



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

---

*FFYs 2020-2025*

---

**U.S. DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES**

**FFY 2023 SUBMISSION**

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-2800

[www.ed.gov](http://www.ed.gov)

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

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

**PART B 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**

**MONITORING PRIORITY: FAPE IN THE LRE ..... 4**

- Indicator 1: Percent of youth with Individualized Education Programs (IEPs) exiting special education due to graduating with a regular high school diploma..... 4
- Indicator 2: Percent of youth with IEPs who exited special education due to dropping out of high school ..... 4
- Indicator 3: Participation and performance of children with disabilities on statewide assessments..... 5
- Indicator 7: Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved outcomes..... 5
- Indicator 4: Rates of suspension and expulsion ..... 7
- Indicator 5: Percent of children with IEPs aged 5 who are enrolled in kindergarten and aged 6 through 21 ..... 9
- Indicator 6: Percent of children with IEPs aged 3, 4, and 5 who are enrolled in a preschool program ..... 9
- Indicator 8: Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities ..... 11

**MONITORING PRIORITY: DISPROPORTIONATE REPRESENTATION ..... 13**

- Indicator 9: Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification..... 13
- Indicator 10: Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification ..... 13

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

**MONITORING PRIORITY: EFFECTIVE GENERAL SUPERVISION / CHILD FIND ..... 14**

Indicator 11: Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe..... 14

**MONITORING PRIORITY: EFFECTIVE GENERAL SUPERVISION / EFFECTIVE TRANSITION..... 15**

Indicator 12: Percent of children referred by Part C prior to age 3 and who are found eligible for Part B who have an IEP developed and implemented by their third birthdays..... 15

Indicator 13: Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that a representative of any participating agency that is likely to be responsible for providing or paying for transition services, including, if appropriate, pre-employment transition services, was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority. .... 16

Indicator 14: Percent of youth who are no longer in secondary school and had IEPs in effect at the time they left school ..... 17

**MONITORING PRIORITY: EFFECTIVE GENERAL SUPERVISION / GENERAL SUPERVISION ..... 19**

Indicator 15: Percent of hearing requests that went to resolution sessions that were resolved through resolution session agreements..... 19

Indicator 16: Percent of mediations held that resulted in mediation agreements..... 20

Indicator 17: State Systemic Improvement Plan (SSIP) ..... 21

Indicator 18: General Supervision ..... 22

## MONITORING PRIORITY: FAPE IN THE LRE

**Indicator 1: Percent of youth with Individualized Education Programs (IEPs) exiting special education due to graduating with a regular high school diploma**

**Indicator 2: Percent of youth with IEPs who exited special education due to dropping out of high school**

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

Indicators 1 and 2 are results indicators.

### Related Requirements

Provision of a summary of a graduating youth's academic achievement and functional performance, including recommendations on how to assist youth in meeting his or her postsecondary goals. [\[20 U.S.C. 1414\(c\)\(5\)\(B\); 34 C.F.R. § 300.305\(e\)\(3\)\]](#)

Transfer of parental rights at age of majority. [\[20 U.S.C. 1415\(m\)\(1\); 34 C.F.R. § 300.520\(a\)\]](#)

Student's rights. [\[20 U.S.C. 1412\(a\)\(8\); 34 C.F.R. § 99.5\(a\) and § 300.625\]](#)

IEP team. [\[20 U.S.C. 1414\(d\)\(1\)\(B\); 34 C.F.R. § 300.321\(a\)\]](#)

IEP team - Transition services participants. [\[20 U.S.C. 1412\(a\)\(12\); 34 C.F.R. § 300.321\(b\)\(2\) and \(3\)\]](#)

Parent participation – Information provided to parents. [\[20 U.S.C. 1414\(d\)\(1\)\(A\)\(i\)\(I\)\(VIII\); 34 C.F.R. § 300.322\(b\)\(2\)\]](#)

Development, review, and revision of an IEP (If a participating agency other than the local educational agency (LEA) does not provide transition services). [\[20 U.S.C. 1414\(d\)\(6\); 34 C.F.R. § 300.324\(c\)\(1\)\]](#)

Development, review, and revision of IEP. [\[20 U.S.C. 1414\(d\)\(3\); 34 C.F.R. § 300.324\]](#)

Consideration of special factors (behavior, limited English proficiency, blind or visually impaired, communication needs). [\[20 U.S.C. 1414\(d\)\(3\); 34 C.F.R. § 300.324\(a\)\(2\)\]](#)

Free appropriate public education (FAPE). [\[20 U.S.C. 1412\(a\)\(1\)\(A\); 34 C.F.R. § 300.101\(a\)\]](#)

Access to instructional materials. [\[20 U.S.C. 1412\(a\)\(23\); 34 C.F.R. § 300.172\(a\)\]](#)

Personnel qualifications and Personnel development. [\[20 U.S.C. 1412\(a\)\(14\)\(A\) and \(B\), 1413\(a\)\(3\); 34 C.F.R. §§ 300.156\(a\) – \(d\) and 300.207\]](#)

## Part B – SPP/APR Related Requirements

### **Indicator 3: Participation and performance of children with disabilities on statewide assessments**

- A. Participation rate for children with IEPs;
- B. Proficiency rate for children with IEPs against grade-level academic achievement standards;
- C. Proficiency rate for children with IEPs against alternate academic achievement standards;
- D. Gap in proficiency rates for children with IEPs and for all students against grade-level academic achievement standards.

