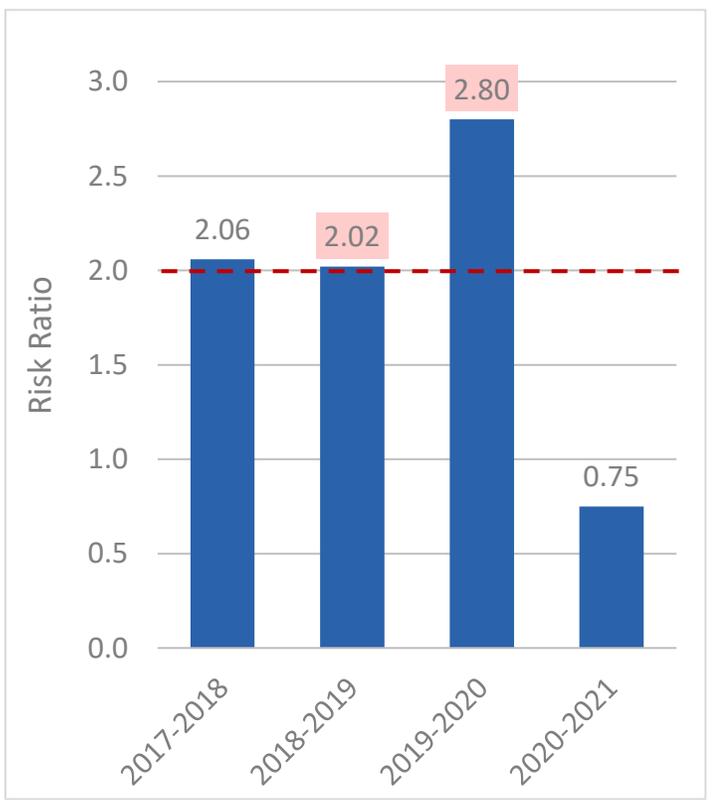
Data Source: Significant Disproportionality Profiles

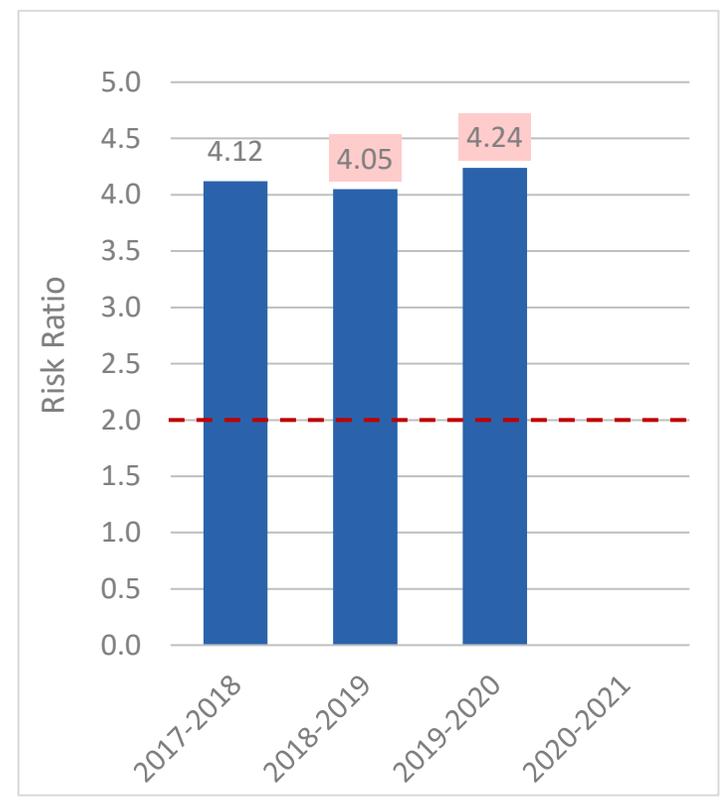# Discipline: Out of School Suspension > 10 Days

