



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

Contact Person

Name: Gregg Corr
Telephone: 202.245.7309

OSEP 14-2

October 30, 2013

MEMORANDUM

TO: Chief State School Officers, State Directors of Special Education, and State Data Managers

FROM: Melody Musgrove, Ed.D. *dm*
Director
Office of Special Education Programs (OSEP)

SUBJECT: Part B State Performance Plan (Part B - SPP) and Part B Annual Performance Report (Part B - APR)

ACTION

REQUIRED: Submission of the Part B Annual Performance Report and Revisions to the Part B State Performance Plan by February 3, 2014

In accordance with 20 U.S.C. 1416(b)(2)(C)(ii)(II) of the Individuals with Disabilities Education Act (IDEA or Part B), each State must report annually, through the Part B Annual Performance Report (Part B – APR) to the Secretary on the State’s performance under its Part B State Performance Plan (Part B – SPP). The Part B – SPP evaluates the State’s efforts to implement the requirements and purposes of Part B and describes how the State will improve such implementation. In accordance with 20 U.S.C. 1416(b)(2)(C)(ii)(I) and 34 CFR §300.602, each State must also report annually to the public on the performance of each local educational agency (LEA) located in the State on the targets in its Part B – SPP as soon as practicable, but no later than 120 days following the State’s submission of its Part B – APR to the Secretary.

The enclosed Information Collection 1820-0624, *Part B State Performance Plan (Part B – SPP) and Annual Performance Report (Part B – APR)*, contains both SPP and APR instructions.

The instruction sheet in the enclosed Information Collection is divided into four sections:
1) General Instructions; 2) State Performance Plan; 3) Annual Performance Report; and
4) Related Requirements. States are encouraged to make note of the following due date and schedule accordingly.

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The Department of Education’s mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

By February 3, 2014, States must submit:

- 1) A description of where, on its Web site, the State has made available a complete copy of the State's SPP, including any revisions if the State has revised the SPP that it submitted with its Federal fiscal year (FFY) 2011 APR in 2013, as well as where the State has reported to the public for FFY 2011 on the performance of each LEA in the State against the State's targets in its Part B – SPP.
- 2) The State's FFY 2012 Part B APR, which must contain actual target data from FFY 2012 and other responsive APR information for all indicators.
- 3) For Indicator 1, States must, as required by the Indicator Measurement Table, report the same data as used for reporting to the Department under Title I of the Elementary and Secondary Education Act (ESEA), using the adjusted cohort graduation rate required under the ESEA for 2011-2012, even if the State reported in the FFY 2011 APR, in 2013, using those same 2011-2012 data.
- 4) For Indicator 2, States may report using the data source and measurement included in the Part B Indicator Measurement Table that expires July 31, 2015, or the State may choose to report using the same data source and measurement that the State used for its FFY 2010 APR that was submitted on February 1, 2012.
- 5) Information to address any required actions identified in OSEP's July 1, 2013 letter responding to the State's February 15, 2013 submission of its FFY 2011 SPP/APR.

Additionally, as part of OSEP's effort to reduce the reporting burden for States, in the FFY 2012 APR, States:

- 1) Are not required to provide an explanation of: a) progress; b) no change in actual target data from the data for FFY 2011; or c) slippage if the State meets its target.
- 2) Are not required to discuss improvement activities for: a) compliance indicators where the State reports 100% compliance for FFY 2012; and b) results indicators where the State has met its FFY 2012 target.
- 3) May provide one set of improvement activities for the entire APR as long as the improvement activities are indexed back to reference the relevant indicators.

When completing the SPP and APR, States will need to use the following parts of Information Collection 1820-0624:

SPP Materials (if the State has revised its SPP since the SPP that it submitted with its FFY 2011 APR in 2013)

- SPP Instructions (See Section II of the enclosed Instructions.)
- Part B Indicator Measurement Table with Instructions¹
- SPP Template

APR Materials –

- APR Instructions (See Section III of the enclosed Instructions.)

¹ Monitoring Priorities, indicators, and measurements included on the *Part B Indicator Measurement Table* are to be used to populate designated sections of the SPP and APR Templates. Populated templates can be found at <http://www.ed.gov/policy/speced/guid/idea/bapr/index.html>.

