

*The information 1820-0578 Part B SPP/APR Comments and Discussion supersedes the information provided in the Explanation and Rationale document that was posted at the beginning of the 60 day comment period.*

### General

Comment: None.

Discussion: One commenter in the Part B SPP/APR Information Collection expressed support for maintaining 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, noting that a State analyzing and understanding why there is slippage in meeting its targets is the first step in addressing the slippage, and reporting this information holds the State accountable for that first step in addressing the slippage. OSEP will maintain the requirement and revised the language in the General Instructions document to more accurately capture the intent to conduct an initial analysis of the data for possible reasons for slippage.

Changes: The General Instructions document language has been revised to require that States' SPPs/APRs include "the reasons for slippage" as we believe this more accurately captures the intent to conduct an initial analysis of the data for possible reasons for slippage.

### General- Indicators 1, 7, 8a, 8b, 8c

Comment: One commenter requested clarification of the expectation that States report on the status of findings of noncompliance when the previous year's data is below 100%. Specifically, the commenter indicated that the paragraph is confusing as written.

Discussion: We agree that the proposed language regarding reporting on the status of findings of noncompliance could be rephrased to more clearly convey the intent.

The State Performance Plan/Annual Performance Report (SPP/APR) measurement table instructions were 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.” The revision to the language was made so that OSEP is able to determine why a State had not identified findings of noncompliance, although the State’s data for the indicator reflected that there was noncompliance. Additionally, in responding to previous SPP/APRs, OSEP has directed States to provide this information to ensure that States are meeting their general supervisory and monitoring responsibilities.

We have made edits to the measurement table instructions language to provide additional clarification.

Changes: The measurement table instructions were revised to reflect the following language: “If the State reported less than 100% compliance for the previous reporting period (e.g. for the FFY 2016 SPP/APR, the data for FFY 2015), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.”

#### General - Indicators 2, 5, 6, 9, 10

Comment: A few commenters recommended eliminating various indicators, e.g., Indicators 2 (Natural Environments), 5 (Child Find, Birth to 1), 6 (Child Find, Birth to 3), 9 (Resolution Sessions), and 10 (Mediations), where States collect and report data through another Department information collection under IDEA section 618.

Discussion: As we clarified in the Explanation and Rationale document that was published as a part of the proposed SPP/APR Information Collection under IDEA sections 616 and 642, some SPP/APR indicators are required by statute under IDEA section 616 and thus we believe it is appropriate to include those indicators as part of the SPP/APR information collection. Indicator 2 is responsive to the requirement under IDEA Section 616(a)(3)(A) that the SPP/APR have a quantifiable indicator that measures the service settings (i.e., the extent to which early intervention services are provided in natural environments). Indicators 5, 6, 9, and 10 address the statutory requirements under IDEA Sections 616(a)(3)(B) and 642 that the SPP/APR include quantifiable indicators that measure the State’s exercise of its general supervisory authority in the areas of child find, and the use of resolution sessions and mediations.

Changes: None.

### Indicator 2

Comment: One commenter expressed concern with the information collected under this indicator because it addresses only physical location of services, not the quality of the services provided to the family and child. Specifically, the commenter argues that only identifying the settings (i.e. home or other settings or environments) in which infants and toddlers receive services is not a meaningful measure as it does not provide any information on whether the setting supports the child's goals. The commenter suggests that, instead, OSEP analyze IFSPs to determine if services and settings are appropriate to address the child's and family's needs.

Discussion: Individuals with Disabilities Education Act (IDEA) sections 616(a)(3)(A) and 642 specifically require that the Department monitor lead agencies, and lead agencies monitor early intervention service providers, using quantifiable indicators, and qualitative indicators as necessary, in the priority area of the provision of early intervention services in natural environments. Subsequent to the reauthorization of IDEA in 2004, the Department, with broad stakeholder input, developed Indicator 2: Natural Environments to meet this requirement. However, these indicators are not the sole method OSEP uses in its monitoring of State lead agencies. Results Driven Accountability, or RDA, OSEP's accountability system, provides differentiated monitoring and support to States based on an analysis of risk factors (including data on compliance and results or outcome indicators, including data on natural environments, as well as other factors).

Changes: None.\_

### Indicator 3

Comment: Commenters acknowledged the importance of reviewing the completeness of the data reported by States under this indicator, but requested a delay in reporting additional data. One commenter responding on behalf of a number of States specifically noted that, while many States are able to provide the additional data proposed, some States may need to revise their data collection and reporting and will need additional time and should be able to propose the time. Several commenters also suggested that OSEP give States the option to report these data in the FFY 2016 SPP/APR, due February 2018, and only require that all States report these data in the FFY 2017 SPP/APR, due February 2019.