### **Indicator 7: Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved:**

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

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

Indicators 3 and 7 are results indicators.

### **Related Requirements**

Participation in assessments. [\[20 U.S.C. 1412\(a\)\(16\)\(A\); 34 C.F.R. § 300.160\(a\)\]](#)

Accommodation guidelines. [\[20 U.S.C. 1412\(a\)\(16\)\(B\); 34 C.F.R. § 300.160\(b\)\(1\) and \(2\)\]](#)

Alternate assessments aligned with alternate academic achievement standards for students with the most significant cognitive disabilities. [\[20 U.S.C. 1412\(a\)\(16\)\(C\); 34 C.F.R. § 300.160\(c\)\]](#)

Explanation to IEP teams. [\[34 C.F.R. § 300.160\(d\)\]](#)

Inform parents. [\[34 C.F.R. § 300.160\(e\)\]](#)

Reporting to the public on results of statewide and districtwide assessments. [\[20 U.S.C. 1412 \(a\)\(16\)\(D\); 34 C.F.R. § 300.160\(f\)\]](#)

Use of universal design principles in developing and administering assessments. [\[20 U.S.C. 1412 \(a\)\(16\)\(E\); 34 C.F.R. § 300.160\(g\)\]](#)

IEP includes statement of any necessary individual appropriate accommodations on statewide and districtwide assessments. [\[20 U.S.C. 1414\(d\)\(1\)\(A\)\(i\)\(VI\)\(aa\); 34 C.F.R. § 300.320\(a\)\(6\)\(i\)\]](#)

Statement of why child cannot participate in regular assessment, and why particular alternate assessment selected is appropriate for

## Part B – SPP/APR Related Requirements

### Indicator 3: Participation and performance of children with disabilities on statewide assessments

- A. Participation rate for children with IEPs;
- B. Proficiency rate for children with IEPs against grade-level academic achievement standards;
- C. Proficiency rate for children with IEPs against alternate academic achievement standards;
- D. Gap in proficiency rates for children with IEPs and for all students against grade-level academic achievement standards.

### Indicator 7: Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

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

child. [\[20 U.S.C. 1414\(d\)\(1\)\(A\)\(i\)\(VI\)\(bb\)\]](#); [34 C.F.R. § 300.320\(a\)\(6\)\(ii\)\]](#)

Free appropriate public education (FAPE). [\[20 U.S.C. 1412\(a\)\(1\)\(A\)\]](#); [34 C.F.R. § 300.101\(a\)\]](#)

Consideration of special factors (behavior, limited English proficiency, blind or visually impaired, communication needs). [\[20 U.S.C. 1414\(d\)\(3\)\]](#); [34 C.F.R. § 300.324\(a\)\(2\)\]](#)

Access to instructional materials. [\[20 U.S.C. 1412\(a\)\(23\)\]](#); [34 C.F.R. § 300.172\(a\)\]](#)

Development, review, and revision of IEP. [\[20 U.S.C. 1414\(d\)\(3\)\]](#); [34 C.F.R. § 300.324\]](#)

Personnel qualifications and Personnel development. [\[20 U.S.C. 1412\(a\)\(14\)\(A\) and \(B\), 1413\(a\)\(3\)\]](#); [34 C.F.R. §§ 300.156\(a\) – \(d\) and 300.207\]](#)

## Part B – SPP/APR Related Requirements

### Indicator 4: Rates of suspension and expulsion

- A. Percent of local educational agencies (LEA) that have a significant discrepancy, as defined by the State, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and
- B. Percent of LEAs that have: (a) a significant discrepancy, as defined by the State, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy, as defined by the State, and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

[20 U.S.C. 1416(a)(3)(A) and 1412(a)(22)]

Indicator 4A is a results indicator.

Indicator 4B is a compliance indicator.

