



**Early Intervention and Special
Education Accountability to Improve
Performance Manual**



Maryland State Department of Education
Division of Early Intervention and Special Education Services
Policy and Accountability Branch | Monitoring and Accountability Section

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Section 1:

PURPOSE OF THE MANUAL

The Individuals with Disabilities Education Act (IDEA) 2004 and the Office of Special Education Programs (OSEP) require states to engage in and conduct monitoring of local infants and toddlers programs (LITPs), local education agency (LEAs), and public agencies (PAs) within their jurisdiction to ensure compliance with the provisions of the IDEA and improve outcomes/results for children with developmental delays and students with disabilities (SWD), birth through twenty-one, and their families, who reside in Maryland.

The United States Department of Education, OSEP implements an accountability system under the IDEA known as Results-Driven Accountability (RDA). RDA focuses its accountability efforts on improving results for SWD while continuing to assist States in ensuring compliance with the IDEA's requirements. RDA requires States to utilize monitoring activities that focus on improving educational results and functional outcomes for all children with developmental delays and SWD. States must emphasize those requirements most closely related to improving educational results and functional outcomes for all children with developmental delays and SWD.

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services (DEI/SES) aligns RDA with the DEI/SES Strategic Plan through Accountability to Improve Performance (AIP). AIP is the DEI/SES's comprehensive monitoring focus specifically aimed at examining special education performance. Namely: whether and how LITPs and LEAs/ PAs improve results for children with developmental delays and SWD and ensure compliance with IDEA and the Code of Maryland Regulations (COMAR) requirements.

The DEI/SES's Policy and Accountability (P&A) Branch, Performance Monitoring Specialists (Monitoring Specialists) use AIP to identify and analyze gaps in child and student performance within and across the Strategic Plan's three Action Imperatives: Early Childhood; Access, Equity, Progress; and Secondary Transition – to ensure that Maryland continues to narrow the achievement gap between children with disabilities and their nondisabled peers.

This MSDE, DEI/SES Performance Monitoring Manual provides guidance and reference for LITPs and LEAs/PAs during the performance monitoring process.

Section 2:

BACKGROUND

The sections of the IDEA governing the provision of a free appropriate public education (FAPE) for children with developmental delays and SWD, and their families, was reauthorized in 2004. The reauthorized IDEA is intended to result in children with developmental delays attaining outcomes and SWD achieving high standards by promoting accountability for results, enhancing parental involvement, and using research and evidence-based practices. The IDEA is aligned with the Elementary Secondary Education Act (ESEA) Flexibility Waiver, which covers the principles required by the federal government. States are required to address all IDEA requirements and are responsible for the general supervision and monitoring of all LITPs and LEAs/PAs within their jurisdictions. The final regulatory requirements regarding each state's monitoring, enforcement, and state performance plans are found in the Code of Federal Regulations: 34 CFR Part 300 §§ 300.600 through 300.609 and 34 CFR Part 303 §§ 303.700 through 300.734.

The IDEA includes four parts: Part A – General Provisions; Part B – Assistance for Education of all Children with Disabilities; Part C – Infants and Toddlers with Disabilities; and Part D – National Activities to Improve Education of Children with Disabilities. The focus of this Performance Monitoring Manual is on Parts B and C.

The IDEA, Section 616, specifically identifies federal and state monitoring, technical assistance, enforcement, and reporting activities. Each state must monitor the implementation and provision of a FAPE for all children with developmental delays and SWD, birth through twenty-one, including those suspended or expelled from

school. In addition, Section 616 mandates that each state submits to OSEP a State Performance Plan (SPP) / Annual Performance Report (APR), which describes and evaluates a state's efforts to implement the purposes and requirements of Part C and Part B of the IDEA.

**Section 3:
MARYLAND'S SYSTEM OF GENERAL SUPERVISION**

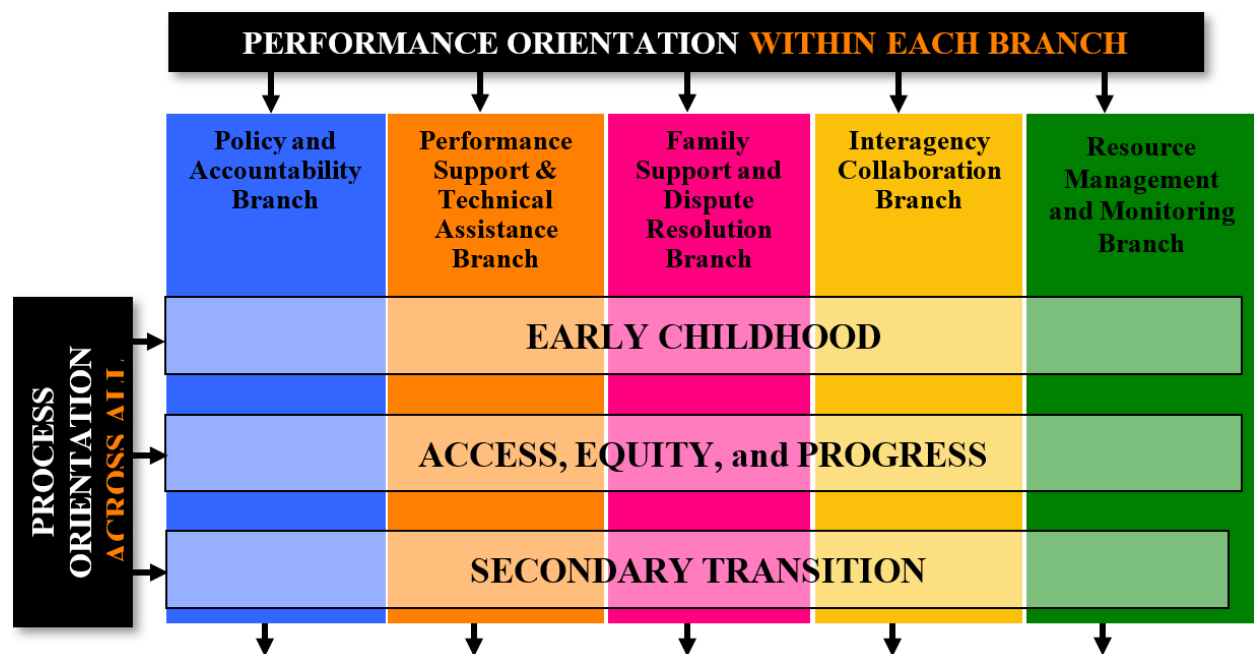
The OSEP requires the following components in each state's general supervision system:

