

Part B – SPP /APR Related Requirements

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Note: 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 that will be reviewed by OSEP as part of Focused Monitoring. That is, if OSEP determines that it will do Focused Monitoring in a State because that State is low performing or in noncompliance with a specific indicator, OSEP will review the Related Requirements for that Indicator as part of the Focused Monitoring. OSEP encourages States to examine their general supervision systems to determine how they address these Related Requirements. Please note that the Related Requirements listed in the right column are abridged statements of the actual language in the statute and regulations. Readers are encouraged to review the full language of the requirements in the statute and regulations to ensure a complete understanding of the requirement.

MONITORING PRIORITIES AND INDICATORS	RELATED REQUIREMENTS
<p>1. Percent of youth with individualized education programs (IEPs) graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma. [20 U.S.C. 1416 (a)(3)(A)]</p> <p>2. Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school. [20 U.S.C. 1416 (a)(3)(A)]</p> <p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the child to meet the post-secondary goals. [20 U.S.C. 1416(a)(3)(B)]</p> <p>14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school. [20 U.S.C. 1416(a)(3)(B)]</p>	<p>The SEA must establish goals for the performance of children with disabilities in the State that address graduation rates and dropout rates, as well as such other factors as the State may determine; and are consistent, to the extent appropriate, with any other goals and standards for children established by the State. [20 U.S.C. 1412(a)(15)(A) (iii) and (iv); 34 CFR §300.157(a)(3) and (4)]</p> <p>The State must adopt the National Instructional Materials Accessibility Standard for the purposes of providing instructional materials to blind persons or other persons with print disabilities, in a timely manner. In carrying out this paragraph, the SEA, to the maximum extent possible, shall work collaboratively with the State agency responsible for assistive technology programs. [20 U.S.C. 1412(a)(23); 34 CFR §300.172(a)]</p> <p>For a child whose eligibility under Part B of the Individuals with Disability Education Act (Part B) terminates due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for a free appropriate public education (FAPE) under State law, a public agency must provide the child with a summary of his or her academic achievement and functional performance, including recommendations on how to assist the child in meeting postsecondary goals. [20 U.S.C. 1414(c)(5)(B); 34 CFR §300.305(e)(3)]</p> <p>A State that receives amounts from a grant under Part B may provide that, when a child with a disability reaches the age of majority under State law (except for a child with a disability who has been determined to be incompetent under State law), the agency shall provide any notice required by 20 U.S.C. 1415 to both the individual and the parents; all other rights accorded to parents under Part B transfer to the child; the agency shall notify the individual and the parents of the transfer of rights; and all rights accorded to parents under Part B transfer to children who are incarcerated in an adult or juvenile Federal, State, or local correctional institution. [20 U.S.C. 1415(m)(1); 34 CFR §300.520]</p> <p>The State must have in effect policies and procedures regarding the extent to which children are afforded rights of privacy similar to those afforded to parents, taking into consideration the age of the child and type or severity of disability. The rights of parents regarding education records are transferred to the student at age 18. If the rights accorded to parents under Part B are transferred to a student who reaches the age of majority, the rights regarding educational records must also be transferred to the</p>

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	<p>student. The public agency must provide any notice required under 20 U.S.C. 1415 of the Act to the student and the parents. [20 U.S.C. 1412(a)(8); 34 CFR §99.5(a) and §300.625]</p> <p>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 on the number and percentage of children with disabilities, by race, ethnicity, limited English proficiency status, gender, and disability category, who for each year of age from age 14 through 21, stopped receiving special education and related services because of program completion (including graduation with a regular secondary school diploma), or other reasons, and the reasons why those children stopped receiving special education and related services. [20 U.S.C. 1418(a)(1)(A)(iv); 34 CFR §300.601(b)(1)]</p> <p>The provisions of Part B apply to all political subdivisions of the State that are involved in the education of children with disabilities including State and local juvenile and adult correctional facilities¹. [34 CFR §300.2(b)(1)(iv)]</p>
	<p style="text-align: center;"><u>IEP Provisions</u></p> <p>The IEP must include a statement of the child's present levels of academic achievement and functional performance, including how the child's disability affects the child's involvement and progress in the general education curriculum; and a statement of measurable annual goals, including academic and functional goals designed to: meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and meet each of the child's other educational needs that result from the child's disability. [20 U.S.C. 1414(d)(1)(A)(i)(I) and (II); 34 CFR §300.320(a)(1)(i) and (2)(i)(A) and (B)]</p> <p>The IEP must include a description of how the child's progress toward meeting the annual goals will be measured and when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports) will be provided. [20 U.S.C. 1414(d)(1)(A)(i)(III); 34 CFR §300.320(a)(3)]</p> <p>The IEP must include a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child: to advance appropriately toward attaining the annual goals; to be involved in and make progress in the general education curriculum and to participate in extracurricular and other nonacademic activities; and to be educated and participate with other children with disabilities and nondisabled children. [20 U.S.C. 1414(d)(1)(A)(i)(IV); 34 CFR §300.320(a)(4)]</p>

¹ The FAPE requirements relating to transition planning and transition services do not apply, with respect to the students whose eligibility under Part B of the IDEA will end, because of their age, before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release. 34 CFR §300.324(d)

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	<p>The IEP must include the projected date for the beginning of the services and modifications described and the anticipated frequency, location, and duration of those services and modifications. [20 U.S.C. 1414(d)(1) (A)(i)(VII); 34 CFR §300.320(a)(7)]</p>
	<p>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; and 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 20 U.S.C. 1415(m). [20 U.S.C. 1414(d)(1)(A)(i)(VIII); 34 CFR §300.320(b) and (c)]</p> <p>For a child with a disability 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, the notice must indicate that a purpose of the meeting will be the consideration of the postsecondary goals and transition service for the child, in accordance with 300.320(b), and that the agency will invite the student and identify any other agency that will be invited to send a representative. [20 U.S.C. 1414(d)(1)(A)(i)(I)(VIII); 34 CFR §300.322(b)(2)]</p> <p>The IEP Team must be a group of individuals composed of: the parents of a child with a disability; not less than one regular education teacher of such child; not less than one special education teacher or provider of such child; a representative of the LEA; an individual who can interpret the instructional implications of evaluation results (who may be the child's regular or special education teacher); at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and whenever appropriate, the child with a disability. [20 U.S.C. 1414(d)(1)(B); 34 CFR §300.321(a)]</p> <p>In developing each child's IEP, the IEP Team must consider the strengths of the child; the concerns of the parents for enhancing the education for their child; the results of the initial evaluation or most recent evaluation of the child; and the academic, developmental and functional needs of the child. [20 U.S.C. 1414(d)(3)(A); 34 CFR §300.324(a)(1)]</p> <p>In developing each child's IEP, the IEP Team must also consider the special factors included at 20 U.S.C. 1414(d)(3)(B) including positive behavioral interventions and supports, language, Braille, communication and assistive technology needs. [34 CFR §300.324(a)(2)]</p> <p>The IEP Team must review the child's IEP periodically, but not less frequently than annually, to determine whether the annual goals for the child are being achieved and revise the IEP as appropriate. [20 U.S.C. 1414(d)(4); 34 CFR §300.324(b)(1)]</p>

