

Part B – SPP /APR Related Requirements

Part B SPP/APR Related Requirements

Note: This document includes a list of the Monitoring Priorities and Indicators and the requirements from the statutes and regulations that are related to each priority and indicator. The purpose of this document is to inform States of the statutory and/or regulatory requirements related to each Indicator that will be reviewed by OSEP as part of Focused Monitoring. That is, if OSEP determines that it will do Focused Monitoring in a State because that State is low performing or in noncompliance with a specific indicator, OSEP will review the Related Requirements for that indicator as part of the Focused Monitoring. OSEP encourages States to examine their general supervision systems to determine how they address these Related Requirements. Please note that the Related Requirements listed in the right column are either abridged statements of the actual language in the statute and regulations, or merely identify requirements related to indicators. Readers are encouraged to review the full language of the requirements in the statute and regulations to ensure a complete understanding of the requirement.

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<p>1. Percent of youth with IEPs graduating from high school with a regular diploma. (20 U.S.C. 1416 (a)(3)(A))</p> <p>2. Percent of youth with IEPs dropping out of high school. (20 U.S.C. 1416 (a)(3)(A))</p> <p>13. Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority. (20 U.S.C. 1416(a)(3)(B))</p> <p>14. Percent of youth who are no longer in secondary school, had IEPs in effect at the time</p>	<p>Part B requirements that are the basis for compliance Indicator 13:</p> <p>The IEP, beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team and updated annually thereafter, must include appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment and where appropriate, independent living skills; the transition services (including courses of study) needed to assist the child in reaching those goals; and beginning not later than 1 year before the child reaches the age of majority under State law, a statement that the child has been informed of the child's rights under this title, if any, that will transfer to the child on reaching the age of majority under 20 U.S.C. 1415(m). [20 U.S.C. 1414(d)(1)(A)(i)(VIII); 20 U.S.C. 1415(m); 34 CFR §300.320(b) and (c)]</p> <p>The term 'transition services' is defined in 20 U.S.C. 1402(34)(A) through (C). [20 U.S.C. 1401(34); 34 CFR §300.43]</p> <p>Indicators 1, 2, and 14 are results indicators.</p> <p>Provision of a summary of a graduating youth's academic achievement and functional performance, including recommendations on how to assist youth in meeting his or her postsecondary goals. [20 U.S.C. 1414(c)(5)(B); 34 CFR §300.305(e)(3)]</p> <p>Transfer of rights when student with disability reaches age of majority under State law. [20 U.S.C. 1415(m)(1); 34 CFR §300.520(a)]</p> <p>Transfer of confidentiality rights when student with disability reaches age of majority [20 U.S.C. 1412(a)(8); 34 CFR §99.5(a) and §300.625]</p> <p>IEP team. [20 U.S.C. 1414(d)(1)(B); 34 CFR §300.321(a)]</p> <p>IEP team—additional participants for secondary transition. [20 U.S.C. 1412(a)(12); 34 CFR §300.321(b)(2) and (3)]</p> <p>IEP meeting notice for secondary transition. [20 U.S.C. 1414(d)(1)(A)(i)(I)(VIII); 34 CFR §300.322(b)(2)]</p> <p>If participating agency other than LEA does not provide transition services. [20 U.S.C. 1414(d)(6); 34</p>

