

Frequently Asked Questions regarding the SPP/APR: Early Childhood Outcomes (Part C Indicator #3 and Part B Indicator #7)

I. Outcome Areas

A. Why is OSEP interested in only three outcome areas and not in the five developmental domains?

The three outcome areas in Part C Indicator #3 and Part B Indicator #7 were chosen based on the stakeholder input and recommendations by the ECO Center. Many stakeholders expressed concern that using an approach that separates children's development into discrete domains is not consistent with the integrated nature of how young children develop and goes against integrated and transdisciplinary intervention models. Additionally, since the emphasis in working with young children with disabilities is on developing functional skills the three child outcomes on the SPP represent critical functional outcomes young children need to be successful in every day activities and routines. These outcomes incorporate but also integrate developmental domains.

B. Can a State use IFSP/IEP goal attainment to address the child outcome areas?

OSEP is interested in data being collected in all three areas for all children a state is reporting on, regardless of the area a child is receiving services. IFSP/IEP goals would not necessarily provide data on all three areas. Additionally, the child outcomes on the SPP requires comparing children's functioning to same-aged peers, something IFSP/IEP goal attainment data couldn't give you.

II. Timelines

A. Please clarify the expectations regarding the timeline for reporting child outcome data.

December 2005: State Performance Plans (SPPs) due. In the SPP for the child outcome indicators (Part C Indicator #3 and Part B Indicator #7) a state must describe its plan for collecting and reporting these data. Elements that must be included in this plan are outlined in the "Guidance for SPP Response on Child Outcome Indicators."

February 2007: SPP/APR due for Federal Fiscal Year (FFY) July 1, 2005 to June 30, 2006. Since child outcomes is a new indicator states should send information in using the SPP template, updating the information on the child outcomes indicator in the SPP as needed. Since most states will not yet have progress data, states report status data at entry on children entering during this FFY. For each outcome area, states can simply report:

- a. Percentage of children at entry who are functioning at a level comparable to same-aged peers.*
- b. Percentage of children at entry functioning at a level below same-aged peers.*

February 2008: APR due for FFY July 1, 2006 to June 30, 2007. States report progress data. For each outcome area, States report:

- a. Percentage of children who did not improve functioning.*
- b. Percentage of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers.*
- c. Percentage of children who improved functioning to a level nearer to same-aged peers but did not reach it.*
- d. Percentage of children who improved functioning to reach a level comparable to same-aged peers.*
- e. Percentage of children who maintained functioning at a level comparable to same-aged peers.*

Baseline and targets for this indicator will be based on this FFY 06-07 progress data.

B. Since states are only required to report status data at entry in the 2007 SPP/APR, how will they report these data?

For the SPP/APR due in 2007, states can simply report the status data in two categories for each outcome area:

- a. Percentage of children at entry who are functioning at a level comparable to same-aged peers.*
- b. Percentage of children at entry who are functioning at a level below their same-aged peers.*

C. When do states need to report baseline and set targets on child outcome data?

States can wait to report baseline and set targets based on progress data that are reported in the 2010 SPP/APR.

III. Measurement

A. Is OSEP mandating the use of or recommending specific measurement tools?

No, states have the flexibility to choose measurement tool(s) they will use to collect the child outcome data. The ECO Center, NECTAC, and the RRCs have resources and are available to assist states in making informed decisions about measurement tools. For example, the ECO Center has developed a list of advantages and disadvantages in choosing norm-referenced versus curriculum based measurement tools. NECTAC and ECO are also hosting a conference call series in the coming months for states to share information and experiences on measuring the Part C and Section 619 child outcomes.

B. Does a State have to include the specific measurement tools it will be using to collect child outcome data in its SPP plan?

If a state has chosen and already implemented the specific measurement tool(s) that will be used it should describe the tools and implementation in its plan. If not, a state should

describe its process for choosing measurement tool(s), including the tools being considered, any piloting work, criteria being used to make the decision, and the date that the measurement tool(s) will be chosen and first implemented.

If a state is allowing local programs/districts to choose the measurement tools for outcome data reporting purposes, states do not need to provide a comprehensive list of all the assessment tools used in the state. Instead the state should list the primary tools---those used most frequently across the state---that will be used for outcome data. The state should also describe how it will analyze and report child outcome data based on various measurement tools.

