

SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION
FINAL REGULATIONS FOR TITLE I, PART A, GRANTS TO LOCAL
EDUCATIONAL AGENCIES

A. Justification

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

A1. Title I, Part A of the Elementary and Secondary Education Act, as amended by the No Child Left Behind Act (NCLB), contains several provisions that require state educational agencies (SEAs), local educational agencies (LEAs), and schools to collect or disseminate information. SEAs must (1) provide annual notice to potential supplemental service providers of the opportunity to provide such services; (2) maintain an updated list of approved providers from which parents may select, and (3) must publicly report on standards and techniques for monitoring the quality and effectiveness of the services offered by each approved provider and for withdrawing approval from a provider that fails, for two consecutive years, to contribute to increasing the academic proficiency of students receiving supplemental services. As part of their responsibility to annually review the progress of each LEA to determine whether its schools are making adequate yearly progress, SEAs must (1) provide the results of academic assessments administered as part of the State assessment system in a given school year to LEAs before the beginning of the next school year; (2) publicize and disseminate the results of the State review; (3) notify parents when LEAs are identified for improvement or corrective action, and include information on the corrective action to be taken, the option of school choice, and the availability of supplemental services, and (4) notify the Secretary of Education of major factors that have significantly affected student academic achievement in schools identified for improvement.

As part of their responsibility to annually review the progress of schools to determine whether they are making adequate yearly progress, LEAs must (1) publicize and disseminate the results of their annual progress review; (2) notify parents and teachers of any school identified for improvement or subject to corrective action or restructuring; (3) publicize and disseminate information regarding any action taken by the school and LEA to address the problems that led to the identification; and (4) for schools subject to restructuring, prepare a plan to carry out alternative governance arrangements. In addition, LEAs in improvement must develop improvement plans. Regarding services to children in private schools LEAs must also maintain in their records, and provide to their SEA, written affirmation, signed by officials of each private school with participating children or appropriate private school representatives, that the required consultation has occurred.

Schools operating schoolwide programs must (1) develop a comprehensive schoolwide plan based on a comprehensive needs assessment; (2) document that the unique needs of migratory children have been met before consolidating migrant education funds (Title I,

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Part C) in a schoolwide program; and (3) maintain records that the schoolwide program, as a whole, addresses the intents and purposes of each of the Federal programs whose funds were consolidated to support it. And finally, schools in improvement must develop school improvement plans.

Note that in this information package only the SEAs and LEAs collect and disseminate information. As the U.S. Department of Education (ED) does not collect SEA and LEA data under 1810-0581, it would not be appropriate or possible to use EDFACTS.

Copies of the statute, the final regulations, and final regulation 200.6(b)(4)(i)(C) are attached.

The information collection requirements that have been identified in the statute are Sections 1111(h)(1) and 1111(h)(2), and the information collection requirements that have been identified in the final regulations are Sections 200.6, including final regulation 200.6(b)(4)(i)(C), 200.26, 200.27, 200.29, 200.30, 200.31, 200.33, 200.34, 200.36, 200.37, 200.38, 200.39, 200.41, 200.42, 200.43, 200.45, 200.46, 200.47, 200.49, 200.50, 200.51, 200.52, 200.53, 200.57, 200.61, 200.63, 200.70, 200.71, 200.72, 200.73, 200.74, 200.75, and 200.91. As noted in the tables under number 12, some of these sections pertain to existing information collections and have been noted as such. ED is requesting an extension of this collection.

Please note that there are 52 hours that are currently included under emergency clearance 1810-0681 for final regulation 200.6(b)(4)(i)(C) that are being transferred into this package. The intention to transfer these hours was discussed in the emergency package.

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. School communities (most prominently parents), LEAs, SEAs, and ED have used the information from the various data collections in multiple ways in order to help all students meet and surpass the challenging State academic achievement standards in each State and to ensure that the statute is followed. Parents and other community members have used the information obtained from the annual LEA review of schools combined with information about any schools identified for school improvement or subject to corrective action or restructuring to make decisions about their child's education and to ensure public accountability for school performance.

LEAs have used the list of approved supplemental service providers to carry out the requirement to provide supplemental services to children attending schools that have not met adequate yearly progress targets for two consecutive years, and by parents of such children to select supplemental service providers. In addition, LEAs have used the assessment results, in conjunction with other indicators, to determine whether their schools made adequate yearly progress.

SEAs have used the data on student performance to determine whether its LEAs have made adequate yearly progress, enforce sanctions on LEAs, and prepared their State

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reports cards, which are on their web sites. In addition, SEAs have used the information on supplemental services providers to decide which ones to approve for use by their LEAs. Concerning private schools SEAs have used LEAs' records of written affirmations that the required consultation with private school officials has occurred to ensure that statutory requirements are being met.

