



**Maryland**

STATE DEPARTMENT OF EDUCATION

# Special Education Workgroup Final Report

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Improving Education for Students with Disabilities

Division of Early Intervention and Special Education Services

December 2024

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## Note from the Co-Chairs

For almost a year and a half, the members of the Blueprint Special Education Workgroup have met monthly to conduct a comprehensive review of the services, instruction, and funding for students with disabilities. We are proud of what we have accomplished in that time and are pleased to offer this report on our work to the Accountability and Implementation Board.

We have aimed to develop a set of recommendations for improving the educational experiences and long-term outcomes of students with disabilities in Maryland while building consensus among a diverse group of stakeholders about the way forward, even when that represented a new and challenging path. From the outset, we were committed to making these recommendations actionable and to holding ourselves, our schools, and our districts accountable for implementation through realistic but ambitious tasks and timelines. After decades of incomplete initiatives and unmet commitments, it is clear that achieving meaningful improvement in outcomes for students with disabilities will require bold action, genuine partnership, and steadfast commitment.

Topic by topic, our dedicated workgroup members have reviewed best practices, studied the research, heard from experts, and shared their personal perspectives and experiences with one another. This intentional collaborative process of educators, administrators, advocates, other professionals, and parents of students with disabilities has compiled their collective expertise into a vision of how we can better serve Maryland’s students with disabilities.

To date, we have distilled 16 key recommendations and, after months of dialogue and refinement, have developed an Initial Prioritized Implementation Plan, which is included in this report. The scope of the work ahead demands careful prioritization to maintain accountability for follow-up actions. While not all goals can be achieved simultaneously, each step we take brings us closer to fulfilling the comprehensive vision set forth by the workgroup’s recommendations.

It’s important to note that while this is technically our “final report,” we acknowledge that a few critical topics still require our attention. This report captures input from the Workgroup through September of 2024. We will continue meeting through January to address several topics the Workgroup has determined to be extremely important. Any recommendations emerging from these outstanding topics will also need to be integrated into our Prioritized Plan. The Workgroup will deliver an updated report on our activities and implementation plan in May 2025.

We must express our gratitude to the workgroup members for their passion, dedication, and collaborative spirit. They have come to this work with the urgency and seriousness that our students deserve. Their commitment to this open and transformative effort has produced a bright vision of the future for students with disabilities that will enable them to meet high expectations and leave school prepared for postsecondary education, employment, and full lives in their communities.

We will build that vision, piece by piece, relying on the same model of authentic partnership, open collaboration, and innovation that has guided the workgroup. Now the work begins.

Best,

Liz Zogby  
Special Education Policy & Advocacy Project  
Maryland Down Syndrome Coalition

Dr. Carey Wright  
State Superintendent of Schools,  
Maryland State Department of Education



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## Executive Summary

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The Blueprint Special Education Workgroup was established in the Initial Blueprint Comprehensive Implementation Plan, released on December 1, 2022, by the Blueprint Accountability and Implementation Board (AIB). The Implementation Plan requires for the Maryland State Department of Education (MSDE) to convene a Blueprint Special Education Workgroup to discuss and make recommendations on instruction and services for students and disabilities.

### Blueprint Special Education Workgroup Overview

The Blueprint Comprehensive Implementation Plan specifically addresses students with disabilities (SWD) in Pillar 4: More Resources for Students to be Successful, Objective 3: Improve education for SWD. The outcome measures delineated in this objective include:

- Special education funds are used to provide consistent, high-quality special education programs in all schools; and
- Increased rate of students that require special education and/or other services meet annual expected progress targets as laid out in students' Individualized Education Plans (IEPs) and 504 plans.

The plan indicates that in Fiscal Year 25, MSDE and local education agencies (LEAs) will implement the Workgroup's recommendations to improve the education of students receiving special education services in Maryland's P-12 schools. As part of this work, the Workgroup is required to:

- Collect and report data on the number and percent of students receiving special education services at each P-12 school, the services available to them, and the accessibility of P-12 teachers, administrators, and staff to these students and their families;
- Review methods of teaching and providing services to students who receive special education services in P-12 schools in the State; and
- Make recommendations on improving the education of students receiving special education services in P-12 schools in the State, including whether additional funding should be provided and addressing learning loss as a result of the COVID-19 pandemic.

### Workgroup Requirements

**4.3.2:** MSDE shall establish a Workgroup to collect student data and review instructional methods provided to students who receive special education services.

**4.3.2(a):** The Workgroup shall collect data on the number and percent of students receiving special education services at each P-12 school, the services available to them, and the accessibility of P-12 teachers, administrators, and staff to these students and their families.

MSDE and AIB shall identify Workgroup members representing various special education interests who demonstrate commitment to diversity, equity, and expertise.

The Workgroup shall share its work plan with the AIB and provide regular updates on its progress.

**4.3.2 (b):** The Workgroup shall review methods of teaching and providing services to students who receive special education services in public P-12 schools in the State.

The Workgroup's review shall include methods used in the State and other states and other countries, including addressing learning loss related to COVID-19, in addition to recruiting and retaining special education teachers and staff.

The Workgroup may expand the scope of its review based on recommendations of its members and/or AIB and MSDE to include topics like the impact of teacher shortages on special education and resulting quality or services provided; supports provided to special educators; co-teaching models and supporting general educators in implementing co-teaching models as well as supporting special education students when a special educator is not providing services; increasing family involvement and collaboration in special education programming; and how top-performing systems structure the school day to effectively provide remediation and special education services.

**4.3.2(c):** The Workgroup shall make recommendations on improving the education of students receiving special education services in P-12 schools in the State, including whether additional funding is needed and addressing learning loss because of the COVID-19 pandemic.

The Workgroup may make other recommendations related to additional topics studied by the Workgroup.

**4.3.3:** The Workgroup submits a final report with its findings and recommendations, including addressing learning loss resulting from COVID-19 pandemic.

**4.3.3(a):** AIB shall incorporate the Workgroup's findings and recommendations into the updated Blueprint Comprehensive Implementation Plan.

The Workgroup shall submit an initial report of its findings and recommendations to the Governor and General Assembly by 12/1/23, an interim report by 7/1/24, and a final report by 12/1/24.

**4.3.3(b):** MSDE and LEAs shall implement the Workgroup's recommendations to improve the education of students receiving special education services in Maryland P-12 schools.

### Workgroup Meetings

As an integral part of preparing for the Blueprint Special Education Workgroup Meetings, MSDE convened a series of listening sessions with a wide variety of stakeholders to assess and uncover strengths and opportunities for growth and identify best practices and exemplars in the delivery of specially designed instruction. Sessions were held in late Spring and early Summer of 2023. MSDE invited Advocates, Directors of Student Support Services and Directors of Special Education from each LEA, and Principals and Teachers from across the State, as well as all members of the Special Education State Advisory Committee, to participate in listening sessions, during which participants were placed in breakout rooms of no more than ten (10) people. MSDE staff asked a series of questions and took notes on the discussion. Please see the Workgroup's Initial Report (December 2023) for a summary of Listening Session questions and a quantitative analysis of themes and sub-themes. The themes mentioned in the Listening Sessions were instrumental in the selection of topics for the Workgroup meetings.

Beginning in August 2023, the Blueprint Special Education Workgroup was co-chaired by State Superintendent of Schools Mohammed Choudhury until his departure from MSDE on October 6, 2023, and Liz Zogby, the director of the Special Education Policy & Advocacy Project and co-chair of the Maryland Down Syndrome Advocacy Coalition. Following Superintendent Choudhury's departure, Dr. Carey Wright, State Superintendent, assumed the role of co-chair with Ms. Zogby.

The Workgroup met in a hybrid format through 2023 and moved to a completely virtual format in 2024. Each meeting was focused on one or more guiding questions and topics aligned with the Workgroup requirements. Short briefs on the meeting topics were distributed to Workgroup members 10 days prior to each meeting, and members were encouraged to send any initial thoughts in writing for circulation to all members in advance of the meeting.

During these meetings, experts and practitioners highlighted national best practices and research on focus topics, and time was built into each meeting for Workgroup members to engage and collaborate. At the conclusion of each meeting, members were given an "exit ticket" to be completed within five days to respond to the questions discussed during the meeting. This feedback, along with notes from the small group discussions, were compiled, distilled, and recirculated to members. Workgroup recommendations were crafted from this feedback, sent in advance of each meeting, and approved at the subsequent meeting. Workgroup meeting agendas, a short brief on the topic, and resources were posted on the MSDE website [here](#). Agendas, the topic briefs, and distillations of the Workgroup member feedback from exit tickets and small group discussions on each topic are also included at the end of this report in Appendices A-E.

Since the release of the initial and interim reports, four additional Workgroup meetings have been convened:

- Meeting 9: May 29, 2024
- Meeting 10: June 26, 2024
- Meeting 11: July 31, 2024
- Meeting 12: September 25, 2024

The [initial report](#) was published in December of 2023 and provided background information, data, national best practices, and research, in addition to initial findings and recommendations from the Workgroup. The [interim report](#) was published in July of 2024 and built upon the initial report and provided a preliminary list of recommendations. The final report is due in December of 2024. However, the AIB approved a policy interpretation that while the December 2024 report will include recommendations to date, the workgroup may continue its work through May 30, 2025, and submit additional work products or reports at that time. This report serves as an update of the Special Education Workgroup's progress since the release of the interim report.

## Overview of Meetings

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MSDE welcomes meaningful input and public engagement to determine how we reduce the opportunity and achievement gaps for students with disabilities compared to same-age peers. To address the specified requirements of the AIB plan, MSDE has hosted a series of meetings starting in August of 2023. Each meeting is focused on a guiding question and includes a spotlight on best practices and research on the topic. This section provides an overview of the meetings that have been held since the release of the interim report.

### MEETING 9: MAY 29, 2024

During this meeting, Workgroup members discussed recommendations identified in the April meeting and collaborated through small and large group discussions to explore what adequate funding for special education looks like and how inadequate funding impacts students' access to a free appropriate public education.

#### Guiding Questions

1. Is funding for special education adequate?
2. How can MSDE require LEAs to use special education funding under the Blueprint to supplement (not supplant) funding for special education services?
3. What are options for short-term funding increases?

