



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

NOVEMBER 30, 1995

Dr. Nancy Grasmick
Superintendent of Schools
State Department of Education
200 West Baltimore Street
Baltimore, Maryland 21201

Dear Superintendent Grasmick:

During the week of May 1, 1995, the Office of Special Education Programs (OSEP), United States Department of Education, conducted an on-site review of the Maryland State Department of Education's (MSDE) implementation of Part B of the Individuals with Disabilities Education Act (Part B). The purpose of the review was to determine whether MSDE is meeting its responsibility to ensure that its educational programs for children with disabilities are being administered in a manner consistent with the requirements of Part B. Enclosure A to this letter describes OSEP's monitoring methodology; our findings are in Enclosure B.

Our review revealed that since OSEP's previous compliance monitoring review in 1990, MSDE has made significant positive changes to its systems for compliance and technical assistance, particularly in the areas of content of its monitoring procedures, review and approval of local education agency applications, establishment of procedural safeguards and provision of a parents' rights notice, and individualized educational programs.

We also saw some noteworthy MSDE initiatives for providing special education services to students with disabilities. The Center for the Study of Troubling Behavior is a technical assistance project funded by MSDE, which was established to support local educational agencies and individual schools in addressing the needs of children and adolescents who exhibit disruptive, or other troubling behaviors in school settings. The Center works with school staff to develop effective innovations and programs, establish linkages with local mental health agencies, provide graduate level coursework for new teachers, and assist teachers in responding to troubling behaviors exhibited in the classroom.

600 INDEPENDENCE AVE., S.W. WASHINGTON, D.C.

Our mission is to ensure equal access to education and to promote educational excellence throughout the Nation.

In 1990, MSDE and the Maryland Coalitions for Integrated Education entered into a collaborative arrangement with three selected public agencies to establish pilot projects for the inclusion of students with disabilities into their neighborhood schools - Neighborhood Schools Inclusion Projects. The purpose of the project is to improve the quality of special education services to students with severe disabilities in Maryland and to facilitate the delivery of those services in inclusive settings.

In 1991, MSDE received a systems change grant from OSEP to expand into other school systems across the State. At the time of OSEP's visit, 29 schools were involved in the project, and it is anticipated that at the conclusion of the five year project, 16 school systems will have participated. (Although this Report contains findings in the area of placement in the least restrictive environment, OSEP recognizes the efforts of MSDE to address these systemic issues through this project.)

The Center for Technology in Education is a partnership between MSDE and the Johns Hopkins University, which provides schools and public agencies statewide with a wide range of training and technical assistance in technology. Center staff assist school and public agency staff statewide in applying technology in instruction, site-based management, and the development of data bases.

Our monitoring also revealed that MSDE has a number of problems in the effectiveness of MSDE's complaint management and due process hearing procedures. In addition, we found problems in the provision of a free appropriate public education, education in the least restrictive environment and transition services for students with disabilities who are sixteen years of age or older. The preliminary findings of the monitoring team were discussed with Mr. Richard Steinke and staff members of the Special Education Section at an exit conference held at the conclusion of OSEP's on-site visit. At that time MSDE was invited to provide any additional information it wanted OSEP to consider during the development of OSEP's monitoring report. No additional information was submitted; therefore, the findings presented in Enclosure B are final.

In the interest of developing a mutually agreeable corrective action plan specifically designed to address these findings, OSEP proposes that MSDE representatives discuss with OSEP staff, either in a meeting or telephone conference, the areas of noncompliance identified, the most effective methods for bringing about compliance and improving programs for children with disabilities in the State, and specific corrective actions. We

also will invite a representative from Maryland's Special Education Advisory Committee to participate in that discussion.

MSDE's corrective action plan must be developed within 45 days of receipt of this letter. Should we fail to reach agreement within this 45 day period, OSEP will be obliged to develop the corrective action plan.

In the event MSDE, after consideration of the data in this letter and its enclosures, concludes that evidence of noncompliance is significantly inaccurate and that one or more findings is incorrect, MSDE may request reconsideration of the finding. In such a case, MSDE must submit reasons for its reconsideration request and any supporting documentation within 15 days of receiving this letter. OSEP will review the request and, where appropriate, will issue a letter of response informing MSDE that the finding has been revised or withdrawn. Requests for reconsideration of a finding will not delay the development of the corrective action plan and implementation timelines for findings not part of the reconsideration request.