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	<p>If a participating agency, other than the LEA, fails to provide the transition services described in the IEP in accordance with 20 U.S.C. 1414(d)(1)(A)(i)(VIII), the LEA must reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the child set out in the IEP. [20 U.S.C. 1414(d)(6); 34 CFR §300.324(c)(1)]</p> <p>The public agency must invite the child with a disability to the IEP meeting if a purpose of the meeting will be consideration of the postsecondary goals of the child and the transition services needed to assist the child in reaching those goals. If the child does not attend the meeting, the public agency must take other steps to ensure that the child's preferences and interests are considered. [34 CFR §300.321(b)(1)]</p> <p>The public agency, to the extent appropriate, with the consent of the parents or a youth who has reached the age of majority, must invite to the IEP meeting a representative of any participating agency that is likely to be responsible for providing or paying for transition services. [34 CFR §300.321(b)(3)]</p> <p>The transition services provided to youth with disabilities must meet the definition in 20 U.S.C. 1402(34)(A) through (C). [20 U.S.C. 1412(a)(1)(A); 34 CFR §300.42]</p> <p style="text-align: center;"><u>FAPE</u></p> <p>The State must ensure that a free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school.² [20 U.S.C. 1412(a)(1)(A); 34 CFR §300.101(a)]</p> <p style="text-align: center;"><u>Highly Qualified Personnel</u></p> <p>The State educational agency (SEA) must establish and maintain qualifications to ensure that personnel necessary to carry out Part B are appropriately and adequately prepared and trained including qualifications for related services personnel and paraprofessionals. The qualifications must be consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements. [20 U.S.C. 1412(a)(14)(A) and (B); 34 CFR §300.156(a) and (b)]</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>A. Percent of districts meeting the State's Adequate Yearly Progress (AYP) objectives for progress for disability subgroups.</p>	<p>The State must establish goals for the performance of children with disabilities in the State that promote the purposes of this title; are the same as the State's definition of adequate yearly progress, including the State's objectives for progress by children with disabilities, under Section 1111(b)(2)(C) of the Elementary and Secondary Education Act of 1965; address graduation rates and dropout rates, as well as such other factors as the State may determine; and are consistent, to the extent appropriate, with any other goals and standards for children established by the State. [20 U.S.C. 1412(a)(15)(A); 34 CFR</p>

² The FAPE requirements do not apply to children aged 3 through 5 and 18 through 21 in a State to the extent that its application would be inconsistent with State law or practice, or the order of any court, respecting the provision of public education to children in those age ranges, and aged 18 through 21 to the extent that State law does not require that special education and related services under Part B be provided to children with disabilities who, in the educational placement prior to their incarceration in an adult correction facility were not actually identified as being a child with a disability under section 602 or did not have an IEP under Part B. 20 U.S.C. 1412(a)(1)(B)

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<p>B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.</p> <p>C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards. [20 U.S.C. 1416 (a)(3)(A)]</p> <p>7. Percent of preschool children with IEPs who demonstrate improved:</p> <p>A. Positive social-emotional skills (including social relationships);</p> <p>B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and</p> <p>C. Use of appropriate behaviors to meet their needs. [20 U.S.C. 1416(a)(3)(A)]</p>	<p>§300.157(a)]</p> <p>The State must establish performance indicators that the State will use to assess progress toward achieving the goals described in the above paragraph, including measurable annual objectives for progress by children with disabilities under section 111(b)(2)(C)(v)(II)(cc) of the Elementary and Secondary Education Act of 1965. [20 U.S.C. 1412(a)(15)(B); 34 CFR §300.157(b)]</p> <p>The State must adopt the National Instructional Materials Accessibility Standard for the purposes of providing instructional materials to blind persons or other persons with print disabilities, in a timely manner. In carrying out this paragraph, the SEA, to the maximum extent possible, shall work collaboratively with the State agency responsible for assistive technology programs. [20 U.S.C. 1412(a)(23); 34 CFR §300.172(a)]</p> <p style="text-align: center;"><u>State and Districtwide Assessment</u></p> <p>All children with disabilities must be included in all general statewide and districtwide assessment programs, including assessments described under Section 1111 of the Elementary and Secondary Education Act of 1965, with appropriate accommodations and alternate assessments where necessary and as indicated in their respective IEPs. [20 U.S.C. 1412 (a)(16)(A); 34 CFR §300.160(a)]</p> <p>The SEA (or, in the case of a districtwide assessment the LEA) must develop guidelines for the provision of appropriate accommodations. [20 U.S.C. 1412(a)(16)(B); 34 CFR §300.160(b)]</p> <p>The State must develop and implement guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in regular assessments. [20 U.S.C. 1412 (a)(16)(C)(i); 34 CFR §300.160(c)]</p> <p>The State’s alternate assessments must be aligned with its challenging academic content standards and child academic achievement standards, and if it has adopted alternate academic achievement standards permitted under Section 1111(b)(1) of the Elementary and Secondary Education Act of 1965, measure the achievement of children with disabilities against those standards. [20 U.S.C. 1412 (a)(16)(C)(ii); 34 CFR §300.160(c)(2)]</p> <p>The State must conduct the alternate assessments described in 20 U.S.C. 1412 (a)(16)(C)(i)(ii). U.S.C. 1412 (a)(16)(C)(iii); 34 CFR §300.160(c)(3)]</p> <p>The SEA, (or, in the case of a districtwide assessment, LEA) must make available to the public, and report to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children: (1) the number of children with disabilities participating in: (a) regular assessments, and the number of those children who were provided accommodations in order to participate in those assessments; (b) alternate assessments aligned with the State’s challenging academic content standards and student achievement standards; and (c) alternate assessments aligned</p>

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	<p>with alternate achievement standards; and (2) the performance of children with disabilities on regular assessments and on alternate assessments, compared with the achievement of all children, including children with disabilities, on those assessments. [20 U.S.C. 1412 (a)(16)(D); 34 CFR §300.160(d)]</p> <p style="text-align: center;"><u>IEP Provisions</u></p> <p>The IEP must include a statement of the child's present levels of academic achievement and functional performance, including how the child's disability affects the child's involvement and progress in the general education curriculum or for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities; and a statement of measurable annual goals, including academic and functional goals designed to: meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and meet each of the child's other educational needs that result from the child's disability. [20 U.S.C. 1414(d)(1)(A)(i)(I) and (II); 34 CFR §300.320(a)(1) and (a)(2)(i)]</p> <p>For children with disabilities who take alternate assessments aligned to alternate achievement standards, the IEP must include a description of benchmarks or short-term objectives. [20 U.S.C. 1414(d)(1)(A)(i)(I)(cc); 34 CFR §300.320(a)(2)(ii)]</p> <p>The IEP must include a description of how the child's progress toward meeting the annual goals will be measured and when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports) will be provided. [20 U.S.C. 1414(d)(1)(A)(i)(III); 34 CFR §300.320(a)(3)(i)]</p> <p>The IEP must include a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child: to advance appropriately toward attaining the annual goals; to be involved in and make progress in the general education curriculum and to participate in extracurricular and other nonacademic activities; and to be educated and participate with other children with disabilities and nondisabled children. [20 U.S.C. 1414(d)(1)(A)(i)(IV); 34 CFR §300.320(a)(4)]</p> <p>The IEP must include statements of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on Statewide and districtwide assessments. [20 U.S.C. 1414(d)(1)(A)(i)(VI)(aa); 34 CFR §300.320(a)(6)(i)]</p> <p>The IEP must, if the IEP Team determines that the child shall take an alternate assessment on a particular State or districtwide assessment of student achievement, provide a statement of why the child cannot participate in the regular assessment, and why the particular alternate assessment selected is appropriate for the child. [20 U.S.C. 1414(d)(1)(A)(i)(VI)(bb); 34 CFR §300.320(a)(6)(ii)]</p> <p>The IEP must include the projected date for the beginning of the services and modifications described</p>