- Part B Indicator Measurement Table with Instructions
- APR Template
- Indicator 15 Worksheet
- Indicator 20 Data Rubric (if State chooses to submit data for Indicator 20)²

As noted in the conference report to HR 1350, the IDEA 2004 amendments, it is Congress' expectation that SPPs, indicators, and targets will be developed with broad stakeholder input and public dissemination. Under Part B, such stakeholder input must minimally include input from the State advisory panel, given the State advisory panel's role in advising the State educational agency under 34 CFR §300.167. Therefore, the State is required to provide information in the Overview to State Performance Plan Development section of the SPP template to specify how the State: 1) obtained "broad input" from stakeholders related to revisions to the SPP; and 2) disseminated the SPP to the public. Consistent with 34 CFR §300.602(b)(1), the State must: a) report annually to the public on the performance of each LEA located in the State on the targets in the SPP; and b) make the SPP available through public means, including posting on the State educational agency's Web site, distribution to the media, and distribution through public agencies.

The Department will review the information provided in the State's FFY 2012 APR, other State-reported data, information obtained through monitoring visits, and other public information, and will determine, under IDEA section 616(d), if the State meets the requirements and purposes of Part B of the IDEA or needs assistance, needs intervention, or needs substantial intervention in implementing the requirements of Part B of the IDEA. When reporting on correction of noncompliance in the APR, each State must include confirmation that: (1) each LEA has corrected each individual instance of child-specific noncompliance; and (2) the State has verified that the LEA is currently correctly implementing the specific regulatory requirement. The State should review IDEA section 616(e) regarding the potential enforcement actions the Department is required to take as a result of, and potential future impact of, the Department's annual determination.

As noted in OSEP's July 1, 2013 determination letters to States, OSEP plans to include results data, as well as compliance data, in making determinations under IDEA section 616 in 2014. OSEP will seek public input on how we will use results when making IDEA determinations in 2014 under section 616.

Prior to issuing the Department's 2014 determination for each State, OSEP will offer the State the opportunity to clarify or correct the data submitted in its FFY 2012 SPP/APR. OSEP will email each State Director a summary of the State's February 3, 2014 FFY 2012 APR data that OSEP will consider in making the Department's determination under IDEA section 616(d). The State must submit to OSEP by email any corrected data and clarify any misunderstandings by OSEP about the data submitted. In order for the State's clarifications or corrections to data to be considered, the State's response must be received by OSEP no later than close-of-business of the date specified in OSEP's email summary. If the State submits clarifications or corrections to

² As stated in the attached Indicator Measurement Table, States may, but are not required to, report data for Indicator 20. OSEP will use the Indicator 20 Rubric (Attachment 2) to calculate the State's data for this indicator. States will have an opportunity to review and respond to OSEP's calculation of the State's data. States do need to ensure that, following the receipt of their FFY 2012 SPP/APR Response Table, the APR that the State posts on its Web site includes OSEP-calculated data for Indicator 20.

data that were in the original FFY 2012 SPP/APR submission, it must also submit a complete revised SPP/APR submission with any changes redlined or highlighted. Any clarifications or corrected FFY 2012 SPP/APRs must be submitted electronically to OSERS.bapr@ed.gov.

Please note that any State that does not meet the February 3, 2014 timeline for submitting data for each indicator will not be permitted to submit clarifications or corrections for purposes of the Department's determination under IDEA section 616(d).

In accordance with section 616(e) of the IDEA and 34 CFR §300.604, in the July 1, 2013 response letters, the Secretary advised States that were needs assistance for two or more consecutive years of available sources of technical assistance related to the indicator(s) that resulted in the determination of needs assistance. For the indicator(s) that resulted in the determination of needs assistance (i.e., the specific SPP/APR compliance indicator(s) for which the State received a score of less than two points on the 2013 Compliance Matrix), the State must report with its FFY 2012 APR submission (due February 3, 2014) on: (1) the technical assistance sources from which the State received assistance; and (2) what actions the State took as a result of that technical assistance. The extent to which your State takes advantage of available technical assistance for these indicators may affect the actions we take under section 616, should your State not be identified as meets requirements in 2014.

The State must submit its APR, and, if revised, its SPP, as an electronic text file or files, to OSERS.bapr@ed.gov.

The State may, in addition, choose to also submit a hard copy of the documents to the following address:

U.S. Department of Education
Office of Special Education Programs
Potomac Center Plaza
Mail Stop 2600, Room 4166
550 12th St., S.W.
Washington, D.C. 20202

The submission requirements, tables, and templates that should be used to complete the Part B - SPP and/or Part B - APR can be accessed electronically at:

<http://www.ed.gov/policy/speced/guid/idea/monitor/index.html>.

If you have any further questions about the Part B – SPP and/or Part B – APR and/or the submission options listed above, please contact your Part B State Contact.

Enclosures

cc: Technical Assistance Coordination Center (TACC)
Regional Resource Centers
Early Childhood Technical Assistance (ECTA) Center