#### The State of Special Education Funding in Maryland

Before this meeting, Workgroup members reviewed a pre-reading issue brief related to special education funding in Maryland. The brief began by explaining that under the MSDE Comprehensive Implementation Plan, "The workgroup should make recommendations on improving the education of students receiving special education services... including whether additional funding is needed and addressing learning loss as a result of the COVID-19 pandemic".<sup>1</sup> Simultaneously, there is overwhelming evidence, acknowledged by the Kirwan Commission, that special education is significantly underfunded. This evidence includes the notably low achievement levels of students with disabilities and the prevalent belief among educators that IEP services are often designed to fit within school budgets rather than meet the needs of students as mandated by IDEA. The pre-reading for this meeting provided an overview of the current funding model under Blueprint, transportation costs, the costs of nonpublic special education placements, the minimum school funding requirement, and supplantation to provide a foundation for this week's discussions.

#### Current Funding under the Blueprint

- The Blueprint requires that 75% of the per pupil amount applicable under the base, weights, and other programs follow the child to individual schools. Therefore, 75% of special education funding must follow students with disabilities to their schools

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<sup>1</sup> MSDE Blueprint Comprehensive Implementation Plan, Objective 4.3(c)

- Maryland is one of nine states that uses a single-weight model for special education funding, and one of only three that does not utilize that single-weight within a hybrid model<sup>2</sup>
- The Blueprint for Maryland's Future envisions a "layer cake" of funding for students with disabilities in that each student receives the Foundation Per Pupil amount PLUS any other special populations funding available to that student based on eligibility
- The Kirwan Commission deliberated over differences of opinion regarding the weights for special education and the weights were ultimately modified in the Blueprint by the General Assembly.<sup>3</sup> The Blueprint weights provide substantial increases over the pre-Blueprint weight of .74; still, uncertainty remained, resulting in the General Assembly's call for an adequacy study

#### Transportation Costs

- Neither the Kirwan Commission nor the Blueprint considered special education transportation costs
- Currently, the Disabled Student Transportation program provides an additional \$1,000 for each disabled student transported during the previous year. This program is in addition to the regular transportation program which provides an increase each year based on the inflation factor

#### Nonpublic Placements

- Neither the Kirwan Commission nor the Blueprint considered the costs of nonpublic special education school placements
- Beginning in FY24, the Nonpublic Special Education School Budget reflected increases required by the Teacher Pay Parity Act. The Act went into effect July 1, 2023, and states that "a nonpublic school shall provide its teachers a salary that is equivalent to the local school salaries, phased in over 3 years beginning in fiscal year 2024 with parity achieved in the third year and parity maintained thereafter." Calculations related to the implementation of the Act are in addition to the increases allowed under the approved annual rate inflator
- Per Maryland Education Article §8-415(d)(2), MSDE implements and oversees a cost-sharing process between the State and the counties for the cost of educating children with disabilities in nonpublic programs. LEAs are responsible for contributing the local share of basic cost and an additional amount equal to 200% of the basic cost. The LEA is responsible for 30% of the excess cost above the 300%, with the resulting State share equal to 70% of the excess cost.

#### Minimum School Funding Requirement

- The Blueprint requires that 75% of the per pupil amount applicable under the base, weights and other programs follow the child to individual schools. Therefore, 75% of special education funds must follow students with disabilities to their individual schools<sup>4</sup>

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<sup>2</sup> Education Commission of the States (2021). K-12 and Special Education Funding: Special Education Funding [50-State Comparison]. <https://reports.ecs.org/comparisons/k-12-and-special-education-funding-04>

<sup>3</sup> Interim Report 2019, p. 113

<sup>4</sup> AIB Guidance on the Blueprint Minimum School Funding Requirement (March 21, 2024). [https://drive.google.com/file/d/1d61pra-pFFuhZHdC\\_2I63ZZVgtI3pNz/view](https://drive.google.com/file/d/1d61pra-pFFuhZHdC_2I63ZZVgtI3pNz/view)

- A primary concern with a single-weight funding system, where money follows students to their schools, is that basing funding on the “average” needs of all students with disabilities fails to address the higher costs for those requiring more extensive supports and services. This issue is compounded by the uneven distribution of students with varying levels of need across different schools within each LEA

### Supplantation

- The Kirwan Commission addressed the issue of supplantation (diverting grant funds, intended for a specific purpose such as special education, to other uses) versus supplementation (using grant funds to enhance existing resources without replacing them) in special education funding
- The Commission concluded that supplantation should be prohibited, ensuring that special education funds are used exclusively for their intended purpose

### How States Fund Special Education

Dr. Tammy Kolbe, Principal Researcher at American Institutes for Research (AIR), shared her presentation *State Approaches to Funding Special Education* with Workgroup members during this meeting. Dr. Kolbe began this presentation by highlighting federal requirements for state funding. Dr. Kolbe first discussed maintenance of financial support (MFS), emphasizing that federal requirements do not stipulate how states distribute aid among LEAs; instead, states are bound to maintain an aggregate level of financial support across all entities. As a result, states have considerably more flexibility in modifying how aid is distributed among LEAs than they have in reducing the total amount of state spending. Dr. Kolbe then discussed funding as it relates to least restrictive environment, explaining that states cannot put in place a funding mechanism by which the state distributes funds based on the type of setting in which a child is served that will result in a failure to provide a child with FAPE according to the unique needs of a child as described in their IEP.

The presentation then shifted to focus on how states determine their funding obligations with those federal mandates in mind. Dr. Kolbe explained that state funding obligations are either 1) built up from individual components or 2) established top down from amounts appropriated in legislation (nearly all states determine their obligations from the bottom up, using one or more formula) and that state funding formulas are typically comprised of two parts: 1) a basis on which the funding is calculated and 2) the mechanisms that determine the amount of funds generated by the formula. Dr. Kolbe then reviewed the most common funding mechanisms used by states in FY2020 with multiple weights being the most common approach (15 states), followed by enrollment caps (12 states), fixed dollar grants (9 states), single weight (8 states including Maryland), tiered grants (6 states), cost reimbursement (6 states), embedded in foundation aid (3 states), and hybrid (3 states).

The presentation concluded with a section focused on the future of special education funding in Maryland and Dr. Kolbe highlighted three critical design considerations for state formulas:

- Equity – does the funding formula drive supplemental state special education funding to where there is the most need? Do localities that have less ability to pay (e.g., limited tax capacity/ability to raise revenues) for special education due to their tax capacity or overall spending burden?

- Efficiency – does the formula distribute state funding in a way that minimizes state and local burden? Is it “simple” and “transparent” to administer?
- Alignment – is the formula aligned with the state’s policy priorities for special education policy and practice?

### Breakout Group Discussion Questions

Workgroup members participated in small and large breakout groups to discuss the following questions related to funding:

- Do you feel that funding for special education is adequate? How does inadequate funding impact students’ access to free appropriate public education?
- Do you think special education funding should be based on one weight or through multiple weights based on disabilities? Please explain.
- What knowledge do you have about supplantation?
- Should the costs of transportation, nonpublic placements, and minimum funding requirements be further studied?
- What priorities might be set for additional funding for special education that would remove barriers between students and FAPE?
- What other questions or recommendations do you have about special education funding in Maryland?

### Feedback from Exit Tickets and Small Group Discussions: Adequate Funding

Adequacy: unanimity that funding for special education is not adequate

- Funding is not adequate
  - Need an adequacy study on accelerated timeline
  - Must consider the adequacy of the foundation program
  - Funding must be adequate, equitable, and meet individual student needs
  - More funding and more accountability (clear directives for spending)
  - Adequacy means all students being able to meet grade-level standards
  - Students with disabilities are part of the “all students” who must exit school college and career ready
- Impact on FAPE:
  - Limits IEP decision making
  - Limits available resources (human resources, materials, facilities, support services)
  - Worsens staff shortages resulting in larger classes
  - Curtails student progress, leads to “behaviors” and more restrictive placements

Single Weight vs. Multiple Weights: unanimity around preference for multiple weights

- Need multiple weights based on disability/intensity of needs
- Need multiple weights based on level of support needs (Disability category is not a good proxy for this, and using it reinforces stereotypes and may have unintended consequences for placement)
- Consider individualized determination of funding based on matrix of questions in IEP (similar to DDA budgeting)
- Consider differences between LEAs

Minimum School Funding: wide concern about how minimum school funding will work for students with disabilities

- LEAs are providing the floor (75%) which is not sufficient for many students with disabilities – will LEAs be able to make up the difference for students with higher needs with the remaining 25%?
- LEAs need short-term guidance for how to deal with single weight + 75% minimum
- Special education funding shouldn't work the same way as other funding streams because services being provided are legally required
- What is impact of money following the students (especially for smaller schools that may not be able to afford the necessary number of teachers)?

Supplantation: wide concern that Blueprint funds are supplanting previous funding in some LEAs

- Need mechanisms to track supplantation/supplementation
- Need policies to make this clear to LEAs

Transportation: transportation costs should be studied further

- Questions to be answered:
  - How much is the state and/or LEAs spending on transportation? Specially for students with disabilities?
  - How is funding for transportation determined? How is it allocated?
  - Costs of LEA having its own fleet vs. contract?
  - What is state/LEA split on cost of transportation to nonpublic placements?
- Areas of concern:
  - Transportation and out-of-zone placements
  - Transportation and nonpublic schools
  - Transportation and McKinney-Vento
  - More rural districts – resources not available, students travel further

Nonpublic Placements: costs and funding of nonpublic placements should be studied further

- Costs are high. If students' needs could be met in public schools, would we have savings
- Dependence on these costly placements without evidence of better outcomes

Other Funding Issues and Priorities for Short Term Funding

- More fluid funding model to meet needs that arise throughout school year. Account for changes in enrollment, identification, and additional required services added after child count date.
- Make systemic investments in MTSS, UDL, inclusive practices (not just incentive grant programs)
- Funding service providers “outside the norm” (e.g., interpreter, private duty nursing)
- Early childhood assessments
- Preventative services (e.g., mental health services to support students in less restrictive settings and prevent overidentification of emotional disturbance)
- Hire additional staff for more manageable caseloads and to mitigate paperwork burden
- Retention of certified teachers (especially with advanced credentials) – consider incentives
- Increase pay and support for paraprofessionals



- Cost of litigation is a problem

## MEETING 10: JUNE 26, 2024

Workgroup members discussed recommendations identified in the May meeting, heard about current State funding efforts underway, were led through a discussion on the Least Restrictive Environment (LRE). Then, the Workgroup collaborated through small and large group discussions to provide input to the following questions to guide the development of recommendations.

### Guiding Questions

1. What steps can be taken in policy and statewide standards of practice to advance the legal requirement in IDEA that students, regardless of disability category and type of assessment in which they participate, be educated in the least restrictive environment?
2. What are the impacts of Maryland's historic reliance on placements in public and nonpublic separate schools to educate a significant percentage of students with disabilities?