At the national level ED has used the information on student academic achievement, the data on school choice and SES, equitable services to eligible private school students, and parent notification of school performance to inform its technical assistance efforts to SEAs and to support its crucial monitoring of SEAs in the Standards and Assessments, Instructional Support, and Fiduciary areas. ED has also used these data to conduct analyses for performance measures used in the Program Assessment Rating Tool (PART), to respond to questions about Title I from the Congress and the public, and to run the program effectively and efficiently in order to maximize student achievement.

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. The final regulations do not require nor preclude SEAs from using information technology to reduce burden.

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. There is no duplication in the final regulations.

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. Small businesses have not been impacted by this data collection nor will it impact them. The small entities that would have been affected by these final regulations were small LEAs receiving Federal funds under Title I. The final regulations, however, have not had and will not have a significant impact on the small entities because many of the requirements represented just a modification of previous requirements under prior versions of 1810-0581 and are not changing in this version. They are also reporting activities that have been incorporated as part of the LEA's general reporting practices that would have occurred even without the regulatory requirements.

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 continued, knowledge about educational progress towards universal proficiency would suffer and it

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would not be possible to implement and follow the applicable statutes. Specifically, without this information the nation will not know the extent to which all students are making progress towards the statutory requirement of universal proficiency by school year (SY) 2013-2014; parents will be unaware of their school's performance and the statutory options provided to them to improve their child's education; and from the legal standpoint ED, SEAs, LEAs, and schools will not have information necessary to carry out the law's requirements.

Q7. Explain any special circumstance 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. The final regulations do not require the information collection to be conducted in a manner inconsistent with the requirements of 5 CFR 1320.5.

Q8. 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 describe actions taken by the agency in response to those 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

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circumstances that preclude consultation in a specific situation. These circumstances should be explained.

A8. Public comments were initially solicited on August 10, 2006. Another 30-day comment period began October 19, 2006 before this extension request was sent to OMB. ED staff have met regularly with State and local school officials in conferences and other forums, such as monitoring visits to every SEA, over the past three years to discuss Title I issues related to implementing NCLB requirements, including those related to school and district improvement. During these meetings there has not been any feedback about the accuracy of the 2003 estimate of the burden or cost. See response to Q. 12 for further information on consultation with the public.

Q9. *Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.*

A9. The final regulations do not require gifts or payments to be made to respondents.

Q10. *Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulations, or agency policy.*

A10. The final regulations require no assurance of confidentiality.

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. The final regulations do not require questions of sensitive nature in this collection of information.

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.*

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- 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. Estimated hour burden for the collection of information.

This information collection and reporting package is a continuation (with modifications) of the information package that was developed for the regulations listed under Section A and approved in 2003. There is an overall increase in the burden estimate from the 2,586,428 hours estimated in 2003 to 6,689,334 estimated hours for this renewal. The following table lists by level the activities whose burden estimates have changed. The estimates for eight activities have increased, resulting in 4,880,360 additional hours, while the estimates for six activities have decreased, resulting in 777,454 fewer hours. Put together, there is a net increase of 4,102,906 hours. The statutory requirement that schools identified for improvement revise or develop school improvement plans accounts for 97.2 percent of the net increase due to the number of schools identified for improvement. Other increases are due to the fact that the 2003 estimate did not address certain items such as SEA and LEA report cards or the SEA notifying an LEA when it waives the supplemental educational services requirement. Additionally, 52 hours were added to reflect the a new regulation issued on September 13, 2006

Activity by Level	Year		Difference
	2003	2006	
SEA			
Report Card	0	19,240	19,240
LEP addition to Report Card	0	52	52
SEA notification to LEA (SES waiver)	0	250	250
SES notice	832	832	0
Update SES provider list	5,200	5,200	0
SES evaluation report	12,480	12,480	0
Notify Secretary	4,160	0	-4,160
HQT plan	33,280	33,280	0
LEA			
Report Card	0	211,936	211,936
Restructuring	852,800	852,000	-800
School improvement notices	0	23,296	23,296
Develop improvement plan	0	620,800	620,800
Parent notification of teacher's qualifications	160,020	132,460	-27,560
Records on private school consultations	106,680	79,746	-26,934
School			
Needs assessment	48,000	0	-48,000
Develop schoolwide plan (includes needs assessment)	1,200,000	530,000	-670,000

