

The purpose of this document is to provide the public with a concise and accessible explanation and rationale of the proposed revisions to 1820-0624: Part B State Performance Report (Part B SPP) and Annual Performance Report (Part B APR) and is divided in two sections. The first section, “Background,” lays out the legal requirements, i.e., elements of the SPP/APR that are required by statute and may not be changed, and describes prior significant milestones and SPP/APR revisions. The second section, “Proposed FFY 2013-FFY 2018 SPP/APR” describes the proposed revisions. A majority of this information is taken verbatim from the “Justification Statement” that is required by the Paperwork Reduction Act.

1. BACKGROUND

1.a Legal Requirements

The State performance plan (SPP) and annual performance report (APR) and its contents are prescribed by statute and regulation.

Plan and Report: Section 616(b)(1) of the Individuals with Disabilities Education Act (IDEA or Act) requires that, not later than one year after the date of enactment of IDEA Improvement Act of 2004, each State have in place an IDEA Part B SPP that evaluates the State’s efforts to implement the requirements and purposes of IDEA Part B and describes how the State will improve such implementation. IDEA section 616(b)(1)(C) requires each State to review its SPP at least once every six years. Consistent with IDEA section 616(b)(2)(C)(ii), each State must report annually to the public on the performance of each local educational agency located in the State on the targets in the State’s performance plan and to the Secretary on the State’s performance under the SPP, i.e., an APR.

Indicators: As required by the Act,¹ the SPP is comprised of quantifiable² indicators in the following areas –

- The provision of a free appropriate public education (FAPE) in the least restrictive environment (LRE)
- State exercise of its general supervisory authority including –
 - o Child find
 - o Effective monitoring
 - o The use of resolution sessions and mediation
 - o A system of transition services as defined in IDEA sections 602(34) and 637(a)(9)

¹ See IDEA sections 612(a)(15), 612(a)(16), 612(a)(22), and 616(a)(3) and (4).

² Section 616(a)(3) also allows for qualitative indicators as necessary; however, prior to this submission, OSEP has never proposed a qualitative indicator.

Proposed FFY 2013 – FFY 2018 Part B SPP/APR: Explanation and Rationale

- Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification

The SPP also includes indicators that are not specifically included in the statute, like suspension and expulsion and parent involvement, that address areas critical to ensuring improved educational results and functional outcomes for students with disabilities. IDEA section 616(a)(4).

Targets: The State must establish measurable and rigorous targets for each indicator. IDEA section 616(b)(2).

Improvement: Pursuant to IDEA section 616(b)(1)(A), the SPP must include a description of how the State will improve its implementation of IDEA.

Report on Slippage: Section 80.40(b)(2) of the Education Department General Administrative Regulations, or EDGAR, requires that grantee APRs include the reasons for slippage if the established objectives, *i.e.*, targets, were not met.

1.b Prior Significant Milestones or Revisions

The IDEA Part B SPP/APR package (Office of Management and Budget (OMB) number (04736) 1820-0624) was originally approved by OMB in 2005. The original IDEA Part B SPP/APR package contained 20 indicators covering the areas required by the Act and other key areas. Some indicators corresponded to the statutory language, *e.g.*, Indicators 9 and 10 regarding the disproportionate representation of racial and ethnic groups in special education and related services to the extent that representation is due to inappropriate identification, while others were developed to respond to general priority areas, *e.g.*, Indicator 5, the percentage of children with disabilities served in different settings, developed to address the provision of FAPE in the LRE.

In December 2005, each State submitted its SPP, including targets through FFY 2009 (February 2011 submission). In 2011, to meet the requirement set forth in IDEA section 616(b)(1)(C) to review the SPP at least once every six years, OSEP proposed to make no major changes to the SPP and to maintain the indicators as written. Therefore, with its 2011 SPP submission, each State extended its targets and improvement activities through FFY 2012.