- (1) State Performance Plan/Annual Performance Report;
- (2) Policies, Procedures, and Effective Implementation;
- (3) Data on Processes and Results;
- (4) Targeted Technical Assistance and Professional Development;
- (5) Effective Dispute Resolution;
- (6) Integrated Monitoring Activities;
- (7) Improvement, Correction, Incentives, and Sanctions; and
- (8) Fiscal Management.

The IDEA requires that the focus of each state's general supervision activities address the improvement of educational results and functional outcomes for all children with developmental delays and SWD. Additionally, states' general supervision activities must ensure that each LITP and LEA/PA meets the program requirements under Part C and Part B of IDEA, emphasizing those requirements that most closely related to improving educational results for all children with disabilities.

The DEI/SES is committed to building and sustaining an integrated organizational structure based upon principles of collaboration and shared responsibility. The DEI/SES is organized into five Branches: Policy and Accountability, Performance Support and Technical Assistance, Family Support and Dispute Resolution, Interagency Collaboration, and Resource Management and Monitoring. This DEI/SES organizational structure integrates knowledge and skills to improve performance - compliance and results – and ensure consistent communication within the DEI/SES, throughout the MSDE, and with external partners.

THE DEI/SES INFRASTRUCTURE



Each Maryland LITP and LEA/PA serving children with developmental delays and SWD is unique with needs for general supervision from and engagement with the DEI/SES that vary greatly depending upon numerous factors. The organization of the DEI/SES staff into Regions allows them to monitor, provide technical assistance, and support programs in a more effective, efficient, and systematic manner.

REGIONS

REGION 1

- Allegany County
- Carroll County
- Frederick County
- Garrett County
- MD School for the Deaf
- Washington County

REGION 2

- Howard County
- Montgomery County
- Prince George's County

REGION 3

- Baltimore City
- Baltimore County
- Cecil County
- LABOR
- Harford County
- JSES
- MD School for the Blind
- SEED

REGION 4

- Anne Arundel County
- Calvert County
- Charles County
- St. Mary's County

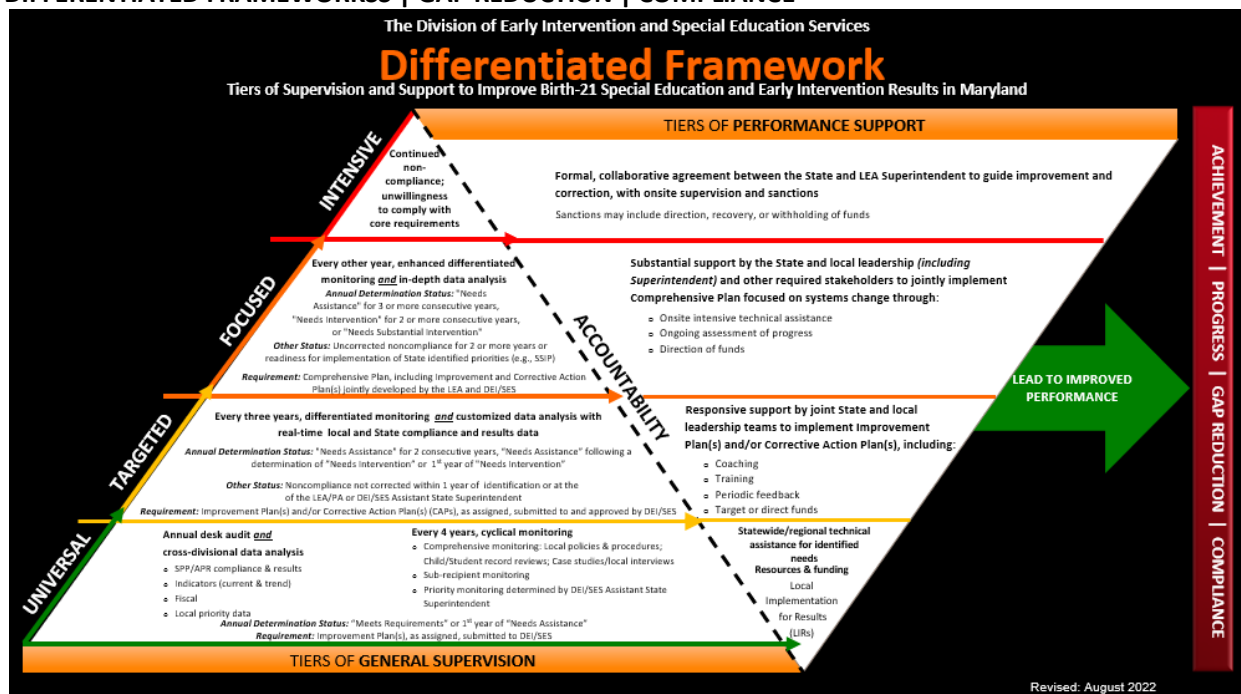
REGION 5

- Caroline County
- Dorchester County
- Kent County
- Queen Anne's County
- Somerset County
- Talbot County
- Wicomico County
- Worcester County