C. Can a State indicate in its SPP that it plans to use the ECO Center's summary of child outcomes tool even though it may not be available until after December 2005?

Yes, a state can include the use of the ECO Center's tool in its plan for collecting child outcome data. However, the tool being developed by the ECO Center is only a tool for summarizing outcome data from multiple sources and is not a measurement tool. A state must also describe the measurement tools or the process for choosing the measurement tools in its plan.

IV. Data Collection

A. Can a State use the data being collected to determine program eligibility for outcome data reporting purposes?

This is a state decision. A state has the option to use evaluation and assessment data collected to determine program eligibility as time one (entry) data.

B. How soon after entry and how close to exit do children need to be assessed?

This is a state decision. In order to capture the most progress, states should consider assessing children as close to entry and exit as possible. OSEP recommends that exit data be collected within 90 days of a child's exit from Part C or 619.

C. Are states required to collect data on Part C children who enter after 30 months if we know they will exit at 36 months and therefore can't possibly be in the program for 6 months?

No, to be part of this data collection children must be in either Part C or 619 for at least 6 months.

D. Do programs need to assess children in all three outcome areas even when it is not an area of concern?

Yes

E. Are pilots allowed as states begin this work?

A state can pilot its data collection and reporting as long as the data reported each year represent the population of children served within the state. For example, a state cannot pilot and report data on only rural districts/programs but it could pilot and report data on a handful of districts/programs that represent the state's population of children served.

F. Can a state phase in its data collection and just collect and report on some programs/LEAs the first year, those plus the second group the next year, etc . . . ?

A state can phase in its data collection and reporting as long as the data reported each year represent the population of children served within the state. For example, a state cannot report data in the first year that only represents one urban district/program, but could report data that represents a handful of districts/programs that represent the state's population of children served.

G. Can states use Part C exit data for children exiting at the third birthday as entry data for 619?

This is the state's decision. OSEP encourages states to avoid over assessing children and to improve collaboration for data collection across Part C and 619.

H. Does the collection of data for FFY 2005-2006 need to be for the entire year?

No, however OSEP encourages states to capture as much of the year's data as possible and to ensure that data reported represent the state's population of children served. For example, a State could choose to collect data only in the spring but would need to ensure that data reported are representative of the State's population of children served.

I. Should states wait until OSEP approves the data collection plan in the SPP before beginning data collection?

No, States need to be developing and implementing data collection systems as soon as possible.

J. How do states report on children who exit unexpectedly (i.e. they move or parents withdraw from program) and there are no exit child outcome data?

States are encouraged to assess the extent to which this is a problem in their State. If a state reports high numbers/percentages of missing child outcome data due to children exiting unexpectedly, OSEP may contact the state for additional information.

K. Many states are beginning to require that all children across all early childhood programs be assessed. How can we avoid over assessing children and develop a plan that allows us to use one approach to meet state and federal requirements?

OSEP is not requiring a specific measurement tool. States are encouraged to work with other early childhood programs in the state to avoid over-assessing children.

L. Can a state just collect and report exit data?

No, in order to address the indicator progress data are needed. In order to determine that a child has or has not made progress, (and whether progress is at a level comparable to same-age peers) a minimum of two data points are needed---one near entry and one near exit.

M. For Part B indicator #7, what is the age range of the preschool children to be included in this data collection?

Consistent with other 619 data collections, preschool children to be reported on for this indicator are children age three through five years old.

N. Do states have to use the same measurement tool for data collected near entry and exit?

This is a state decision. If a state uses different measurement tools at entry than at exit, they should provide a description of how and to what extent the different tools are comparable in what they measure.

O. It is clear that states need to collect outcome data near entry and exit to address the child outcome indicators, but what about outcome data collected in between?

In order to determine that a child has or has not made progress, a minimum of two data points are needed---one near entry and one near exit. A state has the option to collect data more frequently if it wants to.