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<p>they left school and were:</p> <p>A. Enrolled in higher education within one year of leaving high school.</p> <p>B. Enrolled in higher education or competitively employed within one year of leaving high school.</p> <p>C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.</p> <p>(20 U.S.C. 1416(a)(3)(B))</p>	<p>CFR §300.324(c)(1)]</p> <p>Development, review and revision of IEP. [20 U.S.C. 1414(d)(3); 34 CFR §300.324]</p> <p>IEP—special considerations (behavior, limited English proficiency, blind or visually impaired, communication needs). [20 U.S.C. 1414(d)(3); 34 CFR §300.324(a)(2)] These requirements also included in this document under Indicators 3/7.</p> <p>Right to FAPE. [20 U.S.C. 1412(a)(1)(A); 34 CFR §300.101(a)] These requirements also included in this document under Indicators 3/7.</p> <p>NIMAS. [20 U.S.C. 1412(a)(23); 34 CFR §300.172(a)] These requirements also included in this document under Indicators 3/7.</p> <p>Highly Qualified Personnel. [20 U.S.C. 1412(a)(14)(A) and (B), 1413(a)(3); 34 CFR §§300.156(a) – (d) and 300.207] These requirements also included in this document under Indicators 3/7.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>A. Percent of the districts with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AYP targets for the disability subgroup.</p> <p>B. Participation rate for children with IEPs.</p> <p>C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.</p> <p>(20 U.S.C. 1416 (a)(3)(A))</p> <p>7. Percent of preschool children with IEPs who demonstrate improved:</p> <p>A. Positive social-emotional skills (including social relationships);</p> <p>B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and</p> <p>C. Use of appropriate behaviors to meet their</p>	<p>Indicators 3 and 7 are results indicators.</p> <p>All children with disabilities included in all general State and districtwide assessment programs, with appropriate accommodations and alternate assessments if necessary and as indicated in their respective IEPs. [20 U.S.C. 1412 (a)(16)(A); 34 CFR §300.160(a)]</p> <p>Guidelines for provision of appropriate accommodations. [20 U.S.C. 1412(a)(16)(B); 34 CFR §300.160(b)(1) and (2)]</p> <p>Alternate assessments and guidelines for the participation of children with disabilities in alternate assessments for children who cannot participate in regular assessments. [20 U.S.C. 1412(a)(16)(C); 34 CFR §300.160(c)]</p> <p>Clear explanation of differences between assessments based on grade-level academic achievement standards and those based on modified or alternate academic achievement standards. [34 CFR §300.160(d)]</p> <p>Informing parents of students selected to be assessed based on alternate or modified academic achievement standards. [34 CFR §300.160(e)]</p> <p>Reporting to the public on results of statewide and districtwide assessments. [20 U.S.C. 1412 (a)(16)(D); 34 CFR §300.160(f)]</p> <p>Use of universal design principles in developing and administering assessments. [20 U.S.C. 1412 (a)(16)(E); 34 CFR §300.160(g)]</p> <p>IEP includes statement of any necessary individual appropriate accommodations on statewide and</p>

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<p>needs. (20 U.S.C. 1416 (a)(3)(A))</p>	<p>districtwide assessments. [20 U.S.C. 1414(d)(1)(A)(i)(VI)(aa); 34 CFR §300.320(a)(6)(i)]</p> <p>Statement of why child cannot participate in regular assessment, and why particular alternate assessment selected is appropriate for child. [20 U.S.C. 1414(d)(1)(A)(i)(VI)(bb); 34 CFR §300.320(a)(6)(ii)]</p> <p>Right to FAPE. [20 U.S.C. 1412(a)(1)(A); 34 CFR §300.101(a)] These requirements also included in this document under Indicators 1/2/13/14.</p> <p>IEP—special considerations (behavior, limited English proficiency, blind or visually impaired, communication needs). [20 U.S.C. 1414(d)(3); 34 CFR §300.324(a)(2)] These requirements also included in this document under Indicators 1/2/13/14.</p> <p>NIMAS. [20 U.S.C. 1412(a)(23); 34 CFR §300.172(a)] These requirements also included in this document under Indicators 1/2/13/14.</p> <p>Highly Qualified Personnel. [20 U.S.C. 1412(a)(14)(A) and (B), 1413(a)(3); 34 CFR §§300.156(a)-(d) and 300.207]. These requirements also included in this document under Indicators 1/2/13/14.</p>
<p>4. Rates of suspension and expulsion:</p> <p>A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with IEPs for greater than 10 days in a school year; and</p> <p>B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with IEPs of greater than 10 days in a school year by race and ethnicity and that have policies, procedures or practices that contribute to the significant discrepancy and that do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))</p>	<p>Part B requirements that are the basis for compliance Indicator 4B:</p> <p>The SEA, and the Secretary of the Interior, must examine data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities among LEAs in the State; or compared to such rates for nondisabled children within such agencies. [20 U.S.C. 1412(a)(22)(A); 34 CFR §§300.170 (a) and 300.646(a)(3)]</p> <p>If such discrepancies are occurring, the SEA must review and, if appropriate, revise (or require the affected State or LEA to revise) its policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, to ensure that such policies, procedures, and practices comply with this Act. [20 U.S.C. 1412(a)(22)(B); 34 CFR §§300.170(b) and 300.646(b)]</p> <p>Indicator 4A is a results indicator.</p> <p>Authority of school personnel regarding placement in alternative education settings. [20 U.S.C. 1415(k)(1); 34 CFR §300.530]</p> <p>Determination of setting. [20 U.S.C. 1415(k)(2); 34 CFR §300.531]</p> <p>Appeal of decision regarding placement or manifestation determination. [20 U.S.C. 1415(k)(3); 34 CFR §300.532]</p> <p>Placement during appeals. [20 U.S.C. 1415(k)(4); 34 CFR §300.533]</p>

