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TO: Members of the State Board of Education
FROM: Nancy S. Grasmick *Nancy*
DATE: March 22, 2011
SUBJECT: Division of Special Education/Early Intervention Services

PURPOSE:

The purpose of this presentation is to advise the State Board of Education of the roles and responsibilities of the Division of Special Education/Early Intervention Services, hereafter referred to as the Division, as they relate to supporting infants, toddlers, children, and youth with disabilities, their families, and the schools or community settings in which early intervention services, special education and related services are provided. The Individuals with Disabilities Education Act (IDEA) provides the statutory and regulatory basis for the operation of the Maryland State Department of Education as the State Education Agency, local infant and toddler programs, local school systems, and State public agencies to ensure the provision of a free appropriate public education (FAPE) in the natural environment/least restrictive environment.

HISTORICAL BACKGROUND:

Congress enacted the *Education for All Handicapped Children Act* (Public Law 94-142), in 1975, to support states and local school systems in protecting the rights of, meeting the individual needs of, and improving the results for children, and youth with disabilities, and their families. The purposes of IDEA are to:

- Ensure that all children with disabilities have available to them a FAPE that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living;
- Ensure that the rights of children with disabilities and their parents are protected;
- Assist States, localities, educational service agencies, and Federal agencies to provide for the education of all children with disabilities; and
- Assess and ensure the effectiveness of efforts to educate children with disabilities [20 USC §1400(d); 34 CFR §300.1].

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Maryland is a “birth mandate” State. This means that the Maryland State Department of Education, local infants and toddlers programs, local school systems, and public agencies are responsible for providing a FAPE to children with disabilities birth through the end of the school year in which a child turns 21 years of age [Education Article §8-403(b), Annotated Code of Maryland]. In order to ensure local infants and toddlers programs, local school systems, and public agencies provide FAPE in the natural environment/least restrictive environment to eligible children with disabilities, it is the responsibility of the Division to ensure each local infants and toddlers program, local school system, and public agency fully understands and implements federal and State requirements under Part C and Part B of IDEA.

The mission of the Division of Special Education/Early Intervention Services is to collaborate with families, local early intervention systems, and local school systems to ensure children and youth with disabilities have access to appropriate services and educational opportunities to which they are entitled under federal and State law. To accomplish this mission the Part C and Part B priorities of the Division are:

Part C – (Birth to Kindergarten Age)

- Early Identification
- Continuous, year-round, uninterrupted Individualized Family Service Plan (IFSP) services
- Services delivered in a child’s typical natural environment
- Early Childhood Transition
- Extended IFSP Option (Three to Kindergarten Age – Family Choice to Continue Services under an IFSP to Kindergarten Age)

Part B – (Three through 21)

- Services in the least restrictive environment/inclusion of students in general education settings with nondisabled peers
- Improving School Readiness Outcomes on the annual Statewide K– Readiness Assessment
- Statewide Assessment Participation and Student Performance
- Preparing Students for Post School Outcomes
- Increasing the Graduation Rate
- Decreasing the Dropout Rate

To assist local infants and toddlers programs, local school systems, and public agencies in meeting established performance standards and compliance with federal and State regulations, the Assistant State Superintendent for the Division coordinates the activities of the Division’s six Branches. The Division is responsible for the integration of data and information from the 24 local infants and toddlers programs, 24 local school systems, and six public agencies in order to meet federal and State requirements under Part C and Part B of IDEA, Education Articles, and Code of Maryland Regulations (COMAR).

Each Branch and the Immediate Office of the Assistant State Superintendent has general supervisory and oversight responsibilities. This structure provides the foundation for comprehensive statewide system of general supervision. The process of general supervision is achieved through data sharing and comparison of general supervisory oversight roles, in accordance with Part C and Part B of IDEA. The function of each Branch is as follows:

Early Childhood Intervention and Education

- Administration and oversight of Maryland's Part C early intervention system for infants and toddlers with disabilities (Birth to Kindergarten Age) and their families
- Administration and oversight of Maryland's Part B preschool special education grant program (three through five)
- Training, funding, technical assistance, monitoring, and administrative support to local programs
- Early Learning Leadership Academy (ELLA)
- Coordinates funding and technical assistance to *Healthy Families Programs* in Maryland
- State Interagency Coordinating Council (SICC)

