

**SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION
PART C OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT AS AMENDED IN 2004
Information Collection 1820-0578
Part C State Performance Plan (SPP) and Annual Performance Report (APR)**

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 is a request for review and approval of the Part C State Performance Plan (Part C – SPP) and Annual Performance Report (Part C – APR). The Individuals with Disabilities Education Improvement Act of 2004, signed on December 3, 2004, became PL 108-446. In accordance with 20 U.S.C. 1416(b)(1) and 20 U.S.C. 1442, not later than 1 year after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2004, each Lead Agency must have in place a performance plan that evaluates the Lead Agency's efforts to implement the requirements and purposes of Part C and describe how the Lead Agency will improve such implementation. This plan is called the Part C State Performance Plan (Part C – SPP). In accordance with 20 U.S.C. 1416(b)(2)(C)(ii) the Lead Agency shall report annually to the public on the performance of each early intervention service (EIS)¹ program located in the State on the targets in the Lead Agency's performance plan. The Lead Agency also shall report annually to the Secretary on the performance of the State under the Lead Agency's performance plan. This report is called the Part C Annual Performance Report (Part C – APR).
- 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 collected from this source will be, and has been, used by the Monitoring and State Improvement Planning Division in the Office of Special Education Programs for the following purposes: (1) to evaluate State's performance and compliance in critical areas under the IDEA; (2) to prepare the annual program budget request; (3) to evaluate the State's progress in meeting the targets found in the Lead Agency's SPP; and (4) to provide information necessary for the Department to comply with the Government Performance and Results Act (GPRA).
- 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.** Lead Agencies may complete and mail a copy of the SPP/APR to the Office of Special Education Programs or submit electronically to OSERS.capr@ed.gov.
- 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.** All Lead Agencies have completed three Annual Performance Reports. The Part C SPP and APR are taking the place of the previous Annual Performance Report. With the revision of this collection there has been an attempt to allow Lead Agencies to use data already collected for other purposes whenever possible. Data collection is only required for data that is not available from other sources. Attachment 1, Report of Dispute Resolution under Part B of the Individuals with Disabilities Education Act Complaints, Mediations, Resolution Sessions, and Due Process

¹ Early intervention service program (EIS program) means an entity designated by the lead agency for reporting under section 616 (b)(2)(C) of the Act.
Part C SPP / APR

Hearings, has been the sole source for the collection of Dispute Resolution data. For the FFY 2005 (2005-2006) APR, Table 4 of Information Collection 1820-0677 (Report of Dispute Resolution Under Part C of the Individuals with Disabilities Education Act) will be used to gather this data. All dispute resolution data are to be migrated to the 618 State-reported collections for FY 06-07. Only the analyses and improvement strategies related to these data will be included in Information Collection 1820-0578.

In many cases, information required provides Lead Agencies an opportunity to analyze and explain data that are reported in the Annual Report of Children Served, i.e., number of infants and toddlers served, settings where services are provided, etc.. No duplication currently exists.

- Q5.** If the collection of information impacts small businesses or other small entities (Item 5 of OMB Fore 83-I), describe any methods used to minimize burden.
- A5.** The information requested does not involve the collection of information from entities classified as small business.
- 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.** Activities described in answers A1 and A2 would not be completed if this collection was not conducted.
- 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.** There are no special circumstances that would cause an information collection to be conducted as described in the bulleted items.
- 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. Information Collection 1820-0578 was placed in the Federal Register on Tuesday, March 8, 2005, to solicit comments. (Federal Register / Vol. 70, No. 44 / Tuesday, March 8, 2005 / Notices [Page 11198]. As a result of this posting the Department received a total of twenty (20) comments for Part C, all of which were carefully reviewed. In addition, the Department sought comments at a series of regional meetings held in April 2005. Part C State staff and parent representatives were present at the three regional meetings. Note takers recorded participant's comments and these were reviewed and considered as well. As noted below, the structure of the table and some indicators were revised based on the comments. The comments received are summarized with responses that follow:

Summary of General Comments

Commenter(s) raised the following issues:

