

**SUPPORTING STATEMENT FOR REQUEST FOR OMB APPROVAL UNDER THE
PAPERWORK REDUCTION ACT**

Report of Dispute Resolution Under Part C of the Individuals with Disabilities Education Act
Complaints, Mediations, and Due Process Hearings

A. JUSTIFICATION

1. Circumstances necessitating information collection.

P.L. 108-446 directs the Secretary of Education to obtain data on the dispute resolution process described in Section 615 of the law. Specific legislative authority in Section 618 requires that:

“(a) IN GENERAL- Each State that receives assistance under this part, and the Secretary of the Interior, shall provide data each year to the Secretary of Education and the public on the following:

(1)(F) The number of due process complaints filed under section 615 and the number of hearings conducted.

(H) The number of mediations held and the number of settlement agreements reached through such mediations” (P.L. 108-446, Section 618).

In addition to the specific data requirements described in Section 618, Section 616(a)(3) (B) identifies the dispute resolution process as a monitoring priority. The law states specifically that:

“(3) MONITORING PRIORITIES- The Secretary shall monitor the States, and shall require each State to monitor the local educational agencies located in the State (except the State exercise of general supervisory responsibility), using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in the following priority areas:

(B) State exercise of general supervisory authority, including child find, effective monitoring, the use of resolution sessions, mediation, voluntary binding arbitration, and a system of transition services as defined in sections 602(34) and 637(a)(9)” (P.L. 108-446, Section 616).

This collection will replace Attachment 1 of the Part C Annual Performance Report (OMB number 1820-0578) beginning with the data collection for the 2006-07 reference period. The data collection form provides instructions and information for States for submitting their dispute resolution data.

2. Use for which the information is gathered.

The Office of Special Education Programs (OSEP) will use the information collected on this form to assist in establishing programmatic priorities, to monitor States to ensure

compliance with Federal statute and regulations, and to disseminate data to Congress and the public.

3. Use for improved information technology.

OSEP will provide States with an electronic (Excel spreadsheet) version of the data collection form to use when submitting data. States can receive and send the form via e-mail, diskette, or paper. The spreadsheet includes a number of data edits to improve data entry validity. For example, as States enter their data, the edits flag totals that do not equal the sum of the disaggregated counts. The use of the spreadsheet with built-in edits reduces the number of follow-up contacts with the States after the data reach OSEP. The spreadsheet also provides space for States to comment on their data, for example providing additional information about how the data were aggregated, what changes were made to these procedures since the last data report, how changes in state policy or legislation affect the data, or other issues the State believes are applicable to the data collection. Based on OSEP's experience with electronic reporting for the other OSEP data collections, we expect that approximately 96 percent of States will submit the data electronically.

4. Efforts to identify duplication.

The information requested does not represent any duplication in content, reporting, or performance requirements beyond those imposed under the statute. This information is available only from State agencies.

5. Small businesses.

The information requested does not involve the collection of information from entities classified as small organizations.

6. Consequence of less frequent collection.

An annual data collection is necessary to comply with statutory requirements. P.L. 108-446, Section 618(a) requires: "Each State that receives assistance under this part, and the Secretary of the Interior, shall provide data each year to the Secretary..."

7. Special circumstances.

There are no special circumstances associated with this data collection.

8. Federal Register notice/consultation outside the agency.

The Department of Education's (ED) notice of this proposed information collection request was published in the *Federal Register* on _____ on page _____. A copy of the notice is attached. See attached report for a summary of comments.

OSEP developed this form in consultation with the Consortium for Appropriate Dispute Resolution in Special Education (CADRE). OSEP receives continuous feedback on data issues through an annual meeting of state Part C data managers--a meeting also attended

by ED staff and staff from the Federal and Regional Resource Centers and National Association of State Directors of Special Education, the National Early Childhood Technical Assistance Center, Part C Coordinators, early intervention researchers, and early intervention advocates. Where practical and consistent with programmatic needs, OSEP incorporated their suggestions for modifications to the data collection form.

OSEP's Responses to Comments

1. *OSEP should delay implementation of the revised data collection until 2006. Changing data collection system to collect new data requirements is a burden on states. (kleitch1, agomm1)*

OSEP cannot delay implementation of the requirements of IDEA 2004. The law specifies that these requirements must be in place by July 1, 2005. In addition, States are already required to report these data in their Annual Performance Reports and therefore should already have systems in place for collecting these data.

