7/6/07

Dear Ms. Cafarella:

Thank you for the opportunity to speak with you last Friday and discuss your comments. Attached please find the

ED/Office of Migrant Education (OME) Responses to

OMB Comments On
Migrant Education Program (MEP) Proposed Regulations, Sections 200.83, 200.84,
200.88 & 200.89 (1810-0662)

1. **Are there any additions to the information collection that are not part of the new and existing regulatory requirements?**

Response: No. The information collection covers all the data collection burden and costs associated with all of our existing Title I Part C (Migrant Education Program) regulations that had data collection implications (i.e., §§200.83 200.84 and 200.88) as well as our proposed new MEP regulations that have data collection implications (i.e., §§200.89(b)(1), (b)(2), (c) and (d). Please note that §§200.81 and 200.89(a) of our proposed regulations do not have data collection requirements.

2. **Would requiring electronic submissions reduce the burden hours associated with this collection?**

Response: It is not clear that requiring electronic submissions would reduce the burden significantly since much of the burden is associated with the time needed to collect the data from migrant families in the field rather than in recording and submitting it to the State database. This said, many States are already using electronic means (e.g., an electronic COE) to record the data and upload it to the State database.

3. **Would it be feasible to require the SEAs to use information technology to collect the data?**

Response: While feasible, we believe it is desirable to not require use of information technology but rather to give States flexibility to collect needed data to establish the eligibility of migrant children using whatever media they think best – whether electronically using electronic COES, telephone fax or email, or via paper/pencil, or via some combination

4. **Will the interviewers use a script or will they be given the appropriate regulatory language as guidance?**

Response: Whether in determining initial eligibility using the COE or in re-checking eligibility though re-interviewing, interviewers will receive appropriate training and materials to carry out

their work. This will include written guidance on eligibility and can include scripts to use. As an example, please see the document entitled , "Att_Chapter 8 for Final 1.5.07…" which is included in the EDIC docket as an attachment to the supporting statement. It is one chapter of guidance ED is developing for use by States to assist recruiters in correctly completing COEs. Other chapters of guidance will include other training modules, and may include scripts, to assist interviewers to establishing and confirming eligibility of children for the MEP.

5. (Part A, p. 8) In the information collection associated with section 200.83, are those the burden hours necessary to design the surveys? Who will be designing the surveys?

Response: As noted in the last column of the Data Collection row in the table for 200.83 on p. 8, the burden hours listed does <u>include</u> the time needed to design the needs assessment surveys as well as to administer the surveys. We anticipate that the surveys will be designed by State and or local MEP staff or by their contractors

6. How would same-sex parents fill out the family data portion of the COE?

Response: In this situation, the State staff (who are the ones completing the COE, not the parents themselves) would cross out the inappropriate gender reference and had-write-in the correct one.

7. Why does the COE ask for current parents and not current parents/guardian?

Response: This was to be consistent with the statutory definition of a "parent" in sec. 9101(31) of the Elementary and Secondary Education Act, as amended. Under this definition in ESEA, a parent is defined to include a guardian. We then were asking in the COE about parent type to better understand whether the "current parent" was a guardian or not. However, based on further discussion with the field, we are reconsidering changing the COE to simply ask for current parent/guardian and not require a further designation of parent type.

8. (Unique Category of Burden document) Why wouldn't ROCIS record the burden hours associated the 200.89 regulation correctly?

Response: Despite our telephone discussion with RIMS staff on 6/29/07, OME staff are unclear why a problem occurs with the ROCIS information or exactly what the problem is. To the extent the matter of confusion is the document entitled, "Unique category of burden for 1810-0662.doc," that was uploaded into ROCIS, I suggest deleting this document from the file and simply looking at the annual burden and cost estimates listed in the Supporting Statement on pp.9-10.

Nicole,

We concur that the unique paragraph that is now in ROCIS as a supplemental document should be discarded. If you will open the package for amendments, I will eliminate it for good. Glad

that you spotted this paragraph, that made sense at the time, but now does not help clarify burden at all.

Also, please note that, as I mentioned in our telephone discussion, we have received some comments from the public on our estimates of the burden and costs associated with the various proposed regulatory sections. These came through the submissions they made through regs.gov on the NPRM itself. I will be sending you these comments, for your information, as soon as I complete their compilation. Proposed responses will be prepared and sent to you shortly after.

I'm not sure I was clear in our call, but we are trying to be on a fast track to issue final regulations – especially re §200.89(a) and 200.89(b)(2) – by 9/30/07. We have asked Elizabeth McFadden of ED's RMS to discuss the urgency of the collateral regs and infor collection approval processes with you.

I hope your find the above information of use. If you or your colleagues have any further questions regarding the above information, please do not hesitate to contact me at 206-1394 or at **james.English@Ed.gov**.

Again, thanks**.**

James English
Program Analyst
Office of Migrant Education