1. Suggested wording changes.
Response: Wording is aligned with statute or Part C GPRA performance measures.
2. Suggested areas needing technical assistance.
Response: Department provided technical assistance through conference calls, an August 2005 Summer Institute, its Technical Assistance and Dissemination (TA&D) Network, through Frequently Answered Questions found at <http://www.rfcnetwork.org/content/view/248/358/>, SPP/APR technical assistance calls from May 2006 to January 2007, and will provide additional technical assistance at the September 2006 National Accountability Conference.
3. Raised issues related to sampling.
Response: Department provided technical assistance through conference calls, an August 2005 Summer Institute and its TA&D Network.
4. Raised questions about targets.
Response: Indicators that are compliance related have targets that are 100%; other targets are set by the State in conjunction with stakeholders. The department provided technical assistance through conference calls, an August 2005 Summer Institute and through its TA&D Network.
5. Asked for clarification about how the SPP and APR will be used.
Response: Statute clarifies that SPP and APR are to evaluate the State's efforts to implement the requirements and purposes of Part B and C of the IDEA and to describe how the State will improve implementation.
6. Requested that States be able to establish targets less than 100% for compliance indicators.
Response: Anything less than 100% compliance means that some children are not receiving needed services.
7. Suggested that the APR not be due before 02/01/07.
Response: The APR will be due 02/01/07.
8. Requested that "early childhood program" be defined.
Response: The Office of Special Education Programs plans to address the issue of a definition for "early childhood program" in the upcoming Part C regulations.
9. Raised questions about confidentiality and reporting.
Response: States and/or Lead Agencies are not required to report data if the data will result in disclosure of personally identifiable information. (20 U.S.C. 1416(b)(2)(C)(iii)).
10. Raised concerns that there are too many indicators.
Response: Indicators are required by 20 U.S.C. 1416(a)(3) and aligned with Part B and Part C performance measures.

11. Questioned whether targets could be required for indicators not established under 20 U.S.C. 1416(a)(3).
Response: All indicators are established under 20 U.S.C. 1416(a)(3).
12. Requested that instructions clarify items only collected and reported at State level not at the local level.
Response: Indicator Measurement Table clarifies those indicators that are collected and reported only at the State level.
13. Requested the elimination of items collected in the 618 Information Collection.
Response: Information Collection 1820-0578 (SPP/APR) is an analysis of data submitted under Section 618 and an improvement plan and is not a separate collection of that data.
14. Requested clarification in regard to the reporting timeframe.
Response: The reporting timeframe will generally be the Federal fiscal year. States may use other time frames that are generally the same i.e. 2006-2007.
15. Raised concerns that several indicators, although not entirely new, are significantly revised and should be designated as “new”.
Response: Indicators now designated as “new” allow States the opportunity to gather baseline for reporting in the 02/01/07 APR.
16. Requested that there needed to be a way to update the SPP.
Response: A State and/or Lead Agency can amend the SPP when APRs are submitted. This was clarified in the instructions to the APR.
17. Raised concerns related to 618 State-reported data, i.e., reporting between October 1 and December 1.
Response: The timing of the reporting of 618 data is not relevant to the SPP/APR reporting.
18. Raised concerns regarding accuracy of data.
Response: If concerns are present in a Lead Agency, stakeholders could choose to focus on improving accuracy of data.
19. Suggested additional indicators or adding to parts of indicators, e.g., in child identification add “as compared to similar sized States”.
Response: Did not add but State may include additional indicators.
20. There is a need for clarification regarding the interplay between allowable sampling procedures and the requirement that Lead Agencies report to the public on an annual basis data for every EIS program for all of the monitoring priorities in the SPP/APR.
Response: Department provided technical assistance through conference calls, an August 2005 Summer Institute, its Technical Assistance and Dissemination (TA&D) Network, through Frequently Answered Questions found at <http://www.rfcnetwork.org/content/view/248/358/> , and will provide additional technical assistance at the September 2006 National Accountability Conference.

Summary of Comments Related Specifically to PART C Indicators

Part C: Child Find

1. Suggested that other comparisons might be more appropriate.
Response: Lead Agencies may conduct other comparisons that include the use of trend data; data from other States with similar populations; or aggregate counts for the year. (See Indicators 5, 6, and 7.)

Part C: Early Intervention Services in Natural Environments

1. Suggested that indicators, that included more than one part, be split into multiple indicators.

Response: Several indicators were simplified in Early Intervention Services in Natural Environments to only include one measure. Some indicators were left as originally written. (See Indicators 1-4.)

Part C: Natural Environments

1. Requested that the word “primarily” be defined.
Response: “Primarily” is defined in the 618 Information Collection. (See Indicator 2.)

Part C: Early Childhood Outcomes

1. Requested that the reporting on Early Childhood outcomes be postponed.
Response: The reporting of baseline data has been delayed until the APR is submitted in 2/1/08. (See Indicator 3.)
2. Requested that technical assistance be provided for this indicator.
Response: Technical assistance is to be provided at the August 2005 Summer Institute and through the Early Childhood Outcomes Center (ECO), National Early Childhood Technical Assistance Center (NECTAC), and Regional Resource Centers (RRCs).

Part C: Family Centered Services

1. Suggested that the work of the ECO and NCSEAM family satisfaction survey be recognized.
Response: OSEP worked with ECO and NCSEAM in restating the indicator. The survey was available and discussed at the August 2005 Summer Institute. (See Indicator 4.)
2. Recommend wording changes in this indicator.
Response: Wording in indicator was changed in part based on recommendations from ECO and NCSEAM. (See Indicator 4.)
3. Requested postponing the reporting on Family outcomes.
Response: The reporting of baseline data has been delayed until the APR is submitted on 2/1/07. (See Indicator 4.)
4. Recommend developing indicator to track how much money a State dedicates to high quality family involvement.
Response: This is a good idea but OSEP is concerned about increasing burden.

