



# To the Administrator Addressed

Commissioner Mike Morath

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<b>DATE:</b>	July 25, 2024
<b>SUBJECT:</b>	State Performance Plan (SPP) Clarifications for the TSDS Child Find Collection (SPPI 11 and SPPI 12) and the State Performance Plan (SPP) Indicator 13
<b>CATEGORY:</b>	Child Find and State Performance Plan Update
<b>NEXT STEPS:</b>	Share with appropriate local educational agency (LEA) and education service center (ESC) staff

The Texas Education Agency (TEA) is committed to ensuring that all Texas local education agencies (LEAs) provide eligible students with high-quality special education services. This letter provides notification to LEAs that for the school year (SY) 2023–2024, there will be an SPP clarification period conducted by the Department of General Supervision and Monitoring at the TEA. LEAs may make pre-finding corrections before findings are issued by the TEA for state performance plan (SPP) indicator 11a (Timely Initial Evaluations), 11b (Eligibility Determination), SPPI 12 (Early Childhood Transition), or SPPI 13 (Secondary Transition) with less than 100% compliance. Unclarified SPPI 11a, 11b, 12, or 13 noncompliance will result in a corrective action plan (CAP).

Pre-finding correction may occur during the clarification process when the LEA has violated an IDEA requirement, but the TEA has not yet issued a finding. If the TEA can verify before issuing a finding that an LEA:

- (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100 percent compliance with the relevant IDEA requirements) based on a review of updated data such as data subsequently collected through monitoring (evidence of policies and procedures, training, and self-monitoring);
- (2) if applicable, has corrected each individual case of child-specific noncompliance, unless the child is no longer within the jurisdiction of the LEA; and
- (3) has no existing corrective action under a TEA complaint or due process hearing decision for the child (child-specific compliance); then this would be considered “pre-finding correction.” (OSEP 23-01, B-11)

## SPP Data Submission Deadline

The SPP clarification period utilizes data submitted for SPPI 11a, SPPI 11b, and SPPI 12 to the TSDS Child Find collection and data submitted for SPPI 13 to the SPP application in the Texas Education Agency Login (TEAL) by the following deadlines:

- TSDS Child Find collection data submission (including SPPI 11a, SPPI 11b, and SPPI 12) due **July 25, 2024, at 11:59 p.m.**
- SPPI-13 data submission due **August 9, 2024, at 11:59 p.m.**

The compliance target for each SPP indicator is 100% (see FFYs 2020–2025 Part B SPP/APR Measurement Table). After the SPP clarification process, LEAs with less than 100% compliance will have the opportunity to make “corrections before findings of noncompliance” are issued.

## SPP Clarification Process

During the SPP clarification window, **August 28- September 12, 2024**, LEAs will have the opportunity to submit updated data during the SPPI clarification period to address findings of noncompliance. LEAs may correct data entry errors and provide documentation of correction for noncompliance based on two criteria (see OSEP QA 23-01):

- Child Specific Noncompliance: Correction of Child Specific Noncompliance
- Systemic Compliance: Implementation of regulatory requirements for SPPI compliance indicators

The SPP clarification process includes four steps and applies to SPPI 11a, SPPI 11b, SPPI 12, and SPPI 13:

- 1. Notification of Potential Noncompliance and Option to Participate in SPP Clarifications**
  - LEA is notified of noncompliance finding(s)
  - LEA selects one of the following options:
    - Do Nothing/Verify Noncompliance OR
    - Participate in clarification process
  - Based on LEA selection, Review and Support staff provides SPP clarification dates and guidance to submit clarifications documentation to the LEA
- 2. LEA Submission of Clarification Data**
  - LEA submits evidence of that the LEA is correctly implementing the specific regulatory requirements for clarification data to evidence systemic compliance and prevent future noncompliance for SPPI 11a, SPPI 11b, SPPI 12, and SPPI 13 via the Ascend Texas Application via Texas Education Agency Login (TEAL)
  - LEA submits corrected child-specific noncompliance verification for both the TSDS Child Find collection (SPPI 11a, SPPI 11b, SPPI 12, and SPPI 13) and the SPP application in TEAL for SPPI 13.
- 3. Review of Clarifications Data Submission**
  - Verification of each individual case of identified child-specific noncompliance.
  - Verification of documentation evidencing systemic correction to prevent future noncompliance submitted via the Ascend Texas Application via TEAL.
- 4. Determination of Noncompliance and SPP Notification**
  - Evidence submitted during the clarification period is reviewed and compliance determinations made for LEAs.
  - LEAs with noncompliance findings for SPPI 11a, SPPI 11b, SPPI 12 and/or SPPI 13 following the SPPI Clarification process will receive notification of noncompliance requiring corrective action in October.

## SPP Clarifications Resources

The following resources provide guidance for the SPP data collection and measurement requirements:

- [State Performance Plan Indicators](#)
- [TEA SPPI 11 Timely Initial Evaluation and Eligibility Determination](#)
- [TEA SPPI 12 Early Childhood Transition](#)
- [TEA SPPI 13 Secondary Transition](#)

## Contact

For questions about the SPP clarifications process, please contact the Division of Review and Support by email at [ReviewandSupport@tea.texas.gov](mailto:ReviewandSupport@tea.texas.gov).

For questions about the TSDS Child Find collection (SPPI-11 and SPPI-12), please contact your respective ESC TSDS Child Find Champion or TSDS Technical Champion ([ESC 1-10](#) or [11-20](#)). Support can also be obtained from the TEA by submitting a TSDS Incident Management System (TIMS) ticket within the TSDS Portal.

For questions about the SPPI-13 data collection in TEAL, please contact your respective ESC or email [spp@tea.texas.gov](mailto:spp@tea.texas.gov).