



## WEBINAR MATERIALS

**"State Performance Plans and  
Annual Performance Reports Under IDEA:  
*What Special Education Advocates Need to Know*"**

June 11, 2009



*presented by*

**Diana Autin, Esq.**

**Co-Executive Director  
New Jersey Statewide  
Parent Advocacy Network**

The Advocate Academy is a project of

The **Advocacy**  
INSTITUTE

A not-for-profit organization dedicated to services and projects  
that work to improve the lives of children, youth and adults with disabilities.

[www.AdvocacyInstitute.org](http://www.AdvocacyInstitute.org)

## The Systems Change Opportunity: Parent Advocates & State Performance Planning & Reporting



(c) Statewide Parent Advocacy  
Network 2009 www.spannj.org

---

---

---

---

---

---

---

---

## State Performance Plan

- Section 616  
Monitoring, Technical  
Assistance &  
Enforcement
  - Evaluate the States' efforts to implement the requirements and purposes of this part
  - Include measurable and rigorous targets for the indicators established under the priority areas
  - Describe how the State will improve implementation



(c) Statewide Parent Advocacy  
Network 2009 www.spannj.org

---

---

---

---

---

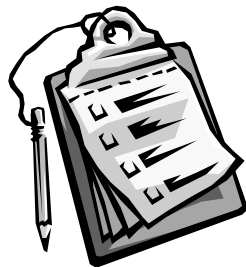
---

---

---

## Statutory Requirements

- State shall use the targets in the SPP to analyze the performance of each LEA/EIS Program in the State
- State shall report annually to the public on the performance of each LEA/EIS Program in the State on the targets in the SPP
- State Performance Plans, indicators and targets will be developed with broad stakeholder input and public dissemination



(c) Statewide Parent Advocacy  
Network 2009 www.spannj.org

---

---

---

---

---

---

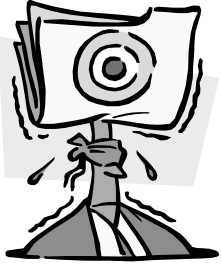
---

---

## The SPP Content

In SPP, States will provide:

- Overview of the System or Process
- Baseline Data
- Discussion of Baseline Data
- Measurable and Rigorous Targets
- Improvement Activities/Timelines/Resources including public reporting statewide & on each EIP/LEA



(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---

---


---

---

---

## Annual Performance Report

- In APR, States will provide:
- Actual performance against the targets
- Discussion of improvement activities completed and explanation of progress or slippage
- Any revisions to approved targets, improvement activities, timelines or resources - with justifications.



(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---

---

---

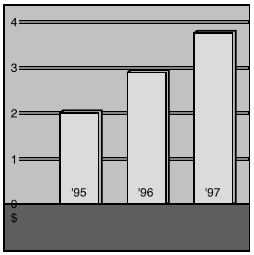
---

---

## Challenging Levels of Improved Performance

“(a)(2) Focused Monitoring - The primary focus of Federal and State monitoring activities ... shall be on -

- (A) improving educational results and functional outcomes for all children with disabilities; and
- (B) ensuring that States meet the program requirements under this part, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities.”



Year	Performance Level
'95	2.0
'96	3.0
'97	3.8

(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---

---


---

---

---

### SMART Targets

Specific  
Measurable  
Achievable but  
challenging  
Relevant (to  
stakeholders &  
baseline)  
Timed (6 year plan,  
intermediate  
steps)



(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---

---


---

---

---

### Critical Components

- Targets must reflect improvement, even in areas where the state is doing better than the national average



(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---


---

---

---

---

### Critical Components



- **Improvement Activities (Strategies)**
  - Activities **must** be reasonably designed to assist the state in meeting targets
  - Activities **must** be specific
  - Timelines
    - some activities **must** be completed at intervals throughout the six years

(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---

---

---

---

---

### Critical Components

- All targets must be supported by an action plan that includes strategies describing how the targets will be achieved.



(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---

---

---

---

---

### Monitoring Priority Areas: Part B



- 20 USC 1416(a)(3)
  - FAPE in the LRE
  - Effective General Supervision
  - Disproportionality

(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---

---

---

---

---

### Disproportionality & Funding



- Districts identified as having significant inappropriate disproportionality must use 15% of IDEA Part B funds for early intervening services

(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---

---

---

---

---

### Monitoring Priority Areas: Part C

- 20 USC 1416 (a)(3) & 1442

- EI Services in the Natural Environment

- Effective General Supervision



(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---

---

---

---

---

### Two Types of Indicators



- Compliance
  - Mandated indicators set by US DOE
- Performance & Outcomes
  - "Rigorous & measurable" targets set by broad group of stakeholders

(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---

---

---

---

---

### Compliance Indicators



- Target must be 100%
- 100% means that when you identify noncompliance, it is corrected within one year of identification and that it stays corrected over time

(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---

---

---

---

---

## Part B SPP/APR Indicators

- **Compliance**
  - 9-10 Disproportionality
  - 11 Child Find
  - 12 Transition from EI
  - 13 Transition to adulthood
  - 15 Corrects noncompliance
  - 16-17 Timely dispute resolution
  - 20 Timely, accurate data
- **Performance/Outcome**
  - 1-2 Graduation/Dropout
  - 3 Assessments
  - 4 Suspension
  - 5 Placement/LRE
  - 6 Preschool LRE
  - 7 Preschool outcomes
  - 8 Parent involvement
  - 14 Post-school outcomes
  - 18-19 Resolution sessions & mediation

(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---

---

---

---

---

## Considerations in Reviewing Your State's Progress Toward SPP Targets

- What is the current performance?
- What has been the trend?
- Has the definition changed?
- What is actual performance compared to expectations (Part C - 2%; Part B - graduation rates comparable)?