### Related Requirements

#### Indicator 4A:

Change of placement because of disciplinary removals. [\[20 U.S.C. 1415\(k\); 34 C.F.R. § 300.536\]](#)

Authority of school personnel regarding placement in alternative education settings. [\[20 U.S.C. 1415\(k\)\(1\); 34 C.F.R. § 300.530\]](#)

Determination of setting. [\[20 U.S.C. 1415\(k\)\(2\); 34 C.F.R. § 300.531\]](#)

Appeal of decision regarding placement or manifestation determination. [\[20 U.S.C. 1415\(k\)\(3\); 34 C.F.R. § 300.532\]](#)

Placement during appeals. [\[20 U.S.C. 1415\(k\)\(4\); 34 C.F.R. § 300.533\]](#)

Free appropriate public education (FAPE). [\[20 U.S.C. 1412\(a\)\(1\)\(A\); 34 C.F.R. § 300.101\(a\)\]](#)

Consideration of special factors (behavior, limited English proficiency, blind or visually impaired, communication needs). [\[20 U.S.C. 1414\(d\)\(3\); 34 C.F.R. § 300.324\(a\)\(2\)\]](#)

Development, review, and revision of IEP. [\[20 U.S.C. 1414\(d\)\(3\); 34 C.F.R. § 300.324\]](#)

Personnel qualifications and Personnel development. [\[20 U.S.C. 1412\(a\)\(14\)\(A\) and \(B\), 1413\(a\)\(3\); 34 C.F.R. §§ 300.156\(a\) – \(d\) and 300.207\]](#)

#### Indicator 4B:

## Part B – SPP/APR Related Requirements

### Indicator 4: Rates of suspension and expulsion

- A. Percent of local educational agencies (LEA) that have a significant discrepancy, as defined by the State, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and
- B. Percent of LEAs that have: (a) a significant discrepancy, as defined by the State, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy, as defined by the State, and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

[20 U.S.C. 1416(a)(3)(A) and 1412(a)(22)]

The State educational agency (SEA), and the Secretary of the Interior, must examine data, including data disaggregated by race and ethnicity, 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 such rates for nondisabled children within such agencies. [\[20 U.S.C. 1412\(a\)\(22\)\(A\); 34 C.F.R. §§ 300.170\(a\) and 300.646\(a\)\(3\)\]](#)

If such discrepancies are occurring, the SEA must review and, if appropriate, revise (or require the affected State or LEA to revise) its policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, to ensure that such policies, procedures, and practices comply with this Act. [\[20 U.S.C. 1412\(a\)\(22\)\(B\); 34 C.F.R. §§ 300.170\(b\) and 300.646\(b\)\]](#)



## Part B – SPP/APR Related Requirements

### **Indicator 5: Percent of children with IEPs aged 5 who are enrolled in kindergarten and aged 6 through 21 served:**

- A. Inside the regular class 80% or more of the day;
- B. Inside the regular class less than 40% of the day; and
- C. In separate schools, residential facilities, or homebound/hospital placements.

### **Indicator 6: Percent of children with IEPs aged 3, 4, and 5 who are enrolled in a preschool program and attending:**

- A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program;
- B. Separate special education class, separate school or residential facility; and
- C. Receiving special education and related services in the home.

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

Indicators 5 and 6 are results indicators.

### **Related Requirements**

LRE requirements - to maximum extent appropriate, children with disabilities educated with children who are not disabled. [\[20 U.S.C. 1412\(a\)\(5\)\(A\); 34 C.F.R. § 300.114\(a\)\]](#)

Definition of individualized education program - IEP includes explanation of extent, if any, to which child will not participate with nondisabled children. [\[20 U.S.C. 1414\(d\)\(1\)\(A\)\(i\)\(V\); 34 C.F.R. § 300.320\(a\)\(5\)\]](#)

Continuum of alternative placements. [\[20 U.S.C. 1412\(a\)\(5\); 34 C.F.R. § 300.115\]](#)

A State funding mechanism must not result in placements that violate the least restrictive environment (LRE) requirements. [\[20 U.S.C. 1412\(a\)\(5\)\(B\); 34 C.F.R. § 300.114\(b\)\(1\)\]](#)

Free appropriate public education (FAPE). [\[20 U.S.C. 1412\(a\)\(1\)\(A\); 34 C.F.R. § 300.101\(a\)\]](#)

Parent involvement in placement decisions. [\[20 U.S.C. 1414\(e\); 34 C.F.R. §§ 300.116\(a\)\(1\) and 300.501\(c\)\]](#)

Placement decisions. [\[20 U.S.C. 1412\(a\)\(5\) and 1414\(e\); 34 C.F.R. § 300.116\(a\)\]](#)

Placement must be: (1) determined at least annually; (2) based on child's IEP; and (3) as close as possible to child's home. [\[20](#)

## Part B – SPP/APR Related Requirements

### **Indicator 5: Percent of children with IEPs aged 5 who are enrolled in kindergarten and aged 6 through 21 served:**

- A. Inside the regular class 80% or more of the day;
- B. Inside the regular class less than 40% of the day; and
- C. In separate schools, residential facilities, or homebound/hospital placements.