The DEI/SES utilizes qualitative information and quantitative data from multiple sources to make monitoring decisions. Internal information and data are shared across MSDE Divisions and the DEI/SES Branches on the strengths, improvement activities, and/or indications of possible noncompliant policies, procedures, practices, and/or data for each LITP and LEA/PA. Appropriate Branches within the DEI/SES process the information and data to determine whether to initiate formalized monitoring activities.

Section 4:

DIFFERENTIATED FRAMEWORKS | GAP REDUCTION | COMPLIANCE



Much of the work of MSDE, DEI/SES relies on the Differentiated Framework, which establishes tiers of supervision and support. A LITP and LEA/PA is assigned to one of four tiers – Universal, Targeted, Focused, or Intensive – based upon performance on the SPP/APR compliance and results Indicators, correction of noncompliance, analysis of data, fiscal management, and monitoring findings. The DEI/SES uses this comprehensive information to provide differentiated engagement, focused on building capacity, to improve performance, and directs State resources to those LITPs and LEAs/PAs that are the lowest-performing. Its assigned Tier of General Supervision determines a LITP's and LEA's/PA's performance monitoring cycle, *Differentiated Framework* (above), the frequency of which is as follows:

<u>Tier of General Supervision</u>	<u>Performance Monitoring Frequency</u>
Intensive Tier	Every Year
Focused Tier	Every Two Years
Targeted Tier	Every Three Years
Universal Tier	Every Four Years

The DEI/SES may conduct additional monitoring activities based on Indicator data verification, trends and patterns emerging from State and due process complaints, fiscal data, family support information, advocacy concerns, and as directed by the Assistant State Superintendent.

Assigning Tiers of General Supervision

The DEI/SES assigns Maryland's LITPs and LEAs/PAs to Tiers of Supervision based on *annual* SPP/APR data. If a LITP and/or LEA/PA assigned to one particular Tier of General Supervision (*i.e.*, Universal) based on one specific year of SPP/APR data is placed into a higher Tier of General Supervision (*i.e.*, Targeted) based on a subsequent year's SPP/APR data, the DEI/SES will modify the LITP's and/or LEA's/PA's performance monitoring schedule based on the LEA's/PA's **new** Tier of General Supervision.

The following pages provide two (2) scenarios describing instances when the monitoring cycle is impacted by changes in the assigned Tier of General Supervision;

- Scenario One: Change in Monitoring Cycle and Change in Tier of General Supervision
- Scenario Two: Different Part C and Part B Tiers of General Supervision

Scenario One: Change in Tier of General Supervision

The **spring 2020** Shore County Public Schools (SCPS) Determination Status, based on SY 2018-2019, Federal Fiscal Year (FFY) 2018 SPP/APR data, is "Meets Requirements" in Parts C. The DEI/SES assigns the SCITP a "Universal" Tier of General Supervision. The SCITP remains on a four-year monitoring cycle and will engage in performance monitoring during SY 2023-2024.

The **spring 2021** SCPS Determination Status, based on SY 2019-2020, FFY 2019 SPP/APR data, is "Needs Assistance, Year One" in Part C. The DEI/SES assigns the SCITP a "Universal" Tier of General Supervision. The SCITP remains on a four-year monitoring cycle and will engage in performance monitoring during SY 2023-2024.

The **spring 2022** SCPS Determination Status, based on SY 2020-2021, FFY 2020 SPP/APR data, is "Needs Assistance, Year Two" in Part C. The DEI/SES assigns the SCITP a "Targeted" Tier of General Supervision. The DEI/SES will monitor the SCITP Part C every three years, based on the "Targeted" Tier of General Supervision monitoring cycle, until Part C shifts to a new Tier of General Supervision. The SCITP will engage in performance monitoring during the SY 2022-2023, three years from the date the DEI/SES last monitored the SCITP. (See the table below).

Previous Performance Monitoring	FFY SPP/APR Data Period	Determination Status	Assigned Tier of General Supervision	Next Performance Monitoring
2019-2020	2017-2018	Meets Requirements	Universal	2023-2024
2019-2020	2018-2019	Needs Assistance, Year One	Universal	2023-2024
2019-2020	2019-2020	Needs Assistance, Year Two	Targeted	2022-2023

Scenario Two: Different Part C and Part B Tiers of General Supervision

If the Part C and Part B Determinations for a LITP and LEA/PA are not in the same Tier of General Supervision, the DEI/SES will review available data and consider Parts C and B's effect on each other. If it is determined that the results and/or compliance of one Part significantly affects the ability of the other Part to improve its performance, the DEI/SES may engage in a monitoring process for the Part that would otherwise fall into a Tier not requiring the DEI/SES staff to conduct performance monitoring.