Special Education Administration and Policy

- Coordination of activities to support local school systems and public agencies in developing applications for federal funds including the timely submission of required reports and the provision of on-site technical assistance to ensure compliance with federal and State fiscal requirements
- Oversight of required financial reporting
- Oversight of the Division's 5-Year Budget
- Technical Assistance Bulletins and Resource Documents
- Technical Assistance for Statewide Individualized Education Program (IEP) initiative
- State Performance Plan/Annual Performance Report (SPP/APR)
- Special Education State Advisory Committee (SESAC)

Student Achievement and Professional Development

- Maryland Online IEP
- Modified Maryland State Assessment (Mod-MSA), Alternate Maryland State Assessment (Alt-MSA), Modified High School Assessment (Mod-HSA)
- Student Achievement Data Analysis
- Maryland Exit Document/Transition/Drop-Out Prevention
- Coordinated Early Intervening Services (CEIS)
- Parent and Transition Surveys for the SPP/APR
- Special Education Leadership Academy (SELA)

Family Services and Interagency

- Interagency coordination with the Governor's Office for Children (GOC), Children's Cabinet and Interagency Strategic Planning
- State initiatives related to early learning and Positive Behavior, Interventions, and Supports (PBIS)
- Autism Waiver, Maryland's Parent Advisory Council, Cultural Outreach, Autism Screening Pilot Program, Emotional Disability Steering Committee, Mental Health Blueprint Advisory Committee, Mental Health Workforce Development Steering Committee
- Legislative Liaison

Complaint Investigation and Due Process

- Complaint investigation
- Manage records for mediation and due process hearings
- Technical assistance for corrective actions
- Follow-up/tracking of corrective actions
- Legal support and technical assistance to the Division regarding compliance with State and federal requirements for general supervision
- Primary liaison to Office of Administrative Hearings

Special Services

- Design and implement rate setting structure for child care providers (in collaboration with other State agencies)
- Manage the rate setting process for residential child care programs for the Interagency Rates Committee
- Implement and manage the Medicaid Autism Waiver and related programs for children and youth
- Work with DHMH to develop and implement an intergovernmental transfer process for reimbursement for Medicaid school-based services
- TA and monitoring for Medicaid school-based services

IDEA is focused on State accountability as defined by the Part C and Part B State Performance Plan Indicators. The Division annually submits a Part C and Part B Annual Performance Report on the respective State Performance Plans to the U. S. Department of Education, Office of Special Education Programs (OSEP). In accordance with the requirements of 34 CFR §300.603, OSEP evaluates each state's performance on federally established Part C and Part B Indicators. As a result of that annual review, OSEP assigns each state to one of four levels of determination: Meets Requirements; Needs Assistance; Needs Intervention; or Needs Substantial Intervention. OSEP has determined that Maryland's Part C and Part B system of services Meets Requirements.

Most recently, OSEP conducted a verification visit to the MSDE, from November 29 through December 2, 2010. The visit was part of the OSEP Continuous Improvement and Focused Monitoring System for ensuring compliance with, and improving performance under Part B and Part C of the IDEA. The purpose of the verification visit was to review the State's systems for:

- General supervision;
- Collection of State-reported data;
- Fiscal management;
- Improving child and family outcomes; and
- Protecting child and family rights.

OSEP recognized MSDE for its comprehensive electronic data system containing verification and data-driven tools used by local infants and toddlers programs, local school systems, and public agencies to inform and assist personnel and families of individual child programmatic decisions. This system includes demographic child data, IFSPs, IEPs, outcome data, and provides State and local personnel the opportunity to examine trend data to assure improved results for the children and families we serve.

As a result of OSEP's visit, Maryland's Part C systems of general supervision, data, and fiscal management were fully compliant. OSEP identified one item of noncompliance in Part B. The finding is specific to ensuring local school systems and public agencies meet the excess cost requirements in accordance with 34 CFR §§300.16 and 300.202. Immediate steps have been taken through professional development with local school systems and public agencies on the regulatory requirements. Each local school system and public agency was provided instructions, examples, and an Excel template for completion and submission to the Division with their annual Local Application for Federal Funds.

ACTION:

No Action – Information Only

NSG/CAH/DRR:ls
Attachments