



May 22, 2026

Ross Santy
Chief Data Officer
Office of Planning, Evaluation and Policy Development
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202

RE: ED-2026-SCC-0628

Submitted via regulations.gov

Dear Mr. Santy,

The Consortium for Constituents with Disabilities (CCD) Education Task Force is writing to provide recommendations to the Office of Special Education Programs (OSEP) regarding proposed changes to the Individuals with Disabilities Education Act (IDEA) Part C State Performance Plan (SPP) and Annual Performance Report (APR). CCD last wrote to OSEP on the SPP/APR in July 2023¹, and our comments here are consistent and in alignment with numerous CCD letters² urging OSEP to intensify its efforts to improve the status of students with disabilities through IDEA's monitoring and compliance system. The CCD Education Task Force leads, advocates for, and monitors federal legislation and regulations that address the educational needs of the 10.25 million children and youth with disabilities and their families, including policy efforts affecting the funding and implementation of federal laws such as the Individuals with Disabilities Education Act (IDEA), Every Student Succeeds Act (ESSA), Section 504 of the Rehabilitation Act of 1973 (Section 504), and the Americans with Disabilities Act (ADA).

As advocates for all children with disabilities, their families and educators, as well as the school personnel who work systemically to provide a free appropriate public education (FAPE) in the least restrictive environment (LRE) to these students as required by IDEA, we wish to first convey how important data from the SPP/APR are to parent advocates, researchers, and our member organizations. These data matter as we work in our communities across every state and territory and at the federal level to ensure the status of all students with disabilities, including students of color and their families, is known and understood. In particular, data from the SPP/APR provides an annual, updated snapshot of key indicators that Congress requires and ensures that states set and strive to meet targets to improve the educational access and opportunity of all children with

¹ See: CCD Education Task Force Letter (July, 2023) at: https://www.c-c-d.org/fichiers/CCD-on-SPP_APR-6-23.pdf

² See: CCD Education Task Force letters to OSEP 2013-2022 at: https://www.c-c-d.org/rubriques.php?rub=taskforce.php&id_task=2



disabilities. There are currently more than 450,000, children with disabilities from birth to age 3.³ Without this important target setting in the SPP and reporting via the APR, there is little motivation for states to identify and support local education agencies (LEA) in evidence-based practices to address discrepancies and report on corrective actions to be undertaken.

We offer the following recommendations which seek to improve these critical processes to drive accountability and improve results for children with disabilities under Part C of IDEA:

Indicator 1 — Percent of infants and toddlers with Individualized Family Service Plans (IFSPs) who receive the early intervention services on their IFSPs in a timely manner.

CCD opposes the proposal to eliminate the requirement for States to provide information about correction of noncompliance under compliance indicators 1,7, and 8 and, instead, have this information reported in Indicator 12. This change is likely to result in States failing to address the specific area(s) of noncompliance. It is also unreasonable to expect readers to constantly toggle between specific indicators and the corrective actions in Indicator 12.

CCD recommends that, in lieu of this change, the Department maintain the current requirements for reporting correction of noncompliance within each individual indicator and consolidating this information under Indicator 12. Connecting improvement activities and corrective actions to each specific indicator is critical to ensuring transparency, accountability, and meaningful oversight. Indicator 12 was not intended to replace or centralize reporting on correction of noncompliance, and doing so would make it more difficult for stakeholders to assess whether States are effectively addressing identified issues.

Indicator 3 — Percent of infants and toddlers with IFSPs who demonstrate improved outcomes in positive social-emotional skills (including social relationships); acquisition and use of knowledge and skills (including early language/ communication); and use of appropriate behaviors to meet their needs.

CCD agrees with and supports revising Outcome A so that it aligns with Outcomes B and C, so that all three areas consistently emphasize learning and development.

Indicator 4 — Percent of families participating in Part C who report that early intervention services have helped the family know their rights; effectively communicate their children's needs; and help their children develop and learn.

³U.S. Department of Education, Office of Special Education Programs. SY 2023-24 IDEA Part C Child Count and Settings State Level Data File. Accessed on July 31, 2024.



CCD strongly supports the proposal to require States to (1) describe how the data on family involvement are collected; (2) provide a link to the survey, if a survey is used to collect the data for this indicator, and (3) describe how family involvement data are utilized to improve services and outcomes for infants and toddlers with disabilities. However, CCD strongly opposes the removal of the requirement for States to include an analysis of the extent to which the demographics of the children for whom parents responded are representative of the demographics of children receiving early intervention services. While most States may currently be reporting that their indicator C4 data are representative, this was not the case when the requirement for States to report the representativeness of the responses was first introduced. At that time, survey data showed significant disproportionality in responses, with White responses being significantly greater than the representation of White students receiving special education services and African-American and Latino responses being significantly lower. Because States had to report this data and had to implement strategies to make their responses more representative, the data is now more representative. This important change would not have occurred if the requirement had not been in place.

