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To Whom it May Concern:

South Dakota appreciates the opportunity to provide public comment on the proposed rules for the SPP/APR which would be in effect for the FFY23 submission due in February 2025. South Dakota is opposed to the addition of Indicator 18 related to General Supervision for the following reasons.

1. The estimate for the hours to complete the SPP/APR in accordance with the Paperwork Reduction Act of 1995 only estimates a five hour increase from 1,790 for the most recent submission completed in February 2023 (FFY2021 SPP/APR) to 1,795 for the expected submission in February 2025. Based on the example of the data table provided, the reporting of the data will require modifications to States current collection and reporting systems to provide the data to the extent and format required. At a time when States and LEAs are experiencing unprecedented personnel shortages this additional burden will strain limited personnel and resources that could otherwise be spent supporting students with disabilities to improve results. Furthermore, the timing of the implementation does not allow states ample time to make revisions and enhancements to data systems and collection policy and procedures in order to provide timely and accurate data.
2. Although the proposed package indicates there is no change to data reported for Indicators 4B, 9, 10, 11, 12, and 13 there are additional reporting requirements incorporated into the proposed Indicator 18. It is duplicative to report the findings of noncompliance, correction and findings not corrected in a timely manner, and providing the description for correction related to OSEP QA 23-01 in multiple indicators. This reporting is duplicative, puts additional time and burden on personnel, and will cause confusion for stakeholders when reviewing and interpreting the information provided by reporting Indicator information related to the same outcome under two different Indicators. South Dakota recommends if additional data reporting and explanation are required that it should be done within the same reported indicator and not separated or duplicated.
3. OSEP indicates the proposed changes are related to listening sessions and comments received based on a request on how OSEP could prioritize equity and effectively monitor and support states on implementation of the IDEA. The proposed rules fail to take into account the revised Differentiated Monitoring System (DMS 2.0) that OSEP is phasing in and has just started issuing letters of findings. Any addition of Indicators and reporting related to general supervision should be based on data and areas of need or non-compliance identified and documented during the DMS 2.0 process and not based on public perception. Previous iterations of the SPP/APR had a general supervision indicator (Indicator 15) that was

subsequently removed based on OSEP's analysis of the need for the indicator to oversee SEA responsibilities of general supervision. As stated by OSEP in the comments for the removal of the indicator, "the data from these [compliance] indicators provide a reasonable quantifiable basis for OSEP to reach a determination as to whether a State has a monitoring system that is effective in correcting identified noncompliance within one year of identification. *This change will lessen the reporting burden to States* (emphasis added) and OSEP is able to use information reported in these other APR compliance indicators to evaluate the State's compliance with the requirement in IDEA." There has been no data provided at this point to demonstrate that this approach has not been effective. Perhaps after additional data from DMS 2.0 and with the rulemaking for the next SPP/APR package at the expiration of the current package for FFY20-25 it may be appropriate to revive a general supervision indicator, but not at this time mid DMS 2.0 implementation and the current SPP/APR reporting package.

Thank you again for the opportunity to provide comment and South Dakota hopes that the addition of any new reporting requirements or indicators is delayed until the next reporting package when further data from the DMS 2.0 is available to inform the revision process.

Sincerely,

A handwritten signature in cursive script that reads "Linda Turner".

Linda Turner  
Director, Division of Special Education and Early Learning  
South Dakota Department of Education