



# **PART C STATE PERFORMANCE PLAN (SPP) AND ANNUAL PERFORMANCE REPORT (APR) RELATED REQUIREMENTS**

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**U.S. DEPARTMENT OF EDUCATION  
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## Part C – SPP/APR Related Requirements

### PART C STATE PERFORMANCE PLAN/ANNUAL PERFORMANCE REPORT (SPP/APR) RELATED REQUIREMENTS

This document includes a list of the Monitoring Priorities and Indicators and the requirements from the statutes and regulations that are related to each priority and indicator. The purpose of this document is to inform States of the statutory and/or regulatory requirements related to each indicator. OSEP encourages States to examine their general supervision systems to determine how they address these Related Requirements. Please note that the Related Requirements listed are abridged statements of the actual language in the statute and regulations, or merely identify requirements related to indicators. Readers are encouraged to review the full language of the requirements in the statute and regulations to ensure a complete understanding of the requirements.

#### TABLE OF CONTENTS

<b>MONITORING PRIORITY: EARLY INTERVENTION SERVICES IN NATURAL ENVIRONMENTS .....</b>	<b>4</b>
Indicator 1: Percent of infants and toddlers with Individualized Family Service Plans (IFSPs).....	4
Indicator 2: Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings .....	6
Indicator 3: Percent of infants and toddlers with IFSPs who demonstrate improved outcomes .....	7
Indicator 4: Percent of families participating in Part C who report that early intervention services have helped the family .....	8
<b>MONITORING PRIORITY: EFFECTIVE GENERAL SUPERVISION PART C / CHILD FIND .....</b>	<b>9</b>
Indicator 5: Percent of infants and toddlers birth to 1 with IFSPs .....	9
Indicator 6: Percent of infants and toddlers birth to 3 with IFSPs .....	9
Indicator 7: Percent of eligible infants and toddlers with IFSPs for whom initial evaluation, initial assessment, and the initial IFSP meeting were conducted within Part C's 45-day timeline.....	11
<b>MONITORING PRIORITY: EFFECTIVE GENERAL SUPERVISION PART C / EFFECTIVE TRANSITION .....</b>	<b>13</b>
Indicator 8: The percentage of toddlers with disabilities exiting Part C with timely transition planning .....	13
<b>MONITORING PRIORITY: EFFECTIVE GENERAL SUPERVISION PART C / GENERAL SUPERVISION .....</b>	<b>16</b>
Indicator 9: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements .....	16
Indicator 10: Percent of mediations held that resulted in mediation agreements .....	17

**Part C – SPP/APR Related Requirements**

Indicator 11: State Systemic Improvement Plan (SSIP) ..... 18

Indicator 12: General Supervision ..... 20

## MONITORING PRIORITY: EARLY INTERVENTION SERVICES IN NATURAL ENVIRONMENTS

### Indicator 1: Percent of infants and toddlers with Individualized Family Service Plans (IFSPs)

[20 U.S.C. 1416(a)(3)(A) and 1442]

Indicator 1 is a compliance indicator.

#### Related Requirements

Requirements for Statewide System:

The State lead agency must provide assurances that the State (1) has adopted a policy that appropriate early intervention services are available to all infants and toddlers with disabilities in the State and their families, including Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State, infants and toddlers with disabilities who are homeless children and their families, and infants and toddlers with disabilities who are wards of the State; and (2) has in effect a statewide system that meets the requirements of [20 U.S.C. 1435](#). [\[20 U.S.C. 1434\(1\)\]](#)

The State lead agency must have in effect a policy that ensures that appropriate early intervention services based on scientifically based research, to the extent practicable, are available to all infants and toddlers with disabilities and their families, including Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State and infants and toddlers with disabilities who are homeless children and their families. [\[20 U.S.C. 1435\(a\)\(2\)\]](#)

Individualized Family Service Plan - General [\[34 C.F.R. §303.340\(a\)\]](#)

Parental Consent [\[20 U.S.C. 1435\(a\)\(4\)](#), [1436](#) and [34 C.F.R. §303.342\(e\)\]](#)

Contents of an IFSP, Dates and Duration of Service [\[34 C.F.R. §303.344\(f\)\(1\)\]](#)

Parental Consent and Notice [\[34 C.F.R. §§303.342\(e\)](#), [303.420\(a\)\(3\)\]](#)

Post Referral Timeline [\[34 C.F.R. § 303.310\]](#)

Interim IFSPs – Provision of services before evaluations and assessments are completed [\[34 C.F.R. § 303.345\]](#)

Minimum Components of a Statewide System [\[34 C.F.R. §§ 303.111 through 303.126\]](#) and State Eligibility – Requirements for a grant under this part [\[34 C.F.R. §§ 303.101\(a\)\(1\) and \(2\)\]](#)

