

**Supporting Statement for Paperwork Reduction Act Submissions
No Child Left Behind, 25 CFR 30, 37, 39, 42, 44 and 47
OMB Control Number 1076-0163**

Terms of Clearance: None
General Instructions

A Supporting Statement, including the text of the notice to the public required by 5 CFR 1320.5(a)(i)(iv) and its actual or estimated date of publication in the Federal Register, must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified in Section A below. If an item is not applicable, provide a brief explanation. Section B of the Supporting Statement must be completed when statistical use of the data is made. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

A. Justification

- 1. 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.**

This information is collected from 184 Bureau-funded schools for the purpose of fulfilling the statutory requirements of Public Law 107-110, the No Child Left Behind (NCLB) Act, and the No Child Left Behind Act Regulations in 25 CFR, Parts 30, 37, 39, 42, 44 and 47.

Public Law 107-110, the NCLB Act of January 8, 2001, requires all schools, including Bureau of Indian Education (BIE) funded schools, to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging academic achievement standards and assessments. The BIE is required to monitor programs, gather data, and complete reports for the U.S. Department of Education. To achieve these results, schools must prepare reports such as the required Annual Report, the School Report Card, Section 1114 Plans, financial budgets, school improvement plans, compliance action plans as a result of monitoring, Title II, Part A reports showing that highly qualified staff have been hired, Title IV, Part A, Safe and Drug Free Schools and Communities reports; competitive sub-grant reports; Indian School Equalization (ISEP) reports; and transportation reports are all examples of documentation to be completed.

- 2. 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. [Be specific. If this collection is a form or a questionnaire, every question needs to be justified.]**

The BIE, which serves as the State Education Agency (SEA) for Indian schools, requires these reports for compliance purposes with the U.S. Department of Education requirements. The purpose of the information collection is to satisfy required reporting; to use data to drive instruction and to make sound educational decisions; to assure students' civil rights and due process; and to fulfill OMB and other Federal requirements. Information is gathered through paper, electronic, or faxed report submission and through monitoring.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden [and specifically how this collection meets GPEA requirements].**

The BIE has now established the Native American Student Information System (NASIS) which is a data system base that can be utilized for reporting purposes. The BIE has made a web-based student information system, the NASIS, available to all 184 sites, which includes all bureau funded schools, all dormitories and residential schools, Educational Line Officers, the Albuquerque Educational Center, and other bureau educational offices. The system is a full featured school information and management system that *will be* used by all BIE-funded schools. The BIE *will be* able to collect information needed to meet the requirements of 25 CFR 30, 37, 39, 42, 44, and 47 directly from the NASIS and meet GPEA requirements. At present, only a small amount of data is collected electronically, about 10%. This is student data and transportation data currently in the ISEP system (Indian Student Equalization Program) which is a system run along with NASIS for a short period of time. This data is covered by OMB Control Numbers 1076-0122 (Data Elements for Student Enrollment in Bureau – funded Schools) and 1076-0134 (Student Transportation Form, Subpart G). NASIS is not fully functional yet.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

The information collection burden cannot be reduced any further without compromising the integrity of the administration of Bureau- and tribal-operated schools. The yearly reporting data in “Data Elements for Student Enrollment in Bureau-funded Schools,” OMB Control Number 1076-0122, “Student Transportation (revised),” OMB Control Number 1076-0134, and OMB Control Number 1810-0614 for the Department of Education are required and funding is dependent upon the reporting of information which *will eventually* be contained in NASIS.

- 5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

The BIE consulted with tribes and tribal organizations through negotiated rulemaking to determine the necessary information collection requirements and to ensure the fair and equitable administration of the NCLB Act. Through this consultation, the information burden has been

minimized in keeping with the goals of PRA although we do not consider the tribes to be small entities.

In addition, the NASIS for information collection, has been furnished to the schools at no cost to the schools. The system, when fully functional, *will be* used for daily operation of the school, including such activities as lesson plan preparation, teacher grade books, student attendance, student scheduling, preparing student transcripts and preparing report cards. The system represents a significant cost savings to the schools as well as a means for the BIE to gather the data it needs to meet the requirements of 25 CFR Parts 30, 37, 39, 42, 44, and 47.

6. Describe the consequence 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.

The information collection burden cannot be reduced any further without the integrity of the administration of bureau- and tribal-operated schools being compromised. Reports are required by law. Using the Bureau's technical assistance and the NASIS are ways of reducing the burden on the public. Failure to submit these reports could lead to reductions in the amount of funds available because the reports are used to establish proportional shares of funds.

