



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

Contact Person

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OSEP 15-06

December 23, 2014

MEMORANDUM

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

FROM: Melody Musgrove, Ed.D.
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 - SPP and the Part B - APR by February 2, 2015

In accordance with 20 U.S.C. 1416(b)(1)(C) of the Individuals with Disabilities Education Act (IDEA or Part B), each State must amend, at least once every six years, its Part B State Performance Plan (Part B – SPP), and under 20 U.S.C. 1416(b)(2)(C)(ii)(II), report annually, through the Part B Annual Performance Report (Part B – APR) to the Secretary on the State’s performance under its 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. The original Part B – SPP that all States submitted in 2005 covered a period of six years for Federal fiscal years (FFYs) 2005 through 2010 and OSEP extended the Part B – SPP for two years to cover FFYs 2011 and 2012.

On February 2, 2015, each State must submit a new Part B – SPP that covers the six year period for FFYs 2013 through 2018 and includes a new Indicator 17, the State Systemic Improvement Plan (SSIP) that is part of OSEP’s Results Drive Accountability (RDA) Framework. In accordance with 20 U.S.C. 1416(b)(2)(C)(ii)(I) and 34 CFR §300.602(b)(1)(i)(A), 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.

Information Collection 1820-0624, *Part B State Performance Plan (SPP)/Annual Performance Report (APR)*, is available electronically at <https://osep.grads360.org/#program/spp-apr-resources> and contains both Part B – SPP and Part B – APR instructions, and the document is combined as one report and referred to throughout this memo as the SPP/APR. The link also includes the *Part B Related Requirements* document as a reference. Beginning with the FFY 2013 SPP/APR, the State must submit its SPP/APR online using the SPP/APR module on GRADS 360° (<https://osep.grads360.org>). The online SPP/APR module is only accessible to State-authorized users who have a unique log-in user name and password. User names and passwords are available to all State-authorized users by emailing EDEN_ss@ed.gov. States are encouraged to make note of the due dates and implement a development schedule accordingly.

By February 2, 2015 (unless specifically indicated otherwise below), States must submit:

- 1) One report that includes both SPP and APR information.
- 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 children with disabilities and to ensure that the State educational agency (SEA) and local educational agencies (LEAs) meet the requirements of IDEA Part B. This introduction must include descriptions of the State's:
 - a. General Supervision System: The systems that are in place to ensure that IDEA Part B requirements are met, e.g., monitoring, dispute resolution, etc.;
 - b. Technical Assistance System: The mechanisms that the State has in place to ensure the timely delivery of high quality, evidenced based technical assistance and support to LEAs;
 - c. Professional Development System: The mechanisms the State has in place to ensure that service providers have the skills to effectively provide services that improve results for children with disabilities;
 - d. Stakeholder Involvement: The mechanism for soliciting broad stakeholder input on the State's targets in the SPP/APR and the development and implementation of new Indicator 17, the SSIP (Note that all of the information regarding Indicator 17, including the baseline data for FFY 2013, targets for FFYs 2014 through 2018, and other content is not due until April 1, 2015, as reflected in items 3, 4 and 7 below)¹; and
 - e. Reporting to the Public: How and where the State reported to the public on the FFY 2012 performance of each LEA located in the State on the targets in the SPP/APR as soon as practicable, but no later than 120 days following the State's submission of its FFY 2012 APR, as required by 34 CFR §300.602(b)(1)(i)(A); and a description of where, on its Web site, a complete copy of the State's SPP, including any revision if the State has revised the SPP that it submitted with its FFY 2012 APR in 2014, is available.
- 3) Baseline data for FFY 2013 for Indicator 17.²

¹ As noted in the conference report to HR 1350, it is Congress' expectation that targets will be developed with broad stakeholder input and will be disseminated to the public.

² For the FFY 2013 SPP/APR, all information related to Indicator 17, the SSIP, including baseline and targets, and specific content, is due on April 1, 2015.

- 4) Annual State targets for Indicators 1 through 16, determined with stakeholder input, for each year and that cover the years of the SPP (i.e., FFY 2013 through FFY 2018). Targets for Indicator 17, which cover FFY 2014 through FFY 2018.
- 5) Data from FFY 2013 and other responsive APR information for Indicators 1 through 16.³
- 6) An explanation of any slippage in indicators where the State did not meet its FFY 2013 target.
- 7) The specific content required to complete Phase I of the SSIP required by Indicator 17. Phase I includes a detailed analysis that will guide the selection of coherent improvement strategies to increase State capacity to lead meaningful change in LEAs related to the State-identified Measurable Result(s) for Children with Disabilities. (See Indicator 17 for specific content of Phases II and III of the SSIP, which must be included with the States' FFY 2014 through FFY 2018 SPP/APRs.):
 - a. Data Analysis
 - b. Analysis of State Infrastructure to Support Improvement and Build Capacity
 - c. State-identified Measurable Result(s) for Children with Disabilities
 - d. Selection of Coherent Improvement Strategies
 - e. Theory of Action
- 8) Information to address any required actions identified in OSEP's letter responding to the State's February 3, 2014 submission of its FFY 2012 APR, including providing information in an attachment to address required actions identified in previous Indicator 15 (Timely Correction).

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

- *SPP/APR Instructions*
- *Part B Indicator Measurement Table* with Instructions

The *Part B Indicator Measurement Table* lists the Monitoring Priorities and Indicators, required data sources and measurement and instructions for providing the required information for each indicator. In addition to the percentages required in the indicators, States are required to provide actual numbers used in the calculations.⁴

The Department will review the information provided in the State's FFY 2013 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

³ Previous Indicator 15 (Timely Correction) and Indicator 20 (Timely and Accurate Data) have been removed. Consequently, the indicators have been renumbered.

⁴ SEAs are not required to provide the actual numbers for Indicators 5, 6, 15, and 16 because they are using 618 State-reported data for these indicators.

is required to take as a result of, and potential future impact of, the Department's annual determination.

Prior to issuing the Department's 2015 determination for each State, OSEP will offer the State the opportunity to clarify or correct the data submitted in its FFY 2013 SPP/APR. OSEP will provide feedback through the online SPP/APR module on the State's February 2, 2015 FFY 2013 APR data that OSEP will consider in making the Department's determination under IDEA section 616(d). In response to OSEP's feedback, the State must submit to OSEP through the online SPP/APR module 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 certified as completed no later than close-of-business on the date specified in OSEP's online SPP/APR module summary.

Please note that any State that does not meet the February 2, 2015⁵ 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 Department's June 23, 2014 determination letters, the Secretary advised States that were needs assistance for two or more consecutive years of available sources of technical assistance. The Secretary directed such a State to determine the results element(s) and/or compliance indicator(s), and improvement strategies, on which it would focus its use of available technical assistance in order to improve its performance. The Secretary strongly encouraged each State to access technical assistance related to those results element(s) and compliance indicator(s) for which the State received a score of zero on the 2014 Compliance Matrix. These States must report with their FFY 2013 APR submission (due February 2, 2015) 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 may affect the actions we take under section 616, should your State not be identified as meets requirements in 2015.

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.

cc: National Center for Systemic Improvement (NCSI)
Early Childhood Technical Assistance (ECTA) Center

⁵ See Note 2