Availability of Resources [\[34 C.F.R. § 303.207\]](#)

Service coordination services [\[34 C.F.R. §§ 303.34](#) and [\[303.344\(g\)\]](#)

## Part C – SPP/APR Related Requirements

### Indicator 1: Percent of infants and toddlers with Individualized Family Service Plans (IFSPs)

[20 U.S.C. 1416(a)(3)(A) and 1442]

Content of an IFSP – Early intervention services [\[34 C.F.R. § 303.344\(d\)\]](#)

Early intervention services – Qualified personnel [\[34 C.F.R. § 303.13\(c\)\]](#)

Comprehensive system of personnel development [\[34 C.F.R. § 303.118\]](#)

Personnel standards [\[34 C.F.R. § 303.119\(a\)\]](#)

Payor of Last Resort and System of Payments Provisions – Use of Insurance, Benefits, Systems of Payments, and Fees [\[34 C.F.R. §§ 303.520-303.521\]](#), Early Intervention Services - General [\[34 C.F.R. §§ 303.13\(a\)\(3\)\]](#), Use of funds, payor of last resort, and system of payments, [\[34 C.F.R. §§ 303.500\(b\)\]](#)

Methods to ensure the provision of, and financial responsibility for, Part C services [\[34 C.F.R. § 303.511\]](#)

## Part C – SPP/APR Related Requirements

### Indicator 2: Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings

[20 U.S.C. 1416(a)(3)(A) and 1442]

Indicator 2 is a results indicator.

#### Related Requirements

Natural environments [\[34 C.F.R. § 303.26\]](#)

Early intervention services in natural environments [\[34 C.F.R. § 303.126\]](#)

Content of an IFSP [\[34 C.F.R. § 303.344\(d\)\]](#)

Justification for not providing a particular EIS in the natural environment [\[34 C.F.R. § 303.344\(d\)\(1\)\(ii\)\]](#)

Early intervention services – General: To the maximum extent appropriate, are provided in natural environments [\[34 C.F.R. § 303.13\(a\)\(8\)\]](#)

## Part C – SPP/APR Related Requirements

### Indicator 3: Percent of infants and toddlers with IFSPs who demonstrate improved outcomes

- a. Positive social-emotional skills (including social relationships);
- b. Acquisition and use of knowledge and skills (including early language/communication); and
- c. Use of appropriate behaviors to meet their needs.

[20 U.S.C. 1416(a)(3)(A) and 1442]

Indicator 3 is a results indicator.

#### Related Requirements

The State lead agency must have a statewide system as described in [20 U.S.C. 1433](#) that provides for each infant or toddler with a disability, and the infant's or toddler's family, to receive a multidisciplinary assessment of the unique strengths and needs of the infant or toddler and the identification of services appropriate to meet such needs. The IFSP shall be in writing and contain a statement of the infant's or toddler's present levels of physical development, cognitive development, communication development, social or emotional development, and adaptive development, based on objective criteria; a statement of the family's resources, priorities, and concerns relating to enhancing the development of the family's infant or toddler with a disability; a statement of the measurable results or outcomes expected to be achieved for the infant or toddler and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the criteria, procedures, and timelines used to determine the degree to which progress toward achieving the results or outcomes is being made and whether modifications or revisions of the results or outcomes or services are necessary. [\[20 U.S.C. 1436\(a\)\(1\), \(d\)\(1\) through \(3\)\]](#)

Content of an IFSP [\[34 C.F.R. § 303.344\(a\) through \(d\)\]](#)

Procedures for IFSP development, review, and evaluation [\[34 C.F.R. §§ 303.342\(b\) and \(c\)\]](#)

Early intervention services [\[34 C.F.R. § 303.13\]](#)

Minimum Components of a Statewide System, Individualized family service plan (IFSP) [\[34 C.F.R. § 303.114\]](#)

Parental consent and ability to decline services [\[34 C.F.R. § 303.420\(a\)\(2\)\]](#)

Evaluation of the child and assessment of the child and family [\[34 C.F.R. § 303.321\]](#)

A timely, comprehensive, multidisciplinary evaluation of the child [\[34 C.F.R. § 303.321\(a\)\(1\)\(i\)\]](#) and [\(2\)\(i\)](#) and [\(3\)](#)

Assessment of the child and family [\[34 C.F.R. §§ 303.321\(a\)\(1\)\(ii\), \(2\)\(ii\), \(2\)\(iii\), and 303.321\(c\)\]](#)

Responsibility and accountability [\[34 C.F.R. § 303.346\]](#)

## Part C – SPP/APR Related Requirements

### Indicator 4: Percent of families participating in Part C who report that early intervention services have helped the family

- A. Know their rights;
- B. Effectively communicate their children's needs; and
- C. Help their children develop and learn.

[20 U.S.C. 1416(a)(3)(A) and 1442]

Indicator 4 is a results indicator.