### Issue Brief: Least Restrictive Environment

In preparation for the June meeting, Workgroup members read an issue brief focused on the principle of Least Restrictive Environment (LRE), a foundational principle of the Individual with Disabilities Education Act (IDEA). Students with disabilities “to the maximum extent appropriate” must be “educated with children with are nondisabled,” “in the school that he or she would attend if nondisabled.” A student’s placement must be determined annually, based on their IEP, by a group that includes the parents, and should be “as close as possible to the child’s home.” A student should only be removed from the regular classroom environment “if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily” and cannot be removed “solely because of needed modifications in the general education curriculum.” IDEA also requires that when selecting a placement, IEP teams must consider “any harmful effect on the child or the quality of services that he or she needs.”<sup>5</sup>

Under the LRE provisions of IDEA, the State Education Agency must have policies and procedures to ensure that:

- Local Education Agencies (LEAs) meet the LRE requirements;
- the state funding mechanism does not result in placements that violate LRE provisions;
- technical assistance and training fully informs teachers and administrators about their responsibilities for implementing the LRE requirements; and
- state monitoring ensures that LEAs meet the requirements and directs any necessary corrective action.

The issue brief reviewed Maryland's LRE data in comparison to the rest of the nation to drive the conversation, highlighting that, as of 2022-23 data among the 50 states and DC, Maryland's:

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<sup>5</sup> See links to all Least Restrictive Environment (LRE) provisions, Sec. 300.114-200 at: US Department of Education, IDEA, [Subpart B – State Eligibility](#).

- combined rate of LRE A (serving students with disabilities in regular classrooms for 80% or more of the day) and LRE B (40-79% of the day in regular classrooms) is 81.46%, ranking it 41<sup>st</sup>;
- rate of LRE C (less than 40% of the day in regular classrooms) is 11.34%, 19<sup>th</sup> highest in the country; and
- rate of placing students with disabilities in separate (public and nonpublic) schools is 6<sup>th</sup> highest in the country (5.54%).<sup>6</sup>

Although the rate of including students with disabilities in general education classrooms has increased over time in Maryland, this progress has not been equally shared among students in different disability categories and racial groups, or across all LEAs. Decades of research indicate that educating students with disabilities in general education classrooms alongside non-disabled peers results in higher academic achievement, better long-term outcomes, and benefits non-disabled peers.<sup>7</sup> The research literature has identified these benefits for all students with disabilities, including who are most frequently placed in more restrictive educational environments (e.g., students with the most significant cognitive disabilities,<sup>8</sup> with emotional disability/conduct disorders<sup>9</sup>). The evidence suggests that “more students can and should be included than presently are in our schools and that a more rigorous monitoring of the district, school, classroom, and student factors and characteristics that interact in predictable ways to influence this process should be undertaken.”<sup>10</sup>

While IDEA is specific that placement decisions should be rooted in characteristics of the child and the level of their support needs (“the nature and severity of the disability”), research indicates that external factors (e.g., location, locally available resources, provider expertise, local policy, philosophy and practices, distance from special schools) often are significant in these decisions. The variability evident across LEAs and for different disability codes reinforces this conclusion.

### Separate Schools

For decades, Maryland has ranked among the top five states with respect to rates of placing students with disabilities in separate special education schools. These placements in Maryland are split between public (2,184, 2.13%) and nonpublic (3,564, 3.47%) separate schools.<sup>11</sup> Despite the passage of the Teacher Pay Parity Act in 2023, which will make salaries for educators in Maryland’s nonpublic schools commensurate with those in public schools over the next three years, special educator shortages are even more of a challenge for nonpublic schools; about one-quarter of special educators at Maryland’s

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<sup>6</sup> U.S. Department of Education, ED Facts Data Warehouse (EDW): “IDEA Part B Child Count and Educational Environments Collection,” 2022-23.

<sup>7</sup> See: Hehir, T. et al. (2016). *A Summary of Evidence on Inclusive Education*. Abt Associates. SWIFT (2017). *Research Support for Inclusive Education and SWIFT*. National Council on Disability (2018). *The Segregation of Students with Disabilities* (IDEA Series).

<sup>8</sup> Kleinart, H., Towles-Reeves, E., Quenemon, R., Thurlow, M., Fluegge, L., Weseman, L., & Kerbel, A. (2015). Where students with the most significant cognitive disabilities are taught: Implications for general curriculum access. *Exceptional Children*, 81, 3, pp. 312-28. Kleinart, H., & Kearns, J. (2022). Reconsidering LRE: Students with the most significant cognitive disabilities and the persistence of separate schools. TIES Center.

<sup>9</sup> Powers CJ, Bierman KL, Coffman DL. *Restrictive educational placements increase adolescent risks for students with early-starting conduct problems*. J Child Psychol Psychiatry. 2016 Aug;57(8):899-908.

<sup>10</sup> Cole et al. (2021), p. 7.

<sup>11</sup> MD EI/SES Census Data & Related Tables, 2022-2023 School Year.

nonpublic special education schools are conditionally certified, which far exceeds the rates of conditionally certified special educators in the state (11.6%).<sup>12</sup>

The fact that 6% of Maryland's students with disabilities are currently placed in separate schools has a number of possible impacts. LEAs, and by extension schools, administrators, and educators within the public system, may not develop capacity to educate students with particular support needs. Patterns of segregation may become standard practice, and educators and families may come to expect that students with certain profiles do not belong within public schools, perpetuating the cycle. Finally, the cost of these placements has an impact (with nonpublic expenditures ranging from 0% to 22.07% of total special education expenditures across the 24 LEAs).<sup>13</sup>

### Breakout Group Discussion Questions

Participants participated in small and large breakout groups to discuss the following questions related to least restrictive environment:

- In your view, what are the biggest factors that contribute to the variability in LRE placement patterns:
  - among LEAs?
  - by disability?
  - by race?
  - by assessment type?
- What standards, policies, and procedures do you think might decrease the variability in LRE placement (among LEAs, by disability, race, and assessment type) and increase placements in general education classrooms?
- What supports can MSDE offer to increase the capacity of schools to serve students with more significant needs in general education classrooms?
- In your opinion, what additional factors are leading to over-placement in separate classrooms and separate schools for students with disabilities? What supports do schools need to address these factors?
- How can the expertise and specialized supports available to students in these separate schools be shared with educators in less restrictive environments to help transition students, as appropriate, back to neighborhood schools?

### Feedback from Exit Tickets and Small Group Discussions: LRE

Factors contributing to variability in LRE placement patterns [Among LEAs, by disability, by race, by assessment type]:

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<sup>12</sup> This figure was shared during a PSTEB meeting, February 2024. The rate of conditionally certified special educators overall was calculated from data made available by MSDE in April 2024 and Table 7 of [Staff Employed at School and Central Office Levels](#), October 2023. This finding is similar to research that shows that special educators in neighborhood schools were statistically significantly more qualified in terms of experience, degrees, and special education certification than special educators in public and private "exclusionary special education schools" despite the fact that families may seek them out and LEAs may place students in these schools "so they can receive skilled, specialized educational services." Mason-Williams, L., Bettini, E., and Gagnon, J. C. (2017). [Access to qualified special educators across elementary neighborhood and exclusionary schools](#). *Remedial and Special Education* 38, 5 (pp. 297-307).

<sup>13</sup> [Selected Financial Data Maryland Public Schools SY2021-2022](#), Part 2 Expenditures. Table 5A Expenditures for Special Education: Maryland Public Schools, 2021-2022.

- Capacity of general educators and inadequate training
- Staffing shortages/inadequate staffing
  - o Salary disparities are a contributing factor among LEAs
  - o Need more classroom aides
- Inadequate resources
- Implicit (and explicit) bias and lack of cultural competency
  - o Racism
  - o Ableism
  - o Bias against non-English speakers
  - o Bias against nonspeakers
- Lack of accessibility (facilities, adaptive equipment)
- Lack of space for co-located programs
- Low expectations/mindset
- Link between assessment type and placement
- Availability of separate schools
- Lack of accountability
- System of “fail first” to get to more restrictive placements
- Families seeking safety for their students
- Self-perpetuating cycle of segregation
- Focus on behavior rather than student needs and fidelity of implementation
- Inequity based on family's access to financial resources and capacity to advocate
- Poor first instruction
- Class sizes
- Master schedules that don't accommodate co-planning
- Assessment tools (bias, not normed for some student populations)

Standards, policies, procedures to decrease variability and increase placements in general education classrooms:

- Staffing allocation standards (including need for 1:1 assistance for students with significant cognitive disabilities for classroom instruction, transport/transition, use adaptive equipment, personal care, recreation)
- Increased resources and standards for resource allocation
- More accessible facilities/building adaptations
- Access to and training to provide communication supports regardless of placement (devices, PECS, etc.), and knowledge about communication requirements of ADA
- When additional resources and support are needed, know how to seek assistance and actually receive it (LEAs from MSDE and schools from LEAs)
- Monitoring and enforcement
  - o Accountability of MSDE and LEAs for providing FAPE in LRE with supplementary aids and supports
  - o Monitoring of implementation of interventions
  - o Stronger guidance on the legal requirements and IEP process
  - o LEA action plans on LRE, reviewed and approved by MSDE
- When IEP team wants to move a student to a more restrictive setting:
  - o More documentation/justification required (including on strategies and interventions and their implementation)
  - o Third-party review of decision (when placement is separate school)
- Staff knowledge and training

- Skills to adapt curriculum and materials
- Additional and uniform training (not district by district)
- Pre-service training for general educators (partner with IHEs)
- Certification requirements
- Clear standards for disability category eligibility (SLD, avoiding some categories because of stigma, wanting certain categories for placement in special schools)
- Ensure organization of MDOIEP is not leading to more restrictive placements
- Model MTSS
- Model master schedules to allow for co-planning

#### Supports that MSDE can provide to increase capacity of schools

- Be a partner not an auditor
- Support administrators who don't have special education backgrounds
- Training, professional learning, and clear guidance
  - Greater understanding of supplementary aids and services
  - Implementing SDI and co-planning (for general educators)
  - Evidence-based practices
  - Trauma-informed care and practices (e.g., Cornell University, Kickboard)
- Family engagement (information, support) to understand LRE (possibilities)
- Process for how LEAs and schools can request and receive additional support when needed (including additional resources) from MSDE
- LRE clinics with inclusion experts where staff could bring questions, issues, particular student situations and get practical advice

#### Sharing of expertise/specialized supports available to students in separate schools with educators in less restrictive environments:

- Consult with teachers and paraprofessionals who teach in separate schools
- What supports from a segregated setting can be integrated into a less restrictive setting
- Joint professional development opportunities
- Formal mechanism for sharing expertise (e.g., MANSEF Consortium Grants); public school/private school partnership
- Outside resources for public schools
  - Experts for support of a particular student when needed
  - Professional learning
  - Mental health contractors/experts

### **MEETING 11: JULY 31, 2024**

Workgroup members discussed recommendations identified in the June meeting pertaining to the Least Restrictive Environment. The Workgroup heard about current State efforts underway to address significant disproportionality in special education identification, eligibility category, placement, and discipline and were collaborated through small and large group discussions to provide input to guide the development of recommendations.