Discussion: As proposed, States must include in this indicator the number of infants and toddlers who received Part C services for at least six months, as reported in the State's Part C exiting data under Section 618 of the IDEA, but must also report on the number of those infants and toddlers who exited before receiving six months of service. This data is helpful for the analysis OSEP conducts to determine the completeness of the data reported under this indicator, as OSEP reviews the number of children the State reports under its child count data under Indicator 6 (which includes children who did not receive services for at least six months). To assist in this completeness analysis, States must report on the number of infants and toddlers who exited the program before receiving six months of early intervention services.

OSEP recognizes the timeline concerns expressed by commenters and is adjusting the timeline for reporting on this requirement to permit States to have the option to report, with the FFY 2016 SPP/APR due in February 2018, the data on the number of children who exited before receiving six months of service, and to require that all States report this data with the FFY 2017 SPP/APR submission, due in February 2019.

Changes: The measurement table instructions were revised to include the following language: "States have the option to report, with the FFY 2016 SPP/APR due February 2018, the data on the number of infants and toddlers who did not receive early intervention services for at least six months before exiting the Part C program. States must report this data starting with the FFY 2017 SPP/APR submission, due February 2019."

Comment: One commenter recommended that the Department revise the proposed measurement table to define when the six month start period begins and specifically recommended using the date of the Individual Family Service Plan (IFSP) as the start date.

Discussion: OSEP declines to define the six month start date because this is a decision best left to States. While the date of the IFSP may be an appropriate start date in some States, other States may collect data on the actual start date of service delivery, which could differ from the date on which the IFSP was signed. Further, since IFSP services may start weeks after the IFSP has been signed, the date of the IFSP may not be the most accurate measure of infants and toddlers receiving early intervention services for all States.

Changes: None.

#### Indicator 4

Comment: Several commenters expressed concern that OSEP is expanding the requirements related to reporting on data representativeness. Specifically, the commenters cited that reporting on demographic categories and on the number of families to whom surveys were distributed is unnecessary and burdensome. Additionally, commenters did not support the inclusion of instructions on addressing non-representative data.

Discussion: The current measurement table requires States to report on the extent to which the response data (*i.e.*, data regarding the demographics of the respondents) for this indicator are representative. 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, not require, 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, including disaggregation by race or ethnicity, age of the infant or toddlers, and geographic location. 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.  
Changes: None.

Comment: One commenter suggested that the request for States to work with their OSEP-funded Parent Center in collecting data is not appropriate because other OSEP-funded technical assistance centers are not referenced anywhere else in the measurement table.

Discussion: OSEP acknowledges that OSEP-funded technical assistance centers are not referenced under any other indicator in the measurement table. However, we do routinely encourage States to collaborate with and access support from OSEP-funded technical assistance centers through other guidance and technical assistance. The decision to specifically mention OSEP-funded Parent Centers within the measurement table is based on the fact that the parent training and information (PTI) centers are referenced in 34 CFR §303.28 and under sections 671 and 672 of the Act as a support for families in the categories specifically captured in the response data for indicator 4. Families are critical partners in ensuring the success of early intervention services for infants and toddlers and driving improved outcomes for children served under Part C of the IDEA.

Changes: None.

Comment: Two commenters recommended that OSEP add the following language to the measurement table: "States are encouraged to work collaboratively with stakeholders representing families' perspectives including their OSEP-funded parent centers, other state family organizations, and local parent groups to support the collection of high-quality data."

Discussion: We agree that stakeholder input, which includes input from families, is critical to the SPP/APR process, including the establishment of appropriate targets for results indicators and the collection of high quality data. However, we note that the measurement table is not the appropriate document to provide guidance on collaboration with important stakeholders such as families and we provide such guidance through other vehicles.

Changes: None.

Comment: None.

Discussion: As a part of its review of documents in response to comments, OSEP aligned the measurement table instructions for States that sample for this indicator with the instructions for sampling in other indicators, in order to ensure consistency.

Changes: The language in the instructions now reads, "Sampling of families participating in Part C is allowed. When sampling is used, submit a description of the sampling methodology outlining how the design will yield valid and reliable estimates must be submitted to OSEP. (See General Instructions page 2 for additional instructions on sampling.)"

#### Indicators 5 and 6

Comment: None.

Discussion: OSEP proposes removing "compared to national data" as part of the measurement itself, as the percentage reported by States only reflects the other components of the measurement.

Changes: The measurement language for indicators 5 and 6 will be revised to no longer include the statement, "compared to national data." This language will continue to be reflected in the instructions, as States should provide a description of how the State data compare to the national average.

#### Indicator 8

Comment: Two commenters suggested that since the timelines for indicators 8A and 8C are identical, the measurements for those indicators should either be changed to be identical or one timeline deleted from the measurement. The commenters stated that this perceived duplication is confusing and redundant.