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	<p>and the anticipated frequency, location, and duration of those services and modifications. [20 U.S.C. 1414(d)(1)(A)(i)(VII); 34 CFR §300.320(a)(7)]</p> <p>The IEP Team must be a group of individuals composed of: the parents of a child with a disability; not less than one regular education teacher of such child; not less than 1 special education teacher or provider of such child; a representative of the LEA; an individual who can interpret the instructional implications of evaluation results who may be the child's regular or special education teacher; at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and whenever appropriate, the child with a disability. [20 U.S.C. 1414(d)(1)(B); 34 CFR §300.321(a)]</p> <p>In the case of a child with a disability aged 3 through 5 (or, at the discretion of the SEA, a 2-year-old child with a disability who will turn age 3 during the school year), the IEP Team must consider the individualized family service plan (IFSP). The IFSP may serve as the IEP of the child if using that plan as the IEP is consistent with State policy and agreed to by the agency and the child's parents. [20 U.S.C. 1414(d)(2)(B); 34 CFR §300.323(b)(1)]</p> <p>In developing each child's IEP, the IEP Team must consider the strengths of the child; the concerns of the parents for enhancing the education for their child, the results of the initial evaluation or most recent evaluation of the child; and the academic, developmental and functional needs of the child. [20 U.S.C. 1414(d)(3)(A); 34 CFR §300.324(a)(1)]</p> <p>In developing each child's IEP, the IEP Team must also consider the special factors included at 20 U.S.C. 1414(d)(3)(B) including behavior, language, Braille, communication and assistive technology needs. [20 U.S.C. 1414(d)(3)(B); 34 CFR §300.324(a)(2)]</p> <p>The IEP Team must review the child's IEP periodically, but not less frequently than annually, to determine whether the annual goals for the child are being achieved and revise the IEP as appropriate. [20 U.S.C. 1414(d)(4); 34 CFR §300.324(b)(1)]</p> <p style="text-align: center;"><u>FAPE</u></p> <p>The State must ensure that a free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who has been suspended or expelled from school. [20 U.S.C. 1412(a)(1)(A); 34 CFR §300.101(a)]</p> <p style="text-align: center;"><u>Highly Qualified Personnel</u></p> <p>The SEA must establish and maintain qualifications to ensure that personnel necessary to carry out Part B are appropriately and adequately prepared and trained including qualifications for related services personnel and paraprofessionals. The qualifications must be consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements. [20 U.S.C.</p>

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<p>4. Rates of suspension and expulsion:</p> <p>A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and</p> <p>B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities by race and ethnicity.</p> <p>[20 U.S.C. 1416(a)(3)(A); 1412(a)(22)]</p>	<p>The 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 CFR §§300.170 (a) and 300.646(a)(3)]</p> <p>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 CFR §§300.170(b) and 300.646(b)]</p> <p>School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement for a child with a disability who violates a code of student conduct is appropriate. [20 U.S.C. 1415(k)(1)(A); 34 CFR §300.530(a)]</p> <p>School personnel may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days (to the extent such alternatives are applied to children without disabilities). [20 U.S.C. 1415(k)(1)(B); 34 CFR §300.530(b)]</p> <p>If school personnel seek to order a change in placement that would exceed 10 school days and the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner and for the same duration in which the procedures would be applied to children without disabilities, except as provided in 20 U.S.C. 1412(a)(1), although it may be provided in an interim alternative educational setting. [20 U.S.C. 1415(k)(1)(C); 34 CFR §300.530(c)]</p> <p>A child with a disability who is removed from the child's current placement (irrespective of whether the behavior is determined to be a manifestation of the child's disability) shall: continue to receive FAPE, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur. [20 U.S.C. 1415(k)(1)(D); 34 CFR §300.530(d)]</p> <p>Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the IEP Team (as determined by the parent and the LEA) shall review all relevant information in the student's file, including</p>

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	<p>the child's IEP, any teacher observations, and any relevant information provided by the parents to determine: if the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or if the conduct in question was the direct result of the LEA's failure to implement the IEP. If the IEP Team determines that either is applicable for the child, the conduct shall be determined to be a manifestation of the child's disability. [20 U.S.C. 1415(k)(1)(E); 34 CFR §300.530(e)]</p> <p>If the LEA, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team shall: conduct a functional behavioral assessment, and implement a behavioral intervention plan for such child; or review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and return the child to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan, unless special circumstances exist, as provided in 20 U.S.C. 1415(k)(1)(G). [20 U.S.C. 1415(k)(1)(F); 34 CFR §300.530(f)]</p> <p>School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, in cases where a child: carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of an SEA or LEA; knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of an SEA or LEA; or has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or LEA. [20 U.S.C. 1415(k)(1)(G); 34 CFR §300.530(g) and (i)]</p> <p>Not later than the date on which the decision to take disciplinary action is made, the LEA shall notify the parents of that decision, and of all procedural safeguards accorded under 20 U.S.C. 1415. [20 U.S.C. 1415(k)(1)(H); 34 CFR §300.530(h)]</p> <p>The interim alternative educational setting shall be determined by the IEP Team. [20 U.S.C. 1415(k)(2); 34 CFR §300.531]</p> <p>The parent of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination under 20 U.S.C. 1415(k), or an LEA that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request a hearing. [20 U.S.C. 1415(k)(3)(A); 34 CFR §300.532(a)]</p> <p>When a hearing has been requested by either the parent or the LEA, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for 20 U.S.C. 1415(k)(1)(C), whichever occurs first, unless the parent and the SEA and LEA agree otherwise; and the SEA or LEA shall arrange for an expedited hearing, which shall occur within 20 school days of the date the hearing is requested and shall result in a determination within 10</p>

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	<p>school days after the hearing. [20 U.S.C. 1415(k)(4); 34 CFR §§300.532(c)(2) and 300.533]</p> <p>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 on the number and percentage of children with disabilities, by race, ethnicity, limited English proficiency status, gender, and disability category, who are removed to an interim alternative educational setting under 20 U.S.C. 1415(k)(1); the acts or items precipitating those removals; and the number of children with disabilities who are subject to long-term suspensions or expulsions. [20 U.S.C 1418(a)(1)(A)(v); 34 CFR §300.640]</p> <p>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 on the incidence and duration of disciplinary actions by race, ethnicity, limited English proficiency status, gender, and disability category, of children with disabilities, including suspensions of one day or more. [20.U.S.C. 1418(a)(1)(D); 34 CFR §300.640]</p> <p>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 on the number and percentage of children with disabilities who are removed to alternative educational settings or expelled as compared to children without disabilities who are removed to alternative educational settings or expelled. [20 U.S.C. 1418(a)(1)(E); 34 CFR §300.640]</p> <p>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 on the number of hearings requested under 20 U.S.C. 1415(k) and the number of changes in placements ordered as a result of those hearings. [20 U.S.C. 1418(a)(1)(G); 34 CFR §300.640]</p> <p style="text-align: center;"><u>IEP Provisions</u></p> <p>The IEP must include a statement of the child's present levels of academic achievement and functional performance, including how the child's disability affects the child's involvement and progress in the general education curriculum; and a statement of measurable annual goals, including academic and functional goals designed to: meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and meet each of the child's other educational needs that result from the child's disability. [20 U.S.C. 1414(d)(1)(A)(i)(I)(II); 34 CFR §300.320(a)(1)(i) and (a)(2)(i)(A) and (B)]</p> <p>The IEP must include a description of how the child's progress toward meeting the annual goals will be measured and when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports) will be provided. [20 U.S.C. 1414(d)(1)(A)(i)(III); 34 CFR §300.320(a)(3)]</p> <p>The IEP must include a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or</p>