Part C: Effective Transitions

1. Recommended wording changes to clarify indicator
Response: Indicator was reworded accordingly. (See Indicator 8.)

Part C: General supervision

1. Suggested that one year time period to achieve compliance should be revised to add “or with the time period consistent with the corrective action plan.”
Response: Noncompliance must be corrected within one year of identification. If noncompliance cannot be fixed in one year the State should request a compliance agreement.
2. Raised concern that priority areas are not always clear.
Response: Reworded indicator to make clear that “priority areas” are the “Monitoring Priority” areas and indicators found within each of the SPP/APR “Monitoring Priorities”.
3. Requested that “timely and accurate”, as it relates to data, be defined.
Response: Timely means “submitted on due date”. Added to indicator. (See Indicator 14.)

This collection is conducted consistent with the guidelines required by 5 CFR 1320.8(d).

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

- A9.** This collection does 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.** No assurance of confidentiality is provided to respondent Lead Agencies. However 20 U.S.C. 1416(b)(2)(C)(iii) allows that the Lead Agency shall not report to the public or the Secretary any information on performance that would result in the disclosure of personally identifiable information about individual children or where the available data is insufficient to yield statistically reliable information. All data are aggregated at the State level.
- 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 or requirements of a sensitive nature.
- Q12.** Provide estimates of the hour burden of the collection of information. The statement should:
- Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.
 - If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-1.
 - 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.** It is estimated that respondents will spend approximately 150 hours when completing the SPP and 100 hours completing the APR. The SPP is to be completed once, due December 2, 2005, and the APR is to be completed annually thereafter. The first APR is due February 1, 2007. The reason for a decrease in hours while compiling the APR is that Lead Agencies will not be annually creating measurable and rigorous targets with associated improvement activities, timelines, and resources.

The Interagency Coordinating Council (ICC) reviews and certifies the Lead Agency's Report, and either agrees or disagrees with the Report. In either case, the ICC may wish to provide additional comments related to the SPP and APR by appending comments. The estimate will be 2 hours to review, certify, and add comments as needed.

Total burden hours for the SPP (submitted only once) will be 56 respondents times 150 hours, which equals 8,400 hours. Of the total 150 hours, it is estimated that 80 hours will be spent planning the report, 40 hours will be spent writing the report, and 30 hours will be spent typing and compiling the report.

The estimated cost burden to public agencies of preparing the SPP is a one-time cost of \$184,800. The estimated total cost burden is reached by multiplying the hours of response (150) by the number of responses (56) and then multiplying the newly obtained product by the average hourly pay rate (\$22) of the staff preparing the report.

Total burden hours for the APR (submitted annually) will be 56 respondents times 100 hours, which equals 5,600 hours. Of the total 100 hours, it is estimated that 50 hours will be spent planning the report, 30 hours will be spent writing the report, and 20 hours will be spent typing and compiling the report.

The estimated cost burden to public agencies of preparing the APR is \$123,200 annually. The estimated total cost burden is reached by multiplying the hours of response (100) by the number of responses (56) and then multiplying the newly obtained product by the average hourly pay rate (\$22) of the staff preparing the report.

- 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.** Lead Agencies have been preparing an Annual Performance Report for the past three years. Therefore, there are no start-up costs in addition to those described in item 12. This collection does not necessitate that States develop or refine their data collection system, although some States are choosing to do so. There are no anticipated costs for operation, maintenance, or purchase of services that are imposed on States by these requirements, other than those noted above.
- Q14.** Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.
- A14.** The estimated cost to the Federal Government is the staff time to review and analyze the reports. It is estimated that it will take 40 hours of staff time to review each of the 56 responses, which equals 2240 hours. The 2240 hours is multiplied by the average hourly rate of pay for each reviewer (\$36), to equal an estimated cost to the Federal Government of \$80,640.00.
- Q15.** Explain the reasons for any program changes or adjustments reported in Items 12 or 14 of the OMB Form 83-I.

- A15.** As stated in A1 above, the structure of State reporting has changed. In accordance with 20 U.S.C. 1416(b)(1) not later than 1 year after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2004, each Lead Agency must have in place a performance plan that evaluates the State's efforts to implement the requirements and purposes of Part C and describe how the Lead Agency will improve such implementation. This plan is called the Part C State Performance Plan (Part C – SPP). In accordance with 20 U.S.C. 1416(b)(2)(C)(ii) the Lead Agency shall report annually to the public on the performance of each early intervention service program (EIS program) located in the State on the targets in the State's performance plan. The Lead Agency shall also report annually to the Secretary on the performance of the Lead Agency under the State's performance plan. This report is called the Part C Annual Performance Report (Part C – APR).
- 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 use complex analytical techniques.
- 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 to ask for an approval not to display the expiration date.
- Q18.** Explain each exception to the certification statement identified in Item 19, "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

This collection does not require that statistical methodology be employed.