CCD fears that a lack of continued federal focus on this important component of identifying family involvement and family outcomes in early intervention will lead to a lack of continued state focus. Should that occur, family involvement/family outcomes data would be far less useful to States, OSEP, policymakers, parents, and advocates. It is critical that States collect, analyze, and use data regarding the extent to which various family demographic groups report their engagement so that States can identify needed strategies to ensure that all families, regardless of demographic background, perceive that they are being effectively involved in early intervention for their infants and toddlers with disabilities. As OSEP noted in its request for comments, “States collect family outcomes data as a means of improving services and results for children with disabilities, as well as to know if the State is supporting families in meeting this goal.” Maintaining the current requirement will not be an undue burden on States, and will provide States with the data needed to ensure that the State is supporting ALL families in meeting this goal.

Indicator 7 — Percent of eligible infants and toddlers with IFSPs for whom an initial evaluation and initial assessment and an initial IFSP meeting were conducted within Part C’s 45-day timeline.

CCD opposes the proposal to eliminate the requirement for States to provide information about correction of noncompliance under compliance indicators 1, 7, and 8 and, instead, have this information reported in Indicator 12. This change is likely to result in States failing to address the specific area(s) of noncompliance. It is also unreasonable to expect readers to constantly toggle between specific indicators and the corrective actions in Indicator 12.

CCD recommends that, in lieu of this change, the Department maintain the current requirements for reporting correction of noncompliance within each individual indicator and consolidating this information under Indicator 12. Connecting improvement activities and corrective actions to each specific indicator is critical to



ensuring transparency, accountability, and meaningful oversight. Indicator 12 was not intended to replace or centralize reporting on correction of noncompliance, and doing so would make it more difficult for stakeholders to assess whether States are effectively addressing identified issues.

Indicator 8 — Percentage of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has:

- A. Developed an IFSP with transition steps and services at least 90 days, and at the discretion of all parties, not more than nine months, prior to the toddler's third birthday;**
- B. Notified (consistent with any opt-out policy adopted by the State) the State educational agency (SEA) and the local educational agency (LEA) where the toddler resides at least 90 days prior to the toddler's third birthday for toddlers potentially eligible for Part B preschool services; and**
- C. Conducted the transition conference held with the approval of the family at least 90 days, and at the discretion of all parties, not more than nine months, prior to the toddler's third birthday for toddlers potentially eligible for Part B preschool services.**

CCD opposes the proposal to eliminate the requirement for States to provide information about correction of noncompliance under compliance indicators 1, 7, and 8 and, instead, have this information reported in Indicator 12. This change is likely to result in States failing to address the specific area(s) of noncompliance. It is also unreasonable to expect readers to constantly toggle between specific indicators and the corrective actions in Indicator 12.

CCD recommends that, in lieu of this change, the Department maintain the current requirements for reporting correction of noncompliance within each individual indicator and consolidating this information under Indicator 12. Connecting improvement activities and corrective actions to each specific indicator is critical to ensuring transparency, accountability, and meaningful oversight. Indicator 12 was not intended to replace or centralize reporting on correction of noncompliance, and doing so would make it more difficult for stakeholders to assess whether States are effectively addressing identified issues.

Indicator 11 — State Systemic Improvement Plan (SSIP)

CCD agrees with this change and supports revising SSIP instructions to eliminate redundancy and terminology that is no longer relevant.

Indicator 12 — General Supervision

CCD opposes the proposal to revise the instructions under each compliance to remove the requirement to report on the correction of noncompliance and only require States to report on the correction of noncompliance under Indicator 12 (General Supervision).



CCD believes that information must remain under each indicator because it is easier for parents and others to access and understand the corrective action information when it is included within the indicator. CCD also supports the requirement to include all corrective actions by indicator under the General Supervision indicator. It is important to note that the General Supervision indicator was added because OSEP's experience was that too many States were only focusing on the specific indicators and not on the overall implementation of IDEA. Thus, it is important to retain all information under the General Supervision indicator as well, to ensure all who need the information are able to review it in the format that works for them.

CCD appreciates this opportunity to provide comments and recommendations to OSEP. Please reach out to any of the Education Task Force cochairs with questions or to request a meeting. We look forward to discussing our recommendations and working with you to ensure the Part B and Part C monitoring and compliance processes are improved and strengthened to the benefit of students with disabilities.

Sincerely,

Access Ready Inc.

American Music Therapy Association

American Therapeutic Recreation Association

Autism Society of America

Autistic Self Advocacy Network

Autistic Women & Nonbinary Network

Children and Adults with Attention-Deficit/Hyperactivity Disorder

Council for Exceptional Children

Council for Learning Disabilities

Council of Parent Attorneys and Advocates (COPAA)

Division for Early Childhood of the Council for Exceptional Children (DEC)

Higher Education Consortium for Special Education

Learning Disabilities Association of America

National Association of Councils on Developmental Disabilities

National Center for Learning Disabilities

National Disability Rights Network (NDRN)

National Down Syndrome Congress

National PLACE

SPAN Parent Advocacy Network

TASH

TDIforAccess

The Advocacy Institute

The Arc of the United States



CCD Education Task Force Co-Chairs:

Delancy Allred
Autism Society
dallred@autismsociety.org

Robyn Linscott
The Arc
linscott@thearc.org

Stephanie Flynt McEben
National Disability Rights Network
stephanie.mceben@ndrn.org

Lindsay Kubatzky
National Center for Learning
Disabilities
lkubatzky@ncld.org

Kuna Tavalin
Council for Exceptional Children
KTavalin@exceptionalchildren.org