



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

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**Contact Person**

Name: Gregg Corr  
Telephone: 202-245-7309

**OSEP 20-03**

**MEMORANDUM**

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

**FROM:** Laurie VanderPloeg  
Director  
Office of Special Education Programs (OSEP)

**SUBJECT:** 2021 Part B State Performance Plan/Annual Performance Report (Part B SPP/APR)

**ACTION**

**REQUIRED:** Submission of the Part B SPP/APR

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 SPP/APR. Each State is required to submit its Federal fiscal year (FFY) 2019 SPP/APR Part B Indicators 1-16 by February 1, 2021 and Indicator 17 by April 1, 2021.

Information Collection 1820-0624, Part B SPP/APR, is available electronically at <https://osep.grads360.org/#program/spp-apr-resources>.

**Each State's FFY 2019 SPP/APR must include:**

- 1) 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 Part B of the IDEA. This introduction must include descriptions of the State's:
  - a. General Supervision System: The systems that are in place to ensure that the 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, evidence-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 mechanisms for soliciting broad stakeholder input on the State’s targets in the SPP/APR and any subsequent revisions that the State has made to those targets, and the development and implementation of Indicator 17, the State’s Systemic Improvement Plan (SSIP); and
  - e. Reporting to the Public: How and where the State reported to the public on the FFY 2018 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 2018 SPP/APR, as required by 34 C.F.R. § 300.602(b)(1)(i)(A); and a description of where, on its website, a complete copy of the State’s SPP/APR, including any revisions, if the State has revised the targets that it submitted with its FFY 2018 SPP/APR in 2020, is available.<sup>1</sup>
- 2) Baseline data for Indicators 1 through 17. If the State is proposing to revise its baseline data for any indicator it must provide an explanation for that revision.
  - 3) Targets for Indicators 1 through 16, for each year and that cover the years of the SPP (*i.e.*, FFY 2013 through FFY 2019), and targets for Indicator 17, which cover FFY 2014 through FFY 2019. In setting its targets for FFY 2019, the State must describe its stakeholder input process. The State must also describe its stakeholder input process if the State is revising any of the targets it submitted with its FFY 2018 SPP/APR submission.
  - 4) Data from FFY 2019 and other responsive SPP/APR information for Indicators 1 through 17.
    - a. If data collection for any indicator was impacted specifically by COVID-19, the State must include in the narrative for that indicator: (1) the impact on data completeness, validity and reliability for the indicator; (2) an explanation of how COVID-19 specifically impacted the State’s ability to collect the data for the indicator; and (3) any steps the State took to mitigate the impact of COVID-19 on the data collection. This must be completed for each indicator for which data collection was impacted by COVID-19.
  - 5) The reasons for slippage in indicators where the State did not meet its FFY 2019 target.
  - 6) In addition to the Phase I content that States were required to submit in 2015, the Phase II content that States were required to submit in 2016, and the Phase III content that States were required to submit in 2017 through 2020, the State must include the specific content required to complete Phase III of the SSIP required by Indicator 17, as well as any updates to previous Phase I, II, and III submissions. The specific content required to complete Phase III of the SSIP includes:
    - a. Data Analysis;
    - b. Phase III Implementation, Analysis and Evaluation;

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<sup>1</sup> In accordance with 20 U.S.C. 1416(b)(2)(C)(ii)(I) and 34 C.F.R. § 300.602, each State must report annually to the public on the performance of each LEA located in the State on the targets in its Part B SPP/APR as soon as practicable, but no later than 120 days following the State’s submission of its Part B SPP/APR to the Secretary.

- c. Stakeholder Engagement; and
  - d. Additional Implementation Activities.
- 7) Information to address any actions required by OSEP’s response to the State’s FFY 2018 SPP/APR, including actions related to the correction of findings of noncompliance identified by the State.

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

- SPP/APR Instructions; and
- 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.<sup>2</sup>

When reporting on correction of noncompliance in the SPP/APR, each State must include confirmation that: (1) each LEA has corrected each individual instance of child-specific noncompliance, unless the child is no longer within the jurisdiction of the LEA; and (2) the State has verified that the LEA is currently correctly implementing the specific regulatory requirement.

The Department will review the information provided in the State’s FFY 2019 SPP/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.

Prior to issuing the Department’s 2021 determination for each State, OSEP will offer the State the opportunity to clarify or correct the data submitted in its FFY 2019 SPP/APR. OSEP will provide feedback through the SPP/APR reporting platform on the State’s FFY 2019 SPP/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 SPP/APR reporting platform 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 and submitted in the SPP/APR reporting platform no later than close-of-business on the date specified by OSEP.

Please note that any State that does not meet the timeline for submitting its FFY 2019 SPP/APR 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 C.F.R. § 300.604, in the Department’s 2020 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

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<sup>2</sup> States are not required to provide the actual numbers for Indicators 2, 5, 6, 15, and 16 because they are using section 618 State-reported data for these indicators.

element(s) and compliance indicator(s) for which the State received a score of zero on the 2020 Results Driven Accountability (RDA) Matrix. These States must report with their FFY 2019 SPP/APR submission (due February 1, 2021) 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 2021. The State should also review IDEA section 616(e) regarding the potential enforcement actions the Department is required to take as a result of, and the potential future impact of, the Department's annual determination.

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

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