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	<p>on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child: to advance appropriately toward attaining the annual goals; to be involved in and make progress in the general education curriculum and to participate in extracurricular and other nonacademic activities; and to be educated and participate with other children with disabilities and nondisabled children. [20 U.S.C. 1414(d)(1)(A)(i)(IV); 34 CFR §300.320(a)(4)]</p> <p>The IEP must include the projected date for the beginning of the services and modifications described and the anticipated frequency, location, and duration of those services and modifications. [20 U.S.C. 1414(d)(1)(A)(i)(VII); 34 CFR §300.320(a)(7)]</p> <p>The IEP, beginning not later than the first IEP to be in effect when the child is 16 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; and beginning not later than one 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 20 U.S.C. 1415(m). [20 U.S.C. 1414(d)(1)(A)(i)(VIII); 34 CFR §300.320(b) and (c)]</p> <p>The IEP Team must be a group of individuals composed of: the parents of a child with a disability; not less than one regular education teacher of such child; not less than one special education teacher or provider of such child; a representative of the LEA; an individual who can interpret the instructional implications of evaluation results (who may be the child's regular or special education teacher), at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and whenever appropriate, the child with a disability. [20 U.S.C. 1414(d)(1)(B); 34 CFR §300.321(a)]</p> <p>In developing each child's IEP, the IEP Team must consider the strengths of the child; the concerns of the parents for enhancing the education for their child, the results of the initial evaluation or most recent evaluation of the child; and the academic, developmental and functional needs of the child. [20 U.S.C. 1414(d)(3)(A); 34 CFR §300.324(a)(1)]</p> <p>In developing each child's IEP, the IEP Team must also consider the special factors included at 20 U.S.C. 1414(d)(3)(B) including positive behavioral intervention and supports, language, Braille, communication and assistive technology needs. [20 U.S.C. 1414(d)(3)(B); 34 CFR §300.324(a)(2)]</p> <p>The IEP Team must review the child's IEP periodically, but not less frequently than annually, to determine whether the annual goals for the child are being achieved and revise the IEP as appropriate. [20 U.S.C. 141(d)(4); 34 CFR §300.324(b)(1)]</p>

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	<p style="text-align: center;"><u>FAPE</u></p> <p>The State must ensure that a free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who has been suspended or expelled from school. [20 U.S.C. 1412(a)(1)(A); 34 CFR §300.101(a)]</p> <p style="text-align: center;"><u>Highly Qualified Personnel</u></p> <p>The SEA must establish and maintain qualifications to ensure that personnel necessary to carry out Part B are appropriately and adequately prepared and trained including qualifications for related services personnel and paraprofessionals. The qualifications must be consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements. [20 U.S.C. 1412(a)(14)(A) through (B); 34 CFR §300.156(a) and (b)]</p>
<p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Removed from regular class less than 21% of the day;</p> <p>B. Removed from regular class greater than 60% of the day; or</p> <p>C. Served in public or private separate schools, residential placements, or homebound or hospital placements.</p> <p>[20 U.S.C. 1416(a)(3)(A)]</p> <p>6. Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (e.g., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).</p> <p>[20 U.S.C. 1416(a)(3)(A)]</p>	<p>To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, must be educated with children who are not disabled. Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment must occur only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. [20 U.S.C. 1412(a)(5)(A); 34 CFR §300.114(a)]</p> <p>The State funding mechanism must not result in placements that violate the least restrictive environment (LRE) requirements, and the State shall not use a funding mechanism by which the State distributes funds on the basis of the type of setting in which a child is served that will result in the failure to provide a child with a disability, including a preschool child with a disability, FAPE according to the unique needs of the child as described in the child's IEP. [20 U.S.C. 1412(a)(5)(B)(i); 34 CFR §300.114(b)(1)]</p> <p>Each LEA or SEA must ensure that the parents of each child with a disability are members of any group that makes decisions on the educational placement of their child. [20 U.S.C. 1414(e); 34 CFR §300.116(a)(1)]</p> <p>The State must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities, including preschool children with disabilities, for special education and related services. [20 U.S.C. 1412(a)(5); 34 CFR §300.115]</p> <p>In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency must ensure that the placement decision: is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and is made in conformity with the LRE provisions of Part B, including 34 CFR §300.114 through 300.118. [20 U.S.C. 1412(a)(5) and 1414(e); 34 CFR §300.116(a)]</p> <p>The child's placement must be: determined at least annually; based on the child's IEP; and as close as</p>

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	<p>possible to the child's home, unless the parent agrees otherwise. Unless the IEP of a child with a disability requires some other arrangement, the child must be educated in the school that he or she would attend if nondisabled, unless the parent agrees otherwise. [34 CFR §300.116 (b) and (c)]</p> <p>In selecting the LRE, consideration must be given to any potential harmful effect on the child or on the quality of services that he or she needs. [34 CFR §300.116(d)]</p> <p>A child with a disability must not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum. [34 CFR §300.116(e)]</p> <p>In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in 34 CFR §300.107, each public agency must ensure that each child with a disability participates with nondisabled children in those services and activities to the maximum extent appropriate to the needs of that child. [34 CFR §300.117]</p> <p>Except as provided in 34 CFR §300.149(d), an SEA must ensure that 34 CFR §300.114 is effectively implemented, including, if necessary, making arrangements with public and private institutions (such as a memorandum or agreement or special implementation procedures. [34 CFR §300.118]</p> <p>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 on the number and percentage of children with disabilities, by race, ethnicity, limited English proficiency status, gender, and disability category, who are: receiving FAPE; participating in regular education; and in separate classes, separate schools or facilities, or public or private residential facilities. [20 U.S.C. 1418(a)(1)(A)(i) through (iii)]</p> <p style="text-align: center;"><u>IEP Provisions</u></p> <p>The IEP must include a statement of the child's present levels of academic achievement and functional performance, including how the child's disability affects the child's involvement and progress in the general education curriculum; and a statement of measurable annual goals, including academic and functional goals designed to: meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and meet each of the child's other educational needs that result from the child's disability. [20 U.S.C. 1414(d)(1)(A)(i)(I) and (II); 34 CFR §300.320(a)(1)(i) and (a)(2)(i)(A) and (B)]</p> <p>The IEP must include a description of how the child's progress toward meeting the annual goals will be measured and when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports) will be provided. [20 U.S.C. 1414(d)(1)(A)(i)(III); 34 CFR §300.320(a)(3)]</p> <p>The IEP must include a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or</p>

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	<p>on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child: to advance appropriately toward attaining the annual goals; to be involved in and make progress in the general education curriculum and to participate in extracurricular and other nonacademic activities; and to be educated and participate with other children with disabilities and nondisabled children. [20 U.S.C. 1414(d)(1) (A)(i)(IV); 34 CFR §300.320(a)(4)]</p> <p>The IEP must include the projected date for the beginning of the services and modifications described and the anticipated frequency, location, and duration of those services and modifications. [20 U.S.C. 1414(d)(1)(A)(i)(VII); 34 CFR §300.320(a)(7)]</p> <p>The IEP, beginning not later than the first IEP to be in effect when the child is 16 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; and 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 20 U.S.C. 1415(m). [20 U.S.C. 1414(d)(1)(A)(i)(VIII); 34 CFR §300.320(b)]</p> <p>The IEP Team must be a group of individuals composed of: the parents of a child with a disability; not less than one regular education teacher of such child; not less than one special education teacher or provider of such child; a representative of the LEA; an individual who can interpret the instructional implications of evaluation results (who may be the child's regular or special education teacher); at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and whenever appropriate, the child with a disability. [20 U.S.C. 1414(d)(1)(B); 34 CFR §300.321(a)]</p> <p>The IEP Team must include a representative of the LEA who is knowledgeable about the general education curriculum. [20 U.S.C. 1414(d)(1)(B)(iv)(II); 34 CFR §300.321(a)(4)(ii)]</p> <p>In developing each child's IEP, the IEP Team must consider the strengths of the child; the concerns of the parents for enhancing the education for their child, the results of the initial evaluation or most recent evaluation of the child; and the academic, developmental and functional needs of the child. [20 U.S.C. 1414(d)(3)(A); 34 CFR §300.324(a)(1)]</p> <p>In developing each child's IEP, the IEP Team must also consider the special factors included at 20 U.S.C. 1414(d)(3)(B) including positive behavioral interventions and supports, language, Braille, communication and assistive technology needs. [20 U.S.C. 144(d)(3)(B); 34 CFR §300.324(a)(2)]</p> <p>The IEP Team must review the child's IEP periodically, but not less frequently than annually, to determine whether the annual goals for the child are being achieved and revise the IEP as appropriate.</p>

