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A Division Of The Council For Exceptional Children

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Melody Musgrove
Director
Office of Special Education Programs
U.S. Department of Education
550 12th Street, SW
Washington, DC 20202

RE: Pending Collection No. 4736; IDEA State Performance Plan/Annual Performance Report (SPP/APR) Performance Indicators

Dear Ms. Musgrove:

The Council of Administrators of Special Education (CASE) appreciates the opportunity to provide comments on the above-referenced proposed data collection changes that were published in the Federal Register on October 17, 2011.

CASE represents administrators of special education – those individuals who are charged with the responsibility for gathering the data, preparing and submitting their data to the state for the Annual Performance Report (APR). We appreciate this opportunity to comment on proposed changes to the indicators for Part B of the Individuals with Disabilities Education Act (IDEA).

As you are well aware, our members have been deeply concerned about the time, staff, and costs that are associated with collecting data for the 20 Part B indicators. CASE has expressed concerns about duplicate reporting and excessive paperwork on behalf of our members numerous times. These concerns have only heightened with the onset of the recession in 2008, which has resulted in thousands of cutbacks across the country in local school personnel, leaving a heavy burden on the remaining staff to shoulder both the data collection reporting requirements as well as to continue working to improve outcomes for students with disabilities. CASE believes that the focus of IDEA should be on the individual student as the primary goal of IDEA. With the termination of the American and Reinvestment Act of 2009 funds and potential large reductions across-the-board in federal funding to states and local communities, we anticipate that the cutbacks will only worsen in the foreseeable future.

CASE members are not opposed to data collection. However, we believe that the intent of the SPP/APR process was to focus on outcomes and to provide data to shine a bright light on those areas where improvements are needed and to outline the critical steps needed to make those improvements. Unfortunately, the changes that OSEP has proposed are extremely limited in scope and do very little to relieve states and local school districts of the extreme burden posed by the SPP/APR process and do little to refocus the process on improving outcomes for children and youth with disabilities. Not only are the proposed changes limited, many of the proposed changes, e.g., combining indicators, give only the appearance of reducing the burden on states and local districts, while the reality is that the proposed combing of indicators does little to reduce the workload. That is because the data must still be collected.

CASE's comments on the individual indicators and the proposed changes are the following:

Indicator 8: *Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.*

Recommend: Permit states to submit information regarding how they address/measure parent involvement in their state and that parents are involved in determining the state's process for gathering this data.



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Rationale: CASE members fully support the need for parent involvement and feedback. Indeed, this is one of the foundational components of IDEA. The cost of mailing out parent surveys, however, far outweighs the return. Most surveys are not returned and many, unfortunately, are returned by the postal service because they did not reach the intended individual who was not at the reported address. In addition, the wording of the current prescribed survey is unclear and misinterpreted by the parents who do complete the survey. Due to misinterpretation there is erroneous reporting of information.

Indicator 9: *Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification, and* **Indicator 10:** *Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.*

CASE does not agree that combining Indicators 9 and 10 into Indicator 9 (a) and 9 (b) reduces the administrative burden workload on states or local school districts. This change will require time consuming and costly redesign of current data collection tools to respond to the adjusted reporting requirement while still requiring the collection of the same amount and type of data before the change.

Supports: OSEP's proposed elimination of the requirement of addressing underrepresentation which required state and local agencies to justify the underrepresentation of minorities in low-incidence disability categories, where the disability is clearly due to factors that school personnel cannot alter (e.g., deafness; blindness/low vision, etc.).

Recommends: Eliminate the proposed Indicator 9(a) (previously Indicator 9). The data from Indicator 9(b) (previously Indicator 10) will address the factors in the proposed Indicator 9(a).

Rationale: Combining Indicators 9 and 10 will result in more work as states and local school districts will need to retool their IT systems to reformat this data.

Indicator 13: *Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.*

Recommends: OSEP reduce the paperwork and focus this indicator on ensuring that a transition plan is in place in a timely manner, the student is involved, and the documentation is appropriate for the student.

Rationale: The importance of preparing for transition at an early age cannot be overstated. At the same time, this indicator is process-laden and puts the emphasis on repeated review of documents through continuous monitoring by states of all IEPs for students who are preparing for postsecondary transition.

Indicator 14: *Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: A. Enrolled in higher education within one year of leaving high school. B. Enrolled in higher education or competitively employed within one year of leaving high school. C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.*

Recommends: Eliminate the three-step calculation required for this indicator. Allow states and local school districts to count as equal success, student outcomes most appropriate for the individual students.

Rationale: OSEP recently changed this indicator and in the process made it cumbersome, unrealistic and establishes a rank order of outcomes that may or may not be appropriate for the individual student. In doing so, the federal government imposes a value system for students, without taking into account the student's needs and wants. The intent of IDEA is to focus on the INDIVIDUAL student that any one of these outcomes might be of equal value, depending on the student's needs AND the transition plan that the student helped to develop under Indicator 13.

Indicator 15: *General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.*

Recommends: Eliminate duplication in the worksheet and incorporate means of reducing the paperwork burden as part of this review process.

Rationale: This information must be reported for the individual indicators. Therefore, this indicator is duplicative and unnecessary.

Indicators 16: *Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute*



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resolution, if available in the State; and **Indicator 17**: Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.

Supports: CASE supports OSEP's recommendation to eliminate these two indicators since the information is being collected elsewhere.

Indicators 18: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements **and Indicator 19:** Percent of mediations held that resulted in mediation agreements.

CASE does not agree that combining Indicators 18 and 19 into a single indicator reduces the administrative burden workload on states or local school districts for the same reasons stated in the comments section for the proposed combining of Indicators 9 & 10.

Recommends: States continue to collect data, however, the requirement to set targets for successful completion of either mediation or resolution sessions be eliminated.

Rationale: IDEA requires that the SEA has appropriate mediation and resolution processes in place. The viability these processes are wholly dependent on **ALL** of the parties. There is no evidence-based research indicating what acceptable targets for these two indicators might be, therefore, the SEA should not be required to set targets for successful completion of mediation or resolution sessions.

Indicator 20: State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

Supports: CASE agrees with the proposed change to this indicator.

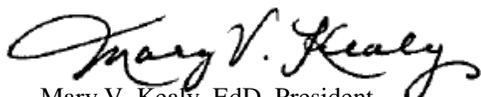
CASE appreciates the opportunity to comment on OSEP's proposed changes to the SPP/APR indicators. The proposed changes are an important first step in recognition of the need to reduce the paperwork burden on state and local districts. CASE urges OSEP to carefully consider and incorporate additional recommendations for further reductions in duplication of data collections and reporting. We believe any recommended changes reducing duplication of data collection will result in a focus on outcomes while providing more time and resources for improving services for children and youth with disabilities.

For additional information from the Council of Administrators of Special Education, please contact:

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Sincerely,



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