(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---

---

---

---

---

## Reporting

- State performance plan must be made available through public means
- Statute requires States to report on each indicator for each LEA/EIS Program each year



(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---

---

---

---

---

## Reporting when sampling



- Exception for Indicators that allow sampling:
  - Must report on each LEA/EIS Program at least once every six years.
  - Must collect data from a representative sample of LEAs/EIS Programs each year

(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---

---

---

---

---

## Public Reporting

- "You can learn a lot by looking."
  - Yogi Berra
- "You can avoid a lot by closing your eyes."
  - Diana Autin



(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---

---

---

---

---

## Suggestions for Public Reporting

- Provide complete profiles for each program (LEA or EIS).
- Compare Programs:
  - to overall state performance
  - to similar programs (e.g. size, demographics, etc.)
- Use maps, graphics, rankings.



(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---

---

---

---

---

## Suggestions for Public Reporting



- Provide guides/fact sheets/glossary to help public understand reports.
- Place all reports in one location on the state's website. (NCLB & IDEA)
- Include narrative - executive summary.
- Use Q & A format.
- Translate reports into multiple languages.

(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---

---

---

---

---

---

---

## Suggestions for Public Reporting

- Disseminate information through various means, including:

- posting on the SEA website,
- distribution to the media, and
- distribution through stakeholder groups (regional forums, meetings, teleconferences, etc.)



(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---

---

---

---

---

---

---

## US DOE Determinations



- Meets the requirements & purposes of IDEA
- Needs assistance in implementing IDEA
- Needs intervention
- Needs substantial intervention

(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---

---

---

---

---

---

---

## Data & criteria: Compliance



- For each item in APR, did state:
  - Demonstrate compliance that it corrected noncompliance in a timely manner (ASAP or no later than 1 year from identification), or
  - Make progress in ensuring compliance over prior performance in that area

(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---

---

---

---

---

## Data & criteria: Other

- For all indicators in SPP/APR, did state provide valid & reliable data
- Did state have other IDEA compliance issues identified in monitoring, audit, etc. & state's progress in resolving



(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---

---

---

---

---

## TA/Enforcement Actions



- If a state "needs assistance" for 2 consecutive years, DOE must take one or more enforcement actions:

(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---

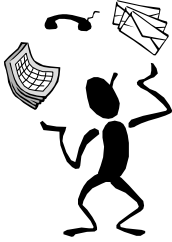
---

---

---

---

### TA/Enforcement Actions



- Requiring state to use TA
- Designating state as high risk grantee
- Directing use of state set aside funds to areas where state needs assistance

(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---

---

---

---

---

### TA/Enforcement Actions



- If state needs intervention for 3 consecutive years, DOE must require a corrective action plan or compliance agreement, or withhold further payments

(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---

---

---

---

---

### TA/Enforcement Actions



- If state needs substantial intervention, DOE must take immediate enforcement action (refer to IG or DOJ)

(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---


---

---

---

---

### Determination letters



- Copies of determination letters for each state are at <http://www.ed.gov/policy/speced/guid/idea/monitor/index.html>

(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---


---

---

---

---

### Status of States



- 2006-07:
  - 10 "needs intervention"
  - 36 "needs assistance"
  - 13 "meets requirements"

(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---


---

---

---

---

### Status of States



- 2007-08:
  - 6 "needs intervention"
  - 24 "needs assistance"
  - 29 "meets requirements"

(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---


---

---

---

---

**SPP/APR & ARRA**



- US DOE OSEP guidance:
  - Districts identified by states as having significant inappropriate disproportionality may *not* use 50% of ARRA IDEA funds to reduce maintenance of effort

(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---


---

---

---

---

**SPP/APR & ARRA**



- US DOE OSEP guidance:
  - Districts identified by states as having significant inappropriate disproportionality must use 15% of additional ARRA IDEA funds for EIS

(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---

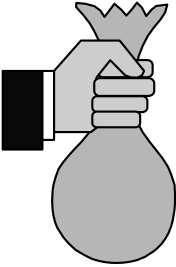
---

---

---

---

**SPP/APR & ARRA**



- US DOE OSEP guidance:
  - Districts identified by states as needing assistance or intervention may not use 50% of ARRA IDEA funds to reduce maintenance of effort

(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---

---

---

---

---

### Key roles for advocates



- Review US DOE letters to Part C & Part B lead agencies
- Identify noncompliance & data collection deficiencies

(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---

---

---

---

---

### Key roles for advocates

- Contact state lead agencies to discuss how the areas identified by US DOE letters will be addressed and what stakeholders' roles will be in developing, implementing, & evaluating improvement activities



(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---

---

---

---

---

### Key roles for advocates

- Compare areas identified as needs in SPP/APR with recommended uses of ARRA IDEA & NCLB funds; share with state DOE, local districts & Schools; advocate!



(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---

---

---

---

---

## Key roles for advocates



- Information dissemination:
  - Your website
  - Your newsletter
  - Statewide & local district workshops

(c) Statewide Parent Advocacy Network 2009 www.spannj.org

---

---

---

---

---

---

---

---