Maryland has been significantly disproportionate in the out of school suspension (greater than 10 days) of Black/African American students for two of the past four years; One LEA has been significantly disproportionate in this area for three years.
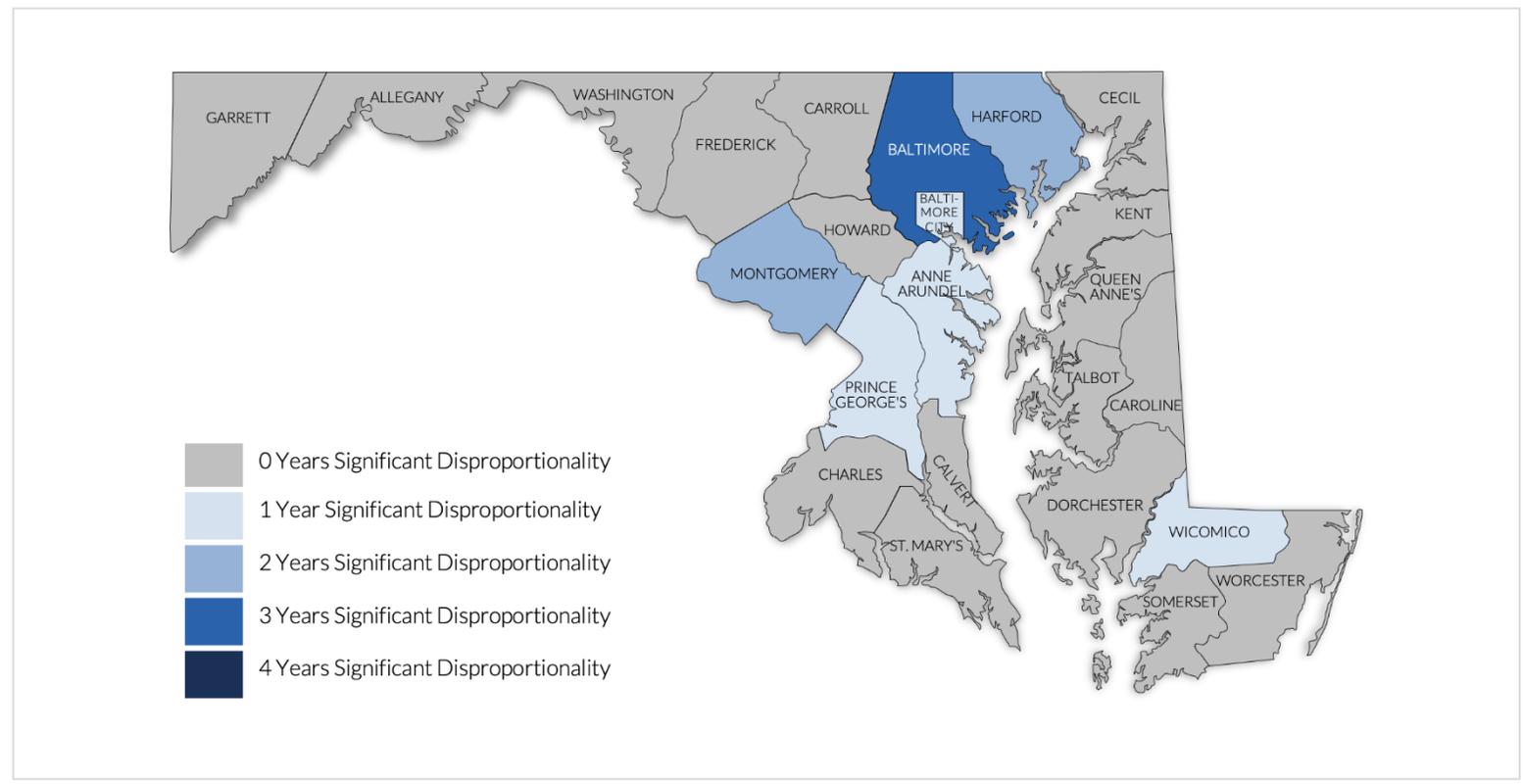
Data Source: Significant Disproportionality Profiles