I thank you for the assistance and cooperation provided during our review. Throughout the course of the monitoring process, Mr. Steinke and his staff were responsive to OSEP's requests for information, and provided access to necessary documentation that enabled OSEP staff to acquire an understanding of Maryland's various systems to implement Part B.

Members of OSEP's staff are available to provide technical assistance during any phase of the development and implementation of your corrective actions. Please let me know if we can be of assistance. Thank you for your continued efforts toward the goal of improving education programs for children with disabilities in Maryland.

Sincerely,

Thomas Hehir
Director
Office of Special Education
Programs

cc: Mr. Richard J. Steinke

ENCLOSURE A

OSEP's Monitoring Methodology

Pre-site Preparation OSEP staff began its review of documents related to MSDE's special education programs in January 1995. The review included, but was not limited to, MSDE's State Plan, State regulations, interagency agreements and other materials that must comply with the requirements of Part B, such as the complaint management, due process hearings, and State monitoring systems. OSEP also reviewed MSDE's placement data based on the December 1993 child count.

At MSDE's request, a staff member from the Mid-South Regional Resource Center participated as an observer during the presite interviews at MSDE's administrative offices and attended two of the public meetings and the exit conference. OSEP understands that Mid-South Regional Resource Center staff will assist MSDE with development and implementation of corrective action plan activities based on the findings contained in this letter.

Involvement of Parents and Advocates OSEP conducted public meetings during the week of February 28, 1995, in Hagerstown, Baltimore and Annapolis. The purpose of these public meetings was to solicit comments from parents, advocacy groups, teachers, administrators and other interested citizens regarding their perceptions of MSDE's compliance with Part B. In addition, OSEP conducted outreach meetings with representatives from the Parent's Place of Maryland (the Parent Training and Information project) and the Maryland Disability Law Center. The information obtained from the public meetings and outreach activities, as well as from interviews with State officials and a review of State documents assisted OSEP in: (1) selecting the sites to be monitored; (2) selecting monitoring issues (e.g., least restrictive environment) to be emphasized while on-site; and (3) identifying the issues faced by consumers and others interested in special education in Maryland.

During the on-site visit, OSEP conducted a parent focus group meeting in public agency C, in order to hear parents' impressions of the provision of special education services provided to their children. The meeting provided OSEP staff with parent views of the methods used by the agency in providing a free appropriate public education to their children as well as the challenges faced by the district in this endeavor.

On-site Data Collection and Findings The OSEP team included Charles Laster, Catherine Cooke, Sheila Friedman and Douglas Little who visited seven local educational agencies. Where appropriate, OSEP has included in this letter data collected from those agencies to support or clarify the OSEP findings regarding the sufficiency and effectiveness of MSDE's systems for ensuring compliance with the requirements of Part B. The agency in which the supporting or clarifying data were collected is indicated by a designation such as "public agency A." The agencies that OSEP visited and the designation used to identify those agencies in this letter are set forth below:

Public agency A: Washington County
Public agency B: Prince George's County
Public agency C: Montgomery County
Public agency D: Dorchester County
Public agency E: Queen Anne's County
Public agency F: Baltimore County
Public agency G: Charles County

ENCLOSURE B

FINDINGS AND EXPECTED RESULTS/ACTION REQUIRED

OSEP FINDING	EXPECTED RESULTS/ACTION REQUIRED
<p>Least Restrictive Environment (LRE): §§300.550; 300.553</p> <p>Maryland's Systems Reform Initiative: In 1988, the Governor's subcabinet for Children, Youth and Families created the Systems Reform Initiative to restructure Maryland's service delivery system and coordinate the functions of State agencies. The initiative emphasizes a comprehensive, interagency approach to provision of a continuum of care, and involves the following agencies: the Department of Human Resources, the Department of Juvenile Services, the Department of Health and Mental Hygiene, MSDE, and the Department of Budget and Fiscal Planning. Since 1992, when interagency wraparound services were initiated, out-of-state placements have decreased by 23 per cent. Funds for these out-of-state placements have been diverted to the creation of community based services, and restructuring the provision of direct services to families based on local priorities. It is the ultimate goal of the Subcabinet for Children, Youth and Families to return all children from out of state by July 1, 1997.</p> <p>SEA Monitoring: MSDE officials responsible for monitoring public agencies in the State informed OSEP staff that in 1991, MSDE began the process of completely revising its procedures for monitoring public agencies in the State. MSDE's revised monitoring system is a multi-step process, consisting of a variety of specific activities designed to assess compliance with State and Federal requirements. The first phase of the restructuring process was a thorough review of each public agency's procedures to ensure that local policies and procedures were consistent with State and Federal requirements. During the 1993-94 school year, MSDE assisted each public agency in the State in conducting the self-evaluation phase of the process. OSEP's review of MSDE's working papers from this activity for each of the public agencies visited indicated that MSDE and these agencies identified the following areas of noncompliance with placement in the least restrictive environment: §§300.550, 300.552(c), and 300.553. At the end of the 1993-94 school year, MSDE conducted onsite reviews in several public agencies as part of a pilot study of its revised monitoring procedures, including public agency F. During the 1994-95 school year, MSDE conducted onsite verification reviews of public agencies B and C. At the time of OSEP's visit, MSDE had not issued any reports to these public agencies nor required any corrective actions.</p>	<p>MSDE will ensure that special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only when 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 that each child with a disability participates with children who do not have disabilities in nonacademic and extracurricular services and activities to the maximum extent appropriate to the needs of that child.</p> <p>MSDE must include in its submission copies of monitoring reports and corrective actions from five public agencies to be determined by OSEP.</p>