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	<p>Change of placement because of disciplinary removals. [20 U.S.C. 1415(k); 34 CFR §300.536]</p> <p>Right to FAPE. [20 U.S.C. 1412(a)(1)(A); 34 CFR §300.101(a)] These requirements also included in this document under Indicators 1/2/13/14.</p> <p>IEP—special considerations (behavior, limited English proficiency, blind or visually impaired, communication needs). [20 U.S.C. 1414(d)(3); 34 CFR §300.324(a)(2)] These requirements also included in this document under Indicators 1/2/13/14.</p> <p>Development, review and revision of IEP. [20 U.S.C. 1414(d)(3); 34 CFR §300.324] These requirements also included in this document under Indicators 1/2/13/14.</p> <p>Highly Qualified Personnel. [20 U.S.C. 1412(a)(14)(A) and (B), 1413(a)(3); 34 CFR §§300.156(a)-(d) and 300.207]. These requirements also included in this document under Indicators 1/2/13/14.</p>
<p>5. Percent of children with IEPs aged 6 through 21 served:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements. (20 U.S.C. 1416(a)(3)(A))</p> <p>6. Percent of children aged 3 through 5 with IEPs attending a separate special education class, separate school or residential facility. (20 U.S.C. 1416(a)(3)(A))</p>	<p>Indicators 5 and 6 are results indicators.</p> <p>To maximum extent appropriate, children with disabilities educated with children who are not disabled. [20 U.S.C. 1412(a)(5)(A); 34 CFR §300.114(a)]</p> <p>IEP includes explanation of extent, if any, to which child will not participate with nondisabled children. [20 U.S.C. 1414(d)(1)(A)(i)(V); 34 CFR §300.320(a)(5)]</p> <p>Continuum of alternative placements available. [20 U.S.C. 1412(a)(5); 34 CFR §300.115]</p> <p>A State funding mechanism must not result in placements that violate the least restrictive environment (LRE) requirements. [20 U.S.C. 1412(a)(5)(B); 34 CFR §300.114(b)(1)]</p> <p>Parents are members of any group that makes decisions on educational placement of their child. [20 U.S.C. 1414(e); 34 CFR §§300.116(a)(1) and 300.501(c)]</p> <p>Placement decision made: (1) by group of persons, including parents, and other persons knowledgeable about child, meaning of evaluation data, and placement options; and (2) in conformity with least restrictive environment (LRE) provisions of Part B. [20 U.S.C. 1412(a)(5) and 1414(e); 34 CFR §300.116(a)]</p> <p>Placement must be: (1) determined at least annually; (2) based on child's IEP; and (3) as close as possible to child's home. Unless IEP requires some other arrangement, child must be educated in school he or she would attend if nondisabled. [20 U.S.C. 1412(a)(5); 34 CFR §300.116 (b) and (c)]</p> <p>In selecting the LRE, consideration must be given to any potential harmful effect on child or on quality of services that he or she needs. [20 U.S.C. 1412(a)(5); 34 CFR §300.116(d)]</p> <p>Child with disability must not be removed from education in age-appropriate regular classrooms solely because of needed modifications in general education curriculum. [20 U.S.C. 1412(a)(5); 34 CFR</p>

