

Part B State Performance Plan and Annual Performance Report (Part B SPP/APR)

General Instructions

Each State is required to submit its FFY 2023 SPP/APR Part B Indicators 1-18 by February 1, 2025.

The State's FFY 2023 Part B SPP/APR submission 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 the 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 the IDEA Part B requirements are met (e.g., integrated monitoring activities; data on processes and results; the SPP/APR; fiscal management; policies, procedures, and practices resulting in effective implementation; and improvement, correction, incentives, and sanctions). Include a description of all the mechanisms the State uses to identify and verify correction of noncompliance and improve results. This should include, but not be limited to, State monitoring, State database/data system, dispute resolution, fiscal management systems, as well as other mechanisms through which the State is able to determine compliance and/or issue written findings of noncompliance. The State should include the following elements:
 - i. A description of the process the State uses to select LEAs for monitoring, the schedule, and number of LEAs monitored per year.
 - ii. A description of how student files are chosen, including the number of student files that are selected, as part of the State's process for determining an LEA's compliance with IDEA requirements and verifying the LEA's correction of any identified noncompliance.
 - iii. A description of the data system(s) the State uses to collect monitoring and SPP/APR data and the period from which files are reviewed.
 - iv. A description of how the State issues findings by number of instances or by LEAs.
 - v. If applicable, a description of the adopted procedures that permit its LEAs to correct noncompliance prior to the State's issuance of a finding (i.e., pre-finding correction).
 - vi. A description of the State's system of graduated and progressive sanctions to ensure the correction of identified noncompliance and to address areas in need of improvement, used as necessary and consistent with IDEA Part B's enforcement provisions, the OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), and State rules.

- vii. A description of how the State makes annual determinations of LEA performance, including the criteria the State uses and the schedule for notifying LEAs of their determinations. If the determinations are made public, include a web link for the most recent determinations.
 - viii. A web link to information about the State's general supervision policies, procedures, and process that is made available to the public.
 - 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 Engagement: The mechanisms for broad stakeholder engagement, including activities carried out to obtain input from, and build the capacity of, a diverse group of parents to support the implementation activities designed to improve outcomes, including target setting and any subsequent revisions to targets, analyzing data, developing improvement strategies, and evaluating progress including:
 - 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 2022 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 2022 APR, as required by 34 C.F.R. § 300.602(b)(1)(i)(A); and a description of where, on its Web site, 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 2022 APR in 2024, is available.¹

¹ In accordance with section 616(b)(2)(C)(ii)(I) of the IDEA and 34 C.F.R. § 300.602, each State must also 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.

- 2) Baseline data for Indicators 1 through 18. If the State is proposing to revise its baseline data for an indicator, it must provide an explanation for that revision. For Indicator 18, the State's FFY 2023 data is the State's baseline data unless the State provides an explanation for using other baseline data.
- 3) Targets for Indicators 1 through 18 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 2023 SPP/APR any of the targets it submitted in 2024 with its FFY 2022 SPP/APR, the State must describe its stakeholder input process.
- 4) Data from FFY 2023 and other responsive SPP/APR information for Indicators 1 through 18.
- 5) If the State's FFY 2023 data reflect less than 100% compliance (or greater than 0%) in a specific indicator, but the State did not identify any findings of noncompliance in FFY 2023, the State must provide an explanation of why it did not issue any written findings of noncompliance. If the State did not issue any findings because it has adopted procedures that permit its LEAs to correct noncompliance prior to the State's issuance of a finding, the explanation within each applicable indicator must include how the State verified, prior to issuing a finding, that the LEA: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100 percent compliance with the relevant IDEA requirements) based on a review of updated data such as data subsequently collected through monitoring or the State's data system (systemic compliance); and (2) if applicable, has corrected each individual case of child-specific noncompliance, unless the child is no longer within the jurisdiction of the LEA, and no outstanding corrective action exists under a State complaint or due process hearing decision for the child.²
- 6) The reasons for slippage for indicators where the State did not meet its FFY 2023 target, and any slippage greater than the established threshold.
- 7) Information to address any actions required by OSEP's response to the State's FFY 2022 SPP/APR, including actions related to the correction of findings of noncompliance identified by the State.

The Part B Indicator Measurement Table lists the monitoring priorities, 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.³

² This requirement will apply beginning with the FFY 2024 SPP/APR (submitted in February 2026).

³ States are not required to provide the actual numbers for Indicators 1, 2, 5, 6, 15, and 16 because they are using Section 618 State-reported data for these Indicators.

Indicators 4A and 4B

The State's methodology for examining data must be reasonably designed to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities among LEAs in the State or compared to the rates for nondisabled children within those LEAs. Factors that OSEP may consider in determining reasonableness of the State's methodology include whether none, or a very low percentage, of the State's LEAs are being examined for significant discrepancy under the State's chosen methodology, and whether statistically sound alternative methodologies exist or are being used by similarly-situated States.⁴

Indicators 8 and 14 - Sampling

States are allowed to use sampling when explicitly indicated on the Part B Indicator Measurement Table. When sampling is used, a description of the sampling methodology outlining how the design will yield valid and reliable estimates *must* be submitted to OSEP. The description must describe the: (a) sampling procedures followed (e.g., random/stratified, forms validation); and (b) similarity or differences of the sample to the population of children with disabilities (e.g., how all aspects of the population, such as disability category, race, age, gender, family income, etc., will be represented). The description must also include how the SEA addresses any problems with: (a) response rates; (b) missing data; and (c) selection bias.

Samples from LEAs must be representative of each of the LEAs sampled, considering such variables as disability categories, age, race, gender, and family income. If a State chooses to sample LEAs, all LEAs with average daily memberships of over 50,000 *must* be included in the sample. States have the option of sampling within some LEAs and using a census (i.e., obtaining data from the total targeted population) in other LEAs. In reporting on the performance of small LEAs, the State shall not report to the public or the Secretary any information on performance that would result in the disclosure of personally identifiable information about individual children or where the available data are insufficient to yield statistically reliable information, i.e., numbers are too small.

For indicators that permit sampling, the State must include in its report on the performance of LEAs the most recently available performance data on each LEA and the date the data were obtained. If a State is using sampling for one or more indicators, the State must sample on the performance of each LEA on each of those indicators at least once during the period of FFYs 2020 - 2025. Further, if a State is using sampling, the State must collect data from a representative sample of LEAs each year in order to report on State performance annually.

If a State will use its currently approved sampling plan and only change the years for which it is used, the State can provide an assurance to this effect. If a State proposes to use a sampling plan that was not previously used/approved or will revise its current sampling plan, the State must submit the sampling plan for approval.

Indicator 17 – State Systemic Improvement Plan (SSIP)

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

⁴ See OSEP's *Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions* (July 19, 2022), at Question L-6.

States were required to submit in 2017 through 2024, 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.

Submission

The State must submit its Part B SPP/APR electronically using the Department's online SPP/APR submission tool. If you have any questions about the Part B SPP/APR and/or the submission procedures listed above, please contact your Part B State Lead.

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1820-0624. Public reporting burden for this collection of information is estimated to average 1,795 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain or retain benefit under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et. seq.). If you have any comments concerning the accuracy of the time estimate, suggestions for improving this individual collection, or if you have comments or concerns regarding the status of your individual form, application or survey, please contact Christine Pilgrim/Christine.Pilgrim@ed.gov directly.