#### **Guiding Question**

1. What statewide policies, practices, and standards should be considered to address the discriminate practices for economically disadvantaged students and Black or Brown for discipline and identification with certain types of disabilities?

**Issue Brief: Significant Disproportionality**

In preparation for the July meeting, Workgroup members read an issue brief focused on significant disproportionality. The brief began with an overview of federal regulations related to significant disproportionality which, under the Individuals with Disabilities Education Act (IDEA), requires states to collect and examine data to determine if significant disproportionality based on race and ethnicity is occurring in the state and local education agencies (LEAs) with respect to:

- the identification of children as children with disabilities;
- the placement in particular educational settings of such children; and
- the incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

As the State Education Agency (SEA) under the IDEA, MSDE is responsible for developing a methodology to determine significant disproportionality and working with any local education agencies (LEAs) found to be significantly disproportionate to review and revise policies, procedures, and practices related to identification that may be contributing to significant disproportionality. MSDE must also require identified districts to set aside IDEA funds for early intervening services for all students to address factors that may be contributing to significant disproportionality. MSDE engaged a stakeholder workgroup in 2017 that included LEA superintendents, local directors of special education, advocacy groups, and parents and families to guide the development of Maryland's significant disproportionality methodology. Regulations adopted by the State Board of Education in 2018 are summarized below:

**A. Risk Ratio**

The federal regulations allow each state to determine its methodology for calculating significant disproportionality within certain parameters. First, each state must use a "risk ratio," a numerical comparison expressed as a ratio or decimal, between the risk of a specific outcome for a specific outcome for all other children in the LEA. The comparison is made – the risk ratio is calculated – by dividing the risk of a particular outcome for children in one racial or ethnic group within an LEA by the risk of that same outcome for all children in all other racial or ethnic groups within the LEA (the comparison group).

**B. Threshold**

The federal regulations allow each State to set its "threshold" value for determining when there is significant disproportionality. The MSDE chose 2.0 as its threshold value; therefore, if the risk ratio of a group of students is 2.1, there is significant disproportionality. However, if the risk ratio is 1.8, there is no significant disproportionality.

**C. Minimum Cell Size**

The regulations also require the State to set a "reasonable" minimum cell size – no greater than 10. "Minimum cell size" is the number of children experiencing a particular outcome, used as the numerator when calculating the risk ratio. After consultation with stakeholders, MSDE reduced the minimum cell size from 30 to 5.

**D. Minimum N-Size**

States must also set a "reasonable" minimum N-size – no greater than 30. The N-size is the number of children enrolled in an LEA, used as the denominator when calculating risk ratio. The MSDE chose to use an N-size of 20.

## E. Flexibility

The federal regulations allow states to choose whether to adopt “flexibility options.” The MSDE decided to use both multi-year and reasonable progress flexibility options. “Multi-year flexibility” means that the MSDE will review two years of data to identify an LEA as significantly disproportionate (the LEA must exceed the risk ratio threshold for two consecutive years while also failing to make reasonable progress). The MSDE chose this flexibility to help control for data anomalies. “Reasonable progress flexibility” allows the State to choose not to identify LEAs with risk ratios above the threshold if they can demonstrate they are making reasonable progress toward reducing disproportionality. If an LEA has a risk ratio between 2.0 and 4.0, it can demonstrate reasonable progress if it decreases by 0.15. If the LEA’s risk ratio is above 4.0, it must reduce its risk ratio by 0.50 to demonstrate reasonable progress.

Significant disproportionality in special education is divided into three overarching categories: identification, placement, and discipline. Overall, there are 14 sub-categories of analysis (7 for identification, 2 for placement, and 5 for discipline) and LEAs can be identified as significantly disproportionate in any of these categories across any racial/ethnic subgroup. During the 2022-2023 school year, the state of Maryland was significantly disproportionate in the identification of intellectual disabilities and sum disciplinary total for Black/African American students, meaning the risk ratios for Black/African American students of being identified as intellectually disabled and receiving suspensions/expulsions were over 2.0 and the state did not make reasonable progress. The state was over the 2.0 threshold for out of school suspensions greater than 10 days for Black/African American students but made reasonable progress from the prior year decreasing from 4.66 to 3.60. The total number of LEAs identified as significantly disproportionate increased from 2023 data (16 LEAs) to 2024 data (18 LEAs). Part of this increase is due to the 2020-2021 data used in 2023 being from the virtual year during the COVID-19 pandemic. As such, the number LEAs identified with significant disproportionality in disciplinary removal increased from 2 to 14 over that time-period.

To date, efforts aimed at addressing significant disproportionality have failed to make effective, sustained impacts. The most common efforts have included 1) sharing data to expose the problem, 2) training to change beliefs and actions in making disciplinary responses, MTSS/SST and IEP referral processes, use of data metrics for data driven decisions to promote equitable resource allocation to support inclusive culturally responsive programming, and 3) compliance monitoring.

A recent report from the National Center for Education Evaluation and Regional Assistance at the Institute of Education Sciences, US Department of Education notes:

“IDEA and related federal regulations require states to work with flagged districts to review and, if appropriate, revise the policies, procedures, and practices related to identification that may be contributing to significant disproportionality. Contributing factors may include, for example, lack of access to scientifically based instruction or linguistic barriers to appropriate identification. Additionally, states are expected to require flagged districts to set aside IDEA funds for early intervening services more generally, the intent being to redirect resources toward addressing factors that may be contributing to significant disproportionality. Federal regulations suggest using these required set-aside funds for professional development for teachers and other school staff focused on providing better supports for all students, such as delivering scientifically based academic and behavioral interventions. Other recommendations include providing educational and behavioral evaluations, services, and supports to ensure accurate and complete identification and provision of services to all children. By focusing on high-quality, standardized policies, procedures, and practices for all students,

the intent is to eliminate disparities based on race or ethnicity that may be contributing to significant disproportionality.”<sup>14</sup>

The brief goes on to emphasize the need to systemic changes that identify root causes and seek structured solutions to make sustained and substantial impact, and to summarize the research literature on best practices and policy practices to address common root causes. These policies, many of which incorporate the training of educators and administrators and addressing cultural and linguistic barriers, tend to fall into the following three categories:

- Evidence-based instructional practices
- Eligibility determination process
- Research-based discipline alternatives

Finally, two additional policy suggestions are the diversification of the teacher workforce and a review of how the state is choosing to measure significant disproportionality.

### **Breakout Group Discussion Questions**

Participants participated in small and large breakout groups to discuss the following questions related to significant disproportionality:

- Should Maryland consider revising its methodology for identifying significant disproportionality in any way in order to more directly target support where it is most needed?
- What recommendations do you have on specific steps that MSDE can take to help LEAs reduce disproportionality?
- Several areas have been identified to address the problem of significant disproportionality. With respect to (a) MSDE support of LEAs and (b) LEA action plans, what additional ideas do you have for addressing significant disproportionality, such as:
  - Ensuring access of all students to high-quality evidence-based instructional practices
  - Eligibility process: use of screeners, specialized assessment/evaluation tools, etc.
  - Discipline alternatives, understanding behavior
  - Economic, cultural, and linguistic barriers to appropriate identification and placement
- How can identifying root causes of disproportionality inform corrective action?
- How do we ensure structured, systemic changes that are not culturally void and take the diversity of Maryland’s classrooms into account?

### **Feedback from Exit Tickets and Small Group Discussions: Significant Disproportionality**

Based on the small- and large-group discussions from this meeting, the following themes emerged, organized by category:

Maryland’s methodology for identifying significant disproportionality

- Appreciation for very rigorous standard/methodology
- Different standard/methodology for general education and special education is a problem
- Use of lagged data is a problem

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<sup>14</sup> Lai, I., Lipscomb, S., and Johnson, A. (2024). Appropriate Identification of Children with Disabilities for IDEA Services: A Report from Recent National Estimates (NCEE 2024-004r). Washington, DC: U.S. Department of Education, Institute of Education Sciences, National Center for Education Evaluation and Regional Assistance, p. 19-20. <https://ies.ed.gov/ncee/pubs/2024004/pdf/2024004.pdf>



- Consider limiting flexibility for LEAs with decreasing risk ratios; continue intensive TA until LEA is below 2.0 in all schools
- Periodic review of methodology is worthwhile

Why has significant disproportionality increased in Maryland?