FINDINGS: OSEP finds that MSDE did not meet its responsibility under §300.550(a) to ensure that public agencies ensure that special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only when 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 (§300.550(b)(2)); and each child with a disability participates with children who do not have disabilities in nonacademic and extracurricular services and activities to the maximum extent appropriate to the needs of that child (§300.553).

Public Agency A - [§§300.550, 300.553.]

OSEP visited a separate facility in public agency A. A review of student files from two classes in this facility indicated that regular education with the use of supplementary aids and services was not considered when making placement decisions for individual students during annual reviews. Participants in the IEP meetings at this facility are required to complete a series of checklists that address placement of the student in the least restrictive environment. These checklists present the continuum of placement options beginning with regular education as the least restrictive option, progressing to more restrictive options along the continuum. This information is used to document the placement decision-making process. A review of student files from two classes in this facility indicated that, regular education with the use of supplementary aids and services was not considered when making placement decisions during annual reviews. In these instances, "Self Contained Special Education" and "Comprehensive Special Education Program" (separate school) were the only program options documented as considered on student IEPs.

Interviews with teachers confirmed that placement in regular education was not addressed at the annual review meetings for these students. One teacher stated that factors for placement in the separate center included "parent preference, the fact that the school offers a protected environment, smaller classes with two assistants for each class, lots of resources and therapists (related services), and feelings of closeness." A district level administrator informed OSEP that district policy requires that when making placement decisions for individual students, IEP teams are to consider regular education placement in the child's home school as the first option. This administrator acknowledged, however, that at this facility, regular education with supplementary aids and services is not routinely considered when discussing placement at annual reviews.

Two administrators and two teachers from this facility indicated that students with disabilities have no opportunities for participation in extra-curricular or nonacademic programs with their nondisabled peers. Although a regular middle school is located directly next to this separate facility, there is no integration of students with disabilities with nondisabled students for any classes, activities or programs. The teachers from this facility explained that integration with nondisabled peers for their students is not considered based on the individual needs of the students. A review of student files from these two classes confirmed that these students were not participating in any academic classes or in extra-curricular or nonacademic programs with their nondisabled peers. One teacher further stated that "the program [at the separate facility] is not set up for integration."

Public Agency C - [§§300.550, 300.553.]

OSEP visited both a separate facility and a regular education facility in public agency C and found that, in the separate facility, students with disabilities do not have opportunities for participation in extra-curricular or nonacademic activities or services with their nondisabled peers.

Background: OSEP visited a separate facility which operates a number of satellite classes on regular education campuses throughout this agency. OSEP was informed by a building administrator that when it is determined that a child is "ready" to return to a regular education setting, the student is placed in either a satellite class or in the child's neighborhood school to receive special education services. In order for students to be mainstreamed (either to a satellite program or back to the neighborhood school) they must meet four criteria, including grades, attendance, performance on an individual behavioral contract, and progress through a level system (the school behavior management program). Students must be on a specific level in order to be considered for mainstreaming in a regular education facility, or for placement out of the separate facility.

FINDING: OSEP determined through file review and interviews with two teachers and a building administrator that students who are not part of the "mainstreaming" component of the school program have no opportunities for participation in extra-curricular or nonacademic activities or services with their nondisabled peers. None of the students in the separate facility whose files were reviewed by OSEP had any opportunities available for integration with nondisabled students, (for either academics or nonacademic activities), nor was such participation considered for these students, based on their progress through the level system.