### **Indicator 6: Percent of children with IEPs aged 3, 4, and 5 who are enrolled in a preschool program and attending:**

- A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program;
- B. Separate special education class, separate school or residential facility; and
- C. Receiving special education and related services in the home.

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

[U.S.C. 1412\(a\)\(5\)](#); [34 C.F.R. § 300.116 \(b\)](#) and [\(c\)](#)

In selecting the LRE, consideration must be given to any potential harmful effect on child or on quality of services that he or she needs. [\[20 U.S.C. 1412\(a\)\(5\); 34 C.F.R. § 300.116\(d\)\]](#)

Child with disability must not be removed from education in age-appropriate regular classrooms solely because of needed modifications in general education curriculum. [\[20 U.S.C. 1412\(a\)\(5\); 34 C.F.R. § 300.116\(e\)\]](#)

Nonacademic settings. [\[20 U.S.C. 1412\(a\)\(5\); 34 C.F.R. § 300.117\]](#)

Children in public or private institutions: Except regarding agency responsibility for general supervision for some individuals in adult prisons, SEA must ensure that [34 C.F.R. § 300.114](#) is effectively implemented, including, if necessary, making arrangements with public and private institutions. [\[20 U.S.C. 1412\(a\)\(5\); 34 C.F.R. § 300.118\]](#)

Activities to ensure teachers and administrators in all public agencies are: (1) fully informed about their responsibilities for implementing [34 C.F.R. § 300.114](#); and (2) provided with technical assistance and training necessary to assist them in this effort. [\[20 U.S.C. 1412\(a\)\(5\); 34 C.F.R. § 300.119\]](#)

State must carry out activities to ensure that [34 C.F.R. § 300.114](#) implemented by each public agency. If there is evidence that a public agency makes placements inconsistent with [§ 300.114](#), the State must: (1) review the public agency's justification for its actions; and (2) assist in planning and implementing any necessary corrective action. [\[20 U.S.C. 1412\(a\)\(5\); 34 C.F.R. § 300.120\]](#)

IEP must include statement of special education and related services and supplementary aids and services. [\[20 U.S.C.\]](#)

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

**Indicator 5: Percent of children with IEPs aged 5 who are enrolled in kindergarten and aged 6 through 21 served:**

- A. Inside the regular class 80% or more of the day;
- B. Inside the regular class less than 40% of the day; and
- C. In separate schools, residential facilities, or homebound/hospital placements.

**Indicator 6: Percent of children with IEPs aged 3, 4, and 5 who are enrolled in a preschool program and attending:**

- A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program;
- B. Separate special education class, separate school or residential facility; and
- C. Receiving special education and related services in the home.

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

[1414\(d\)\(1\)\(A\)\(i\)\(IV\)](#); [34 C.F.R. § 300.320\(a\)\(4\)](#)

IEP must include explanation of extent, if any, to which child will not participate with nondisabled children in regular class and in activities described in [34 C.F.R. § 300.320\(a\)\(4\)](#). [\[20 U.S.C. 1414\(d\)\(1\)\(A\)\(i\)\(V\)](#); [34 C.F.R. § 300.320\(a\)\(5\)\]](#)

**Indicator 8: Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities**

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

Indicator 8 is a results indicator.

**Related Requirements**

Parental consent for initial evaluation. [\[20 U.S.C. 1414\(a\)\(1\)\(D\)](#); [34 C.F.R. § 300.300\(a\)](#)]

Parental consent for services. [\[20 U.S.C. 1414\(a\)](#); [34 C.F.R. § 300.300\(b\)\(1\)-\(3\)](#)]

## Part B – SPP/APR Related Requirements

### Indicator 8: Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities

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

Parental consent for reevaluations. [\[20 U.S.C 1414\(c\); 34 C.F.R. § 300.300\(c\)\(1\) and \(2\)\]](#)

Consent for other services and activities. [\[34 C.F.R. § 300.300\(d\)\(2\) and \(3\)\]](#)

Provide notice to parents of child with a disability that describes any evaluation procedures the agency proposes to conduct. [\[20 U.S.C. 1414\(b\)\(1\); 34 C.F.R. § 300.304\(a\)\]](#)

Evaluation procedures. [\[20 U.S.C. 1414\(b\)\(2\)\(A\) and \(c\)\(1\)\(A\)\(i\); 34 C.F.R. §§ 300.304\(b\)\(1\) and 300.305\(a\)\]](#)

Requirements if additional data are not needed. [\[20 U.S.C. 1414\(c\)\(4\)\(A\); 34 C.F.R. § 300.305\(d\)\(1\)\]](#)

Determination of eligibility. [\[20 U.S.C. 1414\(b\)\(4\); 34 C.F.R. § 300.306\(a\)\]](#)

Opportunity to examine records. [\[20 U.S.C. 1415\(b\)\(1\); 34 C.F.R. § 300.501\(a\)\]](#)