Discipline: Sum Disciplinary Total

Maryland has been significantly disproportionate in sum disciplinary total for Black/African American students for two of the past four years; two LEAs have been significantly disproportionate in this area for three years.
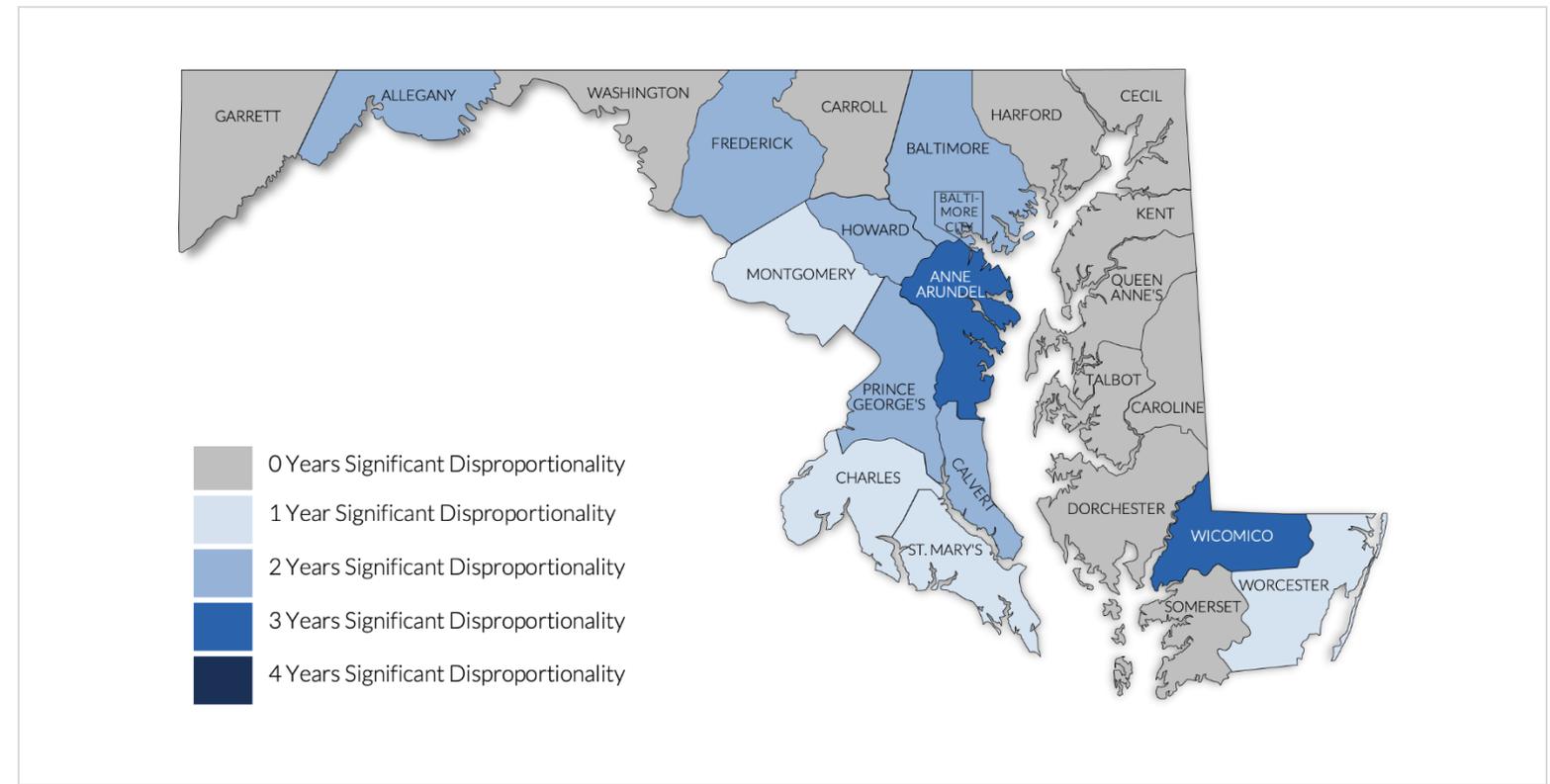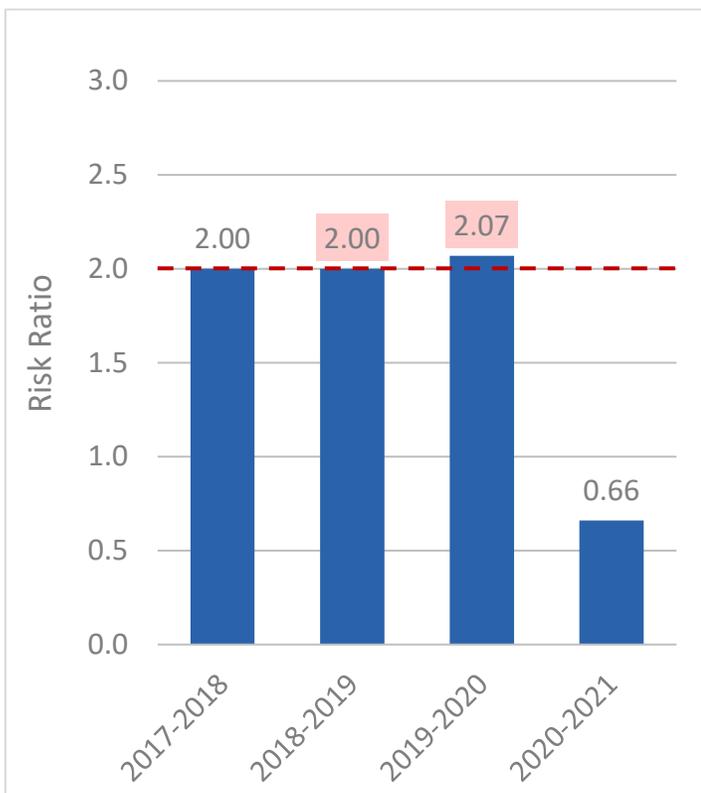
Data Source: Significant Disproportionality Profiles

