

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSION**

OMB No. 1810-0662-v.6

**MIGRANT EDUCATION PROGRAM (MEP)
FINAL REGULATIONS &
CERTIFICATE OF ELIGIBILITY (COE)**

§§ 200.83, 200.84, and 200.88 & § 200.89

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. The U.S. Department of Education is requesting a revision to the previously-approved information collection OMB No. 1810-0662. This collection of information is necessary to implement both prior existing regulations for the Title I, Part C Migrant Education Program (MEP) as well as newly approved and published MEP regulatory requirements. The MEP is authorized under sections 1301-1309 of Part C of Title I of the Elementary and Secondary Education Act, as amended. Regulations for the MEP are found at 34 CFR 200.81-200.88 as well as in the new §200.89 in the new Notice of final regulations (attached).

The particular regulations with information collection requirements are the new § 200.89(b)-(d) in the attached Notice of final regulations; and existing §§ 200.83 (which has a minor modification -- with no additional data collection implications -- included in the new regulations), 200.84 and 200.88 that were reviewed and approved under the last information collection review. No other MEP regulatory sections have information collection requirements.

Section 200.89(b) establishes minimum requirements an SEA must meet to conduct re-interviewing of samples of migrant families to (1) examine and validate the accuracy of its statewide eligibility determinations under the MEP, (2) provide a statistic (i.e., a “defect rate”) the Secretary can apply to adjust the SEA’s migrant child counts to determine FY 2006 and future year MEP allocations, and (3) ensure ongoing quality control in future eligibility determinations. This proposed regulatory requirements are consistent with secs. 1309(2) and 1304(c) (7) of ESEA.

Section § 200.89(c) establishes minimum requirements an SEA must meet to document its eligibility determinations under the MEP (including the use of a standard Certificate of Eligibility form [attached]), and clarifies the responsibility of the SEA for accurately making all determinations of program eligibility. These proposed regulatory requirements are consistent with secs. 1302, 1304(a) and 1309(2) of ESEA

Section §200.89(d) establishes minimum requirements for a system of quality controls that an SEA must implement to ensure accurate migrant child eligibility determinations. This proposed regulatory requirement is consistent with sec. 1309(2) and 9304(a)(6) of ESEA.

Section 200.83 establishes the minimum requirements an SEA must meet for development of a comprehensive needs assessment and plan for service delivery as required under Section 1306(b) of the Elementary and Secondary Education Act (ESEA), as amended (P.L. 107-110). The proposed revision clarifies that this plan must include measurable outcomes that an SEA’s MEP will produce and a strategy to achieve the measurable outcomes.

Section 200.84 of the final regulations continues without change to establish the minimum requirements the SEA must meet to implement the program evaluation required under Section 1304(c)(2) of ESEA.

Section 200.88 of the final regulations continues without change to clarify that, for the purposes of the MEP, only "supplemental" State or local funds that are used for programs specifically designed to meet the unique needs of migratory children can be excluded in terms of determining compliance with the "comparability" and "supplement, not supplant" provisions of the statute.

A copy of the new Notice of final regulations, the NPRM, the COE, the existing regulations and the relevant statutory sections are attached.

There were no terms of clearance for the last approval (granted on 3/20/08 and expiring on 03/31/11) that covered only §§ 200.83, 200.84 and 200.88.

Please note that this information collection was previously made available on EDICS for public comment during the period last year when the NPRM was soliciting public comment.

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 re-interviewing information to be required by § 200.89(b) will be used by both the SEA and the Secretary to estimate the accuracy of program eligibility determinations and to make needed improvements. The information will also be used by the Secretary to make necessary adjustments to the FY 2006 and subsequent year MEP allocations. The eligibility materials to be required by § 200.89(c) will be used by the SEAs to clearly document the basis for the determination of program eligibility of each migrant child so identified by the SEA. The information to be required by § 200.89(d) will examine and document the implementation of the SEA's quality control system and enable the SEA to determine and implement necessary process improvements.