The DEI/SES monitored the Shore County Infants and Toddlers Program (SCITP) for Part C and the Shore County Public Schools (SCPS) for Part B during the SY 2019-2020. If the SCITP and SCPS remain in "Universal" for both Parts C and B, the DEI/SES will next engage in performance monitoring during the SY 2023-2024.

The **spring 2020** SCITP Part C Determination Status, based on SY 2018-2019, Federal Fiscal Year (FFY) 2018 SPP/APR, is "Meets Requirements." The DEI/SES assigns the SCHD a "Universal" Tier of General Supervision. The **spring 2020** SCPS Part B Determination Status, based on school year SY 2018-2019, Federal Fiscal Year (FFY) 2018 SPP/APR, is "Needs Assistance, Year One." The DEI/SES assigns the SCPS a "Universal" Tier of General Supervision. The SCITP and the SCPS remain on a four-year monitoring cycle and will engage in performance monitoring during SY 2023-2024.

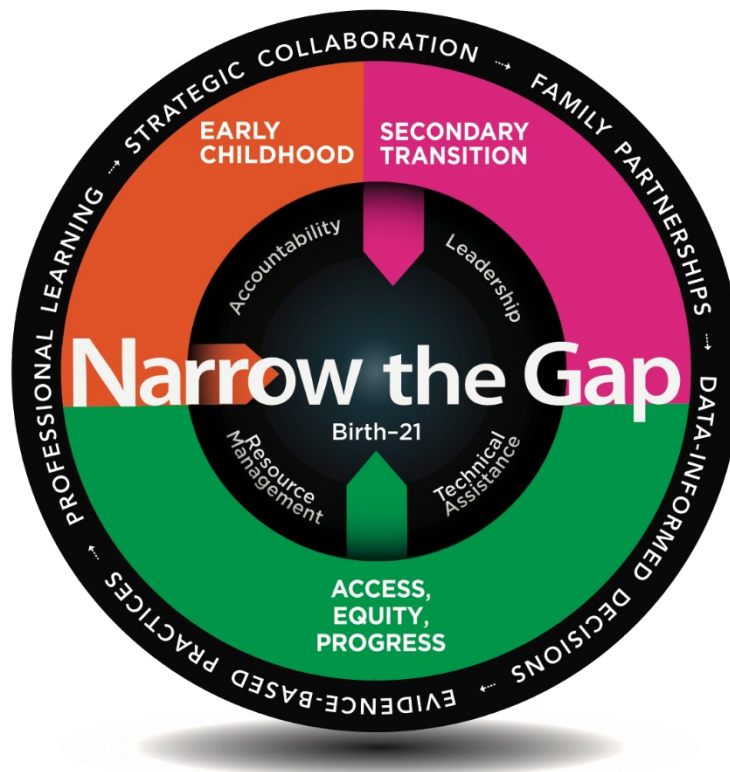
The **spring 2021** SCITP Part C Determination Status, based on SY 2019-2020, FFY 2019 SPP/APR data, is "Meets Requirements." The DEI/SES assigns the SCITP a "Universal" Tier of General Supervision. The **spring 2021** SCPS Part B Determination Status, based on SY 2019-2020, FFY 2019 SPP/APR data, is "Needs Assistance, Year Two." The DEI/SES assigns the SCPS a "Targeted" Tier of General Supervision. The DEI/SES staff examine the SY 2018-2019 and 2019-2020 Part C and Part B SPP/APR data, associated Improvement Plans and Corrective Action Plans, 2019-2020 SCITP/SCPS Comprehensive Monitoring Report, and any additional information within the DEI/SES such as fiscal data, trends and patterns emerging from State and due process complaints, Medicaid monitoring data, advocacy communication, and input from the Assistant State Superintendent. Through this data analysis, the DEI/SES staff determine if the identified areas of weaknesses negatively impact Part C compliance and results indicating a need to conduct Comprehensive Monitoring earlier than the Tier of General Supervision typically prescribes.

Previous Performance Monitoring	SPP/APR Data Period	Determination Status		Tier of General Supervision		Next Performance Monitoring	
		Part C Meets Requirements	Part B Needs Assistance, Year One	Part C Universal	Part B Universal	Part C 2023-2024	Part B 2023-2024
2019-2020	2018-2019	Meets Requirements	Needs Assistance, Year One	Universal	Universal	2023-2024	2023-2024
2019-2020	2019-2020	Meets Requirements	Needs Assistance, Year Two	Universal	Targeted	Depends on DEI/SES Analysis	2022-2023

Section 5:

STRATEGIC PLAN ALIGNMENT

Accountability to Improve Performance (AIP) monitoring activities examine and measure LITP and LEA/PA progress towards improving performance across the Three Action Imperatives found in the Division of Early Intervention and Special Education Services Strategic Plan: *Moving Maryland Forward, Sharpen the Focus for 2020*.



Early Childhood

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

Access, Equity, Progress

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

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 school.

Section 6:

ACCOUNTABILITY TO IMPROVE PERFORMANCE

ANNUAL MONITORING COHORT WORKSHOPS

The group of LITPs and LEAs/PAs to be monitored in a given school year, as dictated by their determination status, will be called a "Monitoring Cohort." Each LITP and LEA/PA in the Monitoring Cohort for the upcoming school year must participate in a Monitoring Cohort Workshop. At this Workshop, the Monitoring Specialists will review the details of the AIP monitoring process to explain all AIP monitoring activities and answer any questions.

