



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

Contact Person

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OSEP 24-01

December 11, 2023

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: Individuals with Disabilities Education Act (IDEA) Part B State Performance Plan/Annual Performance Report (Part B SPP/APR)

ACTION

REQUIRED: Submission of the IDEA Part B SPP/APR by February 1, 2024

This memo confirms that each State must submit its IDEA Part B SPP/APR for Federal fiscal year (FFY) 2022 by February 1, 2024, through the online SPP/APR submission tool. Each State's FFY 2022 IDEA Part B SPP/APR must include the required information outlined in the Part B SPP/APR General Instructions (SPP/APR Instructions) and the Part B Indicator Measurement Table. The Part B SPP/APR is now available electronically at: <https://sites.ed.gov/idea/grantees/#SPP-APR,FFY20-25-SPP-APR-Package>.

This memo also reminds States that received a 2023 determination of needs assistance for two or more consecutive years to report with their FFY 2022 SPP/APR submission 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 2024. 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.

The Department will review the information provided in the State's FFY 2022 IDEA Part B 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 2023 IDEA determination letters, for the Department's 2024 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. Potential factors could include how the Department considers assessment data (such as whether to continue including data on the participation and proficiency of children with disabilities on the National Assessment for Education Progress, whether to include data on the proficiency of children with disabilities on Statewide assessments) and/or whether and how to consider other longstanding noncompliance (such as unresolved findings issued by OSEP during and prior to FFY 2020).

Prior to issuing the Department's 2024 determination for each State, OSEP will offer the State the opportunity to clarify or correct the data submitted in its FFY 2022 SPP/APR. OSEP will provide feedback through the SPP/APR reporting platform on the State's FFY 2022 IDEA Part B 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. Any State that does not meet the timeline for submitting its FFY 2022 IDEA Part B SPP/APR may not be permitted to submit clarifications or corrections for purposes of the Department's 2024 determination under IDEA Section 616(d).

As you know, on July 24, 2023, the Department issued *State General Supervision Responsibilities Under IDEA Parts B and C of the IDEA* (OSEP QA 23-01). OSEP QA 23-01 consolidated and clarified States' responsibilities in the implementation of a reasonably designed general supervision system, including clarifying relevant reporting requirements in the SPP/APR. The FFY 2022 SPP/APR Instructions require States to provide a description of their reasonably designed general supervision system. States are encouraged to provide, in the FFY 2022 SPP/APR, information discussed in OSEP QA 23-01, particularly in their descriptions of the general supervision system and information related to the identification and correction of noncompliance.

OSEP's proposed revisions to the FFY 2023 SPP/APR (due in February 2025) would require States to report in the general supervision indicator on the identification and correction of all findings of noncompliance related to the SPP/APR compliance indicators. Under this proposal, States would need to report, beginning with the FFY 2023 SPP/APR, the States' process for ensuring child-specific and regulatory/systemic noncompliance has been corrected (consistent with OSEP QA 23-01).

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
Early Childhood Technical Assistance Center