

The purpose of this document is to provide the public with a concise and accessible explanation and rationale of the proposed revisions to 1820-0578: IDEA Part C State Performance Plan (Part C SPP) and Annual Performance Report (Part C 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 Revisions to the Part C SPP/APR,” describes the proposed revisions, which would go into effect with States’ FFY 2016 SPP/APR to be submitted in February 2018.

1. BACKGROUND

1.a Legal Requirements

SPP/APR: Sections 616(b)(1) and 642¹ of the Individuals with Disabilities Education Act (IDEA or Act) require 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 C SPP that evaluates the State’s efforts to implement the requirements and purposes of IDEA Part C and describes how the State will improve such implementation. IDEA sections 616(b)(1)(C) and 642 require each State to review its SPP at least once every six years. Consistent with IDEA sections 616(b)(2)(C)(ii) and 642, each State must report annually to the public on the performance of each early intervention service (EIS) program 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 and implementing regulations² the SPP is comprised of quantifiable indicators, and qualitative indicators as needed, in the following areas –

- The provision of appropriate early intervention services in natural environments;
- State exercise of its general supervisory authority including –
 - o Child find
 - o Effective monitoring
 - o The use of resolution sessions and mediation; and
 - o A system of transition services as defined in IDEA section 637(a)(9)

¹ Consistent with IDEA section 642, sections 616, 617, and 618 shall, to the extent not inconsistent with IDEA Part C, apply to Part C, except that references to a State educational agency are considered to reference a State’s Part C lead agency, any reference to local educational agency, educational service agency, or a State agency is considered to reference an early intervention service provider; and any reference to the education of children with disabilities or the education of all children with disabilities is considered to reference the provision of appropriate early intervention services to infants and toddlers with disabilities.

² See IDEA sections 612(a)(15), 612(a)(16), 612(a)(22), 616(a)(3) and (4), and 642; and 34 CFR §303.700(d).

The SPP also includes indicators that are not specifically required by the statute, like parent involvement, that address areas critical to ensuring improved educational results and functional outcomes for infants and toddlers with disabilities. See IDEA sections 616(a)(4) and 642.

Targets: The State must establish measurable and rigorous targets for each indicator. See IDEA sections 616(b)(2) and 642.

Improvement: Pursuant to IDEA sections 616(b)(1)(A) and 642, the SPP must include a description of how the State will improve its implementation of IDEA.

Information Regarding Slippage Where the Targets Are Not Met:

Section 80.40(b)(2) of the Education Department General Administrative Regulations, or EDGAR, required that the States' APRs include brief information on the reasons for slippage if the established objectives, *i.e.*, targets, were not met. This section of EDGAR was replaced by the Uniform Guidance provision in 2 CFR §200.328(b)(2)(ii), which requires that, unless other collections are approved by the Office of Management and Budget (OMB), the States' APRs include brief information on the reasons why the State did not meet its established goals, *i.e.*, targets, if appropriate. The Department of Education (the Department) proposes to maintain the requirement in the current instructions, approved by OMB in 2012, that States must include an explanation of slippage in indicators where the State did not meet its target.

1.b Prior Significant Milestones or Revisions

The IDEA Part C SPP/APR package (OMB number (04736) 1820-0578) was originally approved by OMB in 2005. The original IDEA Part C SPP/APR package contained 14 indicators covering the areas required by the Act and other key areas. Some indicators corresponded to the statutory language in IDEA sections 616(a)(3) and 642, while others were developed to respond to general priority areas.

In December 2005, each State submitted its SPP, including targets through FFY 2010. In 2011, to meet the requirement set forth in IDEA sections 616(b)(1)(C) and 642 that the State review its SPP at least once every six years, and in the absence of IDEA reauthorization, the Department 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, the Department eliminated two indicators where the Department 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 the Department through the other data collections, the Department could continue to use the data to evaluate a State's performance as part of the Department's determination process. As a result, States were no longer required to report on Indicators 10 (State Complaint Timelines) and 11 (Due Process Hearing Timelines).

Also in 2012, the Department 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 SPP and APR (submitted in February 2013), States –

- Were 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.
- Could have one set of improvement activities that covers all indicators instead of reporting improvement activities under each indicator.
- Were required to report on improvement activities for indicators where it did not meet its target.
- Were not required to provide data for Indicator 14 with its initial submission.

Beginning in 2012, the Department reconceptualized its IDEA accountability system. That system, *Results Driven Accountability* (RDA), is aligned to best support States in improving results for infants and toddlers with disabilities. Previously, the Department’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 infants and toddlers with disabilities. RDA balances the focus on improved educational results and functional outcomes for infants and toddlers with disabilities, while considering compliance as it relates to those results and outcomes. The SPP/APR is a critical component of RDA.