- Societal issues
- Post-pandemic challenges
- Budget shortfalls
- Staffing shortages
- Student mental health needs
- Discipline is primary driver of increases
- Strategies used to respond to behavior are not addressing underlying student needs
- Not considering additional support needed for multilingual learners
- Need more oversight about implementation of services
- Over-referrals to special education (with new concerns about impact of new literacy policy and current strategies being used to address behavior concerns)

Assessment of current MSDE supports for LEAs

- Do not feel there are any supports currently being implemented (MSDE just identifies LEAs that are significantly disproportionate)
- Supports must be insufficient/ineffective because rates have increased
- LEAs need differentiated support

Specific steps for MSDE to help LEAs reduce significant disproportionality

- MSDE recommendations on local codes of conduct
- Look at common root causes and develop statewide approach
  - Set standards and disseminate best practices and monitoring
  - Develop standardized eligibility determination checklists for all disability categories
  - Lists of evidence-based interventions
  - Offer more training on interventions
- Help general educators develop better understanding of disability vs. student needs not related to disability
- Ways to support students who have needs (lack of exposure, opportunity, interrupted instruction) but don't require specialized instruction
- Work with IHEs to support their role in training administrators, counselors, and general educators
- Restorative practices: guidance and training
- Get beyond silo of special education to involve school administrators, school resource officers, school psychologists, etc.
- Provide models for innovative uses of CCEIS funds (e.g., related service providers spending dedicated time in early grades providing support to students and helping educators with universal design)
- Put supports and assistance in each school building that has significant disproportionality
- Partner with organizations that are already doing the work to support schools
- Administrative support around the paperwork burden for teachers

- Develop MSDE capacity to support LEAs rather than relying on outside consultants for each LEA
- Approach solutions using implementation science

#### Identifying root causes to inform strategies/actions

- Willingness to believe in root causes like bias/racism
- Ensuring that goals and strategies addressed identified root causes
- Look for structural causes (training, staffing, funding, etc.), not just individual beliefs and attitudes
- Belief systems
- Students who are identified because they need “help” (then have IEPs without SDI/supports)
- Local codes of conduct
- Is PBIS part of the problem of over-referrals? (Consider Restorative Practices)

#### Structural changes that consider cultural diversity

- Embrace diversity
- State standards for EBP for staffing, eligibility determinations, placement decisions/options
- Training
- Retention strategies
- Statewide coaching model
- Create mechanisms for collaboration across districts
- Community involvement
- Teacher/staff workforce diversity
- Expectations for all students/focus on opportunities for students

### **MEETING 12: SEPTEMBER 25, 2024**

Workgroup members discussed recommendations identified in the July meeting on Significant Disproportionality as well as a revised recommendation from the June meeting on the Least Restrictive Environment. Additionally, there was a review of findings from small group discussions held in August with Workgroup members on prioritization of the recommendations and the development of a Prioritized Plan for Implementation. The focus of the September meeting was Early Intervention and Early Childhood Education. The Workgroup reviewed current State and federal laws, as well as Blueprint requirements to expand access to PreK through the development of a mixed delivery system and the use of best practices supporting students in early intervention and preschool programs. Finally, the Workgroup collaborated through small and large group discussions to provide input to guide the development of recommendations.

#### **Guiding Question**

1. How can statewide policies, practices, standards, and funding ensure young children with disabilities are prepared for kindergarten, have meaningful access and opportunities to learn and play alongside their peers without disabilities in their natural environment?

#### **Issue Brief: Early Intervention and Early Childhood Education**

In preparation for the July meeting, Workgroup members read an issue brief focused on early intervention and early childhood education. This issue brief began by explaining that decades of research have confirmed the critical impact of early intervention for young children with or at risk for developmental delays and disabilities, specifically citing a longitudinal study conducted by the Division

of Early Intervention and Special Education Services in 2016 which found that 68% of students who received early intervention services no longer had an IEP by the time those same students were in third grade.<sup>15</sup> Pillar 1 of the Blueprint for Maryland's Future focuses on Early Childhood Education and the expected outcome that "All students enter kindergarten ready to learn (i.e., developmentally ready for kindergarten, including physical and social/emotional health)." To meet this goal, we must ensure that young children with disabilities have access to robust early intervention services and benefit from the State's expansion of pre-K through increased access to inclusive educational environments alongside their non-disabled peers.

The issue brief provided background on the law related to early intervention, details about eligibility and implementation of early intervention, and information about the population of students served by early childhood systems in Maryland. It then explored issues for consideration by the Workgroup as it develops recommendations in this area including:

#### *Infants & Toddlers Services*

MITP guidance emphasizes the parent coaching model for early intervention services, following the research that this evidence-based practice in combination with other service delivery models can benefit young children. Questions have been raised, however, about the impact of staffing shortages (particularly in critical areas like speech language pathologists), the impact of COVID-19 pandemic disruption on service provision, and the fidelity of implementation on the frequency and intensity of EI services.

Another concern in this area is related to cross-jurisdictional coordination of EI services including responsibility for the provision of services and funding. For example, a child with a disability may live in one jurisdiction but attend a childcare center (or community pre-K program) in a neighboring jurisdiction where their parent works.

#### *Access to Child Care*

Per IDEA, early intervention services and supports are to be provided in "natural environments." Assumptions that the "natural environment" for many young children with disabilities is the home perpetuates barriers to child care and tends to limit workforce participation for many families. For many infants and toddlers their "natural environment" would include inclusive, high-quality childcare providers. Unfortunately, finding childcare, a struggle for all families, is an even greater challenge for "families of infants and toddlers with disabilities [who] report that they have difficulty finding and keeping childcare, which can cause stress and impact their employment opportunities."<sup>16</sup> Studies have found that these families face significant obstacles to finding care including discrimination, shortages, and quality and safety concerns.<sup>17</sup> Childcare providers are required to comply with the Americans with Disabilities Act (ADA).<sup>18</sup>

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<sup>15</sup> MSDE (June, 2020). The Maryland Infants and Toddlers Program: A Report in the Effectiveness of the State's Early Intervention System Under IDEA.

<sup>16</sup> ED & HHS, 2023, p. 3.

<sup>17</sup> Novoa, C. (2020, Jan. 9). The Child Care Crisis Disproportionately Affects Children With Disabilities. Center for American Progress. <https://www.americanprogress.org/article/child-care-crisis-disproportionately-affects-children-disabilities/>

<sup>18</sup> <https://www.ada.gov/topics/child-care-centers/> Child care centers that must comply with the ADA include: Privately run child care centers, including home day care; Government-run centers; Before and after school centers; Summer centers. Only programs that are run by religious organizations such as churches, mosques, and synagogues do not have to comply.

*Blueprint Pre-K expansion through public-private partnership*

Children with disabilities are prioritized for pre-K expansion seats but are not included in Tier I, which would require that State and local shares cover the cost of full-day pre-K for these students. (There was a temporary extension through the 2025-2026 school year for children with disabilities from middle income families.<sup>19</sup>)

The strategy envisioned by the Blueprint of a mixed delivery system (public and private providers) is affirmed by 2023 joint policy guidance on inclusive early childhood programs from the US Departments of Education and Health & Human Services which notes:

“IDEA’s FAPE and LRE requirements should not be interpreted as prioritizing or allowing IDEA preschool special education and related services to be delivered only in preschool programs operated in a public-school building; child care, Head Start, other publicly-funded, and private early childhood settings can be used to provide FAPE.... A mixed delivery system of public and private high-quality early childhood programs is vital in increasing the availability of inclusive opportunities for children with disabilities.”<sup>20</sup>

However, building out this system is complex. Private providers may need significant support to build capacity, related to everything from grant management to accreditation, as well as the knowledge, skills, and expertise required to meet the needs of students who have (or are at risk of having) disabilities. Monitoring of programs is also a critical need.

To ensure FAPE for our youngest students with disabilities we must ensure that the resources (funding and personnel) necessary for related service provision, supplementary aids and services, and special instruction are available to these providers. Under Blueprint, students with IEPs who are enrolled in a publicly funded pre-K program under Title 7, Subtitle 1A of the Education article are included in the special education enrollment count used to determine State special education formula funding.<sup>21</sup> LEAs may use other funding sources (e.g., federal funds, local funds, reimbursement from Medical Assistance) to provide the services and supports needed by these students.

A number of critical questions and policy choices remain to support the development of an integrated early childhood system.

- Because children with disabilities are described in the Blueprint legislation as having “priority” for enrollment but are not included in the definition of Tier 1 child (unless they also meet income criteria), LEAs are struggling to appropriately allocate limited “seats” in PreK programs.
- Because of the number of children requiring preschool special education services increases over the course of the year (due to child find, transfers, and children turning 3), systems are challenged to provide appropriate opportunities while staying within class size limits required

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<sup>19</sup> “For the 2023–24 through 2025-26 school years, Tier I children shall include children whose family income is more than 300% but not more than 600% of the federal poverty level and who 1) have a disability, or 2) who are from a home in which English is not the primary spoken language.” 2024 Updates to the Blueprint <https://docs.google.com/document/d/1omMqxa0cGsnKuxoq-e9WB6LSv2htJp2r/edit>

<sup>20</sup> US ED & HHS, p.12.

<sup>21</sup> <https://casetext.com/statute/code-of-maryland/article-education/division-ii-elementary-and-secondary-education/title-5-financing/subtitle-2-aid-to-education/part-iv-at-promise-student-funding/section-5-225-use-of-funds-and-distribution-of-state-share-for-special-education>

by Blueprint. And families shouldn't have to choose between staying in their existing EC program and receiving EI/SES after a child is identified as having a disability.

- Collaboration with private providers and the logistics of developing and implementing IEPs in these private settings is also a challenge for some jurisdictions; even including the pre-K teacher from a private provider on an enrolled student's IEP/IFSP team has proven to be a significant hurdle.

One immediate challenge relates to how funding and resources flow from the State and local jurisdictions to community providers to ensure that children with identified needs (IEP/IFSP) and those who will be identified over the course of a school year have equitable access to all pre-K options (public schools and community providers) and the full range of services necessary for the provision of FAPE (including related services, special instruction, behavioral support, etc.).

Without an intentional focus on creating an inclusive mixed delivery system including commensurate funding and flexible, coordinated collaboration between LEAs and community providers, we may end up with a two-tiered system in which students with disabilities only attend pre-K in public schools, increasing segregation.

### **Breakout Group Discussion Questions**

Participants participated in small and large breakout groups to discuss the following questions related to early intervention and early childhood education:

- How can the State support LITPs to implement evidence-based practices in early intervention that meet the individual needs of children in their natural environments and their families?
- How can the State improve access to high-quality inclusive childcare for families with children with disabilities?
- How can the State's implementation of Pillar 1 of the Blueprint ensure that the expansion of preschool for 3- and 4-year-olds through both private and public providers increases access to inclusive high-quality preschool for all young children with disabilities?
- What does Maryland need to do to comply with federal and state law (FAPE) and meet the intent of the Blueprint to include children with disabilities in Tier 1 for prioritization and funding?
- How can or should previous recommendations and implementation plans of the Workgroup be expanded to address related challenges raised in the area of Early Childhood (e.g., staff shortages and disproportional identification and placement of young children with disabilities)?
- What additional questions, comments, or suggestions do you have about the implementation of early intervention services and preschool special education for students with disabilities in Maryland?

