

83-C Technical Edits 1820-0578

The Part C SPP/APR was submitted to, and approved by, OMB with the September 28, 2011 final Part C regulations. States will submit their APRs using the 2011-approved Part C SPP/APR form (which expires August 31, 2014) for the first time with the FFY 2011 APRs on February 1, 2013. The Part B SPP/APR (1820-0624) was recently submitted for, and received, OMB approval in 2012 and expires on July 31, 2015.

This memo requests the following technical edits to the approved Part C SPP/APR IC: 1) Revise seven indicators of the Part C SPP/APR to align with the changes made to the 2012-approved Part B SPP/APR; we had not had a prior opportunity to align these given the timing of the two collections; and 2) Revise language in Indicator 8 to be consistent with two other Part C indicators with similar timeline-related reporting requirements. These proposed technical edits are recommended because they will decrease State reporting burden by an estimated 254 hours per respondent for an overall reporting burden reduction of 14,224 hours (254 hours x 56 respondents) while either improving or not affecting the overall quality of the data reported on the IDEA Part C program.

Proposed Technical Edits:

Indicators 5 and 6 (Child count): To conform to similar Part B SPP/APR indicators, we propose to allow States to report on one set of improvement activities for Indicators 5 and 6 in cases where the improvement activities are the same or overlap. (Estimated Reporting Burden Reduction - 1 hours x 56 respondents = 56 hours)

Indicator 8 (Timely transition): To be consistent with Indicators 1 and 7, which also allow the State to report data using monitoring or data taken from the State data system, we would clarify that, if the data reported by the State are from the State database and are less than one full year's data, the State must describe the time period for which the data were collected (e.g., September through December, fourth quarter, selection from the full reporting period) and how the data accurately reflect the data for infants and toddlers with Individualized Family Services Plans (IFSP) for the full reporting period.

Additionally, to be consistent with Indicators 1 (Timely service provision) and 7 (45-day timeline), we would clarify that States are not required to include in their calculation of compliance of timeliness under Indicators 8A (Timely transition plans) and 8C (Timely transition conferences), the number of children for whom the State has identified the cause for the delay as exceptional family circumstances documented in the child's record. We would permit States to report on exceptional family circumstances for these four indicators because these four indicators contain timelines that require family cooperation or child availability and we recognize there are limited circumstances beyond the lead agency's control that would not permit the lead agency to meet the applicable timelines in these instances.

For these four indicators, if a State chooses to include in its calculation children for whom the State has identified the cause for the delay as exceptional family circumstances documented in the child's record, these numbers are to be included in the numerator and denominator. States

must include in the discussion of the data, the numbers the State used to determine its calculation under this indicator and report separately the number of documented delays attributable to exceptional family circumstances. (The documented exceptional family circumstances was codified as an exception to Indicator 7 (45-day timeline requirement) in the 2011 Part C regulations in 34 CFR §303.310(c); OSEP is choosing to continue allowing States to report on documented exceptional family circumstances for Indicators 1 and 8C and is adding this allowance to Indicator 8A because the 2011 regulations would add a new timeline requirement for 8A that parallels the timeline in Indicator 8C.

Indicators 10 and 11 (Dispute resolution): To conform to similar Part B SPP/APR indicators, we propose to delete these indicators from the Part C SPP/APR because States already report to OSEP data on the timeliness of State Complaint decisions and the timeliness of fully adjudicated due process hearing requests as part of the data they submit under other OMB-approved ICs under IDEA section 618. Indicators 10 and 11 are compliance indicators where the underlying data are collected through another source (under a section 618 data collection), made available to the public (on the State's website) and are not explicitly required to be collected through the SPP/APR process by either statute or regulation. Therefore, we are confident that, by eliminating these two indicators from APR reporting, we are able to reduce burden without limiting public access to the underlying information and analysis. Further, eliminating Indicators 10 and 11 from the APR does not preclude the Department from considering this data when making its annual determinations under IDEA sections 616 and 642. (Estimated Reporting Burden Reduction - 250 hours x 56 respondents = 14,000 hours)

Indicators 12 and 13 (Agreements through resolution sessions and mediation): To conform to similar Part B SPP/APR indicators, we propose to allow States to report on one set of improvement activities for Indicators 12 and 13 in cases where the improvement activities are the same or overlap. (Estimated Reporting Burden Reduction - 1 hours x 56 respondents = 56 hours)

Indicator 14 (Data reporting): To conform to Part B SPP/APR Indicator 20, we propose that States may, but are not required to, report data for this indicator. OSEP will use the Indicator 14 Rubric to calculate the State's data for this indicator. States will have an opportunity through the clarification process to review and respond to OSEP's calculation of the State's data. (Estimated Reporting Burden Reduction - 2 hours x 56 respondents = 112 hours)

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