The purpose of this document is to provide the public with a concise and accessible explanation and rationale for the proposed revisions to 1820-0578: IDEA Part C State Performance Plan (Part C SPP) and Annual Performance Report (Part C APR), *collectively SPP/APR. The proposed revisions would take effect with the States' FFY 2020 SPP/APR to be submitted in February 2022. The explanation is accompanied by two appendices. Appendix A lays out the legal requirements, i.e., elements of the SPP/APR that are required by statute and may not be changed. Appendix B describes prior significant revisions to the SPP/APR.*

PROPOSED REVISIONS TO THE PART C SPP/APR

OSEP is proposing revisions to the current Part C SPP/APR. This information collection package would also establish a new Part C SPP consistent with IDEA sections 616(b)(1)(C) and 642 which requires each State to review its SPP at least once every six years. The SPP would cover the reporting years from FY2020 through FY2025.

The Office of Special Education and Rehabilitative Services (OSERS) is committed to improving early childhood, educational, and employment outcomes and to raising expectations for all people with disabilities, their families, their communities, and the nation. In September 2018, OSERS released its framework which prioritizes rethinking all aspects of how OSERS serves infants, toddlers, children and youth with disabilities, and their families. It highlights OSERS commitment to support States in their work to raise expectations and improve outcomes for individuals with disabilities; provide States the flexibility they need to implement their programs within the constructs of the law; and partner with parents, individuals with disabilities, and diverse stakeholders.

OSEP began the process of rethinking all of its systems, policies, and requirements that could be barriers to infants and toddlers receiving the early intervention services they require. In doing so, OSEP operationalized its framework on its current system for providing IDEA-related supports to States, and for monitoring IDEA-implementation in States: Results Driven Accountability (RDA). RDA, introduced in 2012, consists of three components, the SPP/APR, IDEA section 616(d) and 642 determinations, and differentiated monitoring and support.

OSEP is rethinking RDA to ensure it is in the best position to support the improvement of early childhood outcomes and raise expectations for infants and toddlers with disabilities. OSEP acknowledges that States, early intervention service programs and providers, and parents know best the needs of their infants and toddlers, and the systems and structures used to support them. Therefore, OSEP held 18 listening sessions, and accepted written input, on the current SPP/APR and suggestions for improvement. The proposed revisions to the SPP/APR are responsive to stakeholder input and provide our State and local partners with as much flexibility and support as possible so they can ensure that their infants and toddlers' needs are being met. Finally, these proposed revisions take necessary steps to elevate parent voice in early intervention services provided under IDEA Part C.

Parents play a critical role in the early intervention process; in fact, they are often tasked with implementing the interventions that have been identified by the early intervention professionals. The family is a child's first provider and is best equipped to make decisions. Therefore, consistent with the Secretary's priorities and OSERS rethink framework, OSEP is proposing to

require States to examine parent participation rates in surveys, in addition to the representativeness reflected in those participation rates, to ensure that each State is receiving quality, actionable information from the most and varied parent voices. The information families provide is critical to helping States evaluate the effectiveness of their systems. It is this parent and State partnership that will ensure raised expectations and improved outcomes for each infant or toddler with a disability and their families.

The proposed revisions are as follows:

Current Indicator / Scope of Change	Proposed Revisions
1: Timely Services	No Change
2: Natural Environments	No Change
3: Early Childhood Outcomes	No Change
4: Family Outcomes	A foundational principle of the IDEA is to enhance the capacity of all parents to meaningfully participate in decision making regarding their infants and toddlers with disabilities. Research and experience have demonstrated that decisions regarding infants and toddlers with disabilities can be made more effective by strengthening the role and responsibility of parents and ensuring that families of infants and toddlers with disabilities have meaningful opportunities to participate in the education of their infants and toddlers at school and at home. States collect family outcome data as a means of improving services and results for infants and toddlers with disabilities, as well as to know if the State is supporting families in meeting this goal. High quality data is necessary for States to make decisions about their program regarding improving family outcomes, including programmatic improvements. High quality data means data that accurately represents families served. In order to report high quality data, OSEP believes that States must consider race and ethnicity when analyzing the extent to which the demographics of the families responding are representative of infants, toddlers, and families enrolled in the Part C program. Therefore, the indicator instructions will be revised to include “race and ethnicity” in the list of demographic categories that the State must consider when determining the representativeness of the survey responses received. Beginning with the FFY 2021 SPP/APR, due February 1, 2023, when reporting the extent to which the demographics of infants and toddlers for whom families responded are representative of the demographics of infants, toddlers, and families enrolled in the Part C program, States must include race and ethnicity in its analysis. In addition, the State’s analysis must also include at least one of the following demographics: socioeconomic status, parents or guardians whose primary language is other than