#### Related Requirements

Procedures or IFSP development, review, and evaluation – Parental consent [\[20 U.S.C. 1436\(e\)\]](#) and [\[34 C.F.R. § 303.342\(e\)\]](#)

Parental consent and ability to decline services [\[34 C.F.R. § 303.420\(a\)\(3\)\]](#)

Consent [\[34 C.F.R. § 303.7\]](#)

Native language [\[34 C.F.R. § 303.25\]](#)

Prior written notice and procedural safeguards notice [\[34 C.F.R. § 303.421\]](#)

Procedures for assessment of the child and family [\[34 C.F.R. § 303.321\(c\)\(2\)\]](#)

Content of an IFSP – Family information [\[34 C.F.R. § 303.344\(b\)\]](#)

Service coordination services [\[34 C.F.R. § 303.34\]](#)

Procedural Safeguards, General [\[34 C.F.R. §§ 303.400 through 303.449\]](#)



## MONITORING PRIORITY: EFFECTIVE GENERAL SUPERVISION PART C / CHILD FIND

**Indicator 5: Percent of infants and toddlers birth to 1 with IFSPs**

**Indicator 6: Percent of infants and toddlers birth to 3 with IFSPs**

[20 U.S.C. 1416(a)(3)(A) and 1442]

Indicators 5 and 6 are results indicators.

### Related Requirements

Data requirements – general [\[34 C.F.R. § 303.720\]](#)

Annual report of children served – report requirement [\[34 C.F.R. § 303.721\(a\)\(1\)\]](#) and [\(a\)\(3\)\]](#)

Pre-Referral Procedures – Public Awareness Program and Child Find System [\[34 C.F.R. §§ 303.301\]](#) and [303.302\]](#)

Referral Procedures [\[34 C.F.R. § 303.303\]](#)

Post-referral timeline (45 days) [\[34 C.F.R. § 303.310\]](#)

Screening procedures (optional) [\[34 C.F.R. § 303.320\]](#)

Evaluation of the child and assessment of the child and family [\[34 C.F.R. §§ 303.321 and 303.322\]](#)

Individualized Family Service Plan [\[34 C.F.R. §§ 303.340 through 303.346\]](#)

Public awareness program [\[34 C.F.R. §§ 303.116, 303.301\]](#) and [303.303\(c\)\]](#)

State definition of developmental delay [\[34 C.F.R. §§ 303.111\]](#) and [303.203\(c\)\]](#)

At-risk infant or toddler [\[34 C.F.R. §§ 303.5\]](#) and [303.21\(b\)\]](#)

Infant or toddler with a disability [\[34 C.F.R. § 303.21\]](#)

Central directory [\[34 C.F.R. § 303.117\]](#)

Comprehensive system of personnel development (CSPD) [\[34 C.F.R. § 303.118\]](#)

Scope of child find [\[34 C.F.R. § 303.302\(b\)\]](#)

Application's description of at-risk infants and toddlers and description of services [\[34 C.F.R. § 303.204\]](#)

## Part C – SPP/APR Related Requirements

**Indicator 5: Percent of infants and toddlers birth to 1 with IFSPs**

**Indicator 6: Percent of infants and toddlers birth to 3 with IFSPs**

[20 U.S.C. 1416(a)(3)(A) and 1442]

Referral policies for specific children [\[34 C.F.R. §§ 303.206 and 303.303\(b\)\]](#)

State option to make services under this part available to children ages three and older [\[34 C.F.R. § 303.211\(b\)\(7\)\]](#)

Comprehensive child find system - Coordination [\[34 C.F.R. § 303.302\(c\)\]](#)

State Interagency Coordinating Council – Functions of the Council – required duties [\[34 C.F.R. § 303.604\(a\)\(3\)\]](#)

Data collection [\[34 C.F.R. § 303.124\]](#)

Reports – Program Information [\[34 C.F.R. §§ 303.720-303.724\]](#)

## Part C – SPP/APR Related Requirements

### Indicator 7: Percent of eligible infants and toddlers with IFSPs for whom initial evaluation, initial assessment, and the initial IFSP meeting were conducted within Part C’s 45-day timeline

[20 U.S.C. 1416(a)(3)(B) and 1442]

Indicator 7 is a compliance indicator.

