



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

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Contact Person

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OSEP 22-09

MEMORANDUM

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

FROM: Valerie C. Williams
Director
Office of Special Education Programs (OSEP)

SUBJECT: 2023 Part B State Performance Plan/Annual Performance Report (Part B SPP/APR)

ACTION

REQUIRED: Submission of the Part B SPP/APR

In accordance with section 616(b)(2)(C)(ii)(II) of the Individuals with Disabilities Education Act (IDEA), each State must report annually to the Secretary of Education, through the IDEA Part B SPP/APR. Each State is required to submit all Part B Indicators 1-17 of its Federal fiscal year (FFY) 2021 SPP/APR by February 1, 2023.

The Part B SPP/APR (Information Collection 1820-0624) is available electronically at:
<https://sites.ed.gov/idea/grantees/#SPP-APR,FFY20-25-SPP-APR-Package>.

Each State's FFY 2021 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, any subsequent revisions that the State has made to those targets, and the development and implementation of Indicator 17, the State Systemic Improvement Plan (SSIP). This must include:
 - i. The number of parent members who provided stakeholder input and a description of how the parent members of the State Advisory Panel, parent center staff, parents from local and statewide advocacy and advisory committees, and individual parents were engaged in setting targets, analyzing data, developing improvement strategies, and evaluating progress;
 - ii. Description of the activities conducted to increase the capacity of diverse groups of parents to support the development of implementation activities designed to improve outcomes for children with disabilities;
 - iii. The mechanisms and timelines for soliciting public input for setting targets, analyzing data, developing improvement strategies, and evaluating progress;
 - iv. The mechanisms and timelines for making the results of the target setting, data analysis, development of the improvement strategies, and evaluation available to the public; and
 - e. Reporting to the Public: How and where the State reported to the public on the FFY 2020 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 2020 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 2020 SPP/APR in 2022, is available.¹
- 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 17 that cover the years of the SPP (*i.e.*, FFY 2020 through FFY 2025). The State’s FFY 2025 target must reflect improvement over the baseline data. If the State is proposing to revise in its FFY 2021 SPP/APR any of the targets it submitted in 2022 with its FFY 2020 SPP/APR, the State must describe its stakeholder input process.
 - 4) Data from FFY 2021 and other responsive SPP/APR information for Indicators 1 through 17.
 - 5) The reasons for slippage in indicators where the State did not meet its FFY 2021 target, and any slippage greater than the established threshold.

¹ In accordance with section 616(b)(2)(C)(ii)(I) of the IDEA 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.

- 6) Information to address any actions required by OSEP’s response to the State’s FFY 2020 SPP/APR, including actions related to the correction of findings of noncompliance identified by the State.

In addition to the Phase I content of the SSIP 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 2021, 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. Implementation, Analysis and Evaluation;
- c. Stakeholder Engagement; and
- d. Additional Implementation Activities.

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, 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.²

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 2021 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. As noted in the Department’s 2022 IDEA determination letters, for the Department’s 2023 determinations, the Department is reviewing and considering whether and how to use existing indicators and/or other available data in making its determinations as part of its continuing effort to prioritize equity and improve results for infants, toddlers and children with disabilities.

Prior to issuing the Department’s 2023 determination for each State, OSEP will offer the State the opportunity to clarify or correct the data submitted in its FFY 2021 SPP/APR. OSEP will provide feedback through the SPP/APR reporting platform on the State’s FFY 2021 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

² States are not required to provide the actual numbers for Indicators 1, 2 (if using Option 1), 5, 6, 15, and 16 because they are using section 618 State-reported data for these indicators.

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 2021 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 2022 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 2022 Results Driven Accountability (RDA) Matrix. These States must report with their FFY 2021 SPP/APR submission (due February 1, 2023) 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 meeting requirements in 2023. 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