

*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 2023 SPP/APR to be submitted in February 2025. The explanation is accompanied by two appendices. Appendix A sets 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**

The Office of Special Education Programs (OSEP) is proposing revisions to the current Part C SPP/APR under Individuals with Disabilities Education Act (IDEA). The Office of Special Education and Rehabilitative Services (OSERS), which includes OSEP, 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. A key responsibility of OSEP is to ensure States' compliance with the IDEA as well as ensuring that States improve results and outcomes for infants, toddlers, and children with disabilities.

In 2022, OSEP hosted five listening sessions and received more than 100 comments from States, families, and other stakeholders regarding how OSEP could prioritize equity and effectively monitor and support States on their implementation of Parts B and C of the IDEA. The proposed revisions to the SPP/APR are responsive to this stakeholder input, ensure State Lead Agencies (LAs) are responsible for the oversight of early intervention service (EIS) providers and programs, and examine inequities in the implementation of IDEA and focus on results for historically marginalized populations.

### **General Supervision: Indicator 12**

OSEP is proposing to add Indicator 12 on general supervision. A number of factors contributed to this need for focus on State general supervision systems in the IDEA Part C SPP/APR. Specifically, throughout the COVID-19 pandemic, OSEP heard from stakeholders about barriers to accessing early intervention services. During the COVID-19 pandemic, some children went without necessary services and the rates of both referrals to IDEA and evaluation under IDEA decreased. The data collected by OSEP under Sections 616 and 618 of the IDEA during the 2019-2020 and 2020-2021 reporting year were significantly impacted by the COVID-19 disruptions. Additionally, in recent years, through its monitoring activities, OSEP has learned that virtually all monitored States have not been monitoring early intervention service provider and program activities outside of the SPP/APR compliance indicators. Monitoring for IDEA requirements beyond the SPP/APR compliance indicators is critical for State LAs as part of the State's general supervision responsibilities under IDEA section 635(a)(10) 34 C.F.R. § 303.120. Without monitoring, State LAs do not know whether and how infants and toddlers with disabilities and their families are receiving needed IDEA Part C services. In addition, in key results areas such as providing services in natural environments and child find, effective monitoring for related requirements helps the State

Proposed Revisions to FFY 2020 – FFY 2025 Part C SPP/APR: Explanation and Rationale  
REVISED August 2023

LA examine potential causes for poor performance on outcomes. Thus, it is critical for State LAs to comprehensively monitor EIS providers and programs and identify and correct noncompliance consistent with IDEA requirements. Now, as EIS providers and programs and families continue to recover from the pandemic and OSEP is focusing on improving results and the development and learning for all children with disabilities, it is essential to ensure that LAs are fully aware of and acting on their general supervision obligations under IDEA sections 616(a)(3)(B), 635(a)(10) and 642 and 34 C.F.R. §§ 303.120 and 303.700(d).

Thus, OSEP is phasing in the general supervision indicator to require reporting on the identification and correction of all findings of noncompliance as part of the State’s general supervision responsibilities, which includes findings made through fiscal monitoring Part C SPP/APR Related Requirements, and other areas of monitoring by the State. Starting with the FFY 2023 SPP/APR (submitted in February 2025), States will be required to report on the identification and correction of all noncompliance related to the SPP/APR compliance indicators. Ultimately this indicator will be broadened in the next SPP/APR cycle for FFY 2026 through FFY 2031 to also require reporting on the identification and correction of all noncompliance related to the State’s general supervision responsibilities. This would include fiscal monitoring, related requirements for results indicators, and other areas of monitoring by the State.

Child Find: Indicators 5 and 6

For Indicators 5 and 6, to improve State’s child find analysis, OSEP is revising the instructions to request States to conduct root cause analyses of child find identification rates, including reviewing data (if available) on the number of children referred, evaluated, and identified. This root cause analysis may include examining not only demographic data (such as race and ethnicity data reported under IDEA section 618 and Indicators 5 and 6), but also other child-find related data available to the State (such as geographic location, family income, primary language, etc.). States should report the results of its analyses under the “Additional Information” section of the Indicators 5 and 6.

OSEP notes that States must include in their SPP/APRs information on the reasons for slippage (an explanation of slippage in indicators where the State did not meet its target). 2 C.F.R. § 200.329(c)(2)(ii)). Thus, if a State is required to report on the reasons for slippage under Indicators 5 and 6, then the State must include the results of its analyses under the “Additional Information” section of Indicators 5 and 6.

Proposed Revisions to FFY 2020 – FFY 2025 Part C SPP/APR: Explanation and Rationale  
 REVISED August 2023

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	No Change
5: Child Find – Birth to 1	OSEP proposes to revise the instructions for this indicator to request States conduct root cause analysis of available data (demographic and other data) affecting child find identification rates and to report the results of that analysis under the “Additional Information” section of the indicator. If a State is required to report on reasons for slippage under this indicator, then the State will be required to include the result of its analysis under the “Additional Information” section of the indicator.
6: Child Find – Birth to 3	OSEP proposes to revise the instructions for this indicator to request States conduct root cause analysis of available data (demographic and other available data) affecting child find identification rates and to report the results of that analysis under the “Additional Information” section of the indicator. If a State is required to report on reasons for slippage under this indicator, then the State will be required to include the result of its analysis under the “Additional Information” section of the indicator.
7: 45-day Timeline	No Change

Proposed Revisions to FFY 2020 – FFY 2025 Part C SPP/APR: Explanation and Rationale  
 REVISED August 2023