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	<p>§300.116(e)]</p> <p>Participation in extracurricular services and activities to maximum extent appropriate to needs of that child. [20 U.S.C. 1412(a)(5); 34 CFR §300.117]</p> <p>Except regarding agency responsibility for general supervision for some individuals in adult prisons, SEA must ensure that 34 CFR §300.114 is effectively implemented, including, if necessary, making arrangements with public and private institutions (such as memorandum or agreement or special implementation procedures). [20 U.S.C. 1412(a)(5); 34 CFR §300.118]</p> <p>Activities to ensure teachers and administrators in all public agencies are: (1) fully informed about their responsibilities for implementing 34 CFR §300.114; and (2) provided with technical assistance and training necessary to assist them in this effort. [20 U.S.C. 1412(a)(5); 34 CFR §300.119]</p> <p>State must carry out activities to ensure that 34 CFR §300.114 implemented by each public agency. If evidence a public agency makes placements inconsistent with §300.114, State must: (1) review public agency's justification for its actions; and (2) assist in planning and implementing any necessary corrective action. [20 U.S.C. 1412(a)(5); 34 CFR §300.120]</p> <p>IEP must include statement of special education and related services and supplementary aids and services ... to be provided to child or on behalf of child, and statement of program modifications or supports for school personnel that will be provided to enable child: ...to participate in extracurricular and other nonacademic activities; and to be educated and participate with other children with disabilities and nondisabled children. [20 U.S.C. 1414(d)(1)(A)(i)(IV); 34 CFR §300.320(a)(4)]</p> <p>IEP must include explanation of extent, if any, to which child will not participate with nondisabled children in regular class and in activities described in 34 CFR §300.320(a)(4). [20 U.S.C. 1414(d)(1)(A)(i)(V); 34 CFR §300.320(a)(5)]</p>
<p>8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.</p> <p>[20 U.S.C. 1416(a)(3)(A)]</p>	<p>Informed consent for initial evaluation. [20 U.S.C. 1414(a)(1)(D); 34 CFR §300.300(a)]</p> <p>Informed consent for initial provision of special education and related services. [20 U.S.C. 1414(a); 34 CFR §300.300(b)(1)-(3)]</p> <p>Informed consent for reevaluation. [20 U.S.C. 1414(c); 34 CFR §300.300(c)(1) and (2)]</p> <p>Consent for other services and activities. [34 CFR §300.300(c)(2) and (3)]</p> <p>Public agency must provide notice to parents of child with a disability, in accordance with 34 CFR §300.503, that describes any evaluation procedures agency proposes to conduct. [20 U.S.C. 1414(b)(1); 34 CFR §300.304(a)]</p> <p>Parent information as part of evaluation. [20 U.S.C. 1414(b)(2)(A) and (c)(1)(A)(i); 34 CFR §§300.304(b)(1) and 300.305(a)]</p>