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	<p>[20 U.S.C. 1414(d)(4); 34 CFR §300.324(b)(1)]</p> <p style="text-align: center;"><u>FAPE</u></p> <p>The State must ensure that a free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who has been suspended or expelled from school. [20 U.S.C. 1412(a)(1)(A); 34 CFR §300.101(a)]</p> <p style="text-align: center;"><u>Highly Qualified Personnel</u></p> <p>The SEA must establish and maintain qualifications to ensure that personnel necessary to carry out Part B are appropriately and adequately prepared and trained including qualifications for related services personnel and paraprofessionals. The qualifications must be consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements. [20 U.S.C. 1412(a)(14)(A) and (B); 34 CFR §300.156(a) and (b)]</p>
<p>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.</p> <p>[20 U.S.C. 1416(a)(3)(A)]</p>	<p>The agency proposing to conduct an initial evaluation to determine if the child is a child with a disability as defined in 20 U.S.C. 1401(3) must obtain informed consent from the parent before conducting the evaluation. If the parent does not provide consent or fails to respond to the request to provide consent, the LEA may pursue the initial evaluation by utilizing the procedures described in 20 U.S.C. 1415 except to the extent inconsistent with State law. [20 U.S.C. 1414(a)(1)(D); 34 CFR §300.300(a)]</p> <p>The public agency must provide notice to the parents of a child with a disability, in accordance with 34 CFR §300. 503, that describes any evaluation procedures the agency proposes to conduct. [20 U.S.C. 1414(b)(1); 34 CFR §300.304(a)]</p> <p>In conducting the initial evaluation, the LEA must use information provided by the parent to assist in determining: whether the child is a child with a disability, and the content of the child's IEP. [20 U.S.C. 1414(b)(2)(A); 34 CFR §300.304(b)(1)]</p> <p>As part of an initial evaluation (if appropriate) and as part of any reevaluation, the IEP Team and other qualified professionals, as appropriate, must review evaluations and information provided by the parents of the child and consider input from the child's parents to identify what additional data, if any, are needed. [20 U.S.C. 1414(c)(1)(A)(i); 34 CFR §300.305(a)]</p> <p>When it is determined that no additional data are needed for reevaluation of the child with a disability, the parents of the child must be notified regarding: (1) the determination and the reasons for the determination; and (2) their right to request an assessment to determine whether the child continues to be a child with a disability and to determine the child's educational needs. [20 U.S.C. 1414(c)(4)(A); 34 CFR §300.305(d)]</p> <p>Upon completion of the administration of assessments and other evaluation measures, a team of qualified professionals and the parent of the child make the determination of whether the child is a child</p>

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	<p>with a disability and the educational needs of the child, and a copy of the evaluation report and the documentation of determination of eligibility shall be given to the parent. [20 U.S.C. 1414(b)(4); 34 CFR §300.306(a)]</p> <p>The agency responsible for providing FAPE to a child with a disability shall seek to obtain informed consent from the parent before providing special education and related services. [20 U.S.C. 1414(a)(1)(D)(i)(II); 34 CFR §300.300(b)(1)]</p> <p>The public agency establishes and maintains procedures to ensure that parents of children with disabilities are guaranteed the procedural safeguards required by 20 U.S.C. 1415 that ensure their child receives FAPE. [20 U.S.C. 1415; 34 CFR §§300.500, 501, 503 and 504]</p> <p style="text-align: center;"><u>IEP Provisions</u></p> <p>IEP Team must mean a group of individuals that includes, among other required individuals, the parents of a child with a disability. [20 U.S.C. 1414(d)(1)(B); 34 CFR §300.321(a)(1)]</p> <p>A member of the IEP Team may be excused from attending an IEP meeting in whole or in part, if the parent and the LEA agree or consent, respectively, to the excusal in writing and the member submits in writing to the parent and the IEP Team input into the development of the IEP when the meeting involves a modification to or discussion of the member's area of the curriculum or related services. [20 U.S.C. 1414(d)(1)(C)(i) through (iii); 34 CFR §300.321(e)]</p> <p>In developing each child's IEP, the IEP Team shall consider the concerns of the parents for enhancing the education of their child. [20 U.S.C. 1414(d)(3)(A)(ii); 34 CFR §300.324(a)(1)(ii)]</p> <p>The public agency shall ensure that the IEP Team revises the IEP as appropriate to address information about the child provided to or by the parents. [20 U.S.C. 1414(d)(4)(A)(ii)(III); 34 CFR §300.324(b)(1)(ii)(C)]</p> <p>The public agency must ensure that the parents of each child with a disability are members of any group that makes decisions on the educational placement of their child. [20 U.S.C. 1414(e); 34 CFR §300.327]</p> <p>When conducting IEP Team meetings and placement meetings and carrying out administrative matters under 20 U.S.C. 1415 (such as scheduling, exchange of witness lists, and status conferences), the parent of a child with a disability and a public agency may agree to use alternative means of meeting participation, such as video conferences and conference calls. [20 U.S.C. 1414(f); 34 CFR §300.328]</p>
<p>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.</p>	<p>The State must have in effect policies and procedures designed to prevent the inappropriate over identification 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 CFR §300.8, consistent with 20 U.S.C. 1418(d). [20 U.S.C. 1412(a)(24); 34 CFR §300.173]</p>

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<p>[20 U.S.C. 1416(a)(3)(C)]</p> <p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[20 U.S.C. 1416(a)(3)(C)]</p>	<p>In conducting the evaluation, the LEA shall: use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the parent, that may assist in determining: whether the child is a child with a disability; and the content of the child’s IEP, including information related to enabling the child to be involved in and progress in the general education curriculum, or, for preschool children, to participate in appropriate activities; not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability or determining an appropriate educational program for the child; and use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. [20 U.S.C. 1414(b)(2); 34 CFR §300.304(b)]</p> <p>Each LEA shall ensure that assessments and other evaluation materials used to assess a child under 20 U.S.C. 1414(b): are selected and administered so as not to be discriminatory on a racial or cultural basis; are provided and administered in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is not feasible to so provide or administer; are used for purposes for which the assessments or measures are valid and reliable; are administered by trained and knowledgeable personnel; and are administered in accordance with any instructions provided by the producer of such assessments; the child is assessed in all areas of suspected disability; assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided; and assessments of children with disabilities who transfer from one school district to another school district in the same academic year are coordinated with such children’s prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of full evaluations. [20 U.S.C. 1414(b)(3); 34 CFR §300.304(c)]</p> <p>Upon completion of the administration of assessments and other evaluation measures: the determination of whether the child is a child with a disability as defined in 20 U.S.C. 1401 (3) and the educational needs of the child shall be made by a team of qualified professionals and the parent of the child in accordance with 20 U.S.C. 1414(b)(5); and a copy of the evaluation report and the documentation of determination of eligibility shall be given to the parent. [20 U.S.C. 1414(b)(4); 34 CFR §300.306(a)]</p> <p>In making a determination of eligibility, a child shall not be determined to be a child with a disability if the determinant factor for such determination is: lack of appropriate instruction in reading, including in the essential components of reading instruction (as defined in Section 1208(3) of the Elementary and Secondary Education Act of 1965); lack of instruction in math; or limited English proficiency. [20 U.S.C. 1414(b)(5); 34 CFR §300.306(b)]</p> <p>A State must adopt criteria for determining whether a child has a specific learning disability as defined in 20 U.S.C. 1401(30). [20 U.S.C. 1221e-3; 1401(30) and 1414(b)(6); 34 CFR §300.307(a)]</p> <p>When determining whether a child has a specific learning disability as defined in 20 U.S.C. 1401(30), an</p>