MSDE's Ongoing Response to Significant Disproportionality

Current Response	Response Moving Forward

Current Response

- **Capacity building**
  - Equity specialists (1.5 FTE)
  - National expert
  - Regional liaison teams
  - Cross-divisional general and special education teams

- **Data-informed decision making**
  - Required use of Maryland Online IEP (MOIEP) significant disproportionality reporting tool (twice annually)
    - Identify trends at the state-, system-, school-, and student-level
  - Required use of local self-assessment tool to conduct root cause analysis

- **Accountability**
  - Approved system CCEIS plans
  - Semi-annual and final programmatic and financial progress reporting
  - Cyclical subrecipient fiscal monitoring

Response Moving Forward

Superintendent Charge
- Develop a robust, comprehensive statewide plan to identify and address disproportionality across all systems and demographic groups

- Convene a workgroup focused on addressing the overidentification of Black/African American students with intellectual disabilities to provide recommendations for systemic change

- Implement an elevated response to address over-identification, restricted placement, and disparate disciplinary removal of underserved students, including required corrective action

Maryland Initiatives

1. Individuals with Disabilities Education Act (IDEA)
2. Division of Early Intervention and Special Education Services
3. What Makes Maryland Unique?
4. COVID-19 and Compensatory Education/Recovery Services
5. Dispute Resolution: Rights of Families
6. Students with Disabilities Demographic and Outcome Data
7. Significant Disproportionality
8. **Maryland Initiatives**

Moving Maryland forward through strategic initiatives aimed at narrowing the gap

Grow Your Own

Board Certified Behavior Analysts (BCBAs)

Grant Funding: *Maryland Elevates*

- Annual cohorts of 2 – 9 participants
- 2 - 3 year program
- Ongoing since 2013
- Participants are educators, psychologists, and other professionals
- 8 participating LEAs
- Graduate certificate from Johns Hopkins University School of Education
- Practicum experiences in educational setting
- Collaboration with Behavior Steering Committee to develop resources
- 50% tuition support
- 3 year service commitment in Maryland

Teachers of the Visually Impaired (TVI)

