



November 21, 2008

Re: Comments on Proposed Collection of Information
OMB #1820-0624 IDEA Part B Annual Performance Report (APR)

Office of Information and Regulatory Affairs, OMB,
Attention: Desk Officer for U.S. Department of Education

OIRA_submission@OMB.EOP.gov

Dear Sir or Madam,

These comments are being submitted on behalf of the Infant & Toddler Coordinators Association (ITCA) regarding the proposed information collection requirements as published in the Federal Register on October 22, 2008. The ITCA represents states and other jurisdictions implementing the Individuals with Disabilities Education Act (IDEA) Part C for infants and toddlers with and at risk for developmental delays and disabilities and their families. Although this proposed collection package relates to Part B of IDEA, ITCA notes that there are clear implications in this package to parallel indicators and measurements required in the Part C SPP/APR. It is ITCA's understanding that similar changes will be made in the Part C SPP/APR without any additional opportunity for public comment.

ITCA recognizes and supports the importance of the SPP/APR process in ongoing accountability efforts for Part C. However, ITCA must once again express our significant concerns about the increased data collection and reporting requirements, noting that changes/additions in federal data requirements have occurred annually since the 2004 Reauthorization of IDEA. Some of these changes have occurred as a result of changes to the SPP/APR process and others as a result of changes made to 618 data collection processes. During this time period, ITCA has responded to each request for comment on proposed changes and additions to the SPP/APR data collection process. We have continually expressed our concerns about the increasing data collection requirements.

These annual changes/additions have resulted in significant burden to Part C systems that have received no additional funds for these requirements and, in fact, most states have experienced reductions in Part C funding during that time. IDEA 2004 set aside funds for states to assist in their capacity to respond to federal data collection requirements. ITCA requests that these additional funds be made available to states for data system enhancements to assist them in these efforts.

These continual data collection changes divert scarce resources, both fiscal and human, from services to children and families. In addition, these changes result in constantly shifting baselines making it difficult to accurately measure progress from year to year and to develop meaningful strategies for improvement. Overtime this could have the effect of jeopardizing the achievement of the overall purpose of the SPP process– to improve results for children and their families.

Almost all Part C systems utilize and rely on electronic data collection and reporting. As ITCA has commented in the past, states are having increasing difficulty in responding to the continual changes required in federal data collection and reporting. States have invested in electronic data systems to ensure timely and accurate reporting of federal data critical to the implementation of Part C. Any additions or changes to federal data requirements necessitate costly and often time consuming adjustments to states' electronic data systems. This includes the additional funding, expertise and time for the design, development, training, and testing necessary to respond to new or revised federal data requirements. These burdens are also felt on local programs and providers.

In addition, any changes require at least a year after data system revisions are implemented to ensure accurate data from the local level. The proposed collection calls for changes in data to be available for submission in the February 2010 APR. The time period for this data collection is July 1, 2008 through June 30, 2009. We are almost halfway through that year now. It is unreasonable to expect a state to revise its data collection processes midway through the year in order to meet this proposed change. In fact, for most states, this would be impossible.

ITCA also offers the following specific comments:

1. **Additional data required for compliance indicators related to range of delay and reason for delay and submission of checklist/questions/criteria for collection** ITCA is strongly opposed to the additional changes to indicators B-11 and B-12 that were incorporated into the Part B measurement table in the last revision and those proposed in this revision:
 - For Part B compliance indicators, states are now required to collect and report on the *range of delays and the reasons for the delay*. These additional data requirements have been proposed for Part C as well and ITCA must continue to express our strong concern about this additional data burden. Although this program information is important to states as part of their monitoring system to ensure correction of noncompliance by individual EIS programs, it is not necessary that this information be systematically aggregated and submitted to the federal level. The Comments and Analysis in this package indicate this information is necessary to demonstrate the state has analyzed the data to determine root causes and lead to effective corrective action. ITCA notes that this can be accomplished as a part of a state's verification visit from OSEP without adding this additional reporting burden on states.
 - In addition, and of great concern to ITCA, is the additional proposal that states would be required to *describe the monitoring methods used and submit a copy of any checklists, questions or criteria used to collect the monitoring data*. Once again, we must say that these documents can be reviewed as requested in specific situations or when OSEP is conducting verification visits. There is no need for these monitoring tools to be collected by the federal agency.
2. **Additional requirement to use 12 months of data for monitoring** ITCA is strongly opposed to the proposed change reflected in B-11 and B-12 that requires "*If data are from a state database, include data for the entire reporting year.*" We oppose this

change to the Part C measurement table as well. Until now, states using a state database to monitor have had the authority to determine whether to use point-in-time data, a month, a quarter or a year of data. Procedures, forms and tracking systems have been designed with that flexibility. This change presents a number of major challenges and additional burdens to states including:

- A full year of monitoring data is not available in many states for several months after the June 30th close of the year. That means that monitoring activities may not occur until the fall, resulting, in some cases, in the issuance of findings of noncompliance 6-9 (or even 12) months after the year ends. This timeline will depend on state capacity and resources, the complexity of the indicator and any need to collect additional data on reasons for delay from local districts and programs;
- This also requires that monitoring of all compliance indicators must occur simultaneously and after June 30th each year. Some states stagger monitoring of specific indicators throughout the year due to state and local capacity and resources;
- The sheer volume of data that would have to be monitored for a 12 month period for the multiple variables and complexity related to indicator #1 would be extremely large, create an enormous burden on states and make it difficult to meet the February 1 APR deadline; and
- Always using 12 months of data results in noncompliance still being corrected from a previous year's finding, being included in data monitored in the subsequent year. As a result, it will be difficult to demonstrate compliance in any year after noncompliance has been identified.

