



National Association of State Directors of Special Education, Inc.

1800 Diagonal Road, Suite 320, Alexandria, VA 22314

Tel: 703/519-3800 Fax: 703/519-3808 www.nasdse.org

March 19, 2010

Alexa Posny
Assistant Secretary
Office of Special Education and Rehabilitative Services
550 12th Street, SW
Washington, DC 20202

RE: Notice of Proposed Information Collection Request: *Report on IDEA Part B Maintenance of Effort Reduction and Coordinated Early Intervening Services*

Dear Dr. Posny:

The National Association of State Directors of Special Education (NASDSE) appreciates the opportunity to provide comments on the above-referenced proposed data collection that was published in the Federal Register on February 25, 2010.

On behalf of our members – the state directors of special education in the states, the District of Columbia, the Department of Defense Education Agency, the Bureau of Indian Education, the U.S. federal territories and the Freely Associated States – we continue to be extremely concerned about this data collection that will require, by the Department's own estimate, more than 1 million person hours and more than \$20 million to implement. We believe that it could ultimately cost substantially more.

NASDSE continues to believe that it is completely untenable that the federal government would place such a significant financial and personnel burden on states and local school districts at a time when the Department is well aware that both state and local education agencies throughout the country are having extreme budgetary crises. For example,

- Kansas City, the nation's 35th largest city, recently closed 26 of the city's 61 public schools.
- Fairfax County, Virginia, the nation's 10th largest school system, is cutting more than \$100 million from next year's school budget.
- At least six states – Alabama, Arizona, Georgia, Nevada, New Jersey and Washington – have allotted all of their education stabilization money to schools for this school year and last year, leaving zero to spend on the school term beginning in the fall of 2010.
- California is looking at cutting \$1.9 billion out of its state aid to K-12 education.

The Department's supporting statement for OMB approval rejected our earlier arguments that this data collection was too costly and countered that states had funding

available under the ARRA to undertake it. In fact, this justification flies in the face of the reality of the dire circumstances of virtually every state and school district across the country. In fact, the situation is worse than it was six months ago when NASDSE first wrote comments opposing this data collection last fall. The budget climate for states, including state departments of education and local school districts has worsened, not improved, in the past six months. School districts are continuing to lay off personnel. In the light of these budget cuts, does the Department of Education really want school districts and states to spend scarce dollars on collecting data rather than on providing services to children and youth with disabilities?

The second rationale the Department gives for this data collection is that it is necessary to prevent waste, fraud and abuse in the spending of ARRA funds. NASDSE believes that the Department has put sufficient accounting mechanisms in place to track ARRA expenditures and that an additional data collection that costs \$20 million will not provide you with new data that tracks down any fraud or abuse of the system.

While the CEIS data may be of interest to the Department, that interest should be balanced with the cost expended to acquire it. A data collection that will cost a minimum of \$20 million and that will not help the Department of Education provide direct assistance to state and local education agencies to improve outcomes for students does not seem to be an equitable balance with the cost. The Department has urged states and local school districts to use their ARRA funds to 'save and create jobs' and 'improve student achievement through school improvement and reform.' Using their ARRA funds as the Department's justification for this data collection will meet neither of these specific goals of the ARRA.

This proposed data collection comes on the heels of six years of unprecedented changes to the data collection required by the state performance plan/annual performance reports (SPP/APR) indicators. OSEP has repeatedly changed the indicator requirements over the past six years, which has required the states and local school districts to retool their IT systems and retrain their staffs in order to collect quality data. This data collection cannot be viewed in a vacuum. It is one more data collection piled on top of data overload. It is the proverbial "straw that is breaking the camel's back." It is too costly, will not improve the quality of instruction, will not lead to improved outcomes for students, will drain personnel away from the classroom and instructional coaches away from helping school personnel.

This data collection is misguided in light of the context of the constant changes to the SPP/APRs over the past six years and the dismal fiscal situation of the states and local school districts.

For all of the above reasons, NASDSE urges the Department to abandon this data collection. We believe that the proposed data collection is cost-prohibitive and will not contribute in any way to improving outcomes for children. On that basis alone, it should not go forward.

Please feel free to contact me at bill.east@nasdse.org or NASDSE's Deputy Executive Director, Nancy Reder, at nancy.reder@nasdse.org if you have any questions regarding NASDSE's comments.

Sincerely,

A handwritten signature in cursive script that reads "Bill East".

Bill East, Ed.D.
Executive Director

cc: Arne Duncan, Secretary, U.S. Department of Education
Tony Miller, Deputy Secretary, U.S. Department of Education
Roberto Rodriguez, Domestic Policy Council
Rep. George Miller, Chairman, House Education and Labor Committee
Sen. Tom Harkin, Chairman, Senate HELP Committee