Grant Funding: *Maryland Elevates* and *National Federation of the Blind*

- Cohort of 15
- 2 year program
- Began Fall 2021
- Participants are certified teachers
- 9 participating LEAs
- Master's degree from Louisiana Tech
- Supervised practicum with the LEA
- Mentoring, community of practice, experiential learning and engagement with the blind community
- 100% tuition support
- 3 year service commitment in Maryland

Special Education Teachers and Board Certified Behavior Analysts (BCBAs)

Grant Funding: *Maryland Leads*

- 2 cohorts of 16
- 2 year program
- Began Fall 2022
- Participants are certified teachers
- Frederick County Public Schools staff
- Master's degree from Mount St. Mary's University
- Supervised practicum in specialized afterschool/summer program.
- Mentorship and collaboration opportunities
- 100% tuition support and stipend for practicum
- 2 year service commitment in FCPS

State Personnel Development Grant (SPDG)

WHAT:

A competitive grant to provide focus on narrowing the gap and improving mathematics proficiency and social-emotional competency for elementary children with disabilities.

Highlights:
- $5.5 million over 5 years
- Grant period: October 1, 2021 – Sept. 30, 2026
- One of 3 states competitively awarded funding in 2021-22
- One of 20 states recipients across 50 State Departments of Education

WHY:

Individual Student Math Proficiency & Social-Emotional Competence
- Disaggregated by Race and Disability Label
- Growth over time (Math and SEL)
- Gap with All Students

Fidelity of Implementation/Teacher Knowledge & Skills
- Mathematics SDI
- Social-Emotional Learning
- Implementation of Teacher Learning & Coaching

Demonstration Sites for Replication
District/School Implementation
University Personnel Preparation

WHO:

Baltimore County
- Mars Estates Elementary
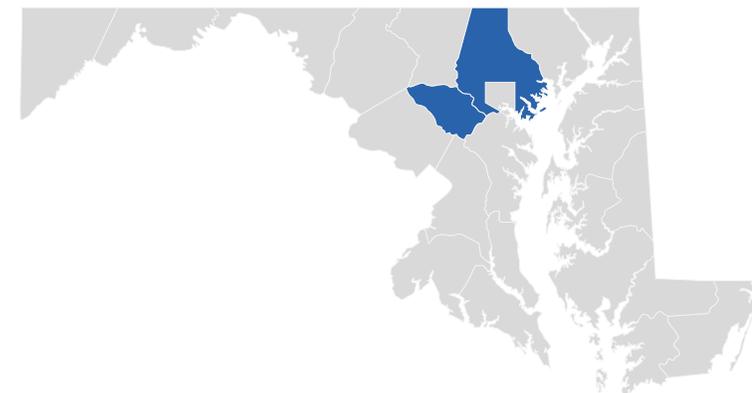- Scotts Branch Elementary

Howard County
- Hanover Hill Elementary
- Jeffers Hill Elementary

Partners
- Maryland Coalition for Inclusive Education
- Towson University

National Experts
- Professional Learning: Dr. Thomas Guskey
- Mathematics: Dr. Jenny Root, Dr. Paul Riccomini, Dr. Emily Bouck
- Social-Emotional Learning: Dr. Douglas Fisher

Blueprint: Prekindergarten for Students with Disabilities

Program	Current Description	Funding
Prekindergarten Expansion Grants Program (Prior Funding) **§7-101.2**	Private and public providers may apply for a grant to provide **full-day, high-quality prekindergarten for 3-year-olds and 4-year-olds** from families with incomes at **300% FPL** or below. **Children with disabilities and English learners are eligible regardless of income.** There is no cost to the families nor the District.	The FY2023 budget includes $26,644,000. Grantees receive $13,000 per pupil
Maryland State Prekindergarten Program (State Share) **§5-229** **§7-1A-01 to §7-1A-09**	This program provides **funding to LEAs based on prior year enrollment** of 3-year-olds and 4-year-olds in full-day, high-quality prekindergarten. **Private providers may apply for a grant.** • Prior year enrollment is based on the count of Tier I children (at 300% FPL or below) and Tier II (between 300%-600% FPL) (to be phased FY 2025) • **SWD who do NOT meet income requirements will not be counted as a part of prior year enrollment**	The FY2023 budget includes $144 million. Funding begins at **$10,094 per pupil in FY2023** and rises to **$19,526 per pupil by FY2030**, with increases for inflation thereafter.