Procedural safeguards – Types of procedures for parent participation in meetings. [\[20 U.S.C. 1415\(b\)\(1\); 34 C.F.R. § 300.501\(b\)\(1\) and \(2\)\]](#)

Independent educational evaluation. [\[20 U.S.C. 1415\(d\)\(2\)\(A\); 34 C.F.R. § 300.502\(a\)\(1\)\]](#)

Prior written notice by the public agency. [\[20 U.S.C. 1415\(b\)\(3\) and \(4\); 34 C.F.R. § 300.503\]](#)

Procedural safeguards notice. [\[20 U.S.C. 1415\(d\); 34 C.F.R. § 300.504\]](#)

Parent participation. [\[20 U.S.C. 1414\(d\)\(1\)\(B\)\(i\); 34 C.F.R. §§ 300.321\(a\)\(1\) and 300.322\]](#)

IEP Team shall consider concerns of parents for enhancing education of their child. [\[20 U.S.C. 1414\(d\)\(3\)\(A\)\(ii\); 34 C.F.R. § 300.324\(a\)\(1\)\(ii\)\]](#)

IEP Team revises IEP as appropriate to address information about child provided to or by parents. [\[20 U.S.C. 1414\(d\)\(4\)\(A\)\(ii\)\(III\); 34 C.F.R. § 300.324\(b\)\(1\)\(ii\)\(C\)\]](#)

Educational placements. [\[20 U.S.C. 1414\(e\); 34 C.F.R. § 300.327\]](#)

Alternative means of meeting participation. [\[20 U.S.C. 1414\(f\); 34 C.F.R. § 300.328\]](#)

## MONITORING PRIORITY: DISPROPORTIONATE REPRESENTATION

**Indicator 9: Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification**

**Indicator 10: Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification**

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

Indicators 9 and 10 are compliance indicators.

### Related Requirements

The State must have in effect policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment as described in [34 C.F.R. § 300.8](#), consistent with [20 U.S.C. 1418\(d\)](#); [20 U.S.C 1412\(a\)\(24\)](#); [34 C.F.R. § 300.173](#)

Evaluation requirements, including nondiscriminatory assessment and evaluation. [20 U.S.C. 1414\(b\)\(2\)](#) and [\(3\)](#); [34 C.F.R. § 300.304](#)

Determination of eligibility made by group of qualified professionals and parent. [20 U.S.C. 1414\(b\)\(4\)](#); [34 C.F.R. § 300.306\(a\)](#)

Special rule for eligibility determination determinant factors such as lack of appropriate instruction in reading, lack of appropriate instruction in math, or limited English proficiency). [20 U.S.C. 1414\(b\)\(5\)](#); [34 C.F.R. § 300.306\(b\)](#)

Additional requirements for evaluation and reevaluations. [20 U.S.C. 1414\(c\)](#); [34 C.F.R. § 300.306\(c\)](#)

Significant disproportionality. [20 U.S.C. 1418\(d\)](#); [34 C.F.R. § 300.646](#)

Use of Part B funds for early intervening services. [20 U.S.C. 1413\(f\)](#); [34 C.F.R. § 300.226](#) and [Appendix D](#)

Part B – SPP/APR Related Requirements

**MONITORING PRIORITY: EFFECTIVE GENERAL SUPERVISION / CHILD FIND**

**Indicator 11: Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe**

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

Indicator 11 is a compliance indicator.

**Related Requirements**

Initial evaluations. [\[34 C.F.R. § 300.301\]](#)

Procedures for initial evaluation. [\[34 C.F.R. § 300.301\(c\)\(1\)\(i\)\]](#) Must be conducted within 60 days of receiving parental consent for the evaluation; or [\(ii\)](#) If the State establishes a timeframe within which the evaluation must be conducted, within that timeframe;

Exception. [\[34 C.F.R. § 300.301\(d\)\]](#) The timeframe described in paragraph (c)(1) of this section does not apply to a public agency if -- [\(1\)](#) The parent of a child repeatedly fails or refuses to produce the child for the evaluation; or [\(2\)](#) A child enrolls in a school of another public agency after the relevant timeframe in paragraph (c)(1) of this section has begun, and prior to a determination by the child's previous public agency as to whether the child is a child with a disability under [§ 300.8](#). [\(e\)](#) The exception in paragraph (d)(2) of this section applies only if the subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent public agency agree to a specific time when the evaluation will be completed. [\[20 U.S.C. 1414\(a\)\(1\)\(C\)\]](#)

Requirements for initial evaluations. [\[20 U.S.C. 1414\(a\)\(1\)\(A\) through \(C\); 34 C.F.R. § 300.301\(a\) through \(c\)\]](#)

Child find requirements. [\[20 U.S.C 1412 \(a\)\(3\); 34 C.F.R. § 300.111\]](#)

Review of existing data as part of initial evaluation. [\[20 U.S.C.1414\(c\); 34 C.F.R. § 300.305\(a\)\]](#)

## MONITORING PRIORITY: EFFECTIVE GENERAL SUPERVISION / EFFECTIVE TRANSITION

### Indicator 12: Percent of children referred by Part C prior to age 3 and who are found eligible for Part B who have an IEP developed and implemented by their third birthdays

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

Indicator 12 is a compliance indicator.