In 2012, OSEP proposed eliminating two indicators where OSEP determined that the information submitted was duplicative of data submitted by States through another OMB-approved information collection (EDFacts), thereby reducing reporting burden. Additionally, these indicators were not required by the statute, and, because the data are available to OSEP through the other data collections, OSEP could continue to use the data to evaluate a State's performance as part of OSEP's determination process. As a result, States were no longer required to report on Indicators 16 (State Complaint Timelines) and 17 (Due Process Hearing Timelines).

Finally, also in 2012, OSEP requested and was granted permission by OMB to make several significant technical amendments to the approved SPP/APR package which reduced reporting burden. Beginning with the FFY 2011 submission (due February 2013), States –

- Are not required to report on progress and must only report on slippage for a particular indicator if the State does not meet its target for that indicator.
- May have one set of improvement activities that covers all indicators instead of reporting improvement activities under each indicator.
- Must only report on improvement activities for indicators where it did not meet its target
- Are not required to provide data for Indicator 20 with its initial submission.

2. PROPOSED FFY 2013 – FFY 2018 SPP/APR

OSEP is reconceptualizing its accountability system. That system, *Results Driven Accountability* (RDA), is aligned to best support States in improving results for students with disabilities. Previously, OSEP’s accountability system, including the SPP/APR, was heavily focused on compliance with statutory and regulatory requirements, with limited focus on how the requirements impacted results for students with disabilities. RDA balances the focus on improved educational results and functional outcomes for students with disabilities while considering compliance as it relates to those results and outcomes. The SPP/APR is a critical component of RDA.

The proposed SPP/APR revisions are based on the following principles –

- Alignment with the RDA vision and its goals
- Reduction of reporting burden by requiring only what is necessary in statute and regulation and vital to ensuring improved educational results and functional outcomes
- Retaining consistent data sources and measurements as much as possible

Proposal:

1. Combine the SPP and APR into one document – There is no statutory or regulatory requirement that a State maintain separate SPP and APR documents. Some States currently have merged SPP/APR documents, eliminating the need to maintain and update two separate documents. Requiring only one document, which meets both the SPP and APR requirements, will reduce duplication and reporting burden.
2. Collect SPP/APR through an online submission system – OSEP is currently developing an online reporting and analysis system (GRADS 360) that includes the capability to collect the SPP/APR electronically. As conceptualized, the system will prepopulate fields using prior years’ SPP/APR data and drawing current data from other U.S. Department of Education (ED) data sets, *e.g.*, ED Facts and CSPR, where available.

Additionally, States will be able to import State-maintained data using an interface such as Excel or a CSV file. States will be required to submit through GRADS 360 beginning with the FFY 2013 (February 2015) submission.

3. Report on slippage only if the State does not meet its target for the reporting year.
4. Develop streamlined and coordinated systems descriptions – Currently, States are required to provide a system description by indicator. Neither the statute nor its implementing regulations require a discrete description under each indicator. Recognizing that a State’s systems are interconnected and that the success of one system may be highly dependent on that of another, we believe that providing one systems description, inclusive of all of a State’s systems needed to improve educational results and functional outcomes for students with disabilities, will provide a cohesive representation of the State’s systems that highlights linkages and clearly delineates where improvement may be needed.
5. States are no longer required to report on Improvement Activities for each indicator; rather States will present a comprehensive State Systemic Improvement Plan (SSIP) (through a proposed qualitative Indicator 17). The SSIP is a comprehensive, ambitious yet achievable plan for improving results for students with disabilities. The SSIP is a multi-year plan that the State develops in two phases. The basis for this plan is a detailed data and infrastructure analysis that will guide the development of strategies to increase the State’s capacity to structure and lead meaningful change in local educational agencies (LEAs). In order to improve results, States must assess the capacity of their current infrastructure systems and their ability to enhance this infrastructure to increase the capacity of LEAs to implement, scale up, and sustain evidence-based practices that will result in improved outcomes for children with disabilities. The data and infrastructure analysis should use multiple data sources, including SPP/APR indicators and IDEA section 618 State-reported data, to identify systemic approaches that will lead to improved results for students with disabilities across key measures: performance on assessment, graduation with a regular diploma, and post-school outcomes. While the primary focus of SSIP is on improvement of student outcomes, the State must also address in its SSIP how the State will use information from its general supervision systems to identify areas that need improvement.