### **Feedback from Exit Tickets and Small Group Discussions: Early Intervention and Early Childhood Special Education**

Based on the small- and large-group discussions from this meeting, the following themes emerged, organized by category:

State support for LITPs to implement evidence-based practices in early intervention to meet the individual needs of children in natural environments and their families

- Concerns about reflective coaching/teaming/primary service provider (PSP) model
  - Is it being used with fidelity? (What are the standards for selection of primary service provider, representation of different disciplines on each child's team, caseloads of

- providers and PSPs, frequency of team meetings, flexibility of timing for visits, frequency of joint visits, etc.)
  - Appropriately staffed? Is training adequate?
  - Is it preventing the required individualization?
  - MSDE should review potential service delivery models beyond coaching and ensure that direct services are not excluded
- Challenge of a 12-month program that is staffed primarily by 10-month employees
- Bank of EBP providers
- Cross-jurisdictional issues
- Limited implementation of assistive technology through LITPs (so kids arrive in K with no reliable method of communication)
- Better coordination of LITP to K transition so supports are in place
- Outreach barriers/challenges
  - Language barriers
  - Partnerships with community organizations, doctors' offices, churches
  - Key communicators aren't communicating the right message to ensure that infants and toddlers get the services they need ("wait and see")
  - Calls to Child Find aren't returned, online self-referral
- We don't need new policy, but we need to follow current rules and brain funding to create more opportunities

#### State improve access to high-quality inclusive childcare

- Increase and improve training for providers
  - Training at the provider location
  - Training beyond behaviorist approaches
  - Training at times that work with provider/staff schedules
- Accountability/requirements for childcare centers/home daycares (can't just kick kids out)
- Resources for childcare providers: grants, tax incentives for prioritizing inclusion
- Increase knowledge of ADA requirements about reasonable accommodation for directors of childcare centers and all families (with and without children with disabilities CWD)
- Analysis of current locations of high-quality inclusive childcares
- Address staffing needs with partnerships with IHEs, high school EC classes/CTE programs
- Do we really mean ALL children with disabilities (including those with the most significant needs)? How to ensure these children have access to peers even when they can't access group care
- Adaptations for CWD will benefit other children as well (costs/resources will benefit all)

#### Blueprint PreK expansion: Increase access to inclusive high-quality preschool for students with disabilities, comply with the law, meet the intent of Blueprint to include SWD in Tier 1

- Students with disabilities must be Tier 1 for prioritization seats and funding
- Meet challenges with recruiting and preparing private providers
  - Need more clarify, guidance, and resources to bring in private providers because changes required for compliance are expensive and challenging
  - Minimum requirement should be accreditation and EXCELS level 5 rating
  - Coursework and professional learning for staff should be more accessible and at a higher level/quality
- Meets challenges with physical space

- Space in elementary school buildings is a huge challenge
- Ed Specs in need of updating? Do they reflect the charge of the Blueprint? Has the IAC updated its requirements?
- Funding for private providers to provide special education services and supports
  - Accountability of LEAs for providing the funding to private providers
  - Private providers should receive the special education funding to provide services and supports to students with IEPs
- Consider transportation needs for access

Expansion of previous SEW recommendations/plans to address related challenges in Early Childhood (e.g., staff shortages, significant disproportionality, etc.)

- All supports for inclusive practice (training, behavior support) should be applied to preschool

Additional suggestions

- Expanding community pilot programs (e.g. Kennedy Krieger PreK pilot)
- LITPs, Child Find, and school-based programs need to work together more seamlessly; and cross-jurisdictional cooperation and coordination

## Recommendations

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The Workgroup is committed to making research-based systemic recommendations that will revisit and improve every aspect of education for Maryland's students with disabilities. To that end, the following recommendations focus on the themes explored during Workgroup meetings.

As the Workgroup continues its study of evidence-based practices to improve outcomes for students with disabilities, it will identify additional recommendations to improve statewide systems and policies that will enable Maryland to implement these recommendations. A final list of recommendations will be provided in the May 2025 final report.

The Maryland State Department of Education's Division of Early Intervention and Special Education Services has initiated plans for each of the approved recommendations which include major components, key activities within each major component, timeline for activities, lead, support partner(s), and completion date. A draft of the plan for a plan for recommendation 2 (monitoring) has been included in Appendix J. In addition, the Division has created a shared project tracker to monitor progress in fulfilling each of the proposed recommendations.

### STANDARDS AND EXPECTATIONS UNDER IDEA FOR SWDS TO ACHIEVE, INCLUDING AMBITIOUS IEP GOALS

#### Recommendation 1: Standards and Expectations

COMAR and MSDE guidance should be revised to explicitly provide:

- Students without significant cognitive disabilities are legally entitled to IEP goals and services that enable them to meet grade-level standards. When these students are behind grade-level standards, they should receive IEP goals/services that enable them to close or narrow the gap between standards and their performance levels.
- Students with significant cognitive disabilities are legally entitled to IEP goals/services that enable them to access grade-level content standards (i.e., the general education curriculum) and meet alternate grade-level standards. Goals should be based on evidence-based instructional practices, related services, and LRE principles that maximize their potential.

#### Recommendation 2: Monitoring

Review state monitoring tools and compliance protocols to ensure that IEP goals narrow or close the gap between present levels of achievement and grade-level standards, and that, based upon research and professional judgment, IEP services are reasonably calculated to enable the goals to be achieved.

#### Recommendation 3: Comprehensive Early Literacy Plan

MSDE should develop a comprehensive early literacy plan to ensure that all students in general education receive evidence-based instruction, including high-dosage tutoring, within an MTSS/RTI framework in general education, with the highest priority in grades K-3.



## SPECIALLY DESIGNED INSTRUCTION

### Recommendation 4: State-Level Capacity and Guidance on SDI

MSDE should develop a plan for a plan to address state-level capacity and guidance around implementing specially designed instruction (SDI). This plan should include:

- MSDE should increase its capacity (staff positions, knowledge base, and/or means) to provide sufficient guidance and TA
- Guidance and TA to LEAs, including review of current Technical Assistance Bulletins and creation of more accessible guidance for educators and staff, to increase understanding that SDI requires evidence-based specially designed instruction as part of services that are reasonably calculated to enable each student's goals to be achieved
- Dissemination of a menu of evidence-based best practices that LEAs must select from (subject to waivers); availability of TA on the evidence-based best practices based on ongoing needs assessments and monitoring; and guidance on factoring in, where appropriate, IEP Team judgment
- The relationship between RTI and SDI (a continuation of the discussion of MTSS/RTI under the Topic of Integration.)

## IEP IMPLEMENTATION

### Recommendation 5: Effective Implementation of IEPs

MSDE should develop a plan for a plan to address effective implementation of IEPs, including technical assistance, uniform data collection and monitoring, within 60 days. The plan for a plan should include:

- Technical assistance, including more direct support and coaching for IEP Teams and LEAs from MSDE; clear, achievable standards linked to available resources; menus of evidence-based best practices (instruction and interventions); accessible differentiated guidance documents for educators; and professional development
- Uniform data collection, including the need for review and revision of current data elements and technical assistance for collection and analysis of the data
- Monitoring: clear communication of the monitoring requirements and the criteria used to determine compliance, a balance between support and enforcement, and review of composition of Monitoring teams.

## MONITORING, DATA COLLECTION, AND TECHNICAL ASSISTANCE

### Recommendation 6: Review of MOIEP

MSDE should review the Maryland Online IEP (MOIEP), including data collection, reporting capabilities, user experience, and current mechanisms for feedback and revision, and report on suggested improvements and/or alternatives within six months.

## TEACHER QUALIFICATIONS, RECRUITMENT, AND RETENTION

### Recommendation 7: Knowledge, Skills, and Expertise

MSDE should develop a plan for a plan with tasks and timelines within 60 days to ensure that general and special educators have the knowledge, skills, and expertise needed to effectively teach students with disabilities (as compiled by the Workgroup). The plan should consider:

- A review and revision of COMAR to align standards and competencies, clinical experiences, and entrance and exit requirements for educator preparation programs (EPPs) and the requirements for initial licensure and renewal of licensure for educators and administrators with the knowledge, skills, and expertise needed to effectively teach students with disabilities
- A review in collaboration with IHEs of current EPPs (traditional and alternative), focusing on the development of general and special education teacher candidates who can effectively teach students with disabilities
- Developing standards in collaboration with LEAs and IHEs for systemic support of early career teachers (e.g., IHE faculty in schools as coaches)
- Developing standards in collaboration with LEAs for professional learning and ongoing support, coaching, and mentoring of general and special education teachers and related service providers to effectively teach students with disabilities

### Recommendation 8: Recruitment & Retention of Educators

MSDE should develop a plan for a plan with tasks and timelines within 60 days to enhance supply and encourage retention of general and special educators. This plan should consider:

- Development of innovative recruitment protocols in collaboration with MHEC/IHEs and LEAs (e.g., dual certification programs, programs for general educators to add special education licensure, School to Teacher pipeline/recruitment of high school students, Grow Your Own programs, paid student teaching, and loan forgiveness)
- Developing a rebranding strategy for special education
- Developing teacher career ladders in collaboration with LEAs that provide adequate co-planning and noninstructional time, provide equal opportunity to special education teachers, and consider innovative proposals for additional training (e.g., teacher sabbaticals, paid summer training programs)
- Determining if paperwork can be reduced for teachers and related service providers
- Developing professional learning for principals in collaboration with LEAs on developing inclusive mindsets and high expectations in school communities and improving school culture, including more respect and support for educators

## CAPACITY AND RESOURCES

### Recommendation 9: Staffing and Service Delivery

MSDE should develop a plan for a plan with specific tasks and timelines within 60 days to set evidence-based baseline standards for staffing and service delivery, with mechanisms for flexibility with

justification, emphasizing a focus on student needs not financial constraints, and developed with consideration of the specific ideas generated by the Workgroup. This plan should include:

- Updating guidance for LEA development of staffing plans, with enhanced emphasis on transparent processes, vacancy reporting, and connection of staffing plans to improved student outcomes
- Standards for teacher/staff to student ratios for different service delivery models at elementary, middle, and high school levels
- Baseline standards for special education teacher and related service provider workloads, including the use of Blueprint-required noninstructional time
- Standards for the role of IEP chair, including scope, training, and funding this position
- Standards for paraprofessionals and 1:1 aides, including qualifications, training and ongoing professional development, determining appropriate support for students, data collection on their use, and ensuring adequate supervision

### **Recommendation 10: Adequacy Study**

Within 90 days MSDE should research and share the options, costs, and potential funding and contracting requirements to commission an adequacy study of Maryland's special education funding that considers and makes recommendations related to:

- The adequacy of the foundation program to prevent inappropriate referrals to special education and to narrow achievement gaps
- Establishing a system of multiple weights for special education funding based on disability and/or level of service/support needs
- Feasibility of the minimum school funding requirement
- The timing of funding disbursements to account for changing needs during the school year
- Costs of transportation
- Costs of nonpublic school placements and the state/local cost-sharing formula

### **Recommendation 11: Minimum School Funding**

MSDE should provide a written summary of work recently completed, a timeline for other work already under way (which is soon to be completed), and any other next steps to provide short-term guidance to LEAs about how to meet the Blueprint requirement for minimum school funding with respect to special education funds and still ensure FAPE for students with disabilities.