#### Related Requirements

Free appropriate public education (FAPE). [\[34 C.F.R. § 300.101\]](#)

FAPE for children beginning at age 3. [\[34 C.F.R. § 300.101\(b\)\(1\)\]](#) Each State must ensure that -- (i) The obligation to make FAPE available to each eligible child residing in the State begins no later than the child's third birthday; and (ii) An IEP or an IFSP is in effect for the child by that date, in accordance with [§ 300.323\(b\)](#). In [34 C.F.R. § 300.101\(b\)\(2\)](#), if a child's third birthday occurs during the summer, the child's IEP Team shall determine the date when services under the IEP or IFSP will begin. [\[20 USC 1412\(a\)\(1\)\(A\)\]](#)

Smooth and effective transition from Part C to preschool programs. [\[20 U.S.C. 1412\(a\)\(9\); 34 C.F.R. § 300.124\]](#)

Invitation for initial IEP meeting to Part C representative. [\[20 U.S.C. 1414\(d\)\(1\)\(D\); 34 C.F.R. § 300.321\(f\)\]](#)

Use of IFSP for child receiving Part B services. [\[20 U.S.C. 1414\(d\)\(2\)\(B\); 34 C.F.R. § 300.323\(b\)\(1\) and \(2\)\]](#)

Development, review, and revision of IEP. [\[20 U.S.C. 1414\(d\)\(3\); 34 C.F.R. § 300.324\]](#)

## Part B – SPP/APR Related Requirements

**Indicator 13: Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age-appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that a representative of any participating agency that is likely to be responsible for providing or paying for transition services, including, if appropriate, pre-employment transition services, was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.**

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

Indicator 13 is a compliance indicator.

### Related Requirements

Transition services. [\[34 C.F.R. § 300.320\(b\) and \(c\)\]](#) The IEP, beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team and updated annually thereafter, must include appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment and where appropriate, independent living skills; the transition services (including courses of study) needed to assist the child in reaching those goals.

Transfer of rights at age of majority. [\[34 C.F.R. § 300.320\(c\)\]](#) Beginning not later than 1 year before the child reaches the age of majority under State law, a statement that the child has been informed of the child's rights under this title, if any, that will transfer to the child on reaching the age of majority under [§ 300.520](#). [\[20 U.S.C. 1414\(d\)\(1\)\(A\)\(i\)\(VIII\)\]](#)

The term ‘transition services’ is defined in [20 U.S.C. 1401\(34\)\(A\) through \(C\)](#). [\[20 U.S.C. 1401\(34\); 34 C.F.R. § 300.43\]](#)

Free appropriate public education (FAPE). [\[20 U.S.C. 1412\(a\)\(1\)\(A\); 34 C.F.R. § 300.101\(a\)\]](#)

Consideration of special factors (behavior, limited English proficiency, blind or visually impaired, communication needs). [\[20 U.S.C. 1414\(d\)\(3\); 34 C.F.R. § 300.324\(a\)\(2\)\]](#)

Development, review, and revision of IEP. [\[20 U.S.C. 1414\(d\)\(3\); 34 C.F.R. § 300.324\]](#)

Access to instructional materials. [\[20 U.S.C. 1412\(a\)\(23\); 34 C.F.R. § 300.172\(a\)\]](#)



## Part B – SPP/APR Related Requirements

**Indicator 13: Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age-appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that a representative of any participating agency that is likely to be responsible for providing or paying for transition services, including, if appropriate, pre-employment transition services, was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.**

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

Personnel qualifications and Personnel development. [\[20 U.S.C. 1412\(a\)\(14\)\(A\) and \(B\), 1413\(a\)\(3\); 34 C.F.R. §§ 300.156\(a\) through \(d\) and 300.207\]](#)

**Indicator 14: Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:**

- A. Enrolled in higher education within one year of leaving high school;
- B. Enrolled in higher education or competitively employed within one year of leaving high school;
- C. Enrolled in higher education or in some postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.

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

Indicator 14 is a results indicator.

### **Related Requirements**

Provision of a summary of a graduating youth’s academic achievement and functional performance, including recommendations on how to assist youth in meeting his or her postsecondary goals. [\[20 U.S.C. 1414\(c\)\(5\)\(B\); 34 C.F.R. § 300.305\(e\)\(3\)\]](#)

## Part B – SPP/APR Related Requirements

### Indicator 14: Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:

- A. Enrolled in higher education within one year of leaving high school;
- B. Enrolled in higher education or competitively employed within one year of leaving high school;
- C. Enrolled in higher education or in some postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.