#### Related Requirements

Each infant or toddler with a disability in the State must have a timely, comprehensive, multidisciplinary evaluation, and a family-directed identification of the needs of each family of such an infant or toddler, to assist appropriately in the development of the infant or toddler. [\[20 U.S.C. 1435\(a\)\(3\)\]](#)

Individualized family service plan [\[20 U.S.C. 1436\]](#)

Requirements for statewide system, In general, service coordination services [\[20 U.S.C. 1435\(a\)\(4\)\]](#)

Assessment and program development [\[20 U.S.C. 1436\(a\)\(1\)\]](#)

Parental consent [\[20 U.S.C. 1436\(e\)\]](#)

Individualized family service plan [\[34 C.F.R. § 303.20\]](#)

Individualized Family Service Plan (IFSP) [\[34 C.F.R. §§ 303.340 through 303.346\]](#)

Screening procedures (optional) [\[34 C.F.R. § 303.320\]](#)

Evaluation of the child and assessment of the child and family [\[34 C.F.R. § 303.321\]](#)

Procedures for IFSP development, review, and evaluation [\[34 C.F.R. § 303.342\]](#)

Post-referral timeline (45 days) [\[34 C.F.R. § 303.310\(a\)\]](#)

Meeting to develop initial IFSP – timelines [\[34 C.F.R. § 303.342\(a\)\]](#)

Post-referral timeline (45 days) (exceptions) [\[34 C.F.R. § 303.310\(b\)\]](#) and [\(c\)\]](#)

Initial evaluation [\[34 C.F.R. § 303.321\(a\)\(2\)\(i\)\]](#)

Evaluation of the child and assessment of the child and family – General [\[34 C.F.R. § 303.21\(a\)\(1\)\]](#)

Procedures for evaluation of the child [\[34 C.F.R. § 303.321\(b\)\]](#)

Initial assessment [\[34 C.F.R. § 303.321\(a\)\(2\)\(iii\)\]](#)

## Part C – SPP/APR Related Requirements

### **Indicator 7: Percent of eligible infants and toddlers with IFSPs for whom initial evaluation, initial assessment, and the initial IFSP meeting were conducted within Part C's 45-day timeline**

[20 U.S.C. 1416(a)(3)(B) and 1442]

Procedures for assessment of the child and family [\[34 C.F.R. § 303.321\(c\)\]](#)

Nondiscriminatory evaluation and assessment procedures [\[34 C.F.R. § 300.321\(a\)\(4\)\]](#)

Content of an IFSP [\[34 C.F.R. §§ 303.344\(a\) through \(d\)\]](#)

Specific service coordination services [\[34 C.F.R. §§ 303.34\(b\)\(3\) and \(4\)\]](#)

Determination that a child is not eligible [\[34 C.F.R. § 303.322\]](#)

Prior written notice and procedural safeguards notice [\[34 C.F.R. § 303.421\(a\) and \(b\)\]](#)

Comprehensive system of personnel development (CSPD) [\[34 C.F.R. § 303.118\]](#)

## MONITORING PRIORITY: EFFECTIVE GENERAL SUPERVISION PART C / EFFECTIVE TRANSITION

### Indicator 8: The percentage of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has:

- A. Developed an IFSP with transition steps and services at least 90 days (and, at the discretion of all parties, not more than nine months) prior to the toddler's third birthday;
- B. Notified (consistent with any opt-out policy) the SEA and LEA where the toddler resides at least 90 days prior to the toddler's third birthday for toddlers potentially eligible for Part B preschool services; and
- C. Conducted the transition conference held with the approval of the family at least 90 days (and, at the discretion of all parties, not more than nine months) prior to the toddler's third birthday for toddlers potentially eligible for Part B preschool services.

[20 U.S.C. 1416(a)(3)(B) and 1442]

Indicators 8a, 8b, and 8c are compliance indicators.

### Related Requirements

The State lead agency must have policies and procedures in effect to ensure a smooth transition for toddlers receiving early intervention services under Part C (and children receiving those services under [20 U.S.C. 1435\(c\)](#) to preschool, school, other appropriate services, or exiting the program, including a description of how the families of such toddlers and children will be included in the transition plans required by [20 U.S.C. 1437\(a\)\(9\)\(C\)](#); and the lead agency designated or established under [20 U.S.C. 1435\(a\)\(10\)](#) will notify the local educational agency for the area in which such a child resides that the child will shortly reach the age of eligibility for preschool services under Part B, as determined in accordance with State law; in the case of a child who may be eligible for such preschool services, with the approval of the family of the child, convene a conference among the lead agency, the family, and the local educational agency not less than 90 days (and at the discretion of all such parties, not more than 9 months) before the child is eligible for the preschool services, to discuss any such services that the child may receive; and in the case of a child who may not be eligible for such preschool services, with the approval of the family, make reasonable efforts to convene a conference among the lead agency, the family, and providers of other appropriate services for children who are not eligible for preschool services under Part B, to discuss the appropriate services that the child may receive; to review the child's program options for the period from the child's third birthday through the remainder of the school year; and to establish a transition plan, including, as appropriate, steps to exit from the program. [\[20 U.S.C. 1437\(a\)\(9\)\]](#)

Transition to preschool and other programs [\[34 C.F.R. § 303.209\]](#)

Transition to preschool and other programs – Application requirements [\[34 C.F.R. § 303.209\(a\)\]](#)

**Indicator 8: The percentage of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has:**

- A. Developed an IFSP with transition steps and services at least 90 days (and, at the discretion of all parties, not more than nine months) prior to the toddler's third birthday;
- B. Notified (consistent with any opt-out policy) the SEA and LEA where the toddler resides at least 90 days prior to the toddler's third birthday for toddlers potentially eligible for Part B preschool services; and
- C. Conducted the transition conference held with the approval of the family at least 90 days (and, at the discretion of all parties, not more than nine months) prior to the toddler's third birthday for toddlers potentially eligible for Part B preschool services.