P. What is the difference between a pilot, phasing in data collection, and sampling?

pilot: trying out methods on some children in the state, in order to fine-tune methods before collecting statewide data; a state can pilot its data collection and reporting as long as the data reported during the pilot year represent the population of children served within the state.

phasing in: starting data collection in some areas/regions of the state, then adding additional areas/regions until all of the state is collecting data; a state can phase in its data collection and reporting as long as the data reported each year represent the population of children served within the State and all LEA/EIS programs are included by the end of the sixth year .

sampling: selecting some of the children in the state for data collection each year, and using their data to represent all the children (served in Part C or 619) in the state; a state

can sample as long as every LEA/EIS program is included in the sample at least once over 6 years. States who sample will need to submit a sampling plan

Q. If my state serves at-risk children under Part C, do we need collect outcome data on these children?

Yes, all children served under your state's Part C system need to be included in this data collection. If your State serves at-risk children under Part C, please report at-risk children's outcome data separately from those children eligible under established conditions and developmental delay.

R. What criteria should be used in choosing the assessment tool or tools to be used in our State?

OSEP is not requiring or recommending the use of specific measurement tools. States should choose assessment tools that are both reliable and valid. The ECO center will be developing guidance materials on how to choose high quality assessment tools.

S. For children to be included in this data collection they must have received services for 6 months or more, do children need to be in the same program for 6 months?

No, 6 months refers to time in service.

T. Does a child's time in service need to be consecutive?

Six months of service is generally 6 months of consecutive service. However, if a child is in a program for 2 months, leaves and takes a month to move with his family and shows up in another program across the state where he receives services for another 4 months, this would be considered equivalent to 6 months of consecutive service.

U. If a child exits from Part B/619 because a parent takes the child out after 6 months and entry and exit data have been collected, then the child is re-enrolled several months later, would the original entry data be counted as the entry data or would new entry and exit assessments need to be conducted?

Generally it would be necessary to conduct new entry and exit assessments.

V. What if a child has 4 months of services in Part C and then moves into Part B/619, are these separate 6 month periods?

OSEP data requirements for Part C and Part B/619 are independent. 4 months in Part C would mean the child would not be reported under Part C. The Part B clock starts when the child enters Part B/619.

W. Can a state postpone the entry assessment for outcomes data of an infant who enters Part C under the age of 4-6 months?

This is a state decision. Some states have decided to postpone the entry assessment for outcomes data of very young infants until they reach 4 to 6 months of age because many assessment tools have few items for infants under 4 months of age, making it difficult both to make fine discriminations at the youngest ages and also to have comparative data when the progress assessment data are collected for that infant. If a state adopts a policy that requires that an entry assessment of an infant not be collected until the infant is 4 months or at most six months old for outcomes data, the state must promptly collect entry data on these children when they reach the minimum age (e.g., 4 months) under the State's policy so that these infants with disabilities can be included in the outcomes data collection. States should assess infants and toddlers with disabilities as close to entry as possible.

V. Data Reporting

A. How does OSEP want the child outcome data reported?

As outlined in the SPP, states report the aggregate. For each outcome area, states report:

- a. Percentage of children who did not improve functioning.*
- b. Percentage of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers.*
- c. Percentage of children who improved functioning to a level nearer to same-aged peers but did not reach it.*
- d. Percentage of children who improved functioning to reach a level comparable to same-aged peers.*
- e. Percentage of children who maintained functioning at a level comparable to same-aged peers.*

B. How are states supposed to get the data on age expected behaviors? Do states have to test children without disabilities?

There are various ways states can determine what is age expected, including the state's Early Learning Guidelines/Early Childhood Standards, established age expectations developed for curriculum based assessments, or the use of norm-referenced assessment tools. States do not need to assess children without disabilities for OSEP child outcome reporting purposes.

C. Can the state determine when the N size is too small to report child outcomes?

This is a state decision, but states must comply with IDEA Section 616(b)(2)(C)(iii), which requires that states “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.” States are also encouraged to look at other public reporting standards, including those used in their state to report Adequate Yearly Progress under No Child Left Behind.

VI. Other

A. Can a State revise its baseline data if it finds that these data were not accurate after submission of baseline data in the SPP?

Yes. A state may revise its baseline data if it finds that the data used in reporting baseline were not accurate. If a state revises its baseline data, it must: 1) inform OSEP of the revision; 2) provide the revised baseline data as soon as possible; and 3) provide an explanation of the reason(s) for such revision(s).