Revisions in 2014 to the SPP/APR information collection for FFY 2013 through FFY 2018 were based on the following principles:

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

The following revisions to the SPP/APR information collection, which were approved in 2012 and 2014, were incorporated into the FFY 2013-FFY 2018 SPP/APR:

- a. Combine the SPP and APR into one document.
- b. Collect SPP/APR through an online submission system (GRADS 360) that includes the capability to respond to the SPP/APR electronically.
- c. Report on slippage only if the State does not meet its target for the reporting year.
- d. Develop streamlined and coordinated systems descriptions.
- e. States are no longer required to report on Improvement Activities for each indicator; rather States must present a comprehensive State Systemic Improvement Plan (SSIP) through Indicator 11. The SSIP is a comprehensive, ambitious yet achievable plan for improving results for infants and toddlers with disabilities. The SSIP is a multi-year plan

that the State develops in three 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 early intervention service programs (EIS programs). 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 EIS programs to implement, scale up, and sustain evidence-based practices that will result in improved outcomes for infants and toddlers 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 infants and toddlers with disabilities across key measures: performance on early childhood outcomes and performance on family outcomes. While the primary focus of the SSIP is on improvement of outcomes for infants and toddlers with disabilities and their families, 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.

- f. Eliminated Indicators 9 and 14. Prior Indicator 9 required 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. The requirement to report under each compliance indicator on the correction of State-identified noncompliance remains.

Prior Indicator 14 required a State to provide data on the timeliness and accuracy of its data reported to the Department under IDEA sections 616 and 618. Instead, the Department now calculates each State’s compliance with the requirement to submit timely and accurate IDEA section 618 data and SPP/APR data.

2. PROPOSED REVISIONS TO THE PART C SPP/APR

Indicator 3 (Early Childhood Outcomes): The instructions are revised to explicitly require that only infants and toddlers who received early intervention services for at least six months before exiting Part C be included in the measurement. As noted in the 2007 FAQs titled “Frequently Asked Questions regarding the SPP/APR: Early Childhood Outcomes (Part C Indicator #3 and Part B Indicator #7),” to be part of this data collection infants and toddlers must have received early intervention services for at least six months before exiting the Part C program. The purpose of this revision is to reflect the guidance that the Department has previously provided. The instructions are also revised to require that States report: (1) the number of infants and toddlers who exited the Part C program during the reporting period, as reported in the State’s Part C exiting data under Section 618 of the IDEA (these data would be pre-populated into GRADS); and (2) the number of those infants and toddlers who did not receive early intervention

services for at least six months before exiting the Part C program. This revision, requested by Part C Coordinators, will enable the Department to better evaluate the extent to which States are providing complete data for this indicator.

Indicator 4 (Family Outcomes): The Measurement Table has required States to report on the extent to which the response data (*i.e.*, data regarding the demographics of the respondents) for these indicators are representative of the demographics of the State. As part of its response to a State’s SPP/APR, where the State has not addressed representativeness or has reported that the response data were not representative, the Department has required the State to report, as part of the next year’s SPP/APR, whether the following year’s data are from a response group representative of the population, and, if not, the actions the State is taking to address this issue. The instructions are revised to suggest that States consider providing more detailed information about the State’s effectiveness in collecting data that are representative of the demographics of infants and toddlers and families who receive EIS. In addition, the Department proposes requiring States that have not addressed representativeness or have reported that the response data were not representative to include strategies for improving the representativeness of the data in the current year’s SPP/APR, rather than next year’s SPP/APR, to increase the timeliness of the State’s development and implementation of such strategies.

Indicator 8C (Early Childhood Transition Conference): The instructions for this results indicator are revised to clarify the measurement is intended to capture those children for whom a transition conference must be held within the required timeline and, as such, only children between 2 years 3 months and age 3 should be included in the denominator.

Indicators 1 (Timely Provision of Services), 7 (45-day Timeline), and 8A, 8B, and 8C (Early Childhood Transition): The instructions are revised to include the following: “If the State’s data for this indicator for the previous reporting period (*e.g.*, for the FFY 2016 SPP/APR, the data for FFY 2015) reflected less than 100% compliance, and the State did not identify any findings of noncompliance during the previous reporting period, explain why the State did not identify any findings of noncompliance during the previous reporting period.” This is added so that the Department can determine why a State had not identified findings of noncompliance, although the State’s data for the indicator reflected that there was noncompliance. In responding to previous SPP/APRs, the Department has directed States to provide this information to ensure that States are meeting their general supervisory and monitoring responsibilities. This is now being added to the Measurement Table as a requirement.

Indicator 11 (State Systemic Improvement Plan): The instructions for this results indicator are revised under the section titled “Specific Content of Each Phase of the SSIP” to further clarify the content that States must report during their Phase III submissions, which are in effect until the end of this Part C SPP/APR period (*i.e.*, FFY 2018 submission due February 2020).