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	<p>LEA shall not be required to take into consideration whether a child has a severe discrepancy between achievement and intellectual ability. In determining whether a child has a specific learning disability, an LEA may use a process that determines if the child responds to scientific, research-based intervention as a part of the evaluation procedures described in 20 U.S.C. 1414(b)(2) and (3). [20 U.S.C. 1414(b)(6)]</p> <p>Each SEA and the Secretary of Interior must provide for the collection and examination of data to determine if significant disproportionality based on race and ethnicity is occurring in the State and LEA with respect to: the identification of children as children with disabilities, including the identification of children with a particular impairment; the placement in particular educational settings of such children; and the incidence, duration, type of disciplinary actions, including suspensions and expulsions. In the case of a determination of significant disproportionality, the State and the Secretary of Interior must: provide for the review and, if appropriate, revision of the policies, procedures, and practices used in such identification or placement to ensure that such policies, procedures, and practices comply with the requirements of Part B; require any LEA identified to reserve the maximum amount of funds under 20 U.S.C. 1413(f) to provide comprehensive coordinated early intervening services to serve children in the LEA, particularly children in those groups that were significantly over identified; and require the LEA to publicly report on the revision of policies, practices, and procedures. [20 U.S.C. 1418(d); 34 CFR §300.646]</p> <p>An LEA may not use more than 15 percent of the amount the LEA receives under this part for any fiscal year, in combination with other amounts (which may include amounts other than education funds), to develop and implement coordinated, early intervening services, for students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade 3) who have not been identified as needing special education or related services but who need additional academic and behavioral support to succeed in a general education environment. [20 U.S.C. 1413(f)(1); 34CFR 300.226(a)]</p> <p>In implementing coordinated early intervening services under 20 U.S.C. 1413(f), the LEA may carry out activities that include: professional development for teachers and other school staff to enable such personnel to deliver scientifically based academic instruction and behavioral interventions, including scientifically based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software; and providing educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction. [20 U.S.C. 1413(f)(2); 34CFR 300.226(b)]</p> <p>Each LEA that develops and maintains coordinated, early intervening services shall annually report to the SEA on the number of students served under 20 U.S.C. 1413(f) and the number of students served under 20 U.S.C. 1413(f) who subsequently receive special education and related services under this title during the preceding 2-year period. [20 U.S.C. 1413(f)(4); 34CFR 300.226(d)]</p>
11. Percent of children with parental consent to	All children with disabilities residing in the State, including children with disabilities who are homeless

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<p>evaluate who were evaluated and eligibility determined within 60 days (or State established timeframe).</p> <p>[20 U.S.C. 1416(a)(3)(B)]</p>	<p>children or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services. [20 U.S.C 1412 (a)(3); 34 CFR §300.111(a)]</p> <p>The child find requirement shall apply with respect to children with disabilities in the State who are enrolled in private, including religious, elementary schools and secondary schools. [20 U.S.C. 1412(a)(10)(A)(ii); 34 CFR §300.131]</p> <p>An SEA, other State agency, or LEA shall conduct a full and individual initial evaluation, before the initial provision of special education and related services to a child with a disability. Either a parent of a child, SEA, other State agency, or LEA may initiate a request for an initial evaluation to determine if the child is a child with a disability. Such initial evaluation shall consist of procedures to determine: (1) if a child is a child with a disability (as defined in 20 U.S.C. 1401) within 60 days of receiving parental consent for the evaluation, or, if the State establishes a timeframe within which the evaluation must be conducted, within such timeframe; and (2) the educational needs of such child. [20 U.S.C. 1414(a)(1)(A) through (C); 34 CFR §300.301(a) through (c)]</p> <p>The 60-day timeframe shall not apply to an LEA if a child enrolls in a school served by the LEA after that timeframe has begun and prior determination by the child's previous LEA as to whether the child is a child with a disability, but only if the subsequent LEA is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent LEA agree to a specific time when the evaluation will be completed; or the parent of a child repeatedly fails or refuses to produce the child for the evaluation. [20 U.S.C. 1414(a)(1)(C)(ii); 34 CFR §300.301(d)]</p> <p>The agency proposing to conduct an initial evaluation to determine if the child qualifies as a child with a disability as defined in 20 U.S.C. 1401 shall obtain informed consent from the parent of such child before conducting the evaluation. Parental consent for evaluation shall not be construed as consent for placement for receipt of special education and related services. [20 U.S.C 1414(a)(1)(D)(i)(I); 34 CFR §300.300(a)]</p> <p>If the parent of a child does not provide consent for an initial evaluation under 20 U.S.C. 1414(a)(1)(D)(i)(I), or the parent fails to respond to a request to provide the consent, the LEA may pursue the initial evaluation of the child by utilizing the procedures described in 20 U.S.C. 1415, except to the extent inconsistent with State law relating to such parental consent. [20 U.S.C 1414(a)(1)(D)(ii)(I); 34 CFR §300.300(a)(3)]</p> <p>In conducting the evaluation, the LEA shall use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the parent, that may assist in determining: whether the child is a child with a disability; and the content of</p>

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	<p>the child’s IEP, including information related to enabling the child to be involved in and progress in the general education curriculum, or, for preschool children, to participate in appropriate activities; not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability or determining an appropriate educational program for the child; and use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. [20 U.S.C. 1414(b)(2); 34 CFR §300.304(b)]</p> <p>Each public agency shall ensure that assessments and other evaluation materials used to evaluate a child under 20 U.S.C. 1414(b): are selected and administered so as not to be discriminatory on a racial or cultural basis; are provided and administered in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer; are used for purposes for which the assessments or measures are valid and reliable; are administered by trained and knowledgeable personnel; and are administered in accordance with any instructions provided by the producer of such assessments; the child is assessed in all areas of suspected disability; assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided; and assessments of children with disabilities who transfer from one school district to another school district in the same academic year are coordinated with such children’s prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of full evaluations. [20 U.S.C. 1414(b)(3); 34 CFR §300.304(c)]</p> <p>Upon completion of the administration of assessments and other evaluation measures, the determination of whether the child is a child with a disability as defined in 20 U.S.C. 1402(3) and the educational needs of the child shall be made by a team of qualified professionals and the parent of the child in accordance with 20 U.S.C. 1414(b)(5); and a copy of the evaluation report and the documentation of determination of eligibility shall be given to the parent. [20 U.S.C. 1414(b)(4); 34 CFR §300.306(a)]</p> <p>In making a determination of eligibility, a child shall not be determined to be a child with a disability if the determinant factor for such determination is: lack of appropriate instruction in reading, including in the essential components of reading instruction (as defined in Section 1208(3) of the Elementary and Secondary Education Act of 1965); lack of instruction in math; or limited English proficiency. [20 U.S.C. 1414(b)(5); 34 CFR §300.306(a)(12)]</p> <p>When determining whether a child has a specific learning disability as defined in 20 U.S.C. 1402, an LEA shall not be required to take into consideration whether a child has a severe discrepancy between achievement and intellectual ability. In determining whether a child has a specific learning disability, an LEA may use a process that determines if the child responds to scientific, research-based intervention as a part of the evaluation procedures described in 20 U.S.C. 1414(b)(2) and (3). [20 U.S.C. 1414(b)(6); 34 CFR§300.307(a)]</p>

