

General

Comment: One commenter requested that OSEP clarify the Part C SPP/APR general instructions section 2.d.v. (Section 2.d.v.) regarding stakeholder involvement as the instruction is unclear.

Discussion: Section 2.d.v. states –

2) An introduction, with sufficient detail to ensure that the Secretary and the public are informed of and understand the State’s systems designed to drive improved results for infants and toddlers with disabilities and their families and to ensure that the Lead Agency and early intervention service programs meet the requirements of Part C of the IDEA. This introduction must include descriptions of the State’s:

d. Stakeholder Involvement: The mechanisms for soliciting broad stakeholder input on the State’s targets in the SPP/APR and any subsequent revisions that the State has made to those targets, and the development and implementation of Indicator 11, the State’s Systemic Improvement Plan (SSIP). This must include:

v. Detailed information about where OSEP can obtain documentation for completed activities.

The intent of section 2.d.v. was to ensure that a State maintains documentation of the stakeholder involvement that OSEP could review upon request. However, after further reviewing general instructions section 2, we believe it is implicit that the State documents its stakeholder involvement and specifically includes

an introduction with sufficient detail to ensure that the Secretary and the public are informed of and understand the State's systems designed to drive improved results for infants and toddlers with disabilities and their families and to ensure that the Lead Agency and early intervention service programs meet the requirements of Part C of the IDEA will suffice.

Changes: OSEP has removed general instructions section 2.d.v.

Indicator 4

Comment: One commenter requested that States be required to disaggregate response data by parent language because it is a critical demographic factor.

Discussion: As OSEP stated in the Part C explanation and rationale document published with the 60-day Federal Register notice (FRN), high quality data is necessary for States to analyze and improve family outcomes. High quality data means data that accurately reflect the infants and toddlers served. OSEP agree that parent language is a critical demographic factor that may be included to accurately reflect the infants and toddlers served through Part C. The Indicator 4 instructions specifically references parents or guardians whose primary language is other than English and who have limited English proficiency as a category by which States may choose to analyze data. OSEP believes that States should have the discretion to include disaggregation by parent language in its analysis when the State and its stakeholders determine that analyzing the data by parent language is necessary to ensure that the demographics of the infants and toddlers for whom families responded is

representative of the demographics of infants and toddlers enrolled in the Part C program.

Changes: None.

Comment: One commenter agreed with OSEP that it is necessary to delay submission of the new reporting requirements for Indicator 4 until the FFY 2021 SPP/APR, due February 2023, because of the logistics involved in collecting, analyzing, and reporting data using the newly required demographic categories. The commenter noted that these new requirements will involve changes to state data systems, survey tools and administration procedures. The commenter stated that the changes are costly and take several years to complete and implement before high quality data can be available. Further, the commenter is concerned that there are no additional funds provided to states to implement these new requirements and many states are facing significant fiscal crises due to the COVID-19 pandemic. Therefore, the commenter requested that full implementation for the new Indicator 4 reporting requirements be delayed an additional year until the FFY 2022 SPP/APR, due in February 2024.

Discussion: OSEP is sensitive to the ongoing impact of the COVID-19 pandemic on State finances, Part C administration, and early intervention service delivery. Therefore, OSEP will delay full implementation of the Indicator 4 reporting requirements until the FFY 2022 SPP/APR, due February 2024.

Changes: OSEP has revised the Indicator 4 instructions for indicators/measurement to reflect that beginning with the FFY 2022 SPP/APR, due February 1, 2024, when reporting the extent to which the demographics of the infants or toddlers for whom

families responded are representative of the demographics of infants and toddlers 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.

Indicator 11

Comment: One commenter continued to disagree with the proposal that the Indicator 11: State Systemic Improvement Plan due date be aligned with the February due date for SPP/APR indicators 1-10. The commenter did not agree that providing an Indicator 11 reporting template relieved enough of the burden associated with the new due date. The commenter noted that writing the SSIP is only part of the burden. States must also implement ongoing significant and comprehensive activities included in the SSIP throughout the year. So, while the template may ease the writing burden, it will not address the resources needed to implement a high quality SSIP throughout the year. Further, in some States, the staff who prepare the SPP/APR responses for indicators 1-10 are also responsible for preparing the response for Indicator 11 and having the additional 60 days to prepare the comprehensive annual report for Indicator 11 is necessary to ensure adequate time and resources are available to implement the plan and prepare a high-quality report reflective of all the comprehensive activities, evaluation data and upcoming plans within the State. The commenter also asks if there are adequate resources within

OSEP to analyze and respond to the complete SPP/APR, including Indicator 11, with the change in submission date.

Discussion: OSEP understands the commenter's concerns but stands by its decision and response to similar comments received in response to the 60-day FRN. OSEP established the April 1st due date originally because the SSIP was at that time a new indicator that was unprecedented in terms of the scope of information to be reported. However, the SSIP will be in year eight for this next SPP/APR package and should not be treated as separate from the remaining indicators in the SPP/APR. We agree with the commenters that the proposed template only addresses burden associated with writing the report.

Furthermore, the template provides a bulleted check list of the required components and suggested page limits specifically to focus States on only that information that is required. The SSIP is rooted in principles of implementation science and a plan-do-study-act cycle. States should be collecting and using data throughout the year to evaluate progress toward state-identified outcomes, allocate resources and revise strategies based on data and meaningful stakeholder engagement. If States are implementing and evaluating infrastructure improvement efforts and use of evidence-based practices within these frameworks, data and stakeholder input should be readily available to populate a SSIP report throughout the year that includes the required information per the measurement language.

Additionally, the SPP/APR reporting tool is optimized to collect indicator data and analysis through an online form and not through attachments. OSEP allowed attachments for Indicator 11 during the SPP/APR reporting tool's first year of implementation (*i.e.*, the FFY 2018 SPP/APR due in February 2020) because OSEP had not yet provided a template to the field. OSEP

anticipates moving to a mandatory online form for Indicator 11 for several reasons. A uniform timeline will facilitate enhanced data management, access, and use, because the indicator would be submitted via the reporting tool rather than provided through attachments. A submission date that is consistent across all indicators of the SPP/APR is necessary to achieve this goal of improved data quality, analysis, and utilization. Therefore, OSEP will align the due date for Indicator 11 with the February due date for SPP/APR Indicators 1-10.

Changes: None.