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	<p>Parents notified if determined no additional data needed to determine whether child continues to be a child with a disability, and to determine child’s education needs. [20 U.S.C. 1414(c)(4)(A); 34 CFR §300.305(d)(1)]</p> <p>Parents part of group determining whether child is a child with a disability and educational needs of child; copy of evaluation report and documentation of determination of eligibility given to parent at no cost. [20 U.S.C. 1414(b)(4); 34 CFR §300.306(a)]</p> <p>Parent right to inspect and review educational records. [20 U.S.C. 1415(b)(1); 34 CFR §300.501(a)]</p> <p>Parent participation in meetings with respect to identification, evaluation, and educational placement of child; and provision of FAPE to child. [20 U.S.C. 1415(b)(1); 34 CFR §300.501(b)(1) and (2)]</p> <p>Parents of a child with a disability have right to obtain independent educational evaluation of child, subject to §300.501(b)-(e). [20 U.S.C. 1414(d)(2)(A); 34 CFR §300.502(a)(1)]</p> <p>Prior written notice to parents. [20 U.S.C. 1415(b)(3) and (4)]; 34 CFR §300.503]</p> <p>Procedural safeguards notice. [20 U.S.C. 1415(d); 34 CFR §300.504]</p> <p>Parent participation in IEP Team meetings. [20 U.S.C. 1414(d)(1)(B)(i); 34 CFR §§300.321(a)(1) and 300.322]</p> <p>IEP Team shall consider concerns of parents for enhancing education of their child. [20 U.S.C. 1414(d)(3)(A)(ii); 34 CFR §300.324(a)(1)(ii)]</p> <p>Public agency shall ensure that IEP Team revises IEP as appropriate to address information about child provided to or by parents. [20 U.S.C. 1414(d)(4)(A)(ii)(III); 34 CFR §300.324(b)(1)(ii)(C)]</p> <p>Public agency must ensure that parents of each child with a disability are members of any group that makes decisions on educational placement of their child. [20 U.S.C. 1414(e); 34 CFR §300.327]</p> <p>When conducting IEP Team meetings and placement meetings and carrying out administrative matters under 20 U.S.C. 1415 (such as scheduling, exchange of witness lists, and status conferences), parent of a child with a disability and public agency may agree to use alternative means of meeting participation, such as video conferences and conference calls. [20 U.S.C. 1414(f); 34 CFR §300.328]</p>
<p>9. Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. [20 U.S.C. 1416(a)(3)(C)]</p> <p>10. Percent of districts with disproportionate</p>	<p>Part B requirement that is the basis for compliance Indicators 9 and 10:</p> <p>The State must have in effect policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment as described in 34 CFR §300.8, consistent with 20 U.S.C. 1418(d). [20 U.S.C 1412(a)(24); 34 CFR §300.173]</p> <p>Evaluation requirements, including nondiscriminatory assessment and evaluation. [20 U.S.C. 1414(b)(2)]</p>

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<p>representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[20 U.S.C. 1416(a)(3)(C)]</p>	<p>and (3); 34 CFR §300.304]</p> <p>Determination of eligibility made by group of qualified professionals and parent. [20 U.S.C. 1414(b)(4); 34 CFR §300.306(a)]</p> <p>Child not determined child with a disability if determinant factor is lack of appropriate instruction in reading, lack of appropriate instruction in math, or limited English proficiency; and if child does not otherwise meet eligibility criteria under 34 CFR §300.8(a). [20 U.S.C. 1414(b)(5); 34 CFR §300.306(b)]</p> <p>In interpreting evaluation data for purpose of determining if child is a child with a disability, and educational needs of the child, public agency must draw upon information from variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior; and ensure that information obtained from all of these sources is documented and carefully considered. [[20 U.S.C. 1414(c); 34 CFR §300.306(c)]</p> <p>Significant disproportionality [20 U.S.C. 1418(d); 34 CFR §300.646]</p> <p>Use of Part B funds for early intervening services. [20 U.S.C. 1413(f); 34 CFR §300.226 and Appendix D]</p>
<p>11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.</p> <p>[20 U.S.C. 1416(a)(3)(B)]</p>	<p>Part B requirements that are the basis for compliance Indicator 11:</p> <p>c) The initial evaluation--(1)(i) Must be conducted within 60 days of receiving parental consent for the evaluation; or (ii) If the State establishes a timeframe within which the evaluation must be conducted, within that timeframe;</p> <p>(d) The timeframe described in paragraph (c)(1) of this section does not apply to a public agency if--(1) The parent of a child repeatedly fails or refuses to produce the child for the evaluation; or (2) A child enrolls in a school of another public agency after the relevant timeframe in paragraph (c)(1) of this section has begun, and prior to a determination by the child's previous public agency as to whether the child is a child with a disability under §300.8.</p> <p>(e) The exception in paragraph (d)(2) of this section applies only if the subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent public agency agree to a specific time when the evaluation will be completed. [20 U.S.C. 1414(a)(1)(C), 34 CFR §300.301(c), (d), and (e)]</p> <p>Requirements for initial evaluations. [20 U.S.C. 1414(a)(1)(A)-(C); 34 CFR §300.301(a)-(c)]</p> <p>Child find requirements. [20 U.S.C 1412 (a)(3); 34 CFR §300.111]</p> <p>Review of existing data as part of initial evaluation. {20 U.S.C.1414(c); 34 CFR §300.305(a)]</p>