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

Transfer of parental rights at age of majority. [\[20 U.S.C. 1415\(m\)\(1\); 34 C.F.R. § 300.520\(a\)\]](#)

Student's rights. [\[20 U.S.C. 1412\(a\)\(8\); 34 C.F.R. § 99.5\(a\) and § 300.625\]](#)

IEP team. [\[20 U.S.C. 1414\(d\)\(1\)\(B\); 34 C.F.R. § 300.321\(a\)\]](#)

IEP team - Transition services participants. [\[20 U.S.C. 1412\(a\)\(12\); 34 C.F.R. § 300.321\(b\)\(2\) and \(3\)\]](#)

Parent participation – Information provided to parents. [\[20 U.S.C. 1414\(d\)\(1\)\(A\)\(i\)\(I\)\(VIII\); 34 C.F.R. § 300.322\(b\)\(2\)\]](#)

Development, review, and revision of an IEP (If a participating agency other than the local educational agency (LEA) does not provide transition services). [\[20 U.S.C. 1414\(d\)\(6\); 34 C.F.R. § 300.324\(c\)\(1\)\]](#)

Development, review, and revision of IEP. [\[20 U.S.C. 1414\(d\)\(3\); 34 C.F.R. § 300.324\]](#)

Consideration of special factors (behavior, limited English proficiency, blind or visually impaired, communication needs). [\[20 U.S.C. 1414\(d\)\(3\); 34 C.F.R. § 300.324\(a\)\(2\)\]](#)

Free appropriate public education (FAPE). [\[20 U.S.C. 1412\(a\)\(1\)\(A\); 34 C.F.R. § 300.101\(a\)\]](#)

Access to instructional materials. [\[20 U.S.C. 1412\(a\)\(23\); 34 C.F.R. § 300.172\(a\)\]](#)

Personnel qualifications and Personnel development. [\[20 U.S.C. 1412\(a\)\(14\)\(A\) and \(B\), 1413\(a\)\(3\); 34 C.F.R. §§ 300.156\(a\) – \(d\) and 300.207\]](#) 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 \(2\)\]](#)

Part B – SPP/APR Related Requirements

**MONITORING PRIORITY: EFFECTIVE GENERAL SUPERVISION / GENERAL SUPERVISION**

**Indicator 15: Percent of hearing requests that went to resolution sessions that were resolved through resolution session agreements**

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

Indicator 15 is a results indicator.

**Related Requirements**

Resolution session requirements. [\[20 U.S.C. 1415\(f\)\(1\)\(B\); 34 C.F.R. § 300.510\]](#)

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

**Indicator 16: Percent of mediations held that resulted in mediation agreements**

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

Indicator 16 is a results indicator.

**Related Requirements**

Mediation requirements. [\[20 U.S.C. 1415\(e\); 34 C.F.R. § 300.506\]](#)

Procedural safeguards notice to include full explanation of procedural safeguards, including the availability of mediation. [\[20 U.S.C. 1415\(d\)\(2\)\(E\)\(iii\); 34 C.F.R. § 300.504\(c\)\(6\)\]](#)

## Part B – SPP/APR Related Requirements

### Indicator 17: State Systemic Improvement Plan (SSIP)

Indicator 17 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 17.

Each State must submit a State Performance Plan (SPP). As part of the SPP, each State must establish measurable and rigorous targets for the indicators established by the Secretary under the priority areas. State must report annually to the public on the performance of each LEA located in the State on the targets in the SPP. State must make SPP available through public means, including by posting on SEA Web site, distribution to the media, and distribution through public agencies. [\[20 U.S.C. 1416\(b\); 34 C.F.R. §§ 300.601 and 300.602\]](#)

Data reporting – Protection of identifiable information. [\[20 U.S.C. 1418\(a\) and \(b\)\(1\); 34 C.F.R. §§ 300.640 through 300.642\]](#)

Each State shall collect valid and reliable information as needed to report annually to the Secretary on the indicators established by the Secretary for the SPP described in [20 U.S.C. 1416\(a\)\(3\)](#). [\[20 U.S.C. 1416\(b\)\(2\)\(B\); 34 CFR § 300.601\(b\)\(1\)\]](#)

Each State that receives assistance under Part B, and the Secretary of the Interior, shall provide data each year to the Secretary of Education and the public. [\[20 U.S.C. 1418\(a\); 34 CFR § 300.640\]](#)

## Part B – SPP/APR Related Requirements

### Indicator 18: General Supervision

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

Indicator 18 is a compliance indicator.