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	<p>The Child find requirements apply to highly mobile children with disabilities (such as migrant and homeless children) and children who are suspected of being a child with a disability and in need of special education and related services even though they are advancing from grade to grade. [20 U.S.C. 1412(a)(3); 34 CFR §300.111(c)]</p>
<p>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)]</p>	<p>Children participating in early intervention programs assisted under Part C, and who will participate in preschool programs assisted under Part B, experience a smooth and effective transition to those preschool programs. By the third birthday of such a child, an IEP, or, if consistent with 20 U.S.C. 1414(d)(2)(B) and 1436(d), an IFSP has been developed and is being implemented for the child. The LEA will participate in transition planning conferences arranged by the lead agency. [20 U.S.C. 1412(a)(9); 34 CFR §300.124]</p> <p>In the case of a child who was previously served under Part C, an invitation to the initial IEP meeting must, at the request of the parent, be sent to the Part C service coordinator or other representatives of the Part C system to assist with smooth transition services. [20 U.S.C. 1414(d)(1)(D); 34 CFR §300.321(f)]</p> <p>In the case of a child with a disability aged 3 through 5 (or, at the discretion of the SEA, a 2-year-old child with a disability who will turn age 3 during the school year), the IEP Team must consider the IFSP. The IFSP may serve as the IEP of the child if using that plan as the IEP is consistent with State policy and agreed to by the agency and the child's parents. [20 U.S.C. 1414(d)(2)(B); 34 CFR §300.323(b)]</p>
<p>15. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification. [20 U.S.C. 1416(a)(3)(B)]</p>	<p>The SEA must submit a plan that provides assurances to the Secretary that the State has in effect policies and procedures to ensure that the State meets each of the conditions of 20 U.S.C. 1412. [20 U.S.C. 1412; 34 CFR §300.100]</p> <p>The SEA is responsible for the joint administration, with the Lead Agency for Part C, regarding the flexibility policy to serve children three years of age until entrance into elementary school. [20 U.S.C. 1435(c)]</p> <p>The SEA must ensure that the requirements of Part B are met. The SEA must ensure that all educational programs for children with disabilities in the State, including all such programs administered by any other State agency or local agency, are under the general supervision of individuals in the State who are responsible for educational programs for children with disabilities; and meet the educational standards of the SEA. The SEA must ensure, in carrying out Part B with respect to homeless children, the requirements of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) are met. [20 U.S.C. 1412(a)(11); 34 CFR §300.149]</p> <p>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. Except as provided by 20 U.S.C. 1413, funds paid to a State under Part B will be used to supplement the level of Federal, State,</p>

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	<p>and local funds (including funds that are not under the direct control of State or local educational agencies) expended for special education and related services provided to children with disabilities under Part B and in no case used to supplant such Federal, State, and local funds, except that, where the State provides clear and convincing evidence that all children with disabilities have available to them FAPE, the Secretary may waive, in whole or in part, these requirements if the Secretary concurs with the evidence provided by the State. [20 U.S.C. 1412(a)(17); 34 CFR §300.162]</p> <p>The State must not reduce the amount of State financial support for special education and related services for children with disabilities, or otherwise made available because of the excess costs of educating those children, below the amount of that support for the preceding fiscal year. The Secretary shall reduce the allocation of funds under 20 U.S.C. 1411 for any fiscal year following the fiscal year in which the State fails to comply with this requirement by the same amount by which the State fails to meet the requirement. [20 U.S.C. 1412(a)(18); 34 CFR §300.163(a) and (b)]</p> <p>Prior to the adoption of any policies and procedures needed to comply with 20 U.S.C. 1412 (including any amendments to such policies and procedures), the State must ensure that there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities. [20 U.S.C. 1412(a)(19); 34 CFR §300.165(a)]</p> <p>The State shall establish and maintain an advisory panel whose duties should include: advising the SEA of needs within the State; commenting publicly on any rules or regulations proposed by the State; advising the SEA in developing evaluations and reporting on data to the Secretary under 20 U.S.C. 1418; advising the SEA in developing corrective action plans to address findings identified in Federal monitoring reports under Part B; and advising the SEA in developing and implementing policies relating to the coordination of services for children with disabilities. [20 U.S.C. 1412(a)(21); 34 CFR §§300.167 through 169]</p> <p>The SEA must ensure that each LEA submits a plan and provides assurances that the plan is implemented consistent with State policies and procedures as established under 20 U.S.C. 1412. [20 U.S.C. 1413(a); 34 CFR §300.200]</p> <p>The State must monitor implementation of Part B by LEAs; and enforce Part B in accordance with 20 U.S.C. 1416(a)(3) and (e). [20 U.S.C. 1416(a)(1)(C); 34 CFR §300.600]</p> <p>The primary focus of State monitoring activities shall be on improving educational results and functional outcomes for all children with disabilities; and ensuring that States 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 CFR §300.149(a)]</p> <p>The Secretary shall monitor the States, and shall require each State to monitor the LEAs located in the State using quantifiable indicators in each of the following priority areas, and using such qualitative</p>

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	<p>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 sessions, mediation, voluntary binding arbitration, and a system of transition services as defined in 20 U.S.C. 1402(34) and 1437(a)(9); and disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification and should consider other relevant information and data. [20 U.S.C. 1416(a)(3); 34 CFR §§300.149(b) and 300.600(c)]</p> <p>Each State must submit a State Performance Plan (SPP). As a part of the SPP, each State must establish measurable and rigorous targets for the indicators established under the priority areas. The State must report annually to the public on the performance of each LEA located in the State on the targets in the SPP. The State must make the SPP available through public means, including by posting on the website of the SEA, distribution to the media, and distribution through public agencies. The State must not report to the public or the Secretary any information on performance that would result in the disclosure of personally identifiable information about individual children or where the available data is insufficient to yield statistically reliable information. [20 U.S.C. 1416(b); 34 CFR §§300.601 and 602]</p> <p>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 under 20 U.S.C. 1413(a)(2)(C) for any fiscal year. [20 U.S.C. 1416(f); 34 CFR §300.608]</p> <p>Each State shall provide data each year to the Secretary of Education and the public on the indicators at 20 U.S.C. 1418(a)(1). The data shall be publicly reported by each State 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); 34 CFR §§300.640 through 642]</p> <p>Each SEA must provide for the collection and examination of data to determine if significant disproportionality based on race and ethnicity is occurring in the State and LEA with respect to: the identification of children as children with disabilities, including the identification of children with a particular impairment; the placement in particular educational settings of such children; and the incidence, duration, type of disciplinary actions, including suspensions and expulsions. In the case of a determination of significant disproportionality, the State must: provide for the review and, if appropriate, revision of the policies, procedures, and practices used in such identification or placement to ensure that such policies, procedures, and practices comply with the requirements of Part B; require any LEA identified to reserve the maximum amount of funds under 20 U.S.C. 1413(f) to provide comprehensive coordinated early intervening services to serve children in the LEA, particularly children in those groups that were significantly overidentified; and require the LEA to publicly report on the revision of policies, practices, and procedures. [20 U.S.C. 1418(d); 34 CFR §300.646]</p> <p>The SEA is responsible for State administration of activities including services to children with disabilities</p>