Public Agency F - [§§300.550, 300.553.]

In public agency F, OSEP visited one separate special education center and one regular public school that provided services to students with the same intensity of educational need. OSEP was informed by building and district level administrators and teachers from these facilities that parent choice is the determining factor for placement at either of these facilities, rather than a determination that this is the least restrictive environment that meets the needs of the child. A teacher from the separate facility noted that the difference between the services in the two facilities is that "the separate center offers a greater degree of supervision and availability of related service providers who are based full-time at this facility." OSEP's review of student files from two classes in the separate facility indicated that students were placed in this facility because of the need for "a structured environment," and "close supervision with one-to-one instruction," but no rationale was included in the IEPs for placement of these students in a separate facility, nor was there any evidence that any options other than placement in the separate school were either considered or discussed. Another teacher from this facility explained that while the children in her class were severely disabled, "most of these students could be served in regular education facilities."

OSEP found that for the students placed in this separate facility, participation with nondisabled students in nonacademic and extracurricular services and activities to the maximum extent appropriate was not determined on an individual basis as part of the IEP development and placement process. With the exception of one class that, as a result of the teacher's initiation, participated in nonacademic activities and lunch with the students at the regular education facility located next to the separate facility, OSEP found that the students at this separate center did not engage in any nonacademic or extracurricular activities with nondisabled students. Both an administrator and a teacher from the separate facility confirmed that opportunities were not provided for integration in either academics and nonacademics. The administrator further stated that "we are unable to get the [nondisabled] students to participate in any activities with our students."

Timelines in due process hearings and reviews: §300.512.

Description of MSDE's due process hearing system: MSDE has a two-tier due process hearing system.

The initial hearing is conducted locally, after which either party may request a State level review. MSDE maintains a list of 30 hearing officers and 12 administrative law judges (ALJ), all of whom are trained by MSDE. The public agency selects its "pool" of hearing officers by choosing ten names from MSDE's list of hearing officers. When a local due process hearing is requested, the public agency is required to choose a hearing officer from its list on a rotating basis.

MSDE informed OSEP that parties may appeal a local due process hearing decision by requesting an impartial review by the State Hearing Review Board (HRB). Impartial reviews are referred to in Maryland as "State level hearings." In 1991, MSDE transferred the administration and activities of the HRB to the Office of Administrative Hearings (OAH). The HRB is comprised of a three-member panel. The chairperson of each panel is an ALJ who is on the staff of the OAH. The other two members are selected from the list of 30 persons who also serve as local due process hearing officers. (However, a hearing officer may not be paneled for a case that he heard at the local level.)

FINDING 1: Timelines and Extensions in Due Process Hearings

As demonstrated by the facts set forth below, OSEP finds that MSDE does not ensure that extensions in due process hearings are granted for specific periods of time. Further, MSDE does not monitor to determine whether timelines in due process hearings are met.

a. MSDE's model explanation of procedural safeguards, Procedural Safeguards: Parental Rights, informs parents that a hearing or reviewing officer may grant extensions of time beyond the 45-day time limit for due process hearings and the 30-day time limit for State level reviews, but does not inform parents that the extensions must be for specific periods of time. The model explanation states, on page 6: "Time extensions (in a due process hearing) may be granted by the hearing officer at the request of either you or the LEA/SOP"; and, "Extensions (in a State level review) beyond the 30-day period may be granted, but the time may not exceed 60 days unless good cause is shown."

b. OSEP was informed through interviews with MSDE staff that MSDE does not maintain a log of local level hearings nor utilize any other method for determining when hearings are requested, whether timelines for decisions are met, or whether specific extensions are requested or granted.

MSDE staff stated that the summaries and decisions in the local hearings are sent to the State, the names of the parents and students are redacted, and the summaries are then shared periodically with the State Special Education Advisory Committee and the local special education directors. The summaries maintained by the State identified 66 local level hearings in 1994; 37 of which were in one public agency. Based on the information provided in these summaries, MSDE cannot determine whether extensions in due process hearings are granted for specific periods of time. OSEP reviewed a random sample of 14 summaries. Of these 14, OSEP could not determine whether timelines were met in 8 cases as the date of the hearing request was not recorded. Three hearings were completed within the 45 day timeline with no extension, and three exceeded the timelines from 24 days to three months.