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<p>12. Percent of children referred by Part C prior to age 3 and who are found eligible for Part B who have an IEP developed and implemented by their third birthdays.</p> <p>[20 U.S.C. 1416(a)(3)(B)]</p>	<p>Part B requirement that is the basis for compliance Indicator 12:</p> <p>(1) Each State must ensure that--(i) The obligation to make FAPE available to each eligible child residing in the State begins no later than the child’s third birthday; and (ii) An IEP or an IFSP is in effect for the child by that date, in accordance with §300.323(b). (2) If a child’s third birthday occurs during the summer, the child’s IEP Team shall determine the date when services under the IEP or IFSP will begin. [20 USC 1412(a)(1)(A); 34 CFR §300.101(b)]</p> <p>Smooth and effective transition from Part C to preschool programs. [20 U.S.C. 1412(a)(9); 34 CFR §300.124]</p> <p>Invitation for initial IEP meeting to Part C representative. [20 U.S.C. 1414(d)(1)(D); 34 CFR §300.321(f)]</p> <p>Use of IFSP for child receiving Part B services. [20 U.S.C. 1414(d)(2)(B); 34 CFR §300.323(b)(1) and (2)]</p>
<p>15. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.</p> <p>[20 U.S.C. 1416(a)(3)(B)]</p>	<p>Part B requirement that is the basis for compliance Indicator 15:</p> <p>SEA must ensure that the requirements of Part B are carried out, and each educational program for children with disabilities in State is under general supervision of persons responsible for educational programs for children with disabilities in the SEA; and meets the educational standards of the SEA. [20 U.S.C. 1412(a)(11); 34 CFR §300.149(a)]</p> <p>State must have in effect policies and procedures to ensure that it complies with the monitoring and enforcement requirements in 34 CFR §§300.600 through 300.602 and 300.606 through 300.608. [20 U.S.C. 1416; 34 CFR §300.149(b)]</p> <p>The State must monitor implementation of Part B by LEAs; and enforce Part B and annually report on performance in accordance with 20 U.S.C. 1416(a)(3) and (e). [20 U.S.C. 1416(a)(1)(C); 34 CFR §300.600(a)]</p> <p>The provisions of Part B apply to all political subdivisions of the State that are involved in the education of children with disabilities including other State agencies and schools (such as Department of Mental Health and Welfare and State schools for children with deafness or children with blindness) and State and local juvenile and adult correctional facilities. [34 CFR §300.2(b)(1)(iii) and (iv)]</p> <p>Funds paid to a State under Part B must be expended in accordance with all the provisions of Part B. Funds paid to a State under Part B must not be commingled with State funds. State-level nonsupplanting. [20 U.S.C. 1412(a)(17); 34 CFR §300.162]</p> <p>Maintenance of State financial support [20 U.S.C. 1412(a)(18); 34 CFR §300.163]</p> <p>LEA eligibility. LEA policies, procedures, and programs consistent with the State policies and</p>