Discussion: Although the timelines for transition indicators 8A and 8C are the same, the populations that each sub-indicator addresses are unique. Indicator 8A addresses the requirement for all children with IFSPs to include transition steps and services, while 8C measures the requirement for children who are potentially eligible for Part B to have a transition conference. States have the discretion to define "potentially eligible" in

indicator 8C and may choose a definition that includes all children exiting Part C – making the definitions identical—or having a different definition, which would be a different denominator for Indicator 8C (smaller than Indicator 8A).

Changes: None.

Comment: One commenter suggested that any changes to 8C should have an implementation date beginning with the FFY 2017 SPP/APR, due February 2019, because States have already collected data for the FFY 2016 SPP/APR, due February 2018.

Discussion: The proposed instructions for this results indicator were revised to clarify that the measurement is intended to capture those children for whom a transition conference must be held within the required statutory timeline and, as such, only children between 2 years 3 months and age 3 should be included in the denominator. This is a longstanding statutory requirement that many States have been required to implement since it was codified in the 2011 regulations. We do not agree that this clarification warrants delayed implementation.

Changes: None.

### Indicator 11

Comment: Several commenters noted that the Part C State-identified Measurable Result (SiMR) under Indicator 11 is currently defined as "state identified measurable result for infants and toddlers with disabilities and their families" but in the proposed measurement table the language was changed to "children". The commenter strongly encourages OSEP keep the current language as "infants and toddlers and their families."

Discussion: OSEP agrees with the commenters. "State-identified Measurable Result for Children with Disabilities" appears under the Phase III description and is a typographical error.

Change: OSEP will replace the word "children" with "infants and toddlers and their families" when defining the SiMR result under this indicator.

Comment: Several commenters remarked that OSEP should not require that information submitted as part of Phase I or II of the SSIP be repeated again in Phase III of the SSIP unless outcomes, strategies, and/or practices have been added or changed.



Discussion: We agree that, in cases where required information was previously reported, a State should not be expected to repeat the same information in subsequent submissions. In these circumstances, the State should report on the status of implementation and evaluation as described under Indicator 11. However, in cases where the State did not provide information that was required in the prior submission(s), the State must include, in its Phase III submission, the information that was not previously reported.

Changes: We have added language to clarify that Phase III should only include information from Phase I or Phase II if changes or revisions are being made by the State and/or if information previously required in Phase I or Phase II was not reported.

Comment: Several commenters requested that OSEP delete several Phase III requirements. Specifically, commenters recommend deleting: (1) Relate short-term outcomes to one or more areas of a systems framework (e.g., governance, data, finance, accountability/monitoring, quality standards, professional development and/or technical assistance) and explain how these strategies support system change and are necessary for: (a) achievement of the SiMR; (b) sustainability of systems improvement efforts; and/or (c) scale-up; and, (2) Describe how the evidence-based practices, and activities or strategies that support their use, are intended to impact the SiMR by changing program/district policies, procedures, and/or practices, teacher/provider practices (e.g., behaviors), parent/caregiver outcomes, and/or child outcomes.

Discussion: We do not believe that the proposed changes to Indicator 11 (Phase III) should be deleted. The current measurement table requires States to report on progress implementing the SSIP, progress toward achieving the SiMR, and any modifications to the SSIP, including a rationale for the changes. The proposed revisions to the instructions are in response to State requests for clarity on what OSEP will consider "progress" and how States can demonstrate progress across the Phase III annual reports, given that measurable changes in the SiMR data may not occur until the conclusion of the SSIP cycle or in the years thereafter.

The requirement that States relate outcomes to elements of a systems framework and explain how they are necessary for

achievement of the SiMR, sustainability of system improvement efforts and/or scale-up allows States to communicate how the early intervention system has improved and changed as a result of the State's efforts independent of the FFY data specific to the SiMR. The requirement that States describe how selected evidence-based practices and activities or strategies that support their use are intended to impact the SiMR allows States to communicate progress that may not yet be reflected in the FFY data specific to the SiMR.

Changes: None.

Comment: One commenter requested that the proposed language in Section C "Stakeholder Engagement" be removed, citing that States have already provided information regarding stakeholder engagement in previous submissions and the requirement, as currently written, is sufficient. This commenter also noted that OSEP should provide guidance related to best practices for engaging stakeholders through technical assistance and not as part of the SPP/APR measurement table. Two commenters suggested that the proposed language be modified to only require information regarding stakeholder engagement if there are changes to the State's plan.

Discussion: We agree that any guidance specific to how States engage its stakeholders should not be required as part of the SPP/APR but, rather, provided through technical assistance. The measurement table, as currently proposed, does not include any requirements specific to how the State must engage stakeholders as they implement and evaluate the SSIP. The proposed revisions to the instructions are in response to State requests for guidance related to the role of stakeholders throughout Phase III of the SSIP and more specificity regarding how States should communicate to OSEP about their stakeholder engagement activities.

Changes: We propose revising the language to read, "The State must describe the specific strategies implemented to engage stakeholders in key improvement efforts and how the State addressed concerns, if any, raised by stakeholders through its engagement activities."