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Schoolwide maintains records for intents/purposes of each included program	162,976	179,922	16,946
Develop improvement plan	0	3,987,840	3,987,840
Total	2,586,428	6,689,334	4,102,906

There is a large increase in the burden for improvement activities because at this stage in the NCLB implementation, a significant number of LEAs and schools have been identified for improvement and restructuring, and must develop plans that address the causes for why they have been so identified. It requires an additional commitment of staff time to develop and implement these plans. For example, a school's improvement plan must address a range of instruction-focused topics such as the school's core academic subjects and the strategies used to teach those subjects, professional development activities, technical assistance, and parent involvement. (For more details on the requirements about school and LEA improvement plans, see: <http://preview.ed.gov/policy/elsec/guid/schoolimprovementguid.doc>.)

ED used a variety of sources to develop the estimates for SEAs, LEAs, and schools. The estimates are based on actual data where data exists, such as the number of schools and LEAs identified for improvement (National Assessment of Title I Interim Report Volume 1: Implementation (2006) and the number of LEAs receiving Title I allocations (ED files)). Where data were not available from these sources, ED developed estimates using information gathered from a number of other sources including the monitoring process and specific discussions with subsets of SEA staff (Sections 1111(h)(1) and (2)), (§§ 200.39, 229.41, 200.42 and 200.52)). Estimates for some activities were reduced to reflect efficiencies associated with increased SEA and LEA experience in implementation, the use of technology, and notification templates (§§ 200.37, 200.38, 200.61(a), and 200.63(e)). The tabular summaries that follow provide a more detailed explanation of how the estimated burden hours and costs were calculated.

Burden in Hours and Dollars

Burden Hours/Cost for SEAs

Activity	Frequency	# of respondents	Average # of Hours per Respondent	Total Hours	Total Cost (Total Hours x \$26.00)
Section 1111(h)(1)	Annually	52	370	19,240	\$500,240
200.6(b)(4)(i)(C)	Annually	52	1	52	\$1,352
200.45-SEA must notify LEA of its decision within 30 days of receiving a request to waive the supplemental service requirement	Done only upon request	25	10	250	\$6,500
200.47(a)(ii)—annual notice to potential supplemental services	Annually	52	16	832	\$21,632

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Activity	Frequency	# of respondents	Average # of Hours per Respondent	Total Hours	Total Cost (Total Hours x \$26.00)
providers					
200.47 (a)(3)—Maintain updated list of approved providers	Ongoing	52	100 hours annually	5,200	\$135, 200
200.47(a)(4)—Develop, implement and publicly report on standards and techniques for monitoring the quality and effectiveness of the services offered by each approved provider	Ongoing	52	240 hours	12,480	\$324,480
200.49 (e)—Provide assessment results to schools before an LEA may identify schools for improvement	Annually	52		No additional hours	Carried out as part of regular business of SEA
200. 49(g)—Notify the Secretary of Education of major factors that have significantly affected student achievement in school identified for improvement	Annually	52			Part of Consolidated State Performance Report; covered under 1810-0614
200.50 –SEA must annually review the progress of the LEAs to determine if AYP is being met.	Annually	52			Part of single accountability system approved under consolidated application— 1810-0576
200.51—SEA must provide information to parents regarding its annual review of LEA progress in meeting AYP.	Annually	52			Part of regular business of SEA; no additional burden
200.53—SEA must provide notice and a hearing to an LEA before implementing corrective action.	Done only when an LEA fails to meet AYP for four years	52			Part of single accountability system covered under 1810-0576
200.57—SEA must develop a plan to ensure that all teachers of core academic subjects are highly qualified.	Ongoing	52	4 people /160 hour each	33,280	\$865,280
200.70 through 200.75— SEA procedures to determine LEA allocations	Annually	52	44	2,288 (Note these hours are not included in the total because they	Already covered by OMB 1810-0622 and OMB 1810-0620

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Activity	Frequency	# of respondents	Average # of Hours per Respondent	Total Hours	Total Cost (Total Hours x \$26.00)
				are covered in OMB 1810-0622 and OMB 1810-0620.)	
200.91(c)—Submit annual count of children and youth enrolled in a regular program of instruction operated or supported by State agencies for neglected or delinquent children and youth and adult correctional institutions.	Annually	52		4,224 (Note these hours are not included in the total because they are covered in OMB 1810-0060)	The information collection required by this section is covered by OMB 1810-0060.
Total SEA Activities		52		71,334	\$1,854,684

