

# State Performance Plan Indicator (SPPI) Clarification Process

## STATE PERFORMANCE PLAN INDICATORS 11A, 11B, 12, AND 13

LEAs (Local Educational Agencies) must provide valid, timely, and reliable data reflecting the measurement for each SPPI. TEA (Texas Education Agency) considers data certified and submitted by LEAs to be final and uses the LEA's performance on the indicators in the annual determinations analysis. Any issues related to the submission of inaccurate data, or the non-submission of data are addressed by the Division of Special Education and the Department of Review and Support.

### CLARIFICATIONS

The SPPI Clarification period allows LEAs an opportunity to submit pre-finding corrections before findings are issued by the TEA for SPPI 11a (Timely Initial Evaluations), SPPI 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 (Individuals with Disabilities Education Act) requirement, but the TEA has not yet issued a finding. If the TEA can verify before issuing a finding that an LEA:

- 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).
- if applicable, has corrected each individual case of child-specific noncompliance, unless the child is no longer within the jurisdiction of the LEA; and
- 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)

LEAs are not required to participate in clarifications.

The following three sections will assist LEAs in determining if their data supports participation in the clarification process for SPPI 11a, 11b, 12, and 13.

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SECTION 1: REVIEW THE QUESTIONS BELOW AND ANSWER YES OR NO BASED ON THE LEA DATA REGARDING SPPI 11A, 11B, 12, AND 13 TO DETERMINE IF THE LEA DATA SUPPORTS PARTICIPATION IN THE CLARIFICATION PROCESS.

Did the LEA have incorrect absence reporting data contained in the TSDS (Texas Student Data System) report that resulted in noncompliance?

Yes  No

Were there data entry errors (i.e. calendar entry errors, incorrect entry of consent or eligibility dates, weather days for 11a, SPPI 13 clerical error, etc.) that resulted in noncompliance?

Yes  No

Did any students transfer into the LEA who were already out of compliance?

Yes  No

Can the LEA provide documentation to assist in correcting the errors that would result in correcting the identified noncompliance?

Yes  No

If answering yes to any or all of the above, the LEA may have sufficient data to participate in the clarification process.

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SECTION 2: THE FOLLOWING QUESTIONS ONLY APPLY TO YOUR LEA IF YOU DISCOVERED NONCOMPLIANCE PRIOR TO THE SUBMISSION OF TSDS DATA ON JULY 28, 2024.

Did the LEA find noncompliance with SPPI indicators during routine self-monitoring, prior to the TSDS data submission on July 28, 2024?

Yes  No

If you answered yes to the above question, continue to the next question.

Have the self-identified instances of child-specific noncompliance been addressed including the discussion of FAPE (Free and Appropriate Public Education) and compensatory education and services with the family?

Yes  No

Has the LEA completed training, reviewed, and revised the policies and procedures, if needed, and created a self-monitoring system for required staff in the area of noncompliance?

Yes  No

Has the LEA met all Child Find timelines since the first instance of noncompliance was identified?

Yes  No

Section 2 only: If answering yes to the above, the LEA may have enough data to participate in the clarification process.

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## SECTION 3: ANSWER THE FOLLOWING QUESTIONS AS THEY APPLY TO YOUR LEA'S TSDS DATA SUBMISSION

Did the district utilize codes 01, 02, or 03 as a reason for noncompliance?

Yes  No

Did the LEA participate in clarifications for the last 3 years?

Yes  No

Did a weather day or parent delay keep the district from being compliant for 11B?

Yes  No

Does the LEA still need to complete Child-Specific corrections?

Yes  No

Section 3: If answering yes to any of the above, the LEA may not have sufficient data to participate in the clarification process.

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## PARTICIPATION IN CLARIFICATION FOR SPPI 11A, 11B, 12, AND 13

When participating in the clarification process the LEA must upload the following evidence based on their identified reason(s) to participate in clarifications:

### Data Entry Discrepancies Required Evidence:

SPPI Evidence of Child-Specific Correction Verification Workbook

School Calendar for 2022-2023 and 2023-2024 school year

Evidence of compliant data (electronic IEP print out indicating compliance)

PEIMS data related to absences and transfer students.

### LEA Identified Noncompliance Required Evidence:

Evidence of Child-Specific Correction

Revised Policy and Procedures

Training Artifacts

Self-Monitoring

Attestation Form

SPPI Evidence of Child-Specific Correction Verification Workbook

Calendar for 2022-2023 and 2023-2024 school year

- Upload supporting data using the file transfer widget in the Ascend Texas Application via [Texas Education Agency Login \(TEAL\)](#).
- While on the ASCEND Dashboard scroll down to File Transfer Select Upload Documents Select document type "Supporting Evidence" Select Add Documents.
- Complete this step for each file and each indicator.

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## CLARIFICATION DATA REVIEW

The TEA Review and Support reviewer will pull all data submitted for each SPPI indicator identified as noncompliant.

The assigned reviewer will:

- Review and verify data submitted by LEA.
- Verify timelines using the school board approved calendar from 2022-2023 and 2023-2024.
- Review prior year SPPI compliance and engagement with Review and Support
- Request additional data to evidence clarification when applicable.

## DETERMINATION OF NONCOMPLIANCE AND SPPI NOTIFICATION

Following the data review, the TEA Review and Support reviewer will determine if the data submitted clarified the noncompliance. There are two potential outcomes from participation in clarifications:

- Pre-finding corrections: Evidence demonstrates all child-specific and systemic noncompliance has been corrected prior to data submissions and issuance of a finding of noncompliance. Please refer to [OSEP QA 23-01](#), Questions B-11 and B-12, for additional information on pre-finding corrections. No further action is required.
- Noncompliance: LEAs with noncompliance that do not participate in or did not provide evidence demonstrating all child-specific and systemic noncompliance had been corrected prior to data submission will receive a citation of noncompliance and are required to participate in the Division of Review and Support corrective action process.

LEAs with findings of noncompliance for SPPI 11a, 11b, 12, or 13 will receive a Notification of Noncompliance from the Division of Monitoring, Review and Support in October.