7. 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.*

There are not any special circumstances that require exceptions to 5 CFR 1320.5 (d) (2). The frequency of reporting is required annually. Speed of reporting varies due to the statutory requirements of the specific report. The use of statistics and multiple copies of reports are not required. The Federal Education Rights and Privacy Act (FERPA) regulations are followed to ensure confidentiality of information. There are not any proprietary trade secrets.

8. **If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 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 in response to the PRA statement associated with the collection over the past three years] 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 instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Originally, this rule was negotiated with tribal, school, and Federal representatives over a period of months, with meetings being held in June, July, August, September, and October of 2003. The rulemaking pertinent to this information collection was negotiated with tribes being represented on the committee proportionally according to student population in both Bureau- and tribal-operated schools. Since this time, at various training sessions provided to staff in the field, representatives have been asked for continued input and ideas for reduction of paperwork. A meeting was held in Denver, CO, April 24 – 26, 2006, and people were given the opportunity for input on Title requirements. Also, through various NASIS trainings, solicitations have been asked concerning data input, reporting requirements, and available mechanisms for reporting have occurred and will continue during the present 2006-2007 school year. On-going training is provided to assist staff with reporting burdens and requirements. Sign-in sheets to document these trainings are kept at the BIE Albuquerque Service Center. A Federal Register notice concerning renewal of this collection was published May 7, 2007 (72 FR 25774). No comments were received. Dr. Sherry Allison can be contacted for the name of a member of the public familiar with this program. She can be reached by mail at Bureau of Indian Education, Division of Performance and Accountability, 1011 Indian School Road, NW, Suite 332, Albuquerque, NM 87104. Her telephone number is 505-563-5281.

9. **Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

No payments or gifts are provided to respondents.

10. **Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

The requirements of the Family Education Rights and Privacy Act (FERPA) are followed and protect the privacy of respondents when necessary.

11. **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.

Schools are required to enter student data such as names, addresses, special statuses (e.g., gifted and talented, English proficiency, special education), parent or guardian information to be used in cases of emergencies, etc. However, we strictly adhere to the requirements of the FERPA.

12. 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.**
- * Provide estimates of annualized cost to respondents for 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 13.**

Appendix A provides estimates of the number of burden hours for the collection of information. The total burden hours are 12,018; at \$14/hour, the salary burden is \$168,252.00. Much of the data is entered in by clerical personnel; grant school employees have benefits as low as one per cent; therefore, we feel that the \$14.00/hour is a realistic figure.

13. Provide an estimate of the total annual [non-hour] cost burden to respondents or recordkeepers 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 [including filing fees paid]. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(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 purchasing or 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.**

The estimated total annual cost burden to respondents or record-keepers for capital and start-up costs components (annualized over the useful life) for this information collection requirement is zero. The information collected will not require the purchase of any capital equipment or create any start-up costs because no equipment is involved with the administration of the NCLB Act. The operation of Indian schools has already existed for years, so there are no start-up costs. Any computers and software used to complete and provide this information collection are a part of the respondents' customary and usual business practices, and therefore, are not included in the estimate. Aside from salaries which are covered in Appendix A, the information collection requirements will not create new or additional costs associated with generating, maintaining, disclosing, or providing the reports. As stated earlier, NASIS is provided at no cost to the schools.

- 14. 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.**

The estimated annual cost to the Federal government is a burden of \$ 8,584.00. The estimate was determined based upon quantification of hours, operational expenses (such as equipment, overhead, printing = \$4,000.00) and salaries and benefits. Typically, 70% of the work is done by clerical help (GS 6 at \$17.98/hr + 16% = \$20.86 /hour x 12 clerks x 10 hours= \$2,503.20). Technical staff (program managers) perform 30% of the work (\$49.82/hr + 16% = \$57.80/hr x 12 managers x 3 hours = \$2,080.80.) Therefore, \$2,503.20 + 2,080.80. + 4,000.00 for supplies = \$8,584.00

- 15. Explain the reasons for any program changes or adjustments reported.**

Although adjustments in responses were reduced by 551 from 1883 to 1332, and hours were reduced by 4385 from 16403 to 12018, this is shown as an increase because this is a reinstatement.

- 16. 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.

The Public Law 107-110, the No Child Left Behind Act, requires the BIE to make annual reports and school reports accessible to the public. Therefore, these documents are made available via the Bureau's web site. There are no analytical techniques required or used. Reports are required annually to meet the statutory requirements of Public Law 107-110. Reports may also be used for budget purposes.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

We are seeking clearance of OMB 1076-0163 and we expect to display the OMB control number and expiration date.

18. Explain each exception to the certification statement identified in 5 CFR 1320.8 (b)(3) and 5 CFR 1320.9

There are no exceptions.