

General

Comments: OSEP received one comment pertaining to artificial intelligence (AI) readiness, two comments pertaining to language-rich environments and staff training for deaf children, four comments pertaining to the Part B State Performance Plan/Annual Performance Report (SPPP/APR), one comment related to the Part C SPP/APR Indicator 2, and one comment related to post-secondary transition planning.

Discussion: These comments are unrelated to the proposed changes in this information collection; therefore, OSEP declines to respond at this time.

Changes: None.

Comment: OSEP received a few comments from individuals requesting that the Department and the SPP/APR documents comply with the President's Executive Orders, specifically Executive Order 14224, "Designating English as the Official Language of the United States," and Executive Order 14151, "Ending Radical and Wasteful Government DEI Programs and Preferencing."

Discussion: OSEP and the Department are and will remain in compliance with all of the President's Executive Orders.

Changes: None.

Part C SPP/APR Instructions

Comment: Several commenters opposed OSEP revising the general supervision description to add how the State identifies critical issues using formal and informal dispute resolution processes. The commenters stated that these items are currently addressed through OSEP's Differentiated Monitoring and Supports process and do not need to also be addressed through the SPP/APR.

Discussion: The information States provide through the SPP/APR under this proposed revision would provide complementary, rather than duplicative information, which would allow OSEP and the public to better understand how the State's system is structured to ensure the Part C requirements for infants and toddlers with disabilities and their families are met. Further, revising the SPP/APR instructions would help ensure that dispute resolution data are not only collected but also are acted upon to improve service delivery and outcomes for infants, toddlers, children, and youth with disabilities.

Changes: None.

Comment: Several commenters opposed OSEP adding "stakeholder input" instead of "stakeholder engagement" in State development of targets for the SPP/APR indicators. The commenters noted that "input" and "engagement" have separate meanings and the proposed change could result in different interpretations. One commentor

also noted that the term “engagement” is still used in Indicator 11.

Discussion: This change represents a technical edit and does not indicate a change in OSEP’s expectations regarding how States interact with stakeholders to ensure improved outcomes for infants and toddlers with disabilities and their families.

Changes: None.

Comment: One commentor opposed OSEP revising the term “gender” to “sex” in the Part C SPP/APR sampling instructions.

Discussion: This change was made in compliance with the President’s Executive Order 14168, “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government.”

Changes: None.

Indicator 3

Comment: Several commenters expressed support for OSEP’s proposed revisions to Indicator 3 to consistently emphasize learning and development. One commentor opposed the proposed revision to Indicator 3 due to potential shifts in focus in measuring progress across ratings instead of measuring current level of development, as well as anticipated costs of updating

documents, data systems, and providing technical assistance to EIS providers.

Discussion: OSEP appreciates the commenters' support regarding the proposed change to Indicator 3. This proposed change is primarily a technical edit to align the language in Outcome A with the statutory language in the Individuals with Disabilities Education Act (IDEA). The proposed change does not constitute a change in methodology. Therefore, OSEP would not expect that States would incur costs to update documents and data systems due to the proposed change.

Changes: None.

Comment: Three commenters suggested adding "development and use of" to the end of the stem of Indicator 3 instead of the current wording within each sub-indicator.

Discussion: OSEP appreciates the suggestion to revise the Indicator 3 language. However, adding "development and use of" to the root of the child outcomes measurement language would shift the emphasis away from the intended integrated view of how children grow, develop, learn, and thrive, and instead move the focus toward discrete domains of development. The current outcome areas are designed to capture children's functional skills and behaviors across settings and situations, cutting across the traditional developmental domains and emphasizing

meaningful participation and possibilities rather than deficits. For these reasons, OSEP declines to adopt this suggested change at this time.

Changes: None.

Indicator 4

Comment: Several commenters expressed support for OSEP's proposed revisions to the instructions for Indicator 4 to require States to describe how data on family involvement are collected, provide a link to the survey if a survey is used, and describe how family involvement data are utilized to improve services and outcomes for infants and toddlers with disabilities and their families.

Discussion: OSEP appreciates the commenters' support regarding proposed changes to the instructions for Indicator 4. These proposed changes will help ensure family feedback is meaningfully used to improve services and outcomes for infants and toddlers with disabilities and their families.

Changes: None.

Comment: Several commenters expressed support for removing the requirement to include an analysis of 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. The commenters recognized the importance of representativeness in these measures and noted that States retain the option to consider representativeness as part of their internal analysis. Conversely, several commenters expressed opposition to this proposed change. One commenter stated that historically, data were not representative, and the requirement to report representative data led States to implement strategies to make their data representative. Several commenters expressed concern that the data would no longer be representative if the strategies to ensure representativeness were eliminated from SPP/APR reporting. The commenters further stated that an analysis of representativeness is important for conducting child find of unrepresented communities and to improve practices, access, and outcomes among communities in the State.

Discussion: OSEP appreciates the concern regarding the importance of representative data and recognizes the important role of stakeholders. This proposed change ensures States' analyses of Indicator 4 data are meaningful and actionable without imposing prescriptive guidelines for analysis. This proposed change does not preclude States from continuing to analyze the representativeness of their Indicator 4 data.

Changes: None.

Indicator 11

Comment: Several commenters supported the proposed changes to remove outdated instructions and reporting requirements under Indicator 11. One commenter opposed the changes and sought clarification on which items OSEP considers no longer relevant for reporting purposes.

Discussion: OSEP proposes removing narrative reporting elements that are no longer relevant, such as the impact of COVID-19 on States' data collection and data quality. Additionally, by removing reporting requirements that are redundant or do not change considerably from year to year, such as the rationale and desired outcomes for specific infrastructure improvement strategies or evidence-based practices, the proposed changes will reduce the time and effort needed to complete Indicator 11 reporting.

Changes: None.

Indicators 1, 7, 8, and 12

Comment: Several commenters supported the proposed elimination of the requirement to report on the correction of noncompliance identified in the prior year under compliance Indicators 1, 7, and 8, citing that the data are redundant with data currently reported under Indicator 12. Other commenters opposed the change

because it risks weakening accountability by discouraging States from addressing specific issues of noncompliance and makes it challenging for stakeholders to understand the underlying noncompliance for the specific indicators.

Discussion: States were required to report on the correction of noncompliance under Indicator 12 starting with the FFY 2023 SPP/APR, submitted February 2025. Since that submission, the compliance data reported to OSEP under Indicator 12 have been disaggregated by individual compliance indicator which allows stakeholders to see the underlying noncompliance as it relates to each compliance indicator, as well as the actions taken to correct the noncompliance. This proposed change would not weaken accountability and, in fact, increases transparency by consolidating all information related to the identification and correction of noncompliance in the State under a single indicator. States currently report Indicator 12 data using a data table that is disaggregated by each compliance indicator (Indicators 1, 7, 8A, 8B, and 8C). Within that disaggregation, States are required to report: (1) whether the identified noncompliance is specific to the compliance indicator requirements or based on other IDEA requirements related to the indicator; (2) the source of the noncompliance (e.g., State monitoring, State database/data system, dispute resolution, fiscal, related requirements); and, (3) provide a description of

how the State verified that the source of noncompliance is correctly implementing the regulatory requirements based on updated data, as well as how the State verified that each individual case of noncompliance was corrected.

Changes: None.