MSDE will ensure that not later than 45 days after the receipt of a request for a hearing (1) A final decision is reached in the hearing; and (2) A copy of the decision is mailed to each of the parties. (b) The SEA shall ensure that not later than 30 days after the receipt of a request for a review -- (1) A final decision is reached in the review; and (2) A copy of the decision is mailed to each of the parties. (c) A hearing or reviewing officer may grant specific extensions of time beyond the periods set out in paragraphs (a) and (b) of this section at the request of either party.

Further, MSDE must ensure that the process for State level review of due process hearings includes an examination of the entire hearing record.

FINDING 2: Timelines and Extensions in Due Process Hearing Reviews

As demonstrated by the facts set forth below, OSEP finds that MSDE does not require that extensions in State level due process hearing reviews are granted for specific periods of time, nor does MSDE monitor to determine whether timelines in due process hearing reviews are met. MSDE staff informed OSEP that the summaries and decisions of State level hearing reviews are sent to MSDE, the names of the parents and students are redacted, and the summaries are then shared periodically with the State Special Education Advisory Committee and the local special education directors.

During OSEP's onsite visit, MSDE requested that OAH prepare a list/log of State level hearing reviews. OSEP's review of of this list/log, summaries of reviews, and review of actual records, and interviews with MSDE and OAH staff indicated that extensions of timelines in State level hearing reviews are granted for nonspecific periods of time.¹ According to OSEP's interviews with MSDE staff, MSDE does not maintain a log of State level hearing reviews nor utilize any other method for determining when reviews are requested, whether timelines for decisions are met, or whether specific extensions are requested or granted. OSEP randomly selected for review 14 consecutive entries from a Special Education Case Log of State level hearing reviews prepared by OAH. In addition, OSEP reviewed the records of seven reviews issued by OAH. Of the 21 cases, five reviews were held within the 30 day timeline, three exceeded timelines without extensions (from one to four months) and 13 were held with extensions for unspecified periods of times. Of the latter group, OSEP could not determine the dates of disposition of the hearing in eight of the cases, as none were recorded. The amount of time that the remaining ten hearings were resolved beyond 30 days ranged from one and half months to 13 months.

¹ MSDE and ALJ staff informed OSEP that the reasons that reviews exceed timelines include the fact that it usually takes at least 20 days to schedule the review. Scheduling the panel of reviewers often takes a week, since the panelists, other than the ALJs, are not employees of the OAH, attorneys prefer additional time to prepare for the State level hearings, since almost all reviews involve admitting new evidence and hearing new witnesses, and to prepare and meet the timeline of providing records to the OAH at least five days prior to the State level hearing.

Even though the HRB may make its decisions entirely on the record, it allows new testimony and the admission of new evidence in almost all of its cases, as described in the applicable COMAR requirements. An ALJ informed OSEP that a new hearing is conducted in "99.9% of the cases." The ALJ stated that only rarely do the attorneys agree to let the decision stand on the record.

FINDING 3: Examination of entire hearing record:

OSEP finds that MSDE does not ensure that the process for State level review of due process hearings includes an examination of the entire hearing record. Subsequent to OSEP's onsite visit, OSEP conducted a teleconference with two ALJs and two MSDE staff members. During this teleconference, OSEP was informed by an ALJ that parts of the tapes of local due process hearings are sometimes inaudible. The ALJ stated that (a substantial inaudible portion or portions of a tape) "is not rare, unfortunately." The ALJ stated that the tape may not be reviewable for several reasons: parts of the tape may be inaudible, the recorder doesn't pick up the sound, or the listener can't discern who is talking, or more that one person is talking at the same time.²

OSEP was informed that the way that the HRB tries to resolve not being able to review the entire record, is that both parties have a copy of the tapes, and they fill in the missing parts at the review, or they submit additional evidence.

² OSEP was informed by MSDE and OAH that no written transcripts of due process hearings are prepared.

State Complaint Procedures: §300.661 -

Description of MSDE's Complaint Management System: MSDE informed OSEP that procedures for investigating complaints include sending a form letter to the public agency requesting information, and sending parents a letter acknowledging receipt of the complaint. MSDE stated that "an extension of time to investigate complaints" is necessary when a sufficient response was not provided by the school system, or when the information was late. A letter of findings (LOF) is issued after the investigation is concluded. When MSDE issues an LOF that includes corrective actions, the public agency must submit documentation that it has implemented them.

FINDING: Timelines and Extensions in Complaints

As demonstrated by the facts set forth below, OSEP finds that MSDE does not meet the 60 day timeline requirements for resolving complaints, nor does MSDE document whether an extension of the timeline is appropriate or the exceptional circumstances warranting an extension of the timeline.