MONITORING ACTIVITIES

Monitoring Specialists will conduct an individual conference call with each LITP and LEA/PA to discuss and schedule the following monitoring activities. This call will occur at the beginning of the assigned monitoring window (fall, winter, or spring) shared at the annual Monitoring Cohort Workshop.

A. Self-Assessment Activity

The LITPs and LEAs/PAs will engage in Self-Assessment by completing General Supervision questions and engaging in a written analysis of its progress in meeting SPP/APR indicators; and the objectives of its Every Student Succeeds Act plan; special education plan(s), and overall progress towards closing the achievement gap between children with developmental delays and SWD and their nondisabled peers. **Please note** that a LITP and LEA/PA may request that the Monitoring Specialists focus on a particular area, school, or program, based on the written analysis of data.

The following required documents must be uploaded to the ELEVATE Maryland's Performance System (ELEVATE):

Part C:

- Handbook and Policies/Procedures;
- Local Lead Agency Agreement/Interagency Agreement;
- Current indicator Improvement Plans (IP) and/or Corrective Action Plans (CAP);
- Latest FTE count by agency;
- Geographic team(s) with members and disciplines;
- Blank visit note template(s);
- Program brochure/public awareness materials; and
- Blank copies of all forms other than those used in Maryland Online IFSP.

Part B:

- Special Education Handbook and Policies/Procedures;
- Special Education Strategic Plan;
- Comprehensive Coordinated Early Intervening Services Plan;
- Blank Restraint and Seclusion incident report form(s);
- LEA/PA Organizational Chart;
- Special Education Organizational Chart;
- Current indicator IPs and/or CAPs;
- School Improvement Plans for schools identified for case study;
- Other manuals and forms as needed to support monitoring activities (e.g., behavior manual, specially designed instruction observation tool, accommodations, and instructional support tracking document(s), etc....)

B. Self-Assessment Presentation

The LITP and LEA/PA will conduct a formal presentation highlighting the content and information developed through the Self-Assessment process. The LITP and the LEA/PA will present to the Monitoring Specialists and members of the DEI/SES, for no longer than two hours, on its:

- 1. Child/Student Population Profile:** A summary of the birth through twenty-one population in the LITP and the LEA/PA, with a primary focus on children with developmental delays and SWD. This summary should include a description of the overall child/student population and, as applicable, the number of geographic areas/teams and/or schools in the LITP and the LEA/PA, broken down by age and grade level.
- 2. Data-Based Decisions:** A summary of the SPP/APR data reviewed and the decisions that the LITP and the LEA/PA have made based on the analysis of these data points. (Please include relevant sources of data and written plans.)
- 3. Administrative Structure and Staffing:** Using the LITP's and the LEA's/PA's organizational chart, a description of the LITP's and the LEA's/PA's administrative structure to include a summary of early intervention/special education administrative staff, their roles and responsibilities, and how they interact and coordinate service provision and ensure IDEA and COMAR compliance with general education administrative staff. (Please include the official names of the offices/divisions/units with whom the Office of Special Education collaborates. LITPs should highlight collaboration and partnership among the LEA, local health department, and local social services.)
- 4. Internal Monitoring/Quality Assurance:** A description of the process in which the LITP and the LEA/PA engage to ensure quality IFSP/IEP development and implementation, identify potential compliance issues, communicate with necessary parties, and address issues on both an individual child/student level, individual school, and systemic level. (Please include processes and protocols used for internal monitoring and evaluation of needs.)
- 5. Specific Programs, Initiatives, and Challenges:** Highlight programs or initiatives for children with developmental delays and students with disabilities in the LITP and the LEA/PA, including program descriptions, outcomes, and specific challenges these address. (Please include the area of secondary transition and share partnerships that have facilitated an increase in services and internships for students.)
- 6. Professional Learning:** A description of the LITP's and the LEA's/PA's system for providing personnel with professional learning related to children with developmental delays and SWD, how the LITP and the LEA/PA assess the effectiveness of its professional learning, the audience, and frequency of professional learning, the process in which the LITP and the LEA/PA

administration engages to determine what topics are presented to what audience, and how the LITP and the LEA/PA utilize the DEI/SES guidance to provide these opportunities. (Please include any professional learning planned or completed to address the implementation of Integrated Tiered Systems of Support, Specially Designed Instruction, Disproportionality, Alternate Framework decision-making, Dissemination of MSDE, Technical Assistance Bulletins, and Seclusion/Restraint at the systemic and school levels.)

The Monitoring Specialists may ask questions after the LITP and the LEA/PA conclude their Self-Assessment Presentation, utilizing the information they learn through the presentation and the data they have gathered and analyzed throughout offsite monitoring activities.

C. Desk Audit Review

The Monitoring Specialists will audit current-year Individualized Family Service Plans (IFSP) and Individualized Education Programs (IEP) from a randomly selected sample of children and students via ELEVATE. The purpose of the audit is to allow the Monitoring Specialists to identify significant IFSP/IEP development and implementation trends in the LITP and LEA/PA. The Monitoring Specialists primarily use the Maryland Online IFSP, and the Maryland Online IEP tools to conduct desk audits. If the Monitoring Specialist is monitoring an LEA/PA that does not use the Maryland Online IEP system, the Monitoring Specialist will work with the LEA/PA staff to access the randomly selected IEPs, preferably through electronic review on the LEA's/PA's online system.