Burden Hours/Cost to LEAs

Activity	Frequency	# of Responses	Average Hours per respondent	Total Hours	Total Cost (Total Hours x \$21.00)
Section 1111(h)(2)	Annually	13,246	1 person at 16 hours per LEA	211,936	\$4,450,656
200.30—Conduct, publicize and annually disseminate annual adequate yearly progress review of schools.	Annually	13,246	Required under prior law; carried out as part of regular business of the LEA to notify the public.	No extra hours	None
200.33—LEA must identify for corrective action schools that do not meet AYP.		13, 246			Done as regular part of business of single accountability system—OMB 1810-0576
200.34, 200.43—LEA must prepare, and make arrangements to implement, a restructuring plan for schools that do not meet AYP after one full year in corrective action	Required once for each school that meets the criteria	1,065	5 people at 160 hours each=800	852,000	\$17,892,000
200.36, 200.37, 200.38 and 200.46—Notify parents when schools are identified for improvement, corrective action, or restructuring; publish and disseminate information on any action taken by the school and LEA to address the problems that lead to such identification.	Annually	2,912	1 person at 8 hours per LEA	23,296	\$489,216
200.52—LEA must develop or revise improvement plan if identified for improvement.	Once upon identification for improvement	776	5 people/at 160 hours each = 800 hours per LEA	620,800	\$13,036,800
200.61(a)—LEA must notify parents that they can request information about the professional qualifications of their child’s classroom teacher.	Annually	13, 246	1 person at 10 hours per LEA	132,460	\$2,781,660
200.63(c)(1)—Maintain records on consultation with private school officials.	Annually	13, 246	6 hours to collect and file records	79,746	\$1,668,996
Total LEA Activities		13, 246		1,920,238	\$40,324,998

Burden Hours/Cost for Schools

Activity	Frequency	# of respondents	Average # of hours per respondent	Total hours	Total Cost (Total Hours x \$ 21.00)
200.26—School operating schoolwide program must conduct a comprehensive needs assessment.	One time	530	1 person / 48 hours to collect data	Done as part of schoolwide plan; no additional hours	Done as part of schoolwide plan; no additional cost
200.26, 200.27—School must develop comprehensive schoolwide plan.	One time	530	5 people at 200 hours each over the course of a school year	530,000	\$11,130,000
200.29(c)(1)—Schoolwide program must document the needs of migratory students have been met before consolidating Title I, Part C funds.	Annually	29,987			No additional burden; done as part of the comprehensive needs assessment
200.29(d)(2)—Schoolwide must maintain records demonstrating that it addresses the intents and purposes of each Federal program included.	Annually	29,987	1 person / 6 hours	179,922	\$3,778,362
200.31-Principal must have opportunity to provide supporting evidence to LEA if he/she thinks school is being identified for improvement in error.	Annually				Done as regular part of business of single accountability system—OMB 1810-0576
200.39, 200.41, 200.42— Schools identified for improvement must revise or develop school improvement plan; corrective action may include revising school improvement plan.	Each time a school is identified for improvement	4,154	6 people/at 160 hours each = 960 hours per school	3,987,840	\$83,744,640
Total School Activities		29,987		4,697,762	\$98,653,002

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 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 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. Not applicable.

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. Estimated annualized Federal cost: The only cost to the Federal government, beyond the efforts normally associated with Department staff conducting program monitoring, would be to review the notices that States must send to the Secretary about major factors that have significantly affected student achievement in schools identified for improvement.

Two people, GS-13, four hours per notice, X 52 states = 416 hours X 31.54 per hour=\$13,121.

Q15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

A15. The change in burden hours in Item 13 of OMB Form 83-I is primarily due to updated estimates of the time needed for SEA, LEA, and school implementation of statutory district and school improvement planning requirements and the statutory requirement that local educational agencies notify parents of eligible students in schools in improvement of their public school choice and supplemental educational services option. The estimate also reflects hours for new final regulation 200.6(b)(4)(i)(c) and hours for the preparation of SEA and LEA report cards. There were no estimated hours for Item 14 on Form 83-I.

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 collection of information does not require publication of the information or use of complex analytical techniques. The needs assessment and service delivery plan need to be implemented at least once during the current period of authorization for ESEA as amended. The program evaluation needs to be implemented biennially during the current period of authorization for ESEA as amended.

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. As SEAs, LEAs, and schools will conduct the information collection, the proposed display of the expiration date of OMB approval for the data collection would be inappropriate because these entities, rather than the Federal Government or a Federal contractor, are doing the collections.

Q18. Explain each exception to the certification statement identified in Item 20, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

A18. There are no proposed exceptions to the certifications.

B. Collections of Information Employing Statistical Methods

The final regulations do not require that statistical methodology be employed.