[20 U.S.C. 1416(a)(3)(B) and 1442]

Transition plan [\[34 C.F.R. §§ 303.209\(d\) and 303.344\(h\)\]](#)

Content of IFSP – Transition from Part C services [\[34 C.F.R. § 303.344\(h\)\]](#)

State option to make services under this part available to children ages three and older – Requirements [\[34 C.F.R. § 303.211\(b\)\(6\)\]](#)

Transition to preschool and other programs – Notification to the SEA and appropriate LEA [\[34 C.F.R. § 303.209\(b\)\]](#)

State option to make services under this part available to children ages three and older [\[34 C.F.R. §303.211\]](#)

Confidentiality and opportunity to examine records – Option to inform a parent about intended disclosure [\[34 C.F.R. § 303.401\(e\)\]](#)

Consent prior to disclosure or use [\[34 C.F.R. § 303.414\]](#)

Individualized family service plan [\[34 C.F.R. §§ 303.340 through 303.345\]](#)

Content of an IFSP – Transition from Part C services [\[34 C.F.R. § 303.344\(h\)\]](#)

Confidentiality and opportunity to examine records – Disclosure of information [\[34 C.F.R. § 303.401\(d\)\]](#)

Transition to preschool and other programs – Conference to discuss services [\[34 C.F.R. § 303.209\(c\)\]](#)

Transition to preschool and other programs – Transition conference and meeting to develop transition plan [\[34 C.F.R. § 303.209\(e\)\]](#)

Procedures for IFSP development, review, and evaluation – Accessibility and convenience of meetings, and Parental consent [\[34 C.F.R. §§ 303.342\(d\) and \(e\)\]](#)

IFSP Team meeting and periodic review – Initial and annual IFSP Team meeting [\[34 C.F.R. § 303.343\(a\)\]](#)

Transition to preschool and other programs – Applicability of transition requirements [\[34 C.F.R. § 303.209\(f\)\]](#)

Content of IFSP – other services [\[34 C.F.R. §§ 303.344\(e\)\]](#)

## Part C – SPP/APR Related Requirements

### **Indicator 8: The percentage of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has:**

- A. Developed an IFSP with transition steps and services at least 90 days (and, at the discretion of all parties, not more than nine months) prior to the toddler's third birthday;
- B. Notified (consistent with any opt-out policy) the SEA and LEA where the toddler resides at least 90 days prior to the toddler's third birthday for toddlers potentially eligible for Part B preschool services; and
- C. Conducted the transition conference held with the approval of the family at least 90 days (and, at the discretion of all parties, not more than nine months) prior to the toddler's third birthday for toddlers potentially eligible for Part B preschool services.

[20 U.S.C. 1416(a)(3)(B) and 1442]

FAPE for children beginning at age 3 [\[34 C.F.R. §§ 300.101\(b\)\]](#)

Transition of children from the Part C program to preschool programs [\[34 C.F.R. § 300.124\]](#)

Initial IEP Team meeting for children under Part C [\[34 C.F.R. § 300.321\(f\)\]](#)

IEP or IFSP for children aged three through five [\[34 C.F.R. § 300.323\(b\)\]](#)

Transition to preschool and other programs [\[34 C.F.R. § 303.209\(a\)\(3\)\]](#)

Service coordination services (case management) – Specific service coordination services [\[34 C.F.R. § 303.34\(b\)\(10\)\]](#)

Comprehensive system of personnel development (CSPD) [\[34 C.F.R. § 303.118\(a\)\(3\)\]](#)

Functions of the Council – required duties [\[34 C.F.R. §§ 303.604\(a\)\(3\) and \(b\)\]](#)

Coordination with Head Start and Early Head Start, early education, and child care programs [\[34 C.F.R. § 303.210\]](#)

## MONITORING PRIORITY: EFFECTIVE GENERAL SUPERVISION PART C / GENERAL SUPERVISION

### Indicator 9: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements

(applicable if Part B due process procedures under Section 615 of the IDEA are adopted)

[20 U.S.C. 1416(a)(3)(B) and 1442]

Indicator 9 is a results indicator.