Part C: The number of IFSPs the Monitoring Specialists audit is based on the number of children receiving Part C services from the LITP, as shown below:

<u># Part C Children</u>	<u>Total</u>	<u>B-1</u>	<u>1-2</u>	<u>2-3</u>	<u>Extended IFSP</u>
20-100	12	3	3	3	3
101-999	24	6	6	6	6
1000+	32	8	8	8	8

The DEI/SES staff use various parameters to randomly select children for the IFSP desk audits, including children with a range of eligibility criteria across varied ages.

Part B: The number of IEPs the Monitoring Specialists audit is based on the number of students receiving Part B services from the LEA/PA, as shown below:

<u># Part B Students</u>	<u>Total</u>	<u>Preschool</u>	<u>ES</u>	<u>MS</u>	<u>HS</u>
100-1000	40	5	15	10	10
1001-9999	60	10	20	15	15
10,000+	80	15	25	20	20

The DEI/SES staff use various parameters to randomly select students for the IEP desk audits, including students with a range of disabilities, across varied ages and grade levels. The sample will include, as appropriate, a student attending a charter school and a student placed in an adult correctional facility.

Any supporting documentation required for desk audit not available through Maryland Online IFSP or IEP must be provided via ELEVATE. If a LITP and/or LEA/PA has any questions about accessing the ELEVATE platform, please contact the Monitoring Specialist assigned to your LITP or LEA/PA. Desk audits are a review of child-specific and student-specific information; therefore, LITPs and LEAs/PAs must not submit desk audit supporting documentation via email.

Part C supporting documentation to include:

- Signed consent for screening, assessment/evaluation, and initiation of Early Intervention (EI) services;
- Evaluation reports;
- Prior Written Notice (PWN);
- Sign-in sheets; and
- Progress on outcomes.

Part B supporting documentation to include:

- IEP Team meeting sign-in sheets to reflect attendance of all required participants, including parent /guardian and the student (as appropriate);
- Prior Written Notice; and
- Signed Parental Consent for:
 - Assessment(s);
 - Use of Accommodations forms such as Human Reader (include "Appendix D") and Scribe (include "Appendix C");
 - Participation in the Alternate Framework (include "Appendix A");
 - Use of restraint and seclusion; and
 - Placement in an Alternative School.

D. Services/Related Services Record Review

Part C: The Monitoring Specialist will review twenty-five (25) Part C service records for each LITP; for a period of four (4) months, including at least one (1) summer month. ELEVATE randomly selects a sample of service records reviewed for direct services, not consult, for special instruction, Speech and Language Therapy, Physical Therapy, and Occupational Therapy.

The LITP must upload to ELEVATE early intervention visit logs/notes indicating:

1. The length of time of each service session;
2. Activities completed during the session;
3. Progress toward child and family outcomes; and
4. Provider's signature and title.

Part B: The Monitoring Specialists will review twenty-five (25) Part B Related Services records for each LEA/PA, over four (4) school months. ELEVATE randomly selects a sample of related service records that will be reviewed for direct services, not consult, for: Occupational Therapy, Physical Therapy, Speech and Language Therapy, Audiology, Orientation and Mobility, Counseling, and Psychological services.

The LEA/PA must enter district-wide and school-specific calendar events (holidays, snow days, and/or other district-wide days off, morning delays, and/or early dismissals) to the master calendar in ELEVATE and upload to the individual student record the following:

1. A copy of the daily attendance record, for the current school year, for each student receiving the randomly selected related service;
2. The service provider therapy log for each related service, documenting the length of time of each session provided to the student during the monitoring window, notes documenting activities conducted and progress towards the student's IEP goals, and the service provider's signature and title; and
3. Contact logs documenting an acceptable reason for any missed related services, as appropriate.

E. Policies and Procedures Review

The DEI/SES has policies, procedures, and implementation practices in place that enforce the IDEA and the COMAR requirements and reflect the compliance indicators in the SPP. The DEI/SES issues memoranda and technical assistance bulletins (TABs) to LITPs and LEAs/PAs upon which local policies and procedures are based. MSDE offers professional learning opportunities, holds teleconferences, and conducts webinars with LITP directors, LEA/PA directors, and special education coordinators to clarify requirements, policies, and/or implementation procedures.

The Monitoring Specialist reviews LITP and LEA/PA special education policies and procedures to ensure that the implementation guidance to LITP and LEA/PA staff is consistent with federal and State regulations.

The LITP and/or LEA/PA must upload to ELEVATE the following information:

Part C: Policies and Procedures:

- Referral and Screening;
- Evaluation and Assessment;
- IFSP Team;
- Development and Review of the IFSP;
- Procedural Safeguards;
- System of Payment; and
- Interagency Coordinating Council.

Part C to B: Policies and Procedures:

- Part C to B Transition

Part B Policies and Procedures:

- Referral;
- Assessment;
- Evaluation, Reevaluation, & Eligibility;
- The IEP Team;
- Development of the IEP;
- IEP Documents;
- Least Restrictive Environment (LRE);
- Extended School Year (ESY);
- Secondary Transition; and
- Seclusion and Restraint.

F. Alternative Education Framework Review

The Alternate Education Framework (Alt) includes curriculum, instruction, and assessments for students with the most significant cognitive disabilities. IEP teams may identify a student with a significant cognitive disability who cannot achieve the content standards that apply to all students and should be instructed and assessed using alternate academic achievement standards aligned with the general education standards. In making this critical decision, the IEP Team determines eligibility for participation in the Alternate Education Framework based on a comprehensive review of evidence and strict adherence to *Appendix A: Participation Criteria and Checklist* (Appendix A).