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	<p>aged 3 through 5 inclusive, in accordance with 20 U.S.C. 1419(d) through (g).</p> <p>Grantees must monitor grant and subgrant supported activities to ensure compliance with applicable Federal requirements and that performance goals are being achieved. [34 CFR §80.40(a) (EDGAR)]</p> <p>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 the supervision of, the SEA of that State, the State provides assurances to the Secretary that the 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 the 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; the dissemination throughout the State of information on program requirements and successful practices; and the correction of deficiencies in program operations that are identified through monitoring or evaluation. [20 U.S.C. 1232d(b)(3)(GEPA)]</p>
<p>16. Percent of signed written complaints with reports issued that were resolved within the 60-day timeline, including a timeline extended for exceptional circumstances with respect to a particular complaint.</p> <p>[20 U.S.C. 1416(a)(3)(B)]</p>	<p>The procedural safeguards notice required by 20 U.S.C. 1415(d)(2)(E) shall include a full explanation of the procedural safeguards, including the State complaint procedures in accordance with 34 CFR §§300.151 through 153 including a description of how to file a complaint and the timelines under those procedures. [34 CFR §300.504(c)]</p> <p>Each SEA shall adopt State complaint procedures for resolving any complaint, including a complaint filed by any individual, providing for the filing of a complaint with the SEA, disseminating to parents and other interested individuals the right to file a complaint. [34 CFR §300.151(a)]</p> <p>In resolving a complaint in which the SEA has found a failure to provide appropriate services, an SEA, pursuant to its general supervisory authority under Part B must address: how to remediate the denial of those services, including, as appropriate, the awarding of monetary reimbursement or other corrective action appropriate to the needs of the child; and appropriate future provision of services for all children with disabilities. [34 CFR §§300.151(b)]</p> <p>Each SEA shall include in its complaint procedures a time limit of 60 days after a complaint is filed to carry out an investigation, give the complainant the opportunity to submit additional information, review all relevant information and make an independent determination as to whether the public agency is violating a requirement of Part B, and issue a written decision to the complainant. The procedures must permit an extension of the time limit and include procedures for effective implementation of the SEA's final decision. [34 CFR §300.152(a) and (b)]</p> <p>The SEA must follow the specific requirements related to complaints and due process hearings on the same issue. [34 CFR §300.152(c)]</p>

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	An organization or individual may file a signed written complaint which must meet the requirements described in §300.153(b), (c) and (d). [34 CFR §300.153(a)]
<p>17. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.</p> <p>[20 U.S.C. 1416(a)(3)(B)]</p>	<p>The procedural safeguards shall include an opportunity for any party to present a request for a due process hearing³ with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to such child. [20 U.S.C. 1415(b)(6); 34 CFR §300.504]</p> <p>The SEA must adhere to the provisions related to due process hearings at 20 U.S.C. 1415(b)(6)-(8), (c)(2), (d), (f), and (g); 34 CFR §§300.507 through 515</p> <p>The public agency must ensure that, not later than 45 days after the expiration of the 30-day period under 34 CFR §300.510(b), a final decision is reached in the hearing and a copy of the decision is mailed to each of the parties. A hearing officer may grant specific extensions of time at the request of either party. [20 U.S.C. 1415(f)(1)(B)(ii); 34 CFR §300.515]</p> <p>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 on the number of requests for due process hearings filed under 20 U.S.C. 1415 and the number of hearings conducted. [20 U.S.C. 1418(a)(1)(F); 34 CFR §300.640]</p> <p>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 on the number of hearings requested under 20 U.S.C. 1415(k) and the number of changes in placements ordered as a result of those hearings. [20 U.S.C. 1418(a)(1)(G); 34 CFR §300.640]</p>
<p>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.</p> <p>[20 U.S.C. 1416(a)(3)(B)]</p>	<p>Prior to the opportunity for an impartial due process hearing, the LEA shall convene a meeting with the parents and the relevant member or members of the IEP Team who have specific knowledge of the facts identified in the request for a due process hearing. The resolution session shall occur within 15 days of receiving notice of the parents' request for a due process hearing, include a representative of the agency who has decision-making authority, and may not include an attorney of the LEA unless the parent is accompanied by an attorney. The resolution session is where the parents of the child discuss their request for a due process hearing and the facts that form the basis of the request for a due process hearing, and the LEA is provided the opportunity to resolve the issues raised in the request for a due process hearing, unless the parents and the LEA agree in writing to waive such meeting, or agree to use the mediation process described in 20 U.S.C. 1415(e). [20 U.S.C. 1415(f)(1)(B)(i); 34 CFR §300.510(a)]</p>

³The IDEA uses the term “complaint” to indicate a request for a due process hearing. The term “request for a due process hearing” will be used in this document in lieu of “complaint.” 20 U.S.C. 1415(e)(2)]

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	<p>If the LEA has not resolved the issues raised in the request for a due process hearing to the satisfaction of the parents within 30 days of the receipt of the request for a due process hearing, the due process hearing may occur, and all of the applicable timelines for a due process hearing under Part B shall commence. [20 U.S.C. 1415(f)(1)(B)(ii); 34 CFR §300.510(b)(1)]</p> <p>In the case that a resolution is reached, the parties shall execute a legally binding agreement that is signed by both the parent and a representative of the agency who has the authority to bind such agency and enforceable in any State court of competent jurisdiction or in a district court of the United States. [20 U.S.C. 1415(f)(1)(B)(iii); 34 CFR §300.510(c)]</p> <p>If the parties execute a legally binding agreement, a party may void such agreement within 3 business days of the agreement's execution. [20 U.S.C. 1415(f)(1)(B)(iv); 34 CFR §300.510(d)]</p>
<p>19. Percent of mediations held that resulted in mediation agreements. [20 U.S.C. 1416(a)(3)(B)]</p>	<p>The procedural safeguards notice shall include a full explanation of the procedural safeguards, including the availability of mediation. [20 U.S.C. 1415(d)(2)(E)(iii); 34 CFR §300.504(c)(6)]</p> <p>Each public agency shall ensure that procedures are established and implemented to allow parties to disputes involving any matter, including matters arising prior to the filing of a request for a due process hearing, to resolve such disputes through a mediation process. [20 U.S.C. 1415(e)(1); 34 CFR §300.506(a)]</p> <p>The mediation process shall be voluntary on the part of the parties, shall not be used to deny or delay a parent's right to a due process hearing, or to deny any other rights afforded under Part B, and shall be conducted by a qualified and impartial mediator who is trained in effective mediation techniques. [20 U.S.C. 1415(e)(2)(A); 34 CFR §300.506(b)(1)]</p> <p>An LEA or SEA may establish procedures to offer to parents and schools that choose not to use the mediation process, an opportunity to meet, at a time and location convenient to the parents, with a disinterested party who is under contract with: a parent training and information center or community parent resource center in the State; or an appropriate alternative dispute resolution entity, to encourage the use, and explain the benefits, of the mediation process to the parents. [20 U.S.C. 1415(e)(2)(B); 34 CFR §300.506(b)(2)]</p> <p>The State shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services. [20 U.S.C. 1415(e)(2)(C); 34 CFR §300.506(b)(3)(i)]</p> <p>The State shall bear the cost of the mediation process. [20 U.S.C. 1415(e)(2)(D); 34 CFR §300.506(b)(4)]</p> <p>Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute. [20 U.S.C. 1415(e)(2)(E); 34 CFR §300.</p>

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	<p>506(b)(5)]</p> <p>If the parties resolve the dispute through the mediation process, the parties shall execute a legally binding agreement that sets forth such resolution and that states that all discussions that occurred during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding. The agreement shall be signed by both the parent and a representative of the agency who has the authority to bind such agency; and is enforceable in any State court of competent jurisdiction or in a district court of the United States. [20 U.S.C. 1415(e)(2)(F); 34 CFR §300.506(b)(6) and (7)]</p> <p>Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding. [20 U.S.C. 1415(e)(2)(G)]</p> <p>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 on the number of mediations held and the number of settlement agreements reached through such mediations. [20 U.S.C. 1418(a)(1)(H); 34 CFR §§300.601(b) and 300.640]</p>
<p>20 State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [20 U.S.C. 1416(a)(3)(B)]</p>	<p>The State advisory panel shall advise the SEA in developing evaluations and reporting on data to the Secretary under 20 U.S.C. 1418. [20 U.S.C. 1412(a)(21)(D)(iii); 34 CFR §300.169(c)]</p> <p>Each State 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); 34 CFR §300.601(a)(1)]</p> <p>The State shall report annually to the Secretary on the performance of the State under the State's performance plan. [20 U.S.C. 1416(b)(2)(C)(ii)(II); 34 CFR §300.602(b)(2)]</p> <p>Each State 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). [20 U.S.C. 1416(b)(2)(B); 34 CFR §300.601(b)(1)]</p> <p>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]</p>