

**Supporting Statement for Paperwork Reduction Act Submission  
Home-living Programs and School Closure and Consolidation 25  
CFR 36, 48  
OMB Control Number 1076-0164**

**Note:** This is a reinstatement with change for an information collection that expired on September 30, 2007. The 30-day notice announcing our intent to renew this collection was not signed in time for publication in the Federal Register prior to the expiration date. As well as starting the process sooner, we are making changes to the process by delegating signature authority down below the Assistant Secretary level and also eliminating review by some offices, such as Office of the Solicitor, who do not need to review routine documents. This will save several weeks of processing time and thus help prevent lapses from reoccurring.

**Terms of Clearance:** None

**General 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.**

Public Law 107-110, the No Child Left Behind Act of January 8, 2001, requires all schools, including the Bureau of Indian Education (BIE) funded schools, to ensure that all students are helped in achieving their educational potential. To achieve these results, schools prepare reports, develop curriculum, prepare financial planning documents, and establish standards to measure student progress. The BIE uses the Annual Report to the U.S. Department of Education and three other information collections for BIE to collect data, measuring each school's performance. Additional information collection requirements have been developed to fulfill the statutory requirements of the No Child Left Behind Act. The information collected ensures that BIE follows national standards for dormitories and residential schools. The information collected allows the BIE to make informed decisions regarding continued operation or closure of a school location.

- 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.]**

Under the No Child Left Behind Act, each State must develop standards for home-living programs. The BIE acts as the **State Educational Agency (SEA)** for all bureau funded schools and is required to submit the Annual Report and other types of data concerning dormitory living to the U.S. Department of Education. The information collected provides the BIE with the

necessary student information to determine if the BIE is meeting the standards required under the NCLB. Additionally, the information is used for continued funding purposes and fulfilling statutory requirements.

- 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 made a web-based student information system, the Native American Student Information System (NASIS) available to all 184 sites. This number reflects the schools, the residential schools and dormitories, the BIE offices which includes the Educational Line Officers. The system is a full featured school information and management system. The BIE will be able to gather information needed to meet the requirements of 25 CFR, Part 36 directly from the NASIS. NASIS is not fully operational yet, but it will reduce the amount of time it takes to produce a variety of reports; for example, report cards, attendance, teacher qualifications, and annual reports. Currently, the information entered into an electronic system is covered by two other OMB authorized collections: Student Data, 1076-0122 and Student Transportation, 107-0134.

- 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. We rely on information supplied by the yearly reporting Elements for Bureau-funded Schools,” OMB Control Number 1076-0122, OMB Control Number 1076-0134 and OMB Control Number 1810-0614 for the Department of Education which we can use for the reports we are required to do for No Child Left Behind.

- 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 No Child Left Behind Act. Through this consultation, the information burden has been minimized.

In addition, the Native American Student Information System (NASIS) for information collection is being furnished to the schools at no cost to the schools. The system, when it is fully functional, can be used for daily operation of the residential programs, including such activities as student attendance, recording of required dormitory bed checks, student scheduling, progress reports, incident reports, etc. 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, Part 36.

**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. FERPA (Family Education Rights Protection Act) 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.**

The renewal of this information collection was published in the Federal Register May 7, 2007 (72 FR 25773). No comments were received. Mr. Stanley Holder, Bureau of Indian Education, Division of Residential Life can give you the name of a member of the public who is familiar with the program. His address is 1011 Indian School Road NW, Suite 332, Albuquerque, NM 87104. His telephone number is 505-563-5281. His email is: [sholder@bia.edu](mailto:sholder@bia.edu).

**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 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), and parent or guardian information to be used in cases of emergencies, etc. However, we adhere strictly to the requirements of 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.**

See Appendix A. For third party transactions, 37 trainers each provide 15 hours of training for a total of 555 burden hours at a cost of \$16,503.48. For the total information collection request, there are 730 responses with an estimated total annual burden of 1,342.02 hours, costing \$39,906.307.

**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 include in the estimate. Aside from salaries which are covered in Appendix A, the information collection

requirements being added at this time will not create new or additional costs associated with generating, maintaining, disclosing, or providing the reports.

- 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.**

In the Attachment, there are 73 responses for 124 hours. We are using the Salary Table 2008-GS Incorporating the 2.50% General Schedule Increase, grade 13 step 5 as an average for the reviewers. At \$37.27/hour X 1.5 = cost per hour of \$55.905 X 124 hours = \$6,932.22.

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

There has been a program change of burden hours from zero to 1,342.02 hours because this collection expired during the renewal process. We did adjust the hours from 4,095 to 1,342.02 hours because of a mistake in calculating third party burden.

- 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 summary of the collections may be used for budget purposes, and to meet statutory requirements of the NCLB Act.

- 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 intend to display the OMB Control Numbers and the expiration dates.

- 18. Explain each exception to the certification statement identified in 5 CFR 1230.8(b)(3) and 5 CFR 1230.9.**

No exceptions are requested.