B. Can a parent refuse to have their child's assessment data used for purposes of OSEP's outcomes data collection?

States are encouraged to provide information to families about the purposes of OSEP's child outcomes data collection as well as opportunities to discuss and provide input to their State plan. Since these data are needed for federal accountability for the Part C and Part B/619 programs, families cannot refuse to have their child's assessment data included in the aggregate. However, as noted in the question directly below, States may need to obtain parental consent or provide prior written notice if the child's assessment data is used for evaluation purposes. In addition, for Part C the lead agency may need to obtain parent consent prior to disclosure of personally identifiable information if required by 34 CFR §§303.402 and 303.460 and for Part B/619 parental consent may need to be obtained prior to the disclosure of personally identifiable information to a third party, if required by 34 CFR §300.622.

C. Must a parent provide prior written parental consent under Part C for outcome information to be collected?

In general, if the lead agency collects, uses or maintains information about an eligible child to the meet the requirements of Part C, including reporting on child outcomes, prior written parental consent is not required under Part C. However, if the collection of outcome information is used for evaluation purposes to determine initial or continuing eligibility, States must provide prior written notice under 34 CFR §303.403 and, if applicable, obtain parent consent for evaluation as required by 34 CFR §303.404(a). In addition, if such data collection requires the disclosure of personally identifiable information to a third party, which disclosure does not meet a specific exception, parental consent may be required under 34 CFR §303.402 and §303.460.

D. Must a parent provide prior written parental consent under Part B for outcome information to be collected?

In general, if the SEA or LEA collects, uses or maintains information about an eligible child to the meet the requirements of Part B, including reporting on child outcomes, prior written parental consent is not required under Part B. However, prior written parental consent may be required in certain circumstances. If the collection of outcome information is used as part of the child's initial evaluation or reevaluation, states must

provide prior written notice as required under 34 CFR §300.503 and §300.504 and obtain parent consent as required under 34 CFR §300.300. If such data collection requires the disclosure of personally identifiable information to a third party, parental consent may be required under 34 CFR §300.622.

E. For purposes of federal outcomes data collection, under what circumstances, if any, would the results from entry and exit data collections become part of the child's education record under Part B?

Under Part B, FERPA regulations at §99.3 define education records as those records that are: (1) Directly related to a student; and (2) Maintained by an educational agency or institution or by a party acting for the agency or institution. FERPA regulations at §99.3 define record as any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm and microfiche.

Entry and exit information on an individual child are records and would be education records under these definitions. Accordingly, the FERPA procedures at CFR Part 99 apply. This includes parent rights to inspect and review records, confidentiality, transfer of records, and procedures for amending records. However, this does not mean that the information must be maintained in the same place and form as other education records for the child, or that it would need to become a part of the child's 'permanent record' that usually follows the child from school to school.

F. For purposes of federal outcomes data collection, can parents refuse to have the information put in the child's education record under Part B?

Part B and FERPA provide for parental rights on inspecting, reviewing and seeking amendments to student records. The regulations do not address whether parents can refuse to have information placed in the student record.

G. What about when an EIS Program will be disclosing to a third party (the publishers) which children have IFSPs so the publishers can create reports for the State. In that case do districts need parent permission to identify the child as a child with an IFSP?

The contract between the lead agency or EIS provider and the third party (publisher or vendor) must contain express data protection and maintenance provisions, including the requirement that any personally identifiable information provided to the third party may not be re-disclosed to any other party without prior written parental consent as required by Part C in 34 CFR §§303.402 and 303.460. The contract must also contain the required EDGAR provisions in 34 CFR §80.36(i).

H. How will OSEP use the child and family outcomes data? Will OSEP rank states?

Per statute, each State must have a State Performance Plan (SPP) that evaluates the State's efforts to implement the requirements and purposes of Parts B and C of the IDEA, and describes how the State will improve its implementation. Additionally, per statute, each state must report annually on its performance through submission of an Annual Performance Report (APR) for Parts B and C of the IDEA. OSEP reviews each SPP and APR individually

in order to determine each state's progress in meeting state-established targets, to determine noncompliance, and to contribute to the development of a plan for individualized and targeted technical assistance to States. OSEP also will use the data to meet mandatory performance measure reporting requirements under the Government Performance and Results Act of 1993 (GPRA). OSEP does not intend to publish a rank-ordering of states based on the child and family outcome data in SPPs and APRs. However, SPPs and APRs are public documents available on the web and individuals or entities outside OSEP may use that data for their own purposes.