



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

DEPUTY COMMISSIONER FOR VOCATIONAL AND EDUCATIONAL SERVICES FOR INDIVIDUALS WITH DISABILITIES

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August 4, 2009

Office of Information and Regulatory Affairs

Attention: Education Desk Officer

e-mail: oir_submission@omb.eop.gov

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

New York State Education Department, Office of Vocational and Educational Services for Individuals with Disabilities provides the following comments for your consideration:

1. The Office of Special Education Programs (OSEP) is requesting emergency clearance to require annual data collection to monitor local education agencies' (LEAs) reduction of maintenance of effort because of the Part B ARRA funds pursuant to 34 CFR §300.205(a). The ARRA funds are temporary, but the MOE data collection in Table 8 is being established as an annual data collection. The federal government through the OMB and GAO is already requiring significant reporting to audit expenditures for the appropriate use of ARRA funds.
2. We do not believe there is sufficient justification for OSEP to require detailed maintenance of effort (MOE) data to evaluate the percent reduction in MOE and whether the reduction is taken by LEAs that have a designation of "meets requirements" and by those who are not identified as having significant disproportionality based on race/ethnicity. This check can be accomplished through OSEP's regular schedule for monitoring states and through the Statement of Assurances, which are included in the annual IDEA Application. This is unnecessary and burdensome on states and LEAs that are already providing data on 20 special education indicators annually to OSEP in the Annual Performance Report and seven tables of special education data.
3. States are already required to collect data from their LEAs related to Comprehensive Early Intervening Services (CEIS). While the Secretary has the broad authority to require these data to be reported to the federal government, it is within the Secretary's discretion to do so. We recommend that the Secretary not exercise his discretion this year. Additional time is needed nationally to get a good indication of the effectiveness of the use of CEIS services, supported with up to 15% of IDEA funds. We feel the States should be provided an opportunity to review these data on their own first and to improve the quality of these data before providing them to the federal government for their interpretation. Also, we encourage OSEP to eliminate some Section 618 data tables and special education indicators and have made this recommendation in previous comments. States and LEAs need relief from the extensive amounts of data collection and

reporting so they can focus on the most important indicators and data that actually improve services and results for students with disabilities.

New York State believes that OSEP has not made a sufficiently strong case for this additional annual data collection requirement. This data collection will not improve outcomes for students with disabilities and does not consider the existing burden of states to meet federal data collection requirements while experiencing significant financial challenges. We urge the OMB to deny their request.

Thank you for the opportunity to provide comments. If you have any questions or require additional information, please contact me at (518) 474-2714 or send me an e-mail message at rcort@mail.nysed.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Rebecca H. Cort", with a stylized flourish at the end.

Rebecca H. Cort

c: James DeLorenzo
Ruth Ryder
Angela-Tanner Dean
Alma McPhearson
CCSSO contact
NASDSE contact