MSDE's Fiscal Year 1992 complaint log contained 25 complaints. One complaint investigation was held in abeyance because the issue was being decided in court. Of the remaining 24 complaints, seven exceeded the 60 day timeline from ten days to three months. In one of these seven complaints, the entry noted that an onsite investigation was conducted two months and 10 days after the complaint was logged in. No date of resolution of this complaint was included in the listing. There were no extensions documented for these complaints.

MSDE's complaint log for Fiscal Year 1993 listed 27 complaints; three of which were withdrawn. Of the remaining 24 complaints, six exceeded the 60 day timelines, ranging from 16 days to one month, 27 days. None of the complaints that exceeded the 60 day timeline included a notation that an extension of the time limit was granted because exceptional circumstances existed.

MSDE staff informed OSEP that it has not formally monitored, logged, or recorded timelines for resolving complaints since 1993, and that since that time, the 60 day timeline requirement for resolving complaints often has not been met, due to personnel shortages and changes in staff assignments. MSDE reported that it typically receives approximately 30 complaints per year. OSEP randomly selected and reviewed three complaint records that were received since 1993. The first complaint record selected was received on 11/17/94. Initial correspondence from MSDE to the parents and the public agency was sent on 12/2/94. No documentation of a resolution of the complaint nor an extension of the timeline to resolve the complaint were included in the record as of 5/5/95. The second record reviewed by OSEP indicated that the complaint was received on 1/17/95, and the final disposition was on 3/13/95. The third record indicated that the complaint was received on 10/17/94, and the final disposition on 3/16/95. There was no documentation of an extension in the record.

MSDE will ensure that:

Within of 60 calendar days after a complaint is filed, MSDE will issue a written decision to the complainant unless this timeline is extended because exceptional circumstances exist with regard to a particular complaint.

Transition Services: §300.345(b)(2)

Maryland Transition Initiatives: A memorandum of understanding to implement services for transitioning students requiring supported employment services between MSDE, the Maryland State Department of Health and Mental Hygiene and the Maryland Department of Economic and Employment Development was initiated in June of 1989. The purpose of this Memorandum of Understanding is to coordinate the programs and services provided by the participating agencies to students with developmental disabilities who are transitioning out of the Local Education Agency at age 21 and who will likely require supported employment services in order to maintain employment during their working lives.

MSDE has established system level transition coordinators in each of Maryland's 24 local school systems (in addition, many high schools have a transition coordinator on staff based at the school). These individuals coordinate the transition process for the 25,700 special education students eligible to receive such services statewide. The coordinators serve as the primary link between students and public and private agencies and organizations, coordinating the efforts of teachers, students and community members in the development of transition plans, the provision of transition services, and the effective utilization of resources for students with disabilities. MSDE provides technical assistance to transition coordinators through sponsorship of statewide conferences (where individuals discuss common problems, share resources and develop strategies for providing transition services), and through dissemination of an extensive bibliography on transition services, Integrating Planning into the IEP Process, and a video training series, "Transition Coordinator."

In addition, MSDE has collaborated with the Association for Retarded Citizens and the Governor's Office of Individuals with Disabilities in writing legislation for an Interagency State plan for transitioning students with disabilities. This legislation will go into effect on October 1, 1995.

OSEP'S MONITORING PROCEDURES FOR TRANSITION SERVICES

OSEP visited secondary education programs in four public agencies (A, C, D and F). The secondary programs included two high schools, one middle school and three separate schools.

OSEP reviewed the records of students from these programs who were 16 years of age or older. OSEP also interviewed the students' teachers who participated in the IEP meetings, related service providers, the building principals and other administrators (transition coordinators) responsible for the provision of special education services in these four public agencies.

FINDING: CONTENT OF TRANSITION NOTICE

OSEP reviewed 17 student records for students who were 16 years of age or older. Of these, the notices in nine of the records did not indicate that the purpose of the meeting was to include the development or review of the transition plan. Notices in five of the nine records did not indicate that the student was invited to the IEP meeting.

MSDE must ensure that if a purpose of the meeting is the consideration of transition services for a student, the public agency shall invite the student, and that the IEP for each student, beginning no later than age 16 (and at a younger age, if determined appropriate) must include a statement of the needed transition services as defined in §300.18, including, if appropriate, a statement of each public agency's and each participating agency's responsibilities or linkages, or both, before the student leaves the school setting.