2. *OSEP should no longer require states to report these data in their State Performance Plans (SPPs). (kleitch1)*

Beginning with the 2005-06 reporting period, States will no longer have to report these data in their SPPs. However, states will be expected to analyze these data in their SPPs.

3. *Section 616(a)(3)(B) specifically mentions voluntary binding arbitration. Why isn't it part of the dispute resolution data collection? (Comment: 5238)*

Within IDEA, the phrase "voluntary binding arbitration" only appears in Section 616(a)(3)(B). OSEP interprets the phrase to refer to expedited due process hearings. These data are part of the Part B dispute resolution data collection form, but were not considered relevant to Part C.

4. *OSEP should remove the sentence "This is noted for States because OSEP may use this calculation in focused monitoring."*

The Part B and Part C dispute resolution forms are, with the exception of expedited due process hearings, intended to be identical. This sentence appears in the Part B form and therefore will not be removed from the Part C form.

IDEA 2004 Citations Referenced in OSEP's Responses

SEC. 616. MONITORING, TECHNICAL ASSISTANCE, AND ENFORCEMENT.

(a) FEDERAL AND STATE MONITORING-

(3) **MONITORING PRIORITIES-** The Secretary shall monitor the States, and shall require each State to monitor the local educational agencies located in the State (except the State exercise of general supervisory responsibility), using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in the following priority areas:

(B) State exercise of general supervisory authority, including child find, effective monitoring, the use of resolution sessions, mediation, voluntary binding

arbitration, and a system of transition services as defined in sections 602(34) and 637(a)(9).

9. Payments or gifts to respondents.

No payments or gifts are provided to respondents for completing this information request.

10. Assurance of confidentiality.

No assurance of confidentiality is provided to respondents. However, no individually identifiable information is requested.

11. Questions of a sensitive nature.

There are no questions or requirements of a sensitive nature contained in the form.

12. Estimate of respondent burden.

The estimate of burden is based on informal feedback received from data managers about their experience with the previous data collection under Attachment 1 of the APR. Note that it is not possible to estimate an exact burden amount for each State because States vary in their methods for collecting and aggregating these data, in the number of children they serve (and, consequently, the number of complaints received), and the sophistication of their data systems. In making these estimates, we assumed that most states directly collect all dispute resolution data and, with the exception of the expedited hearings data that are not part of APR Attachment 1, already have systems in place for reporting these data.

In order to calculate burden, OSEP estimated the average number of hours required per State. The total burden for all States was calculated by multiplying the average number of hours by 56¹ (56*average State burden). For State agencies, the estimated average burden is 60 hours per State agency, representing a total burden estimate of 3,360 hours. Most States reported that they expect the required number of hours needed to produce these data to decline as systems are expanded to collect all required data elements, personnel are trained on reporting these data, and edits are implemented to automate data cleaning.

13. Estimate of costs to respondent.

OSEP estimated respondent costs as \$20 per hour. As indicated above, the estimated total number of burden hours is 3,360. Therefore, the total estimated cost to the respondents is \$67,200.

14. Estimate of costs to the Federal Government.

The following table represents the estimated costs to the Federal Government associated with the form.

¹ 56 includes 50 States, District of Columbia, Puerto Rico, Virgin Islands, American Samoa, Guam, and Northern Marianas.

Copying:	50
Mailing:	300
Staff:	2,500
Contractor Data Services:	<u>12,000</u>
	\$14,850

Contractor data services include costs for updating the database and processing, verifying, and analyzing the data.

15. Reasons for program changes or adjustments.

This is a new data collection.

16. Plans for tabulation and publication.

OSEP will tabulate and display the information submitted by States in a variety of ways. The primary vehicles for distribution are the Secretary's Annual Report to Congress (P.L. 108-446, Section 664(c)(2)) and through publication of these data on the Internet (IDEAdata.org). OSEP also plans to use these data for state monitoring. Occasionally, the data may be summarized and presented at conferences and in ad hoc reports or articles submitted for publication. The data will also be used by CADRE in their work, under a cooperative agreement with OSEP, to develop a national dispute resolution database.

17. Display of OMB expiration date.

The OMB expiration date will be displayed on the form.

18. Exceptions to the certification statement.

There are no exceptions to the certification statement.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection of information does not permit the use of statistical methods.