

**SUPPORTING STATEMENT FOR PAPERWORK ACT SUBMISSION:
SPECIAL EDUCATION—INSTITUTIONAL REPORTING ON REGULATORY
COMPLIANCE RELATED TO THE PERSONNEL PREPARATION PROGRAM'S
SERVICE OBLIGATION**

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. This submission is a revision of a currently approved collection and is the result of regulations which govern the service obligation related to the Personnel Preparation program in Section 673(h) of the Individuals with Disabilities Act (IDEA) Amendments of 1997 which requires individuals who receive a scholarship through personnel preparation projects funded under the Act subsequently to provide early intervention, special education or related services to children with disabilities or, for leadership personnel, work in the appropriate field for a period of two years for every year for which assistance was received. Scholarship recipients who do not satisfy their service obligation must repay all or part of the cost of their assistance in accordance with the regulations issued by the Secretary. These regulations implement requirements governing, among other things, the service obligation for scholars, oversight by grantees, repayment of scholarships, and procedures for obtaining deferrals or exemptions from service or repayment obligations. In order for the Federal government to implement these regulations, certain data collections, record keeping and reporting are necessary.

The December 9, 1999 regulations require the institutions of higher education (IHEs) grantees to document scholars' progress in programs and in their subsequent eligible employment. When scholars do not satisfy the requirements of the regulation and are required to repay part or all of their scholarship, IHEs are required to provide the Federal government with the information necessary to carryout the Secretary's functions. This Paperwork Act submission relates to grants that were awarded in FY2004 and earlier.

The Individuals with Disability Education Act of 2004 and the Service Obligation regulations published on June 5, 2005 transfer documentation of scholars' eligible employment from IHEs to the Federal government. A contract is being awarded for that purpose, and a new Paperwork Act Submission will then be made for the data collection related to awards made in FY2005 and later.

- 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 gathered by this collection is used to ensure repayment by scholars to the Federal government of all or part of the scholarship assistance made to those scholars who received scholarships from personnel preparation grants awarded in 2004 and earlier but who do not complete programs or satisfy the service obligation as required by the regulations.
- 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. Grantees establish their data collection systems, and these systems vary from institution to institution, including the degree to which they use technology. The grantees send via mail the necessary information about scholars (approximately 60 each year) who will be required to repay their scholarships to the Department.
- 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. Nothing in the regulations duplicates other information requests or requirements. The requested information is not available from other sources.
- Q5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-1), describe any methods used to minimize burden.
- A5. The information requested does not involve the collection of information from small businesses.
- 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. The regulations require the minimum amount of data to ensure that IHEs and scholars provide the information necessary to meet the purpose of the Act. To require less frequent collection would result in the inability of the Secretary to assure that grantees and scholars are complying with the statutory requirements.

- 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. Scholarship recipients are required to maintain their employment records until they have satisfied their service obligation which may take longer than three years.
- 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 were solicited through the NPRM. However, no public comments were received. The language in section 304.23 is changed to clarify the procedures for the grantee and the scholar when the scholar exits the program, but the burden does not change.
- Q9. Explain any decision to provide any payment or gift to respondents, other than re numeration of contractors or grantees.
- A9. No payments or gifts will be provided to respondents other than normal remuneration to grantees.
- Q10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulations, or agency policy.
- A10. No assurance of confidentiality is 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 contained in the application form.
- 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. Grantees maintain the burden for providing scholars with all information related to the service obligation upon exiting the program and establishing written agreements with scholars. In addition, grantees are responsible for providing the Secretary with all required information about the scholar when the scholar leaves the program (approximately 60 scholars each year). It is estimated that each grantee will spend an average of 4 hours on recordkeeping and reporting during the three-year period of this collection on each of 20 scholarship recipients, establishing written agreements, collecting and maintaining information, and providing information to the scholar and then to the Secretary. It is estimated that there are 375 grantees. Thus, the total burden for all grantees during the next 3 years equals a maximum of 45,000 hours, and the average annual burden equals a maximum of 15,000 hours. Of this amount a total across all grantees of approximately 30 hours per year are spent reporting data to the Department.

This burden will decrease gradually during the 3 year period, because few, if any, new scholars will be added, decreasing the number of written agreements required and some scholars will complete their service obligations, eliminating the need for grantees to continue documenting their employment.

It is estimated that 7,500 individual scholarship recipients will take ½ hour each to report to the grantee all requested information necessary for the grantee to meet the exit certification requirements. The scholarship recipients' total burden for the next 3 years is 3,750 hours. The total average annual burden for scholars is 1,250 hours. An estimated half of the time is focused on recordkeeping and the other half on reporting to grantees. As scholars complete their service obligations and no longer need to provide the grantee with information, the burden for scholars will gradually decline.

Thus, the total annual reporting burden for this collection is estimated at 30 hours for grantees and 625 hours for scholars. The total annual recordkeeping burden for this collection is estimated to be a maximum of 14,970 hours for grantees and 625 hours for scholars.

The estimated cost to grantees of establishing agreements, establishing and maintaining information, and providing information to scholars and the Secretary is \$375,000. This annual cost is determined by multiplying the total grantee burden hours (15,000) by the average hourly salary (\$25).

- 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. There are no additional costs other than the burden identified in Q 12.

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. The following outlines the cost to the Federal Government:

Based on current experience, it is estimated that there will be approximately 60 cases per year where the Federal government must collect funds when a scholar fails to meet the requirements of the regulations and must repay all or part of the scholarship. It is estimated that it will take 55 hours of staff time to resolve each of 60 cases that equals 3,300 hours. Therefore, the estimated cost burden to the Federal government is 60 cases x 55 hours x the average hourly pay rate of \$37. The total annual cost burden is \$122,100.

- Q15. Explain the reasons for any program changes or adjustments reported in Items 12 or 14 of the OMB Form 83-I.
- A15. No change.
- 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. The information collected will not be published.
- 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. There is no request for permission not to display the expiration date 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. The information collection will not need an exception to the certification statement in OMB Form 83-1.

B. Collections of Information Employing Statistical Methods

This collection does not employ statistical methods.