**PART 36 – HOMELIVING STANDARDS**

**This part of Homeliving Standards deals with mandatory training that schools must ensure are given annually to the staff. This is a third party transfer of information for the tribally operated residences/dormitories. Our original burden was incorrect because we counted employees to be trained and not the time it took for the tribal entities to provide the training. We are revisiting this collection to correct the burden imposed on the tribal entities instead of the employees. The first table details the collection by the 15 different parts of training to be delivered by the 38 tribally operated dormitories/residences; the second table shows the revised estimate of the burden for Parts 36 and 48. We used the average of dorm managers from the pay scale used by BIE which is the middle of the three kinds of employees in the group: supervisors, managers, attendants.**

| <b>THIRD PARTY TRANSACTIONS</b>                            |  |                  |   |   |
|--|--|------------------|---|---|
| <b>Section 36.86</b>                                       | <b>Definition</b>  | <b>Class hrs</b> | <b># of trainers (1 trainer covers 2 dorms)</b> | <b>Salary @ \$21.24 + 1.4 = \$29.736 per hour</b> |
| <b>36.86 (a) annual training before school year begins</b> |  |                  |   |   |
|  | First Aid/Safety/Emergency & crisis preparedness                             | 1 hr             | 37  | \$1,100.232                                       |
|  | CPR – Automated External Defibrillator                                       | 1 hr             | 37  | \$1,100.232                                       |
|  | Student Checkout Policy  | 1 hr             | 37  | \$1,100.232                                       |
|  | Confidentiality (Health Information Patient Privacy Act)                     | 1 hr             | 37  | \$1,100.232                                       |
|  | Medication Administration  | 1 hr             | 37  | \$1,100.232                                       |
|  | Student Rights   | 1 hr             | 37  | \$1,100.232                                       |
|  | Child Abuse Reporting and Protection Standards                               | 1 hr             | 37  | \$1,100.232                                       |
| <b>36.86(b) annual training during the school year</b>     |  |                  |   |   |
|  | De-escalation/conflict resolution  | 1 hr             | 37  | \$1,100.232                                       |
|  | Substance Abuse issues   | 1 hr             | 37  | \$1,100.232                                       |
|  | Ethics   | 1 hr             | 37  | \$1,100.232                                       |
|  | Parent training (parenting skills for home-living program staff) /child care | 1 hr             | 37  | \$1,100.232                                       |
|  | Special education and working  | 1 hr             | 37  | \$1,100.232                                       |
|  | Student supervision skills   | 1 hr             | 37  | \$1,100.232                                       |
|  | Child development  | 1 hr             | 37  | \$1,100.232                                       |
|  | Basic counseling skills  | 1 hr             | 37  | \$1,100.232                                       |
| <b>Totals</b>  | <b>Transferred to next table -&gt;</b>                                       | 15               | 555   | \$16,503.48                                       |

| CFR section   | Number of respondents                      | Responses per respondent | Burden per response (hours) | Total annual burden (hours) | Cost @ \$29.736/hour (dollars) | Federal Costs  |
|---|--|--------------------------|-----------------------------|-----------------------------|--------------------------------|--|
| 36.71(b)(2) purpose of this part  | 50   | 1                        | .25                         | 12.50 or 13                 | \$371.70.                      |  |
| 36.86 training requirements   | 37   | 15                       | 1                           | 555                         | \$16,503.48                    |  |
| 36.93   | Covered by existing OMB approval 1076-0163 |                          |                             |                             |                                |  |
| 36.94   | Covered by existing OMB approval 1076-0163 |                          |                             |                             |                                |  |
| 36.97(c) basic requirements of health services  | 10   | 1                        | .25                         | 2.50 or 3                   | \$74.34                        |  |
| 36.100(g) minimum requirements for student attendance checks                                | 76   | 1                        | .02                         | 1.52 or 2                   | \$45.19872                     |  |
| 36.111 waiver of homeliving standards by tribe, tribal governing body or local school board | 19   | 1                        | .50                         | 9.50 or 10                  | \$282.492                      | 19 waivers x 2 hrs @ \$55.905/hr = \$2,124.39                |
| 36.111(a) time limit to submit alternative homeliving standards                             | 19   | 1                        | 40.00                       | 760.00                      | \$22,599.36                    | 38 dorm plans X 1 hr @ \$55.905/hr = \$2,124.39.             |
| 36.120  | Covered by existing OMB approval 1076-0163 |                          |                             |                             |                                |  |
| 48.2 school closure, consolidation  | 1  | 1                        | 1.00                        | 1.00                        | \$29.736                       |  |
| Annual Report review by line officers   |  |                          |                             |                             | .                              | 3 hrs X 16 line officers = 48 hrs @ \$55.905/hr = \$2,683.44 |
| Totals  | 212  |                          |                             | 1,342.02 or rounded: 1342   | \$39,906.307                   | 124 hrs X \$55.905 /hr = \$6,932.22                          |