



National Association of State Directors of Special Education, Inc.
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November 30, 2009

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*

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 September 29, 2009.

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 admission more than 1 million person hours and more than \$20 million.

NASDSE believes that it is 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 SEAs and LEAs are struggling to maintain personnel levels and are dealing with drastic budget cuts that have affected class size, cuts in class offerings, after-school programs, all-day kindergarten programs and other school programs. To require school districts to implement a costly data collection program that is not mandated by statute or regulation suggests that the Department is out of touch with what the LEAs and SEAs are grappling with in terms of budgetary concerns. While the American Recovery and Reinvestment Act has helped restore some teaching positions, it has not been able to address the huge budget cuts in states and local districts.

Moreover, we do not believe that this data collection will help improve outcomes for children and therefore is not the best use of ARRA funds at the local level.

We therefore ask the Department: is this the best way for LEAs to spend their precious ARRA funds? And does the Department believe that the small increase in administrative funds that it allocated to states will cover this data collection as well as all of the other administrative costs associated with overseeing the ARRA program in their states?

We also note the following:

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. Therefore, it will take a minimum of three years to generate solid, 'clean' data for this program, which is the estimated life of this program.

2. 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. We know for example, that the FY 10 appropriations for IDEA is likely to be close to the FY 09 appropriations without the ARRA increase. We are not likely to see large increases for IDEA in the next few years; hence the MOE will not surface as an issue and does not need to be annually tracked under IDEA.
3. 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 needs closer scrutiny, then it should be done through the ARRA accounting process and not through an add-on to the IDEA 618 reporting process.
4. 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.

For all of the above reasons, NASDSE urges OSEP 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,



Bill East, Ed.D.
Executive Director