#### Related Requirements

*Applicable if Part B Due Process Procedures are Adopted*

Prior written notice and procedural safeguards notice – General [\[34 C.F.R. § 303.421\(a\)\]](#)

States That Choose to Adopt the Part B Due Process Hearing Procedures Under Section 615 of the Act [\[34 C.F.R. §§ 303.440 through 303.449\]](#)

State dispute resolution options – Due process hearing procedures [\[34 C.F.R. § 303.430\(d\)\]](#)

Resolution meeting [\[34 C.F.R. § 303.442\(a\)\]](#)

Resolution period [\[34 C.F.R. § 303.442\(b\)\]](#)

Written settlement agreement [\[34 C.F.R. § 303.442\(d\)\]](#)

Agreement review period [\[34 C.F.R. § 303.442\(e\)\]](#)



## Part C – SPP/APR Related Requirements

### Indicator 10: Percent of mediations held that resulted in mediation agreements

[20 U.S.C. 1416(a)(3)(B) and 1442]

Indicator 10 is a results indicator.

#### Related Requirements

State dispute resolution options - Mediation [\[20 U.S.C. 1439\(a\)\(8\)\]](#), and [1415\(e\)](#), and [34 C.F.R. §§ 303.430\(b\), 303.431](#)  
Mediation - Requirements [\[34 C.F.R. § 303.431\(b\)\(5\)\]](#) and [\(6\)\]](#)

## Indicator 11: State Systemic Improvement Plan (SSIP)

Indicator 11 is a results indicator.

### Related Requirements

The associated related requirements that are applicable to the results indicator that is the focus of the specific State-identified Measurable Result (SiMR) are applicable to Indicator 11.

Each State must have in place a performance plan that meets the requirements described in [20 U.S.C. 1416](#) and [1442](#); is approved by the Secretary; and includes an evaluation of the State's efforts to implement the requirements and purposes of Part C of the Act, a description of how the State will improve implementation, and measurable and rigorous targets for the indicators established by the Secretary under the priority areas described in [34 C.F.R. § 303.700\(d\)](#). [\[34 C.F.R. §§303.701\(a\)\]](#)

Each State must use the targets established in the State's performance plan under [34 C.F.R. § 303.701](#) and the priority areas described in [34 C.F.R. § 303.700\(d\)](#) to analyze the performance of each EIS program in implementing Part C. [\[34 C.F.R. § 303.702\(a\)\]](#)

The lead agency shall collect valid and reliable information as needed to report annually to the Secretary on the priority areas described in [34 C.F.R. § 303.700\(d\)](#) and the indicators established by the Secretary for the State performance plans. [\[34 C.F.R. §§ 303.700\(d\), 303.701\(c\), 303.702\(b\)\(2\)\]](#)

Each State lead agency must submit the State's performance plan to the Secretary for approval in accordance with the approval process described in [20 U.S.C. 1416\(c\)](#), [\[20 U.S.C. 1416\(b\)\(1\)\(B\)\]](#) and [1442](#); [2 C.F.R. § 200.329 \(Uniform Guidance\)](#). The State lead agency shall report annually to the Secretary on the performance of the State under the State's performance plan pursuant to [34 C.F.R. § 303.702\(b\)\(2\)](#), [\[20 U.S.C. 1416\(b\)\(2\)\(C\)\(ii\)\(II\)\]](#) and [1442](#), and [34 C.F.R. §§ 303.701](#), and [303.702\(b\)\(2\)](#). [34 C.F.R. §§ 303.720\(b\)](#) and [80.40\(b\)\(1\)](#) Education Department General Administrative Regulations (EDGAR)]

The lead agency must annually report to the Secretary and to the public on the information required by section 618 of the Act at the times specified by the Secretary. [\[20 U.S.C. 1418\(a\), and 34 C.F.R. § 303.720\]](#)

Each State shall provide data each year to the Secretary of Education and the public. The data shall be publicly reported by the State lead agency in a manner that does not result in the disclosure of data identifiable to individual children. [\[34 C.F.R. §§ 303.702\(b\)\(3\), 303.722\(a\)\]](#)

### Indicator 11: State Systemic Improvement Plan (SSIP)

Each State must have a system for compiling and reporting timely and accurate data that meets the requirements of [34 C.F.R. §§ 303.700 through 303.702](#) and [303.720 through 303.724](#). [\[20 U.S.C. 1416\(a\)\(3\) and 1442\]](#), and [34 C.F.R. §§ 303.124, 303.700 through 303.702](#) and [303.720 through 303.724](#)

Each State lead agency shall collect valid and reliable information as needed to report annually to the Secretary on the priority areas described in [20 U.S.C. 1416\(a\)\(3\)](#) and [34 C.F.R. § 303.700\(d\)](#). [\[20 U.S.C. 1416\(a\)\(3\) and 1442\]](#), and [34 C.F.R. §§ 303.700\(d\), 303.701\(c\)](#), and [303.702\(b\)\(2\)](#)

Each State that receives assistance under Part C, and the Secretary of the Interior, shall provide data each year to the Secretary of Education and the public. The data shall be publicly reported by the State lead agency in a manner that does not result in the disclosure of data identifiable to individual children. [\[20 U.S.C. 1418\(a\) and \(b\)\(1\); 2 C.F.R. § 200.328\(Uniform Guidance\)\]](#)

## Part C – SPP/APR Related Requirements

### Indicator 12: General Supervision

[20 U.S.C. 1416(a)(3)(B) and 1442]

Indicator 12 is a compliance indicator.