The needs assessment and service delivery information required by § 200.83 is used by the SEA to design and implement an effective statewide MEP. The evaluation information required by § 200.84 is used by the SEA to assess the effectiveness of the statewide MEP, and to promote improved service delivery. The advance written determination by an SEA required by § 200.88 (that a State or locally funded program meets the intents and purposes of part C of Title I) is used by the SEA to support the exclusion of "supplemental" State or local funds in determining compliance with the "comparability" and "supplement, not supplant" provisions of the statute.

Except for the information required by § 200.89(b)(1), this collection of information does not require the information collected to be submitted to ED: instead, it is for SEA use in documenting eligible migrant children and in designing, operating and evaluating their State MEP.

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 proposed regulations themselves do not require nor preclude SEAs from using information technology to reduce burden. Many SEAs will use information technology (e.g., an electronic COE) to collect data. Faxes and computer information systems will be used to send information to reviewers.

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. The eligibility documentation information, the re-interviewing information, the quality control process documentation, the needs assessment and service delivery information, the evaluation information, and the advance written determination supporting the exclusion of "supplemental" State or local funds in determining compliance with the "comparability" and "supplement, not supplant" provisions of the statute required by this collection are unique to this program and the particular grantee. Other than state assessment data to be collected under the Title I assessment requirements for use in §§ 200.83 and 200.84, the information to be collected by the SEA under §§ 200.89(b), 200.89(c) and 200.89(d) and §§ 200.83, 200.84, and 200.88 are not in any other data collection, and are necessary for the SEA to design, implement, and improve its statewide MEP. These student-level data are not being collected under EDEN/EdFacts.

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 are not impacted by this data collection.

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 §§ 200.83, 200.84, and 200.88 of regulations does not continue to be conducted, the SEA grantees of the MEP would be unable to design and implement a statewide MEP, evaluate or improve the delivery of program services statewide, or exclude "supplemental" State or local funds in determining compliance with the "comparability" and "supplement, not supplant" provisions of the statute. If the information collection under § 200.89 of the NPRM is not conducted, the SEA grantees of the MEP would be unable to examine and improve the accuracy of its program eligibility processes, and the Secretary would be unable to accurately allocate program funds to the SEAs.

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 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 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. Relative to §§ 200.89: An NPRM was published on 05/04/07 [see 72 FR 25228]. The NPRM solicited public comment on the information collection requirements of the proposed regulation. Some comments were received from the public expressing some concern about the costs and data collection burden associated with the proposed regulations. These comments – which in general did not offer specific remedies to the concerns other than eliminating the data collection requirements -- are summarized in detail in the Notice of final regulations.

Relative to the standard national COE: Similar versions of this COE were developed and promulgated as a non-required model in non-regulatory guidance over many years and, as such, the final version included in this information collection package reflects considerable input from State and local MEP staff as to its design and content.

Relative to §§ 200.83, 200.84, and 200.88: these final regulations were first published on December 2, 2002. No specific comments were received at that time from the public on the cost and hour burdens relative to §§ 200.83, 200.84, and 200.88. Since then, OME staff have met annually with State Directors to discuss program issues, and no comments have been made relative to the cost and hour burdens associated with §§ 200.83, 200.84, and 200.88. No specific comments were received on these continuing requirements when the last version of this information collection was posted to EDICS for public comment.

The newly-approved and published Notice of final regulations notes that the information collection requirements associated with the final regulations are not yet approved and that the public has another opportunity to comment to OMB on the costs and burdens in this proposed information collection.

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

A9. The 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 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 regulations do not require any 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.*
- *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.

As presented in greater detail below, we estimate that it will require 20,691 hours per State respondent and 2 hours per migrant parent to respond to the requirements of these regulations.

We estimate that it will require approximately 636 hours per State respondent and 0.5 hours per migrant parent respondent (annually) to address the requirements of §200.89(b). We estimate that it will