	English and who have limited English proficiency, maternal education, geographic location, and/or another demographic category approved through the stakeholder input process. Response rates are important in determining the significance of the family outcomes data. The response rates for Indicator 4 varied from 9 percent to 100 percent in the FFY 2016 SPP/APR, with a median response rate of 34.07 percent. It is critical that the State addresses any problems with response rates that could lead to nonresponse bias, thus impacting the validity of the data. The indicator instructions will be revised to require that States compare the current year's response rate to the previous year's response rate and describe strategies that will be implemented which are expected to increase the response rate year over year, particularly for those groups that are underrepresented. States must also describe the metric used to determine representativeness (e.g., +/- 3% discrepancy in the proportion of responders compared to the target group).
5: Child Find – Birth to 1	The indicator will be revised to remove the requirement that a State compare its data to the national average. OSEP acknowledges that each State has its own eligibility criteria for determining if an infant or toddler with a disability is eligible to receive early intervention services in the natural environment. Comparing a State's data to the national average is not a meaningful comparison.
6: Child Find – Birth to 3	The indicator will be revised to remove the requirement that a State compare its data to the national average. OSEP acknowledges that each State has its own eligibility criteria for determining if an infant or toddler with a disability is eligible to receive early intervention services in the natural environment. Comparing a State's data to the national average is not a meaningful comparison.
7: 45-day Timeline	No Change
8: Early Childhood Transition	No Change
9: Resolution Sessions	No Change
10: Mediations	No Change

11: SSIP	States have reported that SSIP reporting is burdensome because there is no guidance on the amount of information that is required in the SSIP. OSEP has observed that reports range from less than 50 pages to more than 200 pages; and that some reports, while voluminous, may not provide a concise, cohesive, easily understandable and transparent report of a State's progress. OSEP proposes to provide a streamlined template that States may use for SSIP Phase III reporting. The optional template includes eight suggested sections, each with a recommended page limit.

Appendix A: Legal Requirements

SPP/APR: Sections 616(b)(1) and 642[1] 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 regulations[2] 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 –
    - Child find
    - Effective monitoring
    - The use of resolution sessions and mediation; and
    - A system of transition services as defined in IDEA section 637(a)(9)

The SPP also includes indicators that are not specifically required by the statute, such as 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.,

[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).

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.

Appendix B: Prior Significant Milestones or Revisions

2005

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.

2011

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.

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 they did not meet their targets.
- Were not required to provide data for Indicator 14 with their initial submissions.

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.

2014

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 required by 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 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.

2017

Revisions were made to provide States' with flexibility in reporting and to improve data quality. These revisions included revising the instructions for:

- Indicator 3 (Early Childhood Outcomes) to provide more clarity on which infants and toddlers should be included in the calculation and to enable OSEP to better evaluate the extent to which States are providing complete data for the indicator;
- Indicator 4 (Family Outcomes) to encourage States, where the State has not addressed representativeness or has reported that the response data were not representative, to provide more detail on the effectiveness of the State's efforts to collect more representative data, and to move up the timeline for reporting on representativeness;
- Indicator 8C (Early Childhood Transition Conference) to clarify which children should be included in the denominator; and
- Indicators 1 (Timely Provision of Services), 7 (45-day Timeline), and 8A, 8B, and 8C (Early Childhood Transition) to require States, in cases where the State reported less than 100% compliance on a compliance indicator(s) in the previous reporting year, to explain why the State did not identify any findings of noncompliance during the previous reporting period even though data indicated less than 100% compliance.
- Indicator 11 (State Systemic Improvement Plan) to provide more clarity on SSIP reporting.