#### Related Requirements

The State must have a single line of responsibility in a lead agency that is responsible for the general administration, supervision and monitoring of all early intervention service (EIS) providers, programs and activities used by the State to carry out Part C of the Act (whether such programs and activities received federal IDEA Part C funds), enforcing any obligations imposed, correcting any noncompliance, and providing technical assistance, if necessary. [\[20 U.S.C. 1435\(a\)\(10\)\]](#); and [34 C.F.R. §§ 303.120, 303.700-303.708](#)

The State must ensure that its rules, regulations, and policies relating to Part C conform to the purposes and requirements of this part. [\[34 C.F.R. § 303.102\]](#)

The lead agency must monitor the implementation of this part, make determinations annually about the performance of each EIS program, enforce this part consistent with [34 C.F.R. § 303.704](#), and report annually on the performance of the State and each EIS program. [\[34 C.F.R. § 303.700\]](#)

The lead agency is responsible for oversight of the operations of the IDEA Part C supported activities. The lead agency must monitor its activities under IDEA Part C awards to assure compliance with applicable Federal requirements and performance expectations are being achieved. Monitoring by the lead agency entity must cover each program, function, or activity. [\[2 C.F.R. § 200.329\(a\)\]](#)

All lead agencies that act as pass-through entities must also evaluate each subrecipient's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring described in paragraphs (d) and (e) of this section, which may include consideration of such factors as:

- (1) The subrecipient's prior experience with the same or similar subawards;
- (2) The results of previous audits including whether or not the subrecipient receives a Single Audit in accordance with Subpart F of the OMB Uniform Guidance, and the extent to which the same or similar subaward has been audited as a major program;
- (3) Whether the subrecipient has new personnel or new or substantially changed systems; and
- (4) The extent and results of Federal awarding agency monitoring (e.g., if the subrecipient also receives Federal awards directly from a Federal awarding agency).

## Indicator 12: General Supervision

[20 U.S.C. 1416(a)(3)(B) and 1442]

- (c) Consider imposing specific subaward conditions upon a subrecipient if appropriate as described in § 200.208.
- (d) Monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved. Pass-through entity monitoring of the subrecipient must include:
  - (1) Reviewing financial and performance reports required by the pass-through entity.
  - (2) Following-up and ensuring that the subrecipient takes timely and appropriate action on all deficiencies pertaining to the Federal award provided to the subrecipient from the pass-through entity detected through audits, on-site reviews, and written confirmation from the subrecipient, highlighting the status of actions planned or taken to address Single Audit findings related to the particular subaward.
  - (3) Issuing a management decision for applicable audit findings pertaining only to the Federal award provided to the subrecipient from the pass-through entity as required by § 200.521.
  - (4) The pass-through entity is responsible for resolving audit findings specifically related to the subaward and not responsible for resolving crosscutting findings. If a subrecipient has a current Single Audit report posted in the Federal Audit Clearinghouse and has not otherwise been excluded from receipt of Federal funding (e.g., has been debarred or suspended), the pass-through entity may rely on the subrecipient's cognizant audit agency or cognizant oversight agency to perform audit follow-up and make management decisions related to cross-cutting findings in accordance with section § 200.513(a)(3)(vii). Such reliance does not eliminate the responsibility of the pass-through entity to issue subawards that conform to agency and award-specific requirements, to manage risk through ongoing subaward monitoring, and to monitor the status of the findings that are specifically related to the subaward.
- (e) Depending upon the pass-through entity's assessment of risk posed by the subrecipient (as described in paragraph (b) of this section), the following monitoring tools may be useful for the pass-through entity to ensure proper accountability and compliance with program requirements and achievement of performance goals:
  - (1) Providing subrecipients with training and technical assistance on program-related matters; and
  - (2) Performing on-site reviews of the subrecipient's program operations;
  - (3) Arranging for agreed-upon-procedures engagements as described in § 200.425.
- (f) Verify that every subrecipient is audited as required by Subpart F of this part when it is expected that the subrecipient's Federal awards expended during the respective fiscal year equaled or exceeded the threshold set forth in § 200.501.