Current § 7-1A-01 Definition	Proposed Expanded Definition
(i) "Tier I child: means a child: (1) Who is 3 or 4 years old; (2) Whose family income is less than or equal to 300% of the federal poverty level; and (3) Whose family chooses to enroll the child in a full-day prekindergarten.	(i) "Tier I child: means a child: (1) Who is 3 or 4 years old; (2) Whose family income is less than or equal to 300% of the federal poverty level; **(3) Children with disabilities, regardless of income;** **(4) Children from homes in which English is not the primary spoken language, regardless of income;** and (5) Whose family chooses to enroll the child in a full-day prekindergarten.

Questions?

MARYLAND STATE DEPARTMENT OF
EDUCATION
EQUITY AND EXCELLENCE

MOVING MARYLAND FORWARD: SHARPEN THE FOCUS

OUR BOLD **VISION**

All students, including students with disabilities, will be ready for school, achieve in school, and be prepared for college, career, and community living. *Our ultimate vision is to close existing gaps between children with disabilities and their non-disabled peers.*

Our Mission

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services (DEI/SES) provides leadership, accountability, technical assistance, and resource management to local education agencies, public agencies, and stakeholders, through a seamless, comprehensive system of coordinated services to children and students with disabilities, birth through age 21, and their families.

Who We Are

The DEI/SES is committed to building and sustaining an integrated organizational structure that is based upon the principles of collaboration and shared responsibility. We work in partnership with 24 local Infants and Toddlers Programs and Local Education Agencies, 13 Juvenile Services Education System (JSES) schools, the SEED School of Maryland, the Maryland School for the Blind, Maryland School for the Deaf, other public agencies, and non-public schools. The DEI/SES is organized by five branches (Policy and Accountability, Performance Support and Technical Assistance, Family Support and Dispute Resolution, Interagency Collaboration, and Resource Management) and has been restructured, aligning all staff to address the action imperatives identified in *Moving Maryland Forward*.

The Division's infrastructure supports regionalization for results to implement a robust technical assistance model with responsive customer service and differentiated professional learning. This structure integrates knowledge and skills for State and local improvement of compliance and performance results, and ensures aligned and consistent communication within the Division, throughout the Department, and with external partners from federal to family.

Who We Serve

Maryland is the 19th largest state by public school enrollment with approximately **882,538** students enrolled from pre-kindergarten through grade 12.[1] In the 2020-2021 school year, approximately **12.4%** of children with disabilities ages 3–21 received special education and related services and **3.4%** of infants and toddlers ages birth to age 3 received early intervention services. *On any given day:*

- Approximately **9,102** children birth through age 4 with developmental delays or disabilities and their families receive early intervention services in Maryland through an Individualized Family Service Plan (IFSP), supporting a family-centered, family capacity-building service delivery model.

- Maryland provides special education and related services to approximately **12,600** preschoolers age 3–5 years, and approximately **95,400** school-age children age 6–21 years who are eligible through one of the 14 IDEA disability categories. Through an Individualized Education Program (IEP), these students have access to a full continuum of services.[2]
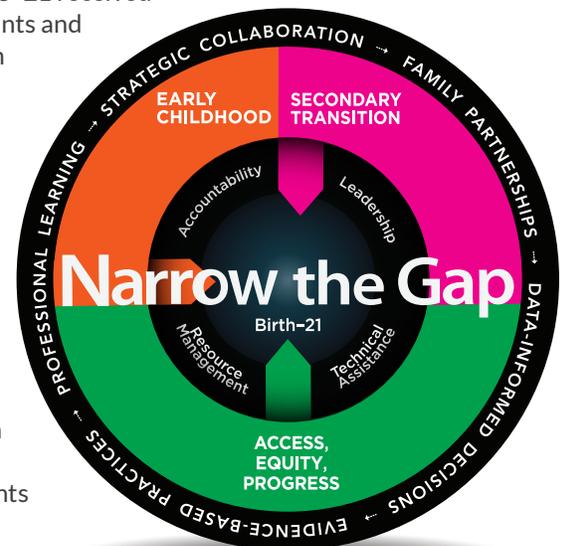
OUR CALL **TO ACTION**

With this plan, the DEI/SES has recommitted to our bold goal, fine-tuned the key measures of success and the strategies for implementation, and expanded our innovative tools, resources and evidence-based practices to *narrow the gap*.

