



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

October 22, 2024

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OSEP 25-01

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 3, 2025

This memo confirms that each State must submit its IDEA Part B SPP/APR for Federal fiscal year (FFY) 2023 by February 3, 2025, through the online SPP/APR submission tool. Each State's FFY 2023 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 2024 determination of needs assistance for two or more consecutive years to report with their FFY 2023 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 2025. 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 2023 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 2024 IDEA determination letters, for the Department's 2025 determinations and beyond, the Department is considering three criteria related to IDEA Part B determinations as part of the Department's continued efforts to incorporate equity and improve results for children with disabilities. First, the Department is considering as a potential additional factor, OSEP-identified longstanding noncompliance (i.e., unresolved findings issued by OSEP at least three or more years ago). This factor would be reflected in the determination for each State and Entity through the "longstanding noncompliance" section of the Compliance Matrix beginning with the 2025 determinations. In implementing this factor, the Department is also considering beginning in 2025 whether a State or Entity that would otherwise receive a score of Meets Requirements would not be able to receive a determination of Meets Requirements if the State or Entity had OSEP-identified longstanding noncompliance (i.e., unresolved findings issued by OSEP at least three or more years ago). Second, the Department is considering as potential additional factors, the improvement in proficiency rates of children with disabilities on Statewide assessments. Third, the Department is considering whether and how to continue including in its determinations criteria the participation and proficiency of children with disabilities on the National Assessment of Educational Progress.

Prior to issuing the Department's 2025 determination for each State, OSEP will offer the State the opportunity to clarify or correct the data submitted in its FFY 2023 SPP/APR. OSEP will provide feedback through the SPP/APR reporting platform on the State's FFY 2023 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 2023 IDEA Part B SPP/APR may not be permitted to submit clarifications or corrections for purposes of the Department's 2025 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 2023 SPP/APR Instructions require States to provide a description of their reasonably designed general supervision system in the

Introduction, as well as reporting the actions States took to verify the correction of child-specific and regulatory/systemic noncompliance (consistent with OSEP QA 23-01) under the specific compliance indicators. Additionally, beginning with the FFY 2023 SPP/APR, the SPP/APR includes a new general supervision indicator, Indicator 18. Under Indicator 18, States are required to report on the identification and correction of all findings of noncompliance issued by the State related to the SPP/APR compliance indicators (i.e., findings of noncompliance that relate to provisions cited in the FFY 2023 Part B SPP/APR Related Requirements document).

In addition, under Indicator 18, in the last row of the General Supervision Data Table, States *may* also provide additional information related to other findings of noncompliance that do not relate to the compliance indicators. This row would include reporting on all other findings of noncompliance that were not reported by the State under the compliance indicators (e.g., Results indicators, including related requirements, Fiscal, Dispute Resolution, etc.). In future years (e.g., with the FFY 2026 SPP/APR), States may be required to further disaggregate findings by results indicators (1, 2, 3, 4A, 5, 6, 7, 8, 14, 15, 16, and 17), fiscal and other areas.

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