## Indicator 12: General Supervision

[20 U.S.C. 1416(a)(3)(B) and 1442]

(g) Consider whether the results of the subrecipient's audits, on-site reviews, or other monitoring indicate conditions that necessitate adjustments to the pass-through entity's own records.

(h) Consider taking enforcement action against noncompliant subrecipients as described in [2 C.F.R. § 200.339 of the OMB Uniform Guidance](#) and in program regulations. [\[2 C.F.R. § 200.332 \(b-h\)\]](#)

The lead agency must have policies and procedures regarding the use of funds consistent with [34 C.F.R. §§ 303.501, 303.510 through 521](#) (use of funds, payor of last resort, method, and system of payments requirements). [\[34 C.F.R. §§ 303.203\(b\), 303.500 through 303.521\]](#)

The lead agency must assure the implementation of the non-supplanting requirements, including IDEA Part C maintenance of effort, indirect costs, and other provisions. [\[34 C.F.R. § 303.225\]](#) To meet the Part C maintenance of effort requirement, the total amount of State and local funds budgeted for expenditures in the current fiscal year for early intervention services for children eligible under Part C and their families must be at least equal to the total amount of State and local funds actually expended for early intervention services for these children and their families in the most recent preceding fiscal year for which the information is available. [\[34 C.F.R. § 303.225\(b\)\]](#)

The primary focus of State monitoring activities shall be on improving early intervention results and functional outcomes for all infants and toddlers with disabilities, and ensuring that EIS providers and programs meet the program requirements under Part C, with a particular emphasis on those requirements that are most closely related to improving early intervention results for infants and toddlers with disabilities. [\[34 C.F.R. § 303.700\(b\)\]](#)

The State must monitor each EIS program, using quantifiable indicators in the priority areas listed in [34 C.F.R. § 303.700\(d\)](#), and such qualitative indicators as needed to adequately measure performance in those areas. [\[34 C.F.R. § 303.700\(d\)\]](#)

In exercising its monitoring responsibilities under [34 C.F.R. § 303.700\(d\)](#), the State must ensure that when it identifies noncompliance with the requirements of Part C by EIS programs and providers, the noncompliance is corrected as soon as possible and in no case later than one year after the State's identification of the noncompliance. [\[34 C.F.R. § 303.120\(a\)\(2\)\(iv\) and 303.700\(e\)\]](#)

Each State must have in place a performance plan that meets the requirements described in [20 U.S.C. 1416](#) and [1442](#); is approved by the Secretary; and includes an evaluation of the State's efforts to implement the requirements and purposes of Part C of the Act, a description of how the State will improve implementation, and measurable and rigorous targets for the indicators established by the Secretary under the priority areas described in [34 C.F.R. § 303.700\(d\)](#). [\[34 C.F.R. §§ 303.701\(a\)\]](#)

Each State must use the targets established in the State's performance plan under [34 C.F.R. § 303.701](#) and the priority areas described in [§303.700\(d\)](#) to analyze the performance of each EIS program in implementing Part C. [\[34 C.F.R. § 303.702\(a\)\]](#)

## Indicator 12: General Supervision

[20 U.S.C. 1416(a)(3)(B) and 1442]

The lead agency shall collect valid and reliable information as needed to report annually to the Secretary on the priority areas described in [34 C.F.R. § 303.700\(d\)](#) and the indicators established by the Secretary for the State performance plans. [\[34 C.F.R. §§ 303.700\(d\), 303.701\(c\), 303.702\(b\)\(2\)\]](#)

Each State lead agency must submit the State's performance plan to the Secretary for approval in accordance with the approval process described in [20 U.S.C. 1416\(c\)](#), [\[20 U.S.C. 1416\(b\)\(1\)\(B\) and 1442; 2 C.F.R. § 200.328 \(Uniform Guidance\)\]](#). The State lead agency shall report annually to the Secretary on the performance of the State under the State's performance plan pursuant to [34 C.F.R. § 303.702\(b\)\(2\)](#), [\[20 U.S.C. 1416\(b\)\(2\)\(C\)\(ii\)\(II\) and 1442\]](#), and [34 C.F.R. §§ 303.701](#), and [303.702\(b\)\(2\)](#). [34 C.F.R. §§ 303.720\(b\) and 80.40\(b\)\(1\) \(EDGAR\)\]](#)

The lead agency must annually report to the Secretary and to the public on the information required by section 618 of the Act at the times specified by the Secretary. [\[20 U.S.C. 1418\(a\), and 34 C.F.R. § 303.720\]](#)

Each State shall provide data each year to the Secretary of Education and the public. The data shall be publicly reported by the State lead agency in a manner that does not result in the disclosure of data identifiable to individual children. [\[34 C.F.R. §§ 303.702\(b\)\(3\), 303.722\(a\)\]](#)