The Monitoring Specialists audit current-year IEPs from a randomly selected sample of students via ELEVATE. Using the Maryland Online IEP, the Monitoring Specialists will review documentation of the IEP team decision around eligibility for Alt. If the Monitoring Specialist monitors an LEA/PA that does not use the Maryland Online IEP system, the Monitoring Specialist will work with the LEA/PA staff to access each student's IEP and supporting documentation (e.g., Appendix A, Appendix C), through electronic review.

Part B: The number of IEPs the Monitoring Specialists audit is based on the number of students receiving Part B services from the LEA/PA, as shown below:

<u># Part B Students</u>	<u>Total</u>	<u>PS- 2 Gr.</u>	<u>3 – 5 Gr.</u>	<u>MS</u>	<u>HS</u>
100-1000	40	5	15	10	10
1001-9999	60	10	20	15	15
10000+	80	10	30	20	20

The number of records reviewed will be adjusted if the number of students identified/recommended for participation in the Alternate Framework is fewer than the total number.

G. Restraint and Seclusion Record Review

In 2022, the General Assembly passed House Bill 1255 Physical Restraint and Seclusion- Limitations, Reporting, and Training (2022 Md. Laws, Chap.31) which went into effect on July 1, 2022. The new statute prohibits public agencies from using seclusion as a behavioral intervention for students. In addition, neither a public agency nor a nonpublic special education school may use physical restraint on a student as a behavioral health intervention unless it is necessary to protect an individual from imminent, serious, physical harm and other less intrusive nonphysical interventions have failed or been deemed inappropriate. In addition to the new legislation, LEAs/PAs are required to adhere to regulations outlined in COMAR 13.A.08.04.05A and .05B General Requirements for the Use of Restraint and Seclusion.

Part B: The Monitoring Specialists will review forms used to document restraint and seclusion incidences and Part B records that include the use of restraint and/or seclusion for each LEA/PA. The Monitoring Specialist works collaboratively with the LEA/PA to generate a sample of applicable student records. The sample will include at least one child placed by the LEA in a nonpublic special education school. The Monitoring Specialists review documentation of the IEP team's decision to use and appropriately implement restraint and/or seclusion according to COMAR 13 A.08.04.05A and .05B.

The number of incidents the Monitoring Specialists audit is based on the number of students who have documented incidents of either restraint or seclusion:

<u>Part B Students</u>	<u>Total</u>	<u>ES</u>	<u>MS</u>	<u>HS</u>
100-1000	5	2	2	1
1001-9999	10	4	3	3
10000+	15	5	5	5

The number of records reviewed will be adjusted if restraint and/or seclusion has not been implemented at a particular level or if the number of records indicating the utilization of restraint and/or seclusion is fewer than the total number to be monitored.

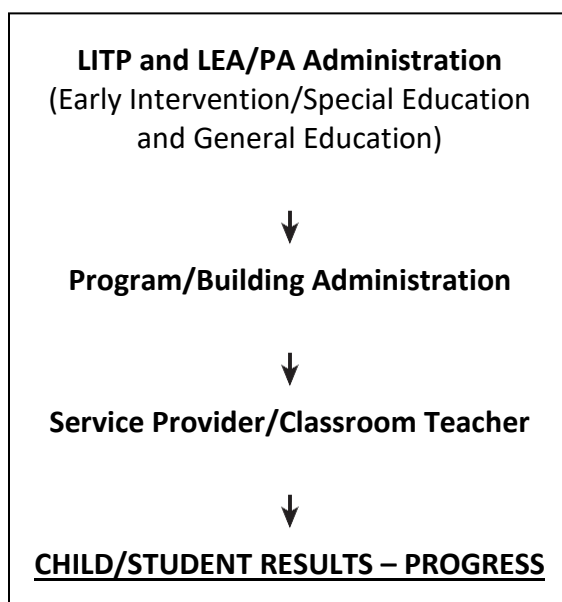
The LEA/PA must make available to the Monitoring Specialists each student's IEP, Functional Behavior Assessment, Behavior Intervention Plan, Prior Written Notice detailing the IEP Team's discussion about the use of restraint and/or seclusion and any contraindications based on medical or past trauma, and signed parental consent. Additionally, Monitoring Specialists will review documentation of the following by school personnel for each restraint and/or seclusion event:

1. Other less intrusive interventions that have failed or been determined inappropriate;
2. Precipitating event(s) immediately preceding the behavior that prompted the use of restraint and/or seclusion;
3. The names of staff that observed the behavior that prompted the use of restraint and/or seclusion

4. Names and signatures of the staff members implementing and monitoring the restraint and/or seclusion and evidence of their training;
5. Nature and type of restraint and/or seclusion;
6. Justification of the use of restraint and/or seclusion;
7. Length of time in restraint and/or seclusion;
8. Student's behavior during the restraint and/or seclusion;
9. The name and signature of the administrator informed of the use of seclusion and/or restraint; and
10. Oral or written parent notification within twenty-four (24) hours of the use of seclusion and/or restraint.

H. Case Studies

The Monitoring Specialists conduct case studies to assess whether the LITP and LEA/PA infrastructure supports the following:



Selection of Case Study Children and Students

Part C: The Monitoring Specialists conduct Part C child case studies from the IFSP desk audit sample. The number of case studies is based on the number of children receiving Part C services from the LITP, as shown below:

<u>Part C Children</u>	<u>Case Studies</u>
20-100	2
101-999	2
1000+	4

The case study will include at least one child below age three and one child participating in the Extended IFSP Option.

