

**SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION
State and Lead Agency Record Keeping and Reporting Requirements under Part C of the
Individuals with Disabilities Education Act (IDEA)**

A. Justification

Q1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

A1. OMB Information Collection 1820-NEW has been created to reflect the requirements in Part C of the IDEA and the proposed Part C regulations that require the 56 State lead agencies (LAs) that receive Part C funds to collect and maintain information or data and, in some cases, report information or data to other public agencies or to the public. These record-keeping requirements are not new and do not require reporting to the Secretary. This Information Collection is being created to ensure that all information responsibilities under Part C of IDEA are documented and have been submitted for review by OMB. The following table identifies the legal requirement for each collection and describes the information under Part C of IDEA to be collected or maintained. These required listed collections are consolidated into 1820-NEW.

Regulatory Section	Collection Information
Third Party Disclosure	
§303.21(c)(2)	Requires that parents receive a written notification of their rights and responsibilities in determining whether their child will continue to receive services under Part C or participate in preschool programs under section 619 of the Act.
§303.211(b)(1)	Requires a State’s application for a grant under Part C of the IDEA include the State policy which parents of children with disabilities may choose the continuation of early intervention (EI) services until the children enter, or are eligible to enter kindergarten or elementary school.
§303.300	Requires the lead agency to develop a public awareness program.
§303.520(a)(3) and §303.520(b)(1)(iii)	Requires the State to provide parents with a copy of the State’s system of payments policies that identify potential costs that the parent may incur while enrolled in a public insurance program or private insurance program.
Recordkeeping Requirements	
§303.224(b)	Requires the State to keep records and afford access as the Secretary may find necessary to ensure compliance, correctness and

	verification of reports, and proper disbursement of funds.
§303.320(e)(2)	Requires the State to develop procedures to document circumstances when it is impossible to complete the evaluation and assessment within the 45-day timeline.
§303.724(e)	Requires the lead agency to maintain documentation to enable the State and the Secretary to audit the accuracy of the child count data.
Other Information Collection Requirements	
§303.342(e)	Requires that informed consent be obtained from the parents prior to the provision of EI services, as described in the individualized family service plan (IFSP).
§303.724(c)	Requires the lead agency to obtain certification from each early intervention service (EIS) provider that is unduplicated and accurate regarding their count of children served.
§303.430	Requires the State to develop written procedures for the timely administrative resolution of complaints.
§303.431(b)(2)(i)	Requires the State to maintain a list of qualified mediators.
§303.432 through 303.434	Requires the State to develop procedures for resolving complaints, including the minimum State complaint procedures and the procedures for filing a complaint.
§303.440(b)	Requires the lead agency to inform parents of any free or low-cost legal and other relevant services available.
§303.443(c)(3)	Requires the State to maintain a list of hearing officers.

- Q2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.
- A2. The information is used by State lead agencies and is not collected by the U.S. Department of Education.
- Q3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision of adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

- A3. State lead agencies are encouraged to use computer technology when feasible and cost effective. We estimate that approximately 80% of the information gathered through this collection will be collected electronically. There are no technical or legal obstacles to reducing the burden to State lead agencies.
- Q4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use of the purposes described in Item 2 above.
- A4. Duplication of this collection does not exist.
- Q5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.
- A5. This collection does not involve small business or entities.
- Q6. Describe the consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.
- A6. If the information collection under these final regulations is not conducted, State lead agencies will not have information necessary to carry out the requirements of the law.
- Q7. Explain any special circumstances that would cause an information collection to be conducted in a manner:
- requiring respondents to report information to the agency more often than quarterly;
 - requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
 - requiring respondents to submit more than an original and two copies of any document;
 - requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;
 - in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
 - requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
 - that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
 - requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.
- A7. This section is not applicable. No data or information is submitted to the U.S. Department of Education. Information collection methods and timing is at the discretion of the State lead agencies.

- Q8. If applicable, provide a copy and identify the date and page number of CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.
- Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instruction and record keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.
- Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years—even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.
- A8. Comments are being solicited through the review of the Early Intervention Program for Infants and Toddlers with Disabilities Notice of Proposed Rule Making (NPRM) under Part C of IDEA. All comments will be addressed in the Department’s response to the NPRM that will be submitted to OMB for review.
- Q9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.
- A9. This item is not applicable. There is no assurance. There was no decision to provide any payment or gift to respondents.
- Q10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulations, or agency policy.
- A10. This section is not applicable. There is no assurance of confidentiality provided to respondents.
- Q11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.
- A11. There are no questions of a sensitive nature.
- Q12. Provide estimates of the hour burden of the collection of information. The statement should:
- Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary

widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

- If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.
- Provide estimates of annualized cost to respondents of the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.

