

July 31, 2009

Office of Information and Regulatory Affairs  
Attention: Education Desk Officer

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

The National Association of State Directors of Special Education (NASDSE) appreciates the opportunity to provide comments on the above-referenced proposed data collection.

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 raise the following questions and concerns regarding this emergency data collection:

1. Many states have contacted us directly to say that they are concerned about meeting the reporting deadlines in the proposed collection. States report that it takes time to put a new data collection in place at the state and local levels. In some states, it is not automatic that their IT departments can re-tool their systems immediately. In some states, re-tooling requests may take up to 6-9 months or even longer to complete and state special education agencies have no control over this.
2. We question whether another data collection that will take more than 1 million hours at a time when state and local education agencies are experiencing severe financial cutbacks resulting in personnel layoffs is the best use of limited personnel resources.
3. We question whether this needs to be a permanent annual collection when the influx of funding under the ARRA is a temporary anomaly at best. Indeed, at the Senate Appropriations Subcommittee markup of the FY 10 Labor/HHS/Education appropriations bill this week, Senator Harkin indicated that IDEA was receiving a nominal increase precisely because of the ARRA funding for IDEA. We are not likely to see large increases for IDEA in the next few years; hence the MOE will not surface as an issue.
4. The federal government through OMB and the GAO has already put an extensive audit process in place for the ARRA funds. If the use of these funds need closer scrutiny, then it should be done through the ARRA accounting process and not through an add-on to the IDEA 618 reporting process.
5. This request fails to take into account the timelines that states and local school districts currently have in place for gathering the data that goes into making determinations and the collection of data regarding CEIS. Thus, it fails to take into account any measures that states and local districts will have to put into place to revamp their systems and train personnel for a new data collection.

6. Finally, as OSEP is well aware, the question as to whether LEAs may take advantage of the MOE clause in IDEA without receiving a determination of 'meets requirements' has been brought to the Secretary's attention with a request for review and action. The Secretary has yet to address the concerns of the groups and state agencies that brought this issue to his attention. NASDSE believes that there should be a resolution of this outstanding issue prior to putting any kind of data collection into effect because it could have an impact on the data collection. OSEP could very well find itself in a situation of having to revamp the requirements of this data collection.

NASDSE believes that OSEP has not made a sufficient case that this data collection is needed at this time. The points that we have raised above further call into question the need for this data collection. We therefore urge OMB to refuse OSEP's request for this emergency data collection now or for the foreseeable future.

Sincerely,

Bill East, Ed.D.  
Executive Director