As stated under Number 6 below, in addition to evaluating a State’s SSIP, OSEP will continue to collect quantifiable information on the timely correction of findings of noncompliance under APR compliance Indicators 4B, 9, 10, 11,12, and 13 when OSEP evaluates effective monitoring by States.

6. Eliminating Indicators 15 and 20

Currently approved Indicator 15 – We propose to remove currently approved Indicator 15. Indicator 15 requires a State to report on the effectiveness of its general

supervision systems by reporting on the percent of findings of noncompliance identified in the prior fiscal year and corrected as soon as possible but in no case later than one year from identification in the reporting fiscal year for the APR. As required for all compliance indicators, States must meet a target of 100% for Indicator 15.

IDEA section 616(a)(1) requires the Secretary to monitor implementation of IDEA through oversight of the exercise of general supervision by the States. Further, IDEA section 616(a)(3) requires that the Secretary monitor each State using quantifiable indicators in each of the specified priority areas, including State exercise of general supervisory authority, which includes effective monitoring; and using such qualitative indicators as are needed to adequately measure performance in the specified priority areas. OSEP believes that the timely correction data that are required to be reported by States under the quantifiable APR Indicators that measure compliance with certain IDEA requirements (specifically Indicators 4B, 9, 10, 11, 12, and 13) provide OSEP with the quantifiable information necessary to carry out its responsibility to monitor a State's exercise of its general supervisory authority, including the effectiveness of its monitoring system, as required by IDEA. The instructions for these indicators require States to provide detailed information about the timely correction of noncompliance reported for these indicators in the previous year's APR. As with all indicators that measure compliance, the expectation is that a State must meet a target of 100% both for the indicator measurement (e.g., 100% of evaluations are timely for Indicator 11) as well as a target of 100% of its findings of noncompliance made in the prior year for that indicator were corrected in a timely manner. Therefore, the data from these indicators provide a reasonable quantifiable basis for OSEP to reach a determination as to whether a State has a monitoring system that is effective in correcting identified noncompliance within one year of identification. This change will lessen the reporting burden to States and OSEP is able to use information reported in these other APR compliance indicators to evaluate the State's compliance with the requirement in IDEA sections 612(a)(11) and 616(a)(1)(C) to monitor implementation of Part B of the IDEA by local educational agencies (LEAs). OSEP would continue to consider the timely correction information as a factor in its determination process. OSEP is also proposing to add a qualitative indicator to measure the effectiveness of a State's general supervision system in improving results for children with disabilities. (See #5 above). In addition, OSEP would continue to oversee States' general supervision through implementing supplemental monitoring activities, such as through OSEP's review of State complaint and hearing data submitted through IDEA section 618.

Currently approved Indicator 20 – We propose to remove currently approved Indicator 20. Indicator 20 requires a State to provide data on the timeliness and accuracy of its data reported to the Department under IDEA sections 616 and 618. The proposed change would remove the requirement for States to report the data on the timeliness and accuracy of these data in the APR because the submission is

duplicative. IDEA section 618(a) requires that States provide data each year to the Secretary of Education and the public as specified in section 618(a). States provide these data through submissions to ED Facts. Through these other submissions, OSEP would be provided with the information necessary to complete its analysis and determine the State's compliance with the requirement to submit timely and accurate data. A State's compliance with the requirement to submit timely and accurate IDEA section 618 data would be considered in the State's annual determination. This change would lessen the reporting burden to States while continuing to collect the required information.

As the result of these proposed revisions, the SPP/APR will include 17 indicators –

1. Graduation
2. Dropout
3. Assessments
4. Suspension/Expulsion
5. LRE
6. Preschool LRE
7. Outcomes
8. Parent Involvement
9. Disproportionate Representation
10. Disproportionate Representation – disability category
11. Evaluation Timelines
12. Preschool Transition
13. Secondary Transition
14. Post-school Outcomes
15. Resolution Sessions
16. Mediation
17. State Systemic Improvement Plan