8: Early Childhood Transition	No Change
9: Resolution Sessions	No Change
10: Mediations	No Change
11: SSIP	No Change
New Indicator– Proposed Indicator 12: General Supervision	<p>OSEP proposes to reestablish the general supervision indicator as a separate reporting requirement. This indicator measures the effectiveness of the State Lead Agency’s system of general supervision in ensuring the identification of noncompliance and correction of noncompliance in a timely manner. States were previously required to report on this indicator in the FFY 2005 through FFY 2012 SPP/APR submissions. This indicator was removed for the FFY 2013 SPP/APR and subsequent submissions because OSEP expected that State-reported data on the correction of prior year findings of noncompliance under compliance indicators 1, 7, 8A, 8B, and 8C would be sufficient to evaluate a State’s system of general supervision. OSEP has learned through its recent monitoring and other oversight activities that limiting State-reported data in this manner does not provide sufficient information to the public or to OSEP about the nature and extent of a State’s compliance with IDEA requirements in the State nor the effectiveness of the State’s system of general supervision and monitoring to ensure timely correction of identified noncompliance. Reinstating the general supervision indicator provides greater transparency regarding a State’s monitoring and dispute resolution procedures used to identify noncompliance and the extent to which a State ensures the timely correction of any identified findings of noncompliance.</p> <p>In connection with this indicator, OSEP proposes to reinstate the Related Requirements document that was previously approved in 2017. This document includes a list of each of the Monitoring Priorities and Indicators in the SPP/APR and the requirements from the statutes and regulations that are related to each Priority and Indicator. The purpose of this document is multifaceted. First, it informs States of the statutory and/or regulatory requirements related to each Indicator that will be reviewed by OSEP as part of monitoring. That is, States should review the Related Requirements document and ensure the components in their general supervision systems are adequate to ensure that the IDEA requirements are being met. Second,</p>

Proposed Revisions to FFY 2020 – FFY 2025 Part C SPP/APR: Explanation and Rationale  
REVISED August 2023

	<p>this document serves as a guide that States can use to determine how to appropriately report on areas of noncompliance it has identified that relate to, but are not specifically associated with, the requirements of the indicator. OSEP encourages States to examine the components within their general supervision systems to ensure they appropriately address these Related Requirements.</p>
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## **Appendix A: Legal Requirements**

**SPP/APR:** Sections 616(b)(1) and 642<sup>1</sup> of the Individuals with Disabilities Education Act (IDEA or Act) require that 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 SPP 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<sup>2</sup> 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 developmental 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 that reflect improvement over the State’s baseline for results indicators and 100% compliance for compliance indicators. 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:**

States must include in their APRs brief information on the reasons for slippage (an explanation of slippage in indicators where the State did not meet its target. 2 C.F.R. § 200.329(c)(2)(ii) (replacing 34 C.F.R. § 80.40(b)(2)).

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<sup>1</sup> 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.

<sup>2</sup> See IDEA sections 616(a)(3) and (4), and 642; and 34 C.F.R. §303.700(d).

## **Appendix B: Prior Significant Milestones or Revisions**

### 2005

The IDEA Part C SPP/APR package (OMB number 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 for FFY 2005 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, OSEP proposed to make no major changes to the SPP and to maintain the indicators as written. Therefore, with its FFY 2011 SPP submission, each State extended its original SPP targets and improvement activities for FFY 2011 and FFY 2012.

### 2012

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 outcomes and 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.

In 2012, OSEP eliminated two indicators in the SPP/APR 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 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 in the SPP/APR on Indicators 10 (State Complaint Timelines) and 11 (Due Process Hearing Timelines).

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 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.

Proposed Revisions to FFY 2020 – FFY 2025 Part C SPP/APR: Explanation and Rationale  
REVISED August 2023

- Were not required to provide data for Indicator 14 with their initial submissions.

With its FFY 2013 APR, each State submitted its second SPP, including targets for FFY 2013 through FFY 2018.

### 2014

OSEP made revisions in 2014 to the SPP/APR information collection for FFY 2013 through FFY 2018 based on the following principles:

- Alignment with the RDA vision and its goals.
- Reduction of reporting burden by requiring primarily 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:

1. Combine the SPP and APR into one document.
2. Collect SPP/APR through an online submission system that includes the capability to respond to the SPP/APR electronically.
3. Report on slippage only if the State does not meet its target for the reporting year.
4. Develop streamlined and coordinated systems descriptions.
5. With the FFY 2013 SPP/APR, States were no longer required to report on Improvement Activities for each indicator. Rather States were required to submit a comprehensive State Systemic Improvement Plan (SSIP) through new qualitative Indicator 11. 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.
6. Eliminated prior SPP/APR Indicators 9 (General Supervision) and 14 (data). 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 remained.

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

### 2017

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



Proposed Revisions to FFY 2020 – FFY 2025 Part C SPP/APR: Explanation and Rationale  
REVISED August 2023

- Indicator 3 (Early Childhood Outcomes) to provide more clarity on which infants and toddlers with disabilities should be included in the calculation to report only on those infants and toddlers with disabilities that received at least six months of Part C services 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.

2020

OSEP made revisions in 2020 to the SPP/APR information collection for FFY 2020 through FFY 2025 based on the following principles:

- 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;
- Providing 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;
- Elevating parent voice in early intervention services provided under IDEA Part C.

These revisions included:

- Revising Indicator 4 (Family Outcomes) to require States to include race/ethnicity in the analysis of representativeness in addition to one other category, analyze response rates and describe strategies to increase response rates, and describe the metric for representativeness;
- Removing the requirement in Indicator 5 (Child Find: Birth - 1) and Indicator 6 (Child: Find: Birth - 3) for States to compare data to the national average;
- Aligning the due date of the SSIP with the other indicators in the SPP/APR submission.