### **Recommendation 12: Prevention of Supplantation**

MSDE should provide a written summary of work recently completed, a timeline for other work already under way (which is soon to be completed), and any other next steps to prevent LEAs from supplanting local special education funds with Blueprint special education funds.

## **LEAST RESTRICTIVE ENVIRONMENT (LRE)**

### **Recommendation 13: Previous Recommendations and LRE**

Many of the standards, policies, and procedures suggested in the Workgroup's previous recommendations are also essential for increasing placements of students with disabilities in general education classrooms and decreasing the variability of Maryland's LRE placements (across LEAs, disability categories, race, and assessment type). These previous recommendations include:

- Achievement of grade-level standards by all students with disabilities, establishing the legal requirements of the IEP process, and holding LEAs accountable for implementation (Rec 1, 2, and 8)
- Increase resources (Rec 10-12)
- Standards related to: evidence-based specially designed instruction (Rec 4), staffing plans and service delivery models allocations (Rec 9), and positions like paraprofessionals and IEP chairs (Rec 9)
- Direct support and coaching of IEP teams and LEAs from MSDE (Rec 5)
- Ensuring educators and administrators have the requisite knowledge, skills, and expertise through EPPs, professional learning, and licensure requirements (Rec 7)
- Students who are eligible to participate in the alternate assessment must have meaningful access to and meet alternate achievement standards

#### **Recommendation 14: Plan for Least Restrictive Environment**

MSDE should develop a plan for a plan with specific tasks and timelines to decrease variability of LRE data by LEA, race, disability category, and assessment type, and increase placements in general education classrooms (decreasing placements in LRE C and separate schools). The plan should include:

- Standards, guidance, technical assistance, and monitoring focused on:
  - The use of supplementary aids and services;
  - Implementation of evidence-based specially designed instruction;
  - Eligibility determinations for disability categories;
  - MTSS implementation; and
  - Master schedules
- LEA action plans on LRE, reviewed and approved by MSDE, with mechanisms for accountability
- Support from MSDE to increase the capacity of schools to meet the needs of all students including:
  - Guidance on seeking out and providing additional resources and support for students, schools, and LEAs needed throughout the year
  - Direct consultation with inclusion experts where staff can bring questions, issues, and particular student situations for practical advice
  - Formal mechanisms for sharing expertise and connecting schools/LEAs to outside experts, professional learning, and mental/behavioral health experts
  - Enhanced standards and guidance for documenting, justifying, and monitoring students being recommended for more restrictive environments, particularly the most restrictive environments.

### **SIGNIFICANT DISPROPORTIONALITY**

#### **Recommendation 15: Previous Recommendations and Disproportionality**

Many of the standards, policies, and procedures suggested in the Workgroup's previous recommendations are also essential for addressing, reducing, and ultimately eliminating significant disproportionality in identification/eligibility, placement, and discipline. The previous recommendations include:

- Achievement of grade-level standards by all students with disabilities, establishing the legal requirements of the IEP process, and holding LEAs accountable for implementation (Rec 1, 2, and 8)

- Increase resources (Rec 10-12)
- Standards related to: evidence-based specially designed instruction (Rec 4), staffing plans and service delivery models allocations (Rec 9), and positions like paraprofessionals and IEP chairs (Rec 9)
- Direct support and coaching of IEP teams and LEAs from MSDE (Rec 5)
- Ensuring educators and administrators have the requisite knowledge, skills, and expertise through EPPs, professional learning, and licensure requirements (Rec 7)

**Recommendation 16: Plan to Address Significant Disproportionality**

MSDE should develop a plan for a plan with specific tasks and timelines within 60 days for reducing and eliminating significant disproportionality in identification/eligibility, placement, and discipline. The plan should involve the development of a statewide approach with standards and guidance, stakeholder feedback, TA and professional development, and monitoring, and should include:

- Review of Maryland's methodology for determining significant disproportionality with attention to data timeliness, flexibility currently afforded to LEAs with decreasing risk ratios, and the different standards for general and special education
- Development of standardized eligibility determination checklists for all disability categories
- Models for innovative uses of CCEIS funds
- Identification of root causes including structural causes and explicit and implicit bias in tools and staff
- Development of standards and guidance about responding to behavior in ways that address underlying student needs, review local codes of conduct, and consider alternative approaches including Restorative Practices

## A Prioritized Plan to Improve Outcomes for Students with Disabilities in Maryland

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The Special Education Workgroup (SEW) has thoughtfully addressed many areas of need to dramatically improve outcomes for students with disabilities in Maryland. The equally thoughtful recommendations envision not a tweaking of current practices and approaches, but far-reaching reform. MSDE is committed to broad and sweeping improvements embodied in the recommendations by the Blueprint SEW. Central to the Maryland State Department of Education's efforts is the goal of enabling all students with disabilities to achieve grade-level standards, recognizing that all students with disabilities are general education students first. Our approach focuses on ensuring that all students, including those with disabilities, receive the support they need to succeed, and that all educators share responsibility for all students.

The responsibility for this work extends beyond the Division of Early Intervention and Special Education Services; it is a cross-divisional effort at both state and local levels. Achieving change of this magnitude will require time, capacity, funding, collaboration, and a concentrated focus on effective implementation. Although not all recommendations can be implemented simultaneously, as many will necessitate additional financial resources and human capital, the changes undertaken will get us closer to the comprehensive vision defined by the recommendations as a whole.

The following plan outlines a first draft that establishes MSDE's top priorities from the recommendations of the SEW. It also specifies the tasks, timelines, and additional resources required. As many of the recommendations are interconnected, the priorities and implementation plans have been grouped by focus area.

The Priorities and Implementation Plan largely cover only the SEW meetings to date. All are subject to continuous revision as the SEW considers future topics. In many instances, MSDE's implementation of the Priorities will merge with its ongoing work.

Another key threshold point is the deep importance of MSDE's support for LEAs as reforms move forward. Federal regulations mandate that MSDE fulfill specific obligations. This plan provides focus for these existing efforts and direction for clear and feasible standards to shape MSDE's ongoing support, guidance, technical assistance, and professional development for educators and schools across Maryland.

The priorities are divided into two parts: Foundational Priorities and Other Near-Term Priorities. All priorities are essential, but Foundational Priorities provide the basis for all other work. The prioritization plan below captures recommendations approved by the Special Education Workgroup through August 2024; this plan will be updated to reflect all approved recommendations through the last Workgroup meeting in the addendum submitted by May 30, 2025.

**FOUNDATIONAL PRIORITIES**

**1. Ensure grade-level achievement expectations, standards, and related monitoring.**

MSDE should develop COMAR regulations and guidance to require IEP goals and services that enable all students (including those taking alternate assessments<sup>22</sup>) to meet grade-level standards.<sup>23</sup> When students are behind grade-level standards, IEP goals and services should enable them to close or narrow the gap between the standards and their current performance levels.

Further, MSDE, should develop state monitoring tools and compliance protocols to ensure that IEP goals narrow or close the gap and that, based upon research and professional judgment, IEP services are reasonably calculated to enable the goals to be achieved.

Draft Implementation Plan for Priority 1:

Task	Due Date
Development of COMAR regulations and MSDE guidance related to grade-level achievement expectations	November 2024
Gather feedback from LEAs and stakeholders	January 2025
Revise and disseminate standards and guidance	March 2025
Revise related MSDE monitoring and compliance protocols, including guidance on self-monitoring by LEAs	January 2025
Gather feedback from LEAs and stakeholders	March 2025
Disseminate revised monitoring and compliance protocols	May 2025
Provide PD and TA related to grade level expectations	Ongoing 6/25
Implement new monitoring protocols in the SY24-25 cycle	September 2025

<sup>22</sup> Students who are eligible for participation in the alternate assessment should be enabled to meet alternative academic achievement standards while having meaningful access to and making progress in the same grade-level content standards as their peers.

<sup>23</sup> Students who take the regular assessment (i.e., MCAP) should meet its proficiency standards and students who take the alternate assessment should meet the alternate academic achievement standards. All students are instructed based on the same content standards that define the curriculum.

**2. Expand the use of evidence-based practices that enable students with disabilities to achieve grade-level standards, with a significantly larger role for general education, as well as address some of the root causes of significant disproportionality and the overreliance on segregated placements for students with disabilities.**

The goal and legal requirements of IDEA are to ensure that all students with disabilities master the same grade-level standards as their non-disabled peers and that special education and general education services assist in achieving this goal. Currently, few students with disabilities in the state reach this goal. While research has shown that general education teachers, general education core instruction utilizing universal design for learning, and general education interventions (MTSS/RTI) are critical elements of grade-level mastery for all students including students with disabilities, LEAs have not generally adopted practices and supports that sufficiently integrate general and special education. A growing body of knowledge of “what works” has been identified, but not yet widely adopted.

The results of this absence of evidence-based practices are long-standing and growing achievement gaps for students with disabilities, pervasive issues of significant disproportionality in special education identification, placement, and discipline, and the over-reliance on more restrictive environments for students with disabilities.

Draft Implementation Plan for Priority 2:

Task	Due Date
Research and development of menus of evidence-based best practices that are required to enable students to achieve grade-level standards (including students who take the alternate assessment and who should be enabled to meet alternate academic achievement standards and have meaningful access to and make progress in the general education curriculum)	May 2025
Develop standards and guidance for LEAs’ usage of the evidence-based and research-based practices	May 2025
Develop standards and guidance on the use of supplementary aids and services, implementation of EB SDI, MTSS implementation, and master schedules	May 2025
Gather feedback from LEAs and stakeholders	June 2025
Revise and disseminate a menu of evidence-based best practices and guidelines for their adoption and useage.	September 2025
Revise related MSDE monitoring practices and protocols including enhanced self-monitoring by LEAs	June 2025
Gather feedback from LEAs and stakeholders	July 2025
Disseminate revised monitoring and compliance protocols and begin implementation of the monitoring	September 2025
Provide PD and TA related to evidence-based best practices	Ongoing



**3. Enhance supply and retention of teachers and develop teacher capacity, ensuring Maryland’s schools have enough general and special educators, related service providers, paraprofessionals, and other critical roles, with the knowledge, skills, and expertise to effectively teach students with disabilities. These strategies employed to achieve this priority should also focus on creating more sustainable workloads and schools that better support educators.**

Implementing the other foundational focus areas will be difficult without enough skilled staff. The chronic and increasing shortages of special education staff are a threat to successfully improving the outcomes of students with disabilities. The three throngs of this multi-faceted plan to enhance supply and retention of teachers and develop greater teacher capacity will reinforce each other. This work will be deeply interconnected with the development of standards for staffing (including paraprofessionals and IEP Chairs), service delivery, and specially designed instruction.