3. B-7 Child Outcomes Summary Statements

Indicator 7: Percent of preschool children aged three through 5 with IEPs who demonstrate improved: (a) positive social emotional skills (including social relationships); (b) acquisition and use of knowledge and skills (including early language/communication and early literacy); and (c) use of appropriate behaviors to meet their needs.

Proposed Timeframes

This indicator is comparable to the Part C Early Childhood Outcomes (ECO)/Indicator 3. OSEP is proposing that states be required to report both the five progress categories for each of the three child outcomes in the FFY 2008 APR and establish baseline on two summary statements for each outcome area, and set targets for FFY 2009 and 2010 APRs. For FFY 2009 and 2010, State Education Agencies will be required to continue to report progress data in each of the five categories, and calculate summary statements to compare against the six targets in their APRs.

OSEP has stated, and written information from the ECO has documented, that states will be required to use virtually the same summary statements for Part C; however, baseline calculations for these summary statements will not be required and targets will not be set until 2010.

We agree with OSEP that it would be premature to set targets for Part C prior to 2010, and recommend that OSEP consider requiring states to only continue to report progress data for both the Part B and Part C early childhood outcome indicators through 2010, and to establish required summary statements and baseline data in the second SPP period (2011-2017) and associated APRs. Collection of data for the early childhood outcome indicator is a new endeavor for states. A complete set of progress data will not be available until 2010, and these data will only be available for the five categories states are required to use for reporting purposes. States will have no experience with the summary statement calculations, or what the expectations should be with respect to target setting. We recommend that OSEP continue to require that only progress data be submitted for the remainder of the current SPP, and that targets be set beginning with the next SPP period.

Proposed Summary Statements

OSEP is proposing that two summary statements be used:

Summary Statement 1: Of those children who entered the program below age expectations in the outcome area, the percent who substantially increase their rate of growth by the time they exit the program $((C+D)/(A+B+C+D))$.

Summary Statement 2: The percent of children who are functioning within age expectations in the Outcome Area by the time they exit the program.

We have the following comments regarding these proposed summary statements:

- We are concerned that these summary statements do not include, and therefore cannot reflect, the outcomes being achieved for children who enter early intervention or preschool special education with significant developmental delays or disabilities, and for whom improvements in functioning, or simply maintaining their level of functioning, represent significant accomplishments (children in categories A and B). ECO had recommended the following summary statement for consideration: “The percentage of children who acquired new skills during their time in the program” (the percent of children in categories B+C+D+E). In their May, 2008 concept paper, “*Options and ECO Recommendations for Summary Statements for Target Setting*” ECO identified the following as “pros” for this statement: captures all types of progress being made by children in the program; and, likely to be a big number. As “cons”, ECO identified this as not likely to change much from year to year, and doesn’t convey any value added by program participation since almost all children are likely to acquire new skills over time with or without intervention.

We recommend that OSEP consider adding this statement as a summary statement, or replacing it for summary statement 1. It is our belief that it is important to include all types of progress being made by children in the program and a large number, if accompanied or “qualified” by the other two summary statements will present a fuller and more accurate picture of the impact of the Part C and 619 programs. With respect to the “cons” – these cons could apply to any summary statement proposed given the current data collection requirements. States have very limited experience with collection of early childhood

outcomes, so it is extremely hard if not impossible to predict how the data will change over time. Developmental progress will occur over time, with or without intervention, for the vast majority of children. It could be argued, in fact, that the expectation of parents, providers, and other program constituents is that the acquisition of *new skills* in functional areas a primary purpose of delivering early intervention services. In addition, inclusion of this summary statement may provide opportunities for states to develop alternatives to the COSF or standardized developmental assessment tools to collect, report, and use data on more specific outcomes (or skills) being achieved for children generally and specific subgroups, to target specific areas for program improvement.

- With respect to Summary Statement 1: we are concerned about using the phrase “the percent who substantially increase their rate of growth” to describe early childhood outcomes for the following reasons. First, as states, we will not have sufficient data, with only two status measurements (one at entry and one at exit) to say with confidence that children receiving early intervention or preschool special education services experience a change in their rate of growth. This concept has specific meaning to developmental scientists, and we are concerned that the use of this terminology will raise questions about the validity of these data. Second, while the concept “rate of growth” does have specific meaning in the scientific community, it is unlikely to resonate with policymakers, families, and other constituents of the Part C and 619 programs. ECO had originally proposed use of the phrase “made substantial progress”. The use of this descriptor, or a similar descriptor, would have more meaning to families and others. OSEP should also consider alternative statements, such as “Of those children who entered the program below age expectations in the outcome area, the percent of children who made progress compared to their own performance” or “Of those children who entered the program below age expectations in the outcome area, the percent who improved their functioning compared to their abilities as assessed on entering early intervention services”. Any of these three statements would be more meaningful to Part C and 619 constituents and could be supported by the data states are being asked to collect and report.

At this time, ITCA urges the Department of Education and OMB not make any additional changes to the indicators, measurements or instructions related to the SPP/APR process during this SPP cycle. Any necessary changes can be considered for the next six year cycle of the SPP.

Thank you for opportunity to submit comments to these proposed changes. As always, ITCA is available and willing to provide any additional information or clarification that may be needed. Feel free to contact me by email at ideaitca@aol.com if I may be of further assistance.

Sincerely,
Terry Harrison, President

cc: William Knudsen, OSEP
Ruth Ryder, OSEP
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