A12.

Collection	Respondents, Frequency, Burden	Total Annual Burden Hours	Cost Burden Estimate	Total Cost
Third Party Disclosure				
<p><i>Requires that parents receive a written notification of their rights and responsibilities in determining whether their child will continue to receive services under Part C or participate in preschool programs under section 619 of the IDEA.</i></p> <p>Child count data (12/05) indicate 298,150 infants and toddlers ages birth through 2 receive early intervention services. It is estimated to average 1 minute for a family to receive their written notification.</p>	298,150 families x 1 (min)	298,150 minutes or 4969 hours	4969 x \$25	\$124,225
<p><i>Requires that parents are provided an annual notice that contains a description of the rights of parents to elect to receive services until the child enters or is eligible to enter kindergarten or elementary school, if the State has chosen to</i></p>	298,150 families x 1 (min)	298,150 minutes or 4969 hours	4969 x \$25	\$124,225

Collection	Respondents, Frequency, Burden	Total Annual Burden Hours	Cost Burden Estimate	Total Cost
<p><i>provide this option.</i></p> <p>Child count data (12/05) indicate 298,150 infants and toddlers ages birth through 2 receive early intervention services. It is estimated to average 1 minute for a family to receive the annual notice.</p>				
<p><i>Requires the lead agency to develop a public awareness program.</i></p> <p>Each of the 56 LAs must develop a public awareness program. It is estimated to take approximately 48 hours for each LA.</p>	<p>56 State LAs x 48 (hrs)</p>	<p>2688 hours</p>	<p>2688 x \$25</p>	<p>\$67,200</p>
<p><i>Requires the State to provide parents with a copy of the State's system of payments policies that identify potential costs that the parent may incur while enrolled in a public insurance or benefits program or private insurance program.</i></p> <p>Child count data (12/05) indicate 298,150 infants and toddlers ages birth through 2 receiving early intervention services. Approximately one half of the LAs currently have system of payments in place. It is estimated to average one minute for a family to receive a copy of the systems of payments.</p>	<p>One half of 298,150 families = 149,075 x 1 min</p>	<p>149,075 minutes or 2484 hours</p>	<p>2484 x \$25</p>	<p>\$62,100</p>

Collection	Respondents, Frequency, Burden	Total Annual Burden Hours	Cost Burden Estimate	Total Cost
SUB TOTAL	298,150 <i>(Unduplicated Count)</i>	15,110	15,110 x \$25	\$377,750
Recordkeeping Requirements				
<p><i>Requires the State to keep records and afford access as the Secretary may find it necessary to ensure compliance, correctness and verification of reports, and proper disbursement of funds.</i></p> <p>Each of the 56 State LAs must keep records and afford access as the Secretary may find necessary. It is estimated to take approximately 40 hours for each LA.</p>	56 State LAs x 40 (hrs)	2240 hours	2240 x \$25	\$56,000
<p><i>Requires the State to develop procedures to document circumstances when it is impossible to complete the evaluation and assessment within the 45-day timeline.</i></p> <p>Each of the 56 State LAs must develop procedures to document when it is not possible to meet the 45-day timeline. It is estimated to take approximately 8 hours for each LA.</p>	56 State LAs x 8 (hrs)	448 hours	448 x \$25	\$11,200
<p><i>Requires the lead agency to maintain documentation to enable the State and the Secretary to audit the accuracy of the child count data.</i></p> <p>Each of the 56 State LAs must</p>	56 State LAs x 10 (hrs)	560 hours	560 x \$25	\$14,000

Collection	Respondents, Frequency, Burden	Total Annual Burden Hours	Cost Burden Estimate	Total Cost
maintain documentation on the child count data. It is estimated to take approximately 10 hours for each LA.				
SUB TOTAL	56 <i>(Unduplicated Count)</i>	3248	3248 x \$25	\$81,200
Other Information Collection Requirements				
<p><i>Requires informed consent be obtained from the parents prior to the provision of EI services, as described in the IFSP.</i></p> <p>Each of the 56 State LAs must obtain informed consent from parents prior to the provision of EI services. It is estimated to average 1 minute for a family to provide consent.</p>	298,150 families x 1 (min)	298,150 minutes or 4969 hours	4969 x \$25	\$124,225
<p><i>Requires the lead agency to obtain certification from each EIS provider that is unduplicated and accurate regarding their count of children served.</i></p> <p>Each of the 56 State LAs must obtain certification from each of their EIS providers regarding child count data. EI programs collect child count data from EI providers. Data (12/05) indicate a total of 4578 EI programs. It is estimated that the State LA will average one hour to obtain required certification from the EI</p>	4578 programs x 1 (hr)	4578 hours	4578 x \$25	\$114,450