Part B: The Monitoring Specialists conduct Part B student case studies from the IEP desk audit sample and Alternate Framework sample. The number of case studies is based on the number of children receiving Part B services from the LEA/PA, as shown below:

<u>Part B Students</u>	<u>Case Studies</u>
100-1000	6
1001-9999	6
10000+	8

The case study sample will include at least one student participating in the Alternate Framework. The Monitoring Specialist will consider: data received from the Self-Assessment Presentation; requests from the LEA/PA to showcase the implementation of evidence-based practices at a particular school; recommendations from the LEA/PA to observe the implementation of practices at a school in need of support and guidance; observed emerging trends/patterns in State and/or due process complaints; or as directed by the Assistant State Superintendent of the DEI/SES to determine the remaining case studies.

Conducting Case Studies

The Monitoring Specialists will:

1. Review child/student IFSP/IEP records as far as three years before the current IFSP/IEP, as available, to examine whether and how special education records reflect child/student progress in meeting outcomes/results and/or goals and acceleration of learning through specially designed instruction.
2. Assess the LITP and the LEA/PA infrastructure through interviews with the selected children's and students':
 - Childcare/School Administrators,
 - Service Providers,
 - Secondary Transition Professionals,
 - Special Educators,
 - General Educators,
 - IEP Chairs,
 - Parents,
 - Students (as appropriate),
 - A representative from the Local Interagency Coordinating Council (LICC), and
 - A representative from the Special Education Citizens' Advisory Committee (SECAC).
3. Based on local and State guidelines, observe the implementation of the selected children's/students' IFSPs/IEPs – service providers' implementation of Part C services and classroom teachers' implementation of Part B supplementary aids and services, accommodations, and specially designed instruction. Virtual observations can be considered by the LITP and LEA/PA if allowable within their system.

Part C: The Monitoring Specialist will work with the LITP staff to schedule the case study visit based on the alignment between the service provider's regularly scheduled visits to homes, childcare centers, or other settings and the availability of the Monitoring Specialist to attend. The Monitoring Specialist will conduct virtual interviews, approximately forty-five (45) minutes each, with the child's service providers, service coordinator, and parents.

Part B: The Monitoring Specialist will work with the LEA/PA staff to schedule onsite observations of the delivery of specially designed instruction during an English Language Arts or math class based on the selected student's identified area(s) of need. The Monitoring Specialist will conduct virtual interviews,

approximately forty-five (45) to sixty (60) minutes in length, with each student's administrators and staff listed above.

The Director of Special Education, the school administrator, and/or the student's case manager will assist the Monitoring Specialist in seeking consent from the student's parent/guardian to interview with the parent and, as appropriate, the student. If permission is granted, the LEA/PA staff will assist the Monitoring Specialist with scheduling the virtual interview of the parent and/or student.

I. FOLLOW-UP MEETING and FINAL REPORTS

Once the Monitoring Specialist and LITP and LEA/PA complete all monitoring activities, the Monitoring Specialists will:

- Schedule a meeting to discuss preliminary findings of noncompliance;
- Permit the LITP and LEA/PA the opportunity to provide pre-existing evidence of compliance for any reported findings of noncompliance;
- Report areas of concern relative to results, and
- Commend the LITP and the LEA/PA on strengths in implementing IDEA and COMAR regulations and highly effective evidence-based practices.

Using the outcomes of the follow-up meeting, the Monitoring Specialist will complete and submit to the LITP and the LEA/PA the Performance Monitoring Report (Report). The Report outlines findings, provides guidance to the LITP/LEA/PA on evidence-based practices, and commends the LITP and the LEA/PA on its strengths.

J. CORRECTION OF NONCOMPLIANCE

The issuance of the Report (the State's Notification of Noncompliance) begins the one (1) year timeline for the correction of identified noncompliance. The OSEP, as indicated in the OSEP 09-02 Memo, requires a Two-prong correction process. If both reviews result in 100% compliance, correction is achieved, and the correction of noncompliance is complete. However, if 100% compliance is not reached within the one (1) year timeline, a Corrective Action Plan(s) is required.

Child/Student Specific Noncompliance

Prong 1

The LITP and the LEA/PA must submit data demonstrating correction of all individual child/student-specific findings of noncompliance.

Prong 2

The Monitoring Specialists will verify the correction of the noncompliance by reviewing documents that evidence program-level corrective actions by selecting a smaller sample of child/student records that were not reviewed in the original audit process.

Systemic Noncompliance

Improvement Plans

If Systemic Noncompliance is identified, the LITP and/or LEA/PA must develop, submit, and implement an Improvement Plan(s) to address each item/area of Systemic Noncompliance. System Noncompliance is identified when an audit item is rated at seventy-five percent (75.00%) or less compliant for a sample size of at least five (5) records.

K. TARGETED MONITORING

To ensure timely identification and subsequent correction of noncompliance, the State may not ignore credible allegations of potential noncompliance. Credible allegations may come from integrated monitoring activities, data reviews, grant reviews, stakeholder calls, media reports, dispute resolution systems, or other mechanisms that relate to IDEA and COMAR implementation.

Credible allegations will be investigated utilizing a “Targeted Monitoring” process that will include the identification of the specific area of concern, the means to investigate the area of concern, written notification of any instances of noncompliance, and required correction of noncompliance.

Mohammed Choudhury, M.Ed.
State Superintendent of Schools

Clarence C. Crawford
President, State Board of Education

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