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	<p>procedures established under 20 U.S.C. 1412. [20 U.S.C. 1413(a); 34 CFR §§300.200 and 300.201]</p> <p>The primary focus of State monitoring activities shall be on improving educational results and functional outcomes for all children with disabilities; and ensuring that public agencies meet the program requirements under Part B, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities. [20 U.S.C. 1416(a)(2); 34 CFR §300.600(b)]</p> <p>Each State must monitor the LEAs located in the State using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in the following priority areas: provision of FAPE in the LRE; State exercise of general supervisory authority, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in 20 U.S.C. 1402(34) and 1437(a)(9) and 34 CFR §300.43; and disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. [20 U.S.C. 1416(a)(3); §300.600(a) and (c)]</p> <p>Each State must submit a State Performance Plan (SPP). As part of the SPP, each State must establish measurable and rigorous targets for the indicators established by the Secretary under the priority areas. State must report annually to the public on the performance of each LEA located in the State on the targets in the SPP. State must make SPP available through public means, including by posting on SEA Web site, distribution to the media, and distribution through public agencies. State must not report to public or the Secretary any information on performance that would result in disclosure of personally identifiable information about individual children, or where available data is insufficient to yield statistically reliable information. [20 U.S.C. 1416(b); 34 CFR §§300.601 and 300.602]</p> <p>If an SEA determines that an LEA is not meeting the requirements of Part B, including the targets in the SPP, the SEA must prohibit the LEA from reducing the LEA's maintenance of effort under 20 U.S.C. 1413(a)(2)(C) and 34 CFR §300.203 for any fiscal year. [20 U.S.C. 1416(f); 34 CFR §300.608]</p> <p>Each State shall provide data each year to the Secretary of Education and the public on the information required by 20 U.S.C. 1418 at the times specified by the Secretary. The data shall be publicly reported by each State in a manner that does not result in the disclosure of data identifiable to individual children. [20 U.S.C. 1418(a) and (b)(1); 34 CFR §§300.640 through 300.642]</p> <p>The SEA is responsible for State administration of activities including services to children with disabilities aged 3 through 5 inclusive, in accordance with 20 U.S.C. 1419(d) through (g). [34 CFR §§300.812 through 300.818]</p> <p>Grantees must monitor grant and subgrant supported activities to ensure compliance with applicable Federal requirements and that performance goals are being achieved. [34 CFR §80.40(a) (EDGAR)]</p> <p>In the case of any State which applies, contracts, or submits a plan for participation in any applicable</p>

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	<p>program in which Federal funds are made available for assistance to LEAs through, or under supervision of, SEA of that State, State provides assurances to the Secretary that State will adopt and use proper methods of administering each applicable program, including: monitoring of agencies, institutions, and organizations responsible for carrying out each program, and enforcement of any obligations imposed on those agencies, institutions, and organizations under law; providing technical assistance, where necessary, to such agencies, institutions, and organizations; encouraging the adoption of promising or innovative educational techniques by such agencies, institutions, and organizations; dissemination throughout the State of information on program requirements and successful practices; and correction of deficiencies in program operations that are identified through monitoring or evaluation. [20 U.S.C. 1232d(b)(3) (GEPA)]</p>
<p>16. Percent of signed written complaints with reports issued that were resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.</p> <p>[20 U.S.C. 1416(a)(3)(B)]</p>	<p>Part B requirements that are the basis for compliance Indicator 16:</p> <p>Each SEA shall include in its complaint procedures a time limit of 60 days after a complaint is filed under §300.153 to: carry out an independent on-site investigation, if the SEA determines that an investigation is necessary; give the complainant the opportunity to submit additional information; provide the public agency with the opportunity to respond to the complaint, including at a minimum, at the discretion of the public agency, a proposal to resolve the complaint; and an opportunity for a parent who has filed a complaint and the public agency to voluntarily engage in mediation consistent with 34 CFR §300.506; review all relevant information and make an independent determination as to whether the public agency is violating a requirement of Part B; and issue a written decision to the complainant that addresses each allegation in the complaint and contains findings of facts and conclusion; and the reasons for the SEA's final decision. [34 CFR §300.152(a)]</p> <p>The procedures must permit an extension of the time limit only if exceptional circumstances exist with respect to a particular complaint; or the parent (or individual organization, if mediation or other alternative means of dispute resolution is available to the individual or organization under State procedures) and the public agency involved agree to extend the time to engage in mediation or to engage in other alternative means of dispute resolution, if available in the State. [34 CFR §300.152(b)(1)]</p> <p>SEA's complaint procedures must also include procedures for effective implementation of SEA's final decision, if needed, including technical assistance activities; negotiations; and corrective actions to achieve compliance. [34 CFR §300.152(b)(2)]</p> <p>Procedural safeguards notice to include explanation of State complaint procedures. [34 CFR §300.504(c)(5)]</p> <p>Complaints that must be resolved. [34 CFR §300.151(a)]</p>