ACHIEVING THE GOAL

The goal of Moving Maryland Forward: Sharpen the Focus is to narrow the school readiness and achievement gap between children and youth with disabilities and their non-disabled peers to ensure that youth with disabilities are college, career, and community ready when they complete their schooling.

The Division of Early Intervention and Special Education Services knows that reaching our goal requires narrowing not only the achievement gaps, but also the gaps in opportunity, access, workforce, leadership, time, and expectations. These gaps will be narrowed for children and students with disabilities when challenging high-expectations are shared by families, all professionals, and service providers, and actualized through: setting ambitious and individualized goals that accelerate the trajectory of development and learning; providing access to general education curriculum and programming that are appropriate to a child's age and individualized profile; and implementing specially designed instruction and services informed by ongoing assessments, aligned with evidence-based practices, and targeted to a child's individualized developmental, academic, and social/emotional/behavioral needs.

In THREE ACTION IMPERATIVES

Early Childhood

A seamless and comprehensive statewide system of coordinated services for children with disabilities – **birth to kindergarten** – and their families will be implemented in home, community, and early childhood settings to narrow the school readiness gap.

Secondary Transition

Seamless transition programs and services, aligned with evidence-based practices, will be implemented to increase the number of youth with disabilities who are actively engaged in **post-secondary activities** such as education, technical and career training, and employment after exiting schools.

Access, Equity, Progress

Implementation of **effective, equitable, and culturally-responsive** education services will result in increased access to instruction, improved educational achievement and functional outcomes, and reduced gaps between students with and without disabilities.

[1] Source: Ranking of the States 2021 and Estimates of School Statistics 2022, National Education Association, https://www.nea.org/sites/default/files/2022-04/2022%20Rankings%20and%20Estimates%20Report.pdf

[2] October 1, 2020 Snapshot Data Count. Source: Maryland Special Education/Early Intervention Services Census Data and Related Tables and the U.S. Department of Justice website, http://www.ojjdp.gov

See the full DEI/SES Strategic Plan at marylandpublicschools.org. (http://marylandpublicschools.org/programs/Pages/Special-Education/index.aspx)

Through FIVE KEY STRATEGIES

- **Established, Meaningful Strategic Collaboration:** The DEI/SES will employ strategic collaboration with partners across State agencies, across divisions within the MSDE, among public education agencies, with Institutes of Higher Education, and with families, advocates, and community partners, in order to promote access for all children to high-quality teaching and learning.

- **Engaged, Informed Family Partnerships:** The DEI/SES will create and sustain strong family partnerships and will support school and community personnel in their efforts to encourage families, as their child's first teacher, to make active and informed decisions that contribute to their child's success.

- **Applied Data-Informed Decisions:** The DEI/SES will increase the capacity to make data-informed decisions at the state and local levels by providing access to real-time student data (including formative and summative assessments, as well as observational and anecdotal documentation). The DEI/SES will support the implementation of an evidence-based and customized data analysis and decision-making process.

- **Installed Evidence-Based Practices with Fidelity:** The DEI/SES will promote the adoption and implementation with fidelity of evidence-based practices to narrow school readiness and achievement gaps. The DEI/SES will identify and share evidence-based practices, including an integrated tiered system of academic and behavioral supports, to ensure equitable access to high-quality instruction that leads to student progress..

- **Effective, Ongoing Professional Learning with Coaching:** The DEI/SES will provide professional learning to promote effective early care and education providers, teachers of students with disabilities, related service providers, paraprofessionals, and leaders. The DEI/SES will use ongoing, collaborative learning communities, reflective coaching models, online tools, and guidance on evidence-based practices to engage stakeholders in transforming the skills, knowledge, and beliefs of all individuals who impact the life of a child.