



UNITED STATES DEPARTMENT OF EDUCATION

THE DEPUTY SECRETARY

June 13, 2012

Honorable Thomas R. Bice
State Superintendent of Education
State Department of Education
5114 Gordon Persons Building
50 North Ripley Street
Montgomery, Alabama 36104-2101

Dear Dr. Bice:

This is in response to a letter from Warren Craig Pouncey, Deputy State Superintendent for Administrative and Financial Services in the Alabama Department of Education, dated August 15, 2011, which provided amended information regarding the State's financial support for special education and related services under 20 U.S.C. § 1412(a)(18)(A) of the Individuals with Disabilities Education Act (IDEA) for State fiscal years (SFYs) 2009 and 2010. I appreciate the time and effort Dr. Pouncey and his staff took to discuss this matter with staff from the U.S. Department of Education on October 26, 2011, and the additional information provided on that date.

The State's original and revised data on the amount of State financial support for special education and related services are:

Table with 4 columns: Category, SFY 2009, SFY 2010, Percent Change. Rows include Original Data and Revised Data.

The revised data indicate that the State reduced State financial support for special education and related services in SFY 2010 by \$14,495,371, rather than the \$9,204,462 originally reported by the State. The State provided a satisfactory explanation of its error, which consisted of double counting one component of its State financial support for special education and related services.

Dr. Pouncey sought clarification regarding whether this information had any effect on the waiver of the requirement to maintain fiscal effort issued to the State on April 7, 2011. As indicated in the April 7 letter, Dr. Alexa Posny determined that it was equitable to grant a waiver to Alabama under 20 U.S.C. § 1412(a)(18)(C)(i) and 34 CFR § 300.163(c)(1) due to exceptional or uncontrollable circumstances--the precipitous and unforeseen decline in the financial resources of the State--permitting Alabama to reduce its amount of State financial support provided for special education and related services for SFY 2010 (October 1, 2009-September 30, 2010) by \$9,204,462. Dr. Posny made that decision based on data provided by the State that demonstrated that the State's revenues had decreased by over 9 percent and that the State had reduced the amount of State financial support for special education and related services by a smaller percentage than it had reduced all State appropriations.

The State's revised data demonstrate that it reduced its State financial support for special education and related services by 2.49 percent from SFY 2009 to SFY 2010. During that same period, the State reduced all appropriations by 9.32 percent. Accordingly, I have determined that the reasoning and analysis of the waiver granted by the April 7 letter remain in effect, with the exception that the amount of the waiver is amended to be \$14,495,371. All of the terms of the April 7, 2011, letter remain in effect, with the exception of the data reported in this letter and the amount of the waiver.

In light of the Alabama Special Education Advisory Panel's duties in 20 U.S.C. § 1412(a)(21)(D), particularly its duty in 20 U.S.C. § 1412(a)(21)(D)(i) to "advise the State educational agency of unmet needs within the State in the education of children with disabilities," we are providing it with a copy of this letter.

To ensure that the public is fully informed regarding the granting of this waiver, the Office of Special Education Programs requires that the State educational agency prominently post on its Web site the State's August 15, 2011, letter to the Department and this letter.

We appreciate your commitment to serving children with disabilities and look forward to our continued collaboration on their behalf.

Sincerely,

/s/

Anthony W. Miller

cc: Alabama Special Education Advisory Panel