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	<p>Complaint in which the SEA has found a failure to provide appropriate services. [34 CFR §300.151(b)]</p> <p>Requirements related to complaints and due process hearings on the same issue. [34 CFR §300.152(c)]</p> <p>State must resolve complaint alleging public agency’s failure to implement a due process hearing decision. [34 CFR §300.152(c)(3)]</p>
<p>17. Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.</p> <p>[20 U.S.C. 1416(a)(3)(B)]</p>	<p>Part B requirements that are the basis for compliance Indicator 17:</p> <p>The public agency must ensure that, not later than 45 days after the expiration of the 30-day period under 34 CFR §300.510(b) or the adjusted time periods described in 34 CFR §300.510(c), a final decision is reached in the hearing and a copy of the decision is mailed to each of the parties. A hearing or reviewing officer may grant specific extensions of time at the request of either party. [20 U.S.C. 1415(f)(1)(B)(ii); 34 CFR §300.515]</p> <p>Procedural safeguards notice to include full explanation of procedural safeguards, including due process complaint procedures. [20 U.S.C. 1415(d)(2)(E)(i) and (ii) and (L); 34 CFR §300.504(c)(5) and (10)]</p> <p>Opportunity for parent or public agency to present and resolve complaints through due process complaint procedures. [20 U.S.C. 1415(b)(6); 34 CFR §§300.504 and 300.507(a)(1)]</p> <p>Due process procedures. [20 U.S.C. 1415(b)(6)-(8), (c)(2), (d), (f), (g), (h) through (i) and (k); 34 CFR §§300.507 through 300.515, 300.518, and 300.532 and 300.533.]</p> <p>Timelines for hearings related to discipline. [20 U.S.C. 1415(k)(4)(B) and 34 CFR §300.532(c)(2)]</p>
<p>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.</p> <p>[20 U.S.C. 1416(a)(3)(B)]</p>	<p>Indicator 18 is a results indicator.</p> <p>Resolution session requirements. [20 U.S.C. 1415(f)(1)(B); 34 CFR §300.510]</p>
<p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[20 U.S.C. 1416(a)(3)(B)]</p>	<p>Indicator 19 is a results indicator.</p> <p>Mediation requirements. [20 U.S.C. 1415(e); 34 CFR §300.506]</p> <p>Procedural safeguards notice to include full explanation of procedural safeguards, including the availability of mediation. [20 U.S.C. 1415(d)(2)(E)(iii); 34 CFR §300.504(c)(6)]</p>
<p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p>	<p>Part B requirements that are the basis for compliance Indicator 20:</p> <p>Each State shall collect valid and reliable information as needed to report annually to the Secretary on the indicators established by the Secretary for the SPP described in 20 U.S.C.</p>

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[20 U.S.C. 1416(a)(3)(B)]	<p>1416(a)(3). [20 U.S.C. 1416(b)(2)(B); 34 CFR §300.601(b)(1)]</p> <p>If the Secretary permits States to collect data on specific indicators through State monitoring or sampling, and the State collects the data through State monitoring or sampling, the State must collect data on those indicators for each LEA at least once during the period of the SPP. [20 U.S.C. 1416(b)(2)(B); (34 CFR §300.601(b)(2)]</p> <p>Each State that receives assistance under Part B, and the Secretary of the Interior, shall provide data each year to the Secretary of Education and the public. The SEA must annually report to the Secretary on the information required by 20 U.S.C. 1418 at the times specified by the Secretary. [20 U.S.C. 1418(a); 34 CFR §300.640]</p>