Draft Implementation Plan for Priority 3:

Task	Due Date
Research evidence-based strategies and, in collaboration with LEAs, develop standards for staffing and service delivery; the use of Blueprint-required collaborative time; professional learning, support and mentoring; and teacher career ladders that provide equal opportunity to special education teachers. Research should also consider innovative proposals for additional training	October 2025
Develop standards and guidance for workloads, based on evidence-based best practices, including teacher and related service provider ratios to students and hours of service	November 2025
Gather feedback from LEAs and stakeholders	February 2026
Develop standards and guidance for the role of IEP Chair (including roles with similar functions but different titles), including duties, qualifications, and professional development	March 2026
Gather feedback from LEAs and stakeholders	April 2026
Develop standards and guidance for paraprofessionals and 1:1 aides, including duties, qualifications, and professional development	May 2026
Gather feedback from LEAs and stakeholders	April 2026
Revise and disseminate staffing standards and guidance	May 2026
Revise related MSDE monitoring practices and protocols including enhanced self-monitoring by LEAs	May 2026

Task	Due Date
Gather feedback from LEAs and stakeholders	June 2026
Disseminate revised monitoring and compliance protocols	July 2026
Begin implementation of monitoring	September 2026
Develop professional learning for administrators in collaboration with LEAs on developing inclusive mindsets and high expectations in school communities, and improving school culture, including more respect and support for educators	July 2025
Review and revise competencies, clinical experiences, and entrance and exit requirements for educator preparation programs (EPPs) and the requirements for initial licensure and renewal of licensure for educators and administrators with the knowledge, skills, and expertise needed to effectively teach students with disabilities	August 2026
Identify preservice, induction, and early service program changes that will provide systemic support to early career educators	February 2026

**4. Address disproportionality in the identification of students with disabilities, achievement outcomes, disciplinary action, LRE, and eligibility for participation in alternate assessments.**

Disproportionality has increased significantly in the state over the years and currently, 18 of 24 LEAs have been identified as significantly disproportionate. Too many LEAs have been chronically disproportionate, despite years of effort, corrective action plans, and third-party support. This priority seeks to reverse the troubling trend, learn from past failed efforts, and chart a new course to tackle the challenge.

Draft Implementation Plan for Priority 4:

Task	Due Date
Research best practices nationally and in LEAs for eligibility determination, placement, and discipline alternatives	April 2025
Survey LEAs and compare their current practices with “best practices”	May 2025
Develop MSDE standards and guidance for addressing significant disproportionality	June 2025
Gather feedback from LEAs and stakeholders	June 2025

Task	Due Date
Disseminate standards and guidance	October 2025
Revised related MSDE monitoring practices and protocols including enhanced self-monitoring by LEAs	November 2025
Gather feedback from LEAs and stakeholders	December 2025
Provide PD and TA related to significant disproportionality	Ongoing 1/26

**5. Conduct an adequacy study of special education funding and frame legislative proposals.**

An important element of the Special Education Workgroup’s charge included a through and updated review of special education funding. Significantly improving outcomes for students with disabilities will require adequate funding that is efficiently spent.

Past studies of the topic did not provide a reliable methodology for determining evidence-based calculations of the costs of an adequate education, including weights, that enable all students with disabilities to meet grade-level standards.

The Special Education Workgroup also requested that at the same time as the adequacy study proceeds, MSDE should review related questions pertaining to minimum school funding requirements, the timing of funding disbursements to LEAs, transportation costs, the state/local cost-sharing formula for nonpublic school placements, and preventing LEAs from supplanting local education funds with Blueprint special education funds.

Draft Implementation Plan for Priority 5:

Task	Due Date
Develop key research questions, scope of work, and identify potential third-party consultant	September 2024
Issue RFP and select consultant	January 2025
Monitor periodic reports from the consultant	Jan-October 2025
Contract to be completed	October 2025
Develop policy proposals for consideration by the AIB, State Board, General Assembly, and governor	November 2025

**OTHER NEAR-TERM PRIORITIES**

**6. Ensure LEA compliance with IDEA’s Least Restrictive Environment requirements, including reducing the overuse of LRE-C and separate school placements, while ensuring that a broad continuum of services and supports are available.**

IDEA requires all students to be educated in the least restrictive environment required to meet their needs. In Maryland, the placement patterns of students vary greatly from LEA to LEA, suggesting that external factors more than student needs drive much of the decision-making related to LRE placements. The work related to priorities 1, 2, and 3 discussed above will be essential for addressing these problems. In addition, the Special Education Workgroup called for explicit attention to improved implementation of the LRE principle through LEA action plans based on MSDE standards and guidance, MSDE support for increasing the capacity of schools and LEAs to meet the needs of all students, and additional requirements for placing students in more restrictive environments.

Draft Implementation Plan for Priority 6:

<b>Task</b>	<b>Due Date</b>
Research best practices nationally and in Maryland to identify exemplar programs, schools, and districts	May 2025
Develop standards and guidance for LEA action plans as part of staffing plans	July 2025
Gather feedback from LEAs and stakeholders	September 2025
Revise and disseminate standards and guidance	November 2025
Require LEA action plans on LRE, reviewed and approved by MSDE, as part of SY2026-27 staffing plans	Spring 2026
Develop a cross-district networking mechanism for schools and districts to share ideas, collaborate, and problem-solve through school visits, learning labs, and communities of practice	Summer 2026
Develop mechanisms for direct support of schools and LEAs through the provision of access as needed to inclusion, mental health, and behavioral experts	Fall 2026
Develop enhanced standards and guidance for documenting, justifying, and monitoring students being recommended for more restrictive environments/placements	September 2026
Gather feedback from LEAs and stakeholders	October 2026
Revise and disseminate standards and guidance	November 2026
Revise MSDE monitoring to ensure appropriate implementation of model programs and supports including self-monitoring	September 2027

**7. Review, refine, or replace the Maryland Online Individualized Education Program (MOIEP)**

IEPs are the critical documentation of goals and services for students with disabilities and are central to ensuring accountability and compliance with applicable legal principles and state standards and guidance. The current MOIEP system requires review and revision to data collection, usability, and reporting capabilities, with consideration of families who do not speak English. In addition, the Special Education Workgroup called on MSDE to suggest possible alternatives to the MOIEP.

Draft Implementation Plan for Priority 7:

Task	Due Date
Research best practices	September 2025
Obtain stakeholder feedback/survey to determine concerns/suggestions	October 2025
Develop proposals for revision or replacement	November 2025
Gather feedback from LEAs and stakeholders	December 2025
Revise/replace (will require additional steps if it will be contracted out)	July 2026

## Appendices

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### **APPENDIX A**

Meeting 9 agenda (Wednesday May 29, 2024)

### **APPENDIX B**

Meeting 10 agenda (Wednesday June 26, 2024)

### **APPENDIX C**

Meeting 11 agenda (Wednesday July 31, 2024)

### **APPENDIX D**

Meeting 12 agenda (Wednesday September 25, 2024)

## Appendix A: Meeting 9 Agenda



## Special Education Workgroup Agenda

**Wednesday, May 29, 2024 | 4:00 – 6:00 p.m.**

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YouTube streaming link: <https://youtube.com/live/x6W-E-0lhw?feature=share>

**Welcome**

- Dr. Carey Wright, Interim State Superintendent of Schools
- Liz Zogby, Special Education Policy & Advocacy

**Public Comment****Highlights from April 24th Meeting****Discussion of Proposed Recommendations from April Meeting****How States Fund Special Education**

- Discussion of Maryland funding of Special Education
- Breakout Sessions
- Large Group Share Out

**July 1st Report Updates****Exit Ticket Reflections****Wrap-Up/Closing**

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## Appendix B: Meeting 10 Agenda



## Special Education Workgroup Agenda

**Wednesday, June 26, 2024 | 4:00 – 6:00 p.m.**

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YouTube streaming link: <https://youtube.com/live/ZRwtygHnR24?feature=share>

**Welcome**

- Dr. Carey Wright, Interim State Superintendent of Schools
- Liz Zogby, Special Education Policy & Advocacy

**Public Comment****Review of May Workgroup Meeting and Feedback****Brief Review of MSDE/Special Education Funding Efforts****Proposed Recommendations and Large Group Discussion****Least Restrictive Environment (LRE) Discussion**

- Small-Group Discussion
- Large Group Report Out

**Brief Update from MSDE****Wrap-Up/Closing**

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## Appendix C: Meeting 11 Agenda



## Special Education Workgroup Agenda

**Wednesday, July 31, 2024 | 4:00 – 6:00 p.m.**

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YouTube streaming link: <https://youtube.com/live/P8xuwmsuwOs?feature=share>

### Welcome

- Dr. Carey Wright, Interim State Superintendent of Schools
- Liz Zogby, Special Education Policy & Advocacy

### Public Comment

### Review of June Workgroup Meeting and Feedback

### Proposed Recommendations and Large Group Discussion

### Significant Disproportionality Overview

#### Overview of Significant Disproportionality in Maryland

- Small-Group Discussion
- Large Group Report Out

### Brief Update from MSDE

### Wrap-Up/Closing

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Maryland State Department of Education

## Appendix D: Meeting 12 Agenda



## Special Education Workgroup Agenda

**Wednesday, September 25, 2024 | 4:00 – 6:00 p.m.**

YouTube streaming link: <https://youtube.com/live/M7WbtUcyY14?feature=share>

**Welcome**

- Dr. Carey Wright, Interim State Superintendent of Schools
- Liz Zogby, Special Education Policy & Advocacy

**Public Comment****Review of Recommendations**

- Least Restrictive Environment
- Significant Disproportionality

**Prioritization Plan**

- Feedback from Small Group Sessions
- Revisions to Prioritized Plan

**Early Childhood Special Education**

- Overview
- Pre-Reading

**Discussion**

- Small-Group Discussion
- Large Group Report Out

**Update from MSDE**

- Blueprint Special Education Workgroup Meeting Dates
- Final Report Timeline

**Wrap-Up/Closing**

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