Collection	Respondents, Frequency, Burden	Total Annual Burden Hours	Cost Burden Estimate	Total Cost
programs.				
<p><i>Requires the State to develop written procedures for the timely administrative resolution of complaints.</i></p> <p>Each of the 56 State LAs must develop procedures for the timely administrative resolution of complaints. It is estimated to take approximately 8 hours for a LA to update written procedures annually.</p>	56 State LAs x 8 (hrs)	448 hours	448 x \$25	\$11,200
<p><i>Requires the State to maintain a list of qualified mediators.</i></p> <p>There are 56 State- level record keepers who must maintain a list of mediators. It is estimated to take approximately three hours annually for record keepers to update and maintain the lists.</p>	56 State LA record keepers x 3 (hrs)	168 hours	168 x \$25	\$4,200
<p><i>Requires the State to develop procedures for resolving complaints, including the minimum State complaint procedures and the procedures for filing a complaint.</i></p> <p>Each of the 56 State LAs process, on average, 3 complaints annually. It takes an average of about 24 hours for a State LA to issue a written decision to a complaint.</p>	56 LA respondents x 3 complaints = 168 x 24 hrs.	4032 hours	4032 x \$25	\$100,800

Collection	Respondents, Frequency, Burden	Total Annual Burden Hours	Cost Burden Estimate	Total Cost
<p><i>Requires the lead agency to inform parents of any free or low-cost legal and other relevant services available.</i></p> <p>There are approximately 202 due process hearings requested under Part C annually in the 56 State lead agencies or approximately 3.6 requests per LA. Currently, no more than half of the LAs or 28 States have adopted Part B due process procedures for Part C and thus would have to provide parents with this list of free and low cost services. However, all 56 LAs could be potential record keepers if all States adopted this option. The data burden is expected to require an average of 30 minutes per hearing request to inform parents of the availability of low-cost legal services.</p>	<p>202 State due process hearing requests x .5 (hrs.)</p>	<p>101 hours</p>	<p>101 x \$25</p>	<p>\$2,525</p>
<p><i>Requires the State to maintain a list of hearing officers.</i></p> <p>Currently no more than 28 States have adopted Part B due process procedures for Part C. However, all 56 LAs could be potential record keepers as all States may elect this option. The LAs in these States must maintain a list of individuals who serve as hearing officers, along with</p>	<p>56 State LA record keepers x 3 (hrs)</p>	<p>168 hours</p>	<p>168 x \$25</p>	<p>\$4,200</p>

Collection	Respondents, Frequency, Burden	Total Annual Burden Hours	Cost Burden Estimate	Total Cost
the qualifications of each hearing officer. It is estimated to take approximately three hours annually for record keepers to update and maintain the lists.				
SUB TOTAL	4,578 <i>(Unduplicated Count)</i>	14,464	14,464 x \$25	\$361,600
TOTAL BURDEN	302,784 <i>(Unduplicated Count)</i>	32,822	32,822 x \$25	\$820,550

Q13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14.)

- The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rates(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for

- reasons other than to provide information or keep records for the government or (4) as part of customary and usual business or private practices.
- A13. It is not likely that a public agency will incur costs other than those described in item 12 above.
- Q14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.
- A14. There is no cost to the Federal government.
- Q15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.
- A15. The number of respondents for this collection is 1,048,809 with the number of burden hours being 32,822 hours. These numbers are based on combining the collections in the NPRM (see A1) into this collection. The burden hours are based on three factors: (1) the combining of the collections in the NPRM into 1820-NEW; (2) an adjustment in the burden for the list of hearing officers and mediators, free and low-cost legal services, and State complaint procedures as a result of figuring burden; and (3) a program change due to statutory and proposed regulatory requirements.
- Q16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.
- A16. No complex analytical techniques will be used.
- Q17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.
- A17. This section is not applicable, since this is a recordkeeping requirement. There is no request to not display the expiration data for OMB approval.
- Q18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.
- A18. This section is not applicable. There are no exceptions to item 19 of the "Certification for Paperwork Reduction Act Submissions."

B. Collections of Information Employing Statistical Methods

This collection does not employ statistical methods.