#### Related Requirements

SEA must ensure that the requirements of Part B are carried out, and each educational program for children with disabilities in State is under general supervision of persons responsible for educational programs for children with disabilities in the SEA; and meets the educational standards of the SEA. [\[20 U.S.C. 1412\(a\)\(11\); 34 C.F.R. § 300.149\(a\)\]](#)

State must have in effect policies and procedures to ensure that it complies with the monitoring and enforcement requirements in [34 C.F.R. §§ 300.600 through 300.602](#) and [300.606](#) through [300.608](#). [\[20 U.S.C. 1416; 34 C.F.R. § 300.149\(b\)\]](#)

The State must monitor implementation of Part B by LEAs; and enforce Part B and annually report on performance in accordance with [20 U.S.C. 1416\(a\)\(3\) and \(e\)](#). [\[20 U.S.C. 1416\(a\)\(1\)\(C\); 34 C.F.R. § 300.600\(a\)\]](#)

The provisions of Part B apply to all political subdivisions of the State that are involved in the education of children with disabilities including other State agencies and schools (such as Department of Mental Health and Welfare and State schools for children with deafness or children with blindness) and State and local juvenile and adult correctional facilities. [\[34 C.F.R. § 300.2\(b\)\(1\)\(iii\) and \(iv\)\]](#)

Funds paid to a State under Part B must be expended in accordance with all the provisions of Part B. Funds paid to a State under Part B must not be commingled with State funds. State-level nonsupplanting. [\[20 U.S.C. 1412\(a\)\(17\); 34 C.F.R. § 300.162\]](#)

Maintenance of State financial support. [\[20 U.S.C. 1412\(a\)\(18\); 34 C.F.R. § 300.163\]](#)

LEA eligibility. LEA policies, procedures, and programs consistent with the State policies and procedures established under [20 U.S.C. 1412](#). [\[20 U.S.C. 1413\(a\); 34 C.F.R. §§ 300.200 and 300.201\]](#)

The primary focus of State monitoring activities shall be on improving educational results and functional outcomes for all children with disabilities; and ensuring that public agencies meet the program requirements under Part B, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities. [\[20 U.S.C. 1416\(a\)\(2\); 34 C.F.R. § 300.600\(b\)\]](#)

Each State must monitor the LEAs located in the State using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in the following priority areas: provision of FAPE in the LRE; State exercise of general supervisory authority, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in [20 U.S.C. 1401\(34\)](#) and [1437\(a\)\(9\) and 34 C.F.R. § 300.43](#); and

## Part B – SPP/APR Related Requirements

### Indicator 18: General Supervision

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

disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. [\[20 U.S.C. 1416\(a\)\(3\); 34 C.F.R. § 300.600\(a\) and \(c\)\]](#)

Each State must submit a State Performance Plan (SPP). As part of the SPP, each State must establish measurable and rigorous targets for the indicators established by the Secretary under the priority areas. State must report annually to the public on the performance of each LEA located in the State on the targets in the SPP. State must make SPP available through public means, including by posting on SEA Web site, distribution to the media, and distribution through public agencies. State must not report to public or the Secretary any information on performance that would result in disclosure of personally identifiable information about individual children, or where available data is insufficient to yield statistically reliable information. [\[20 U.S.C. 1416\(b\); 34 C.F.R. §§ 300.601 and 300.602\]](#)

If an SEA determines that an LEA is not meeting the requirements of Part B, including the targets in the SPP, the SEA must prohibit the LEA from reducing the LEA's maintenance of effort for any fiscal year. [\[20 U.S.C. 1416\(f\); 34 C.F.R. § 300.608\]](#)

Data reporting – Protection of identifiable information. [\[20 U.S.C. 1418\(a\) and \(b\)\(1\); 34 C.F.R. §§ 300.640 through 300.642\]](#)

Preschool Grants for Children with Disabilities. [\[34 C.F.R. §§ 300.812 through 300.818\]](#)

Grantees must monitor grant and subgrant supported activities to ensure compliance with applicable Federal requirements and that performance goals are being achieved. [\[34 C.F.R. § 80.40\(a\) \(EDGAR\)\]](#)

In the case of any State which applies, contracts, or submits a plan for participation in any applicable program in which Federal funds are made available for assistance to LEAs through, or under supervision of, SEA of that State, State provides assurances to the Secretary that State will adopt and use proper methods of administering each applicable program, including: monitoring of agencies, institutions, and organizations responsible for carrying out each program, and enforcement of any obligations imposed on those agencies, institutions, and organizations under law; providing technical assistance, where necessary, to such agencies, institutions, and organizations; encouraging the adoption of promising or innovative educational techniques by such agencies, institutions, and organizations; dissemination throughout the State of information on program requirements and successful practices; and correction of deficiencies in program operations that are identified through monitoring or evaluation. [\[20 U.S.C. 1232d\(b\)\(3\) \(GEPA\)\]](#)

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

Requirements for pass-through entities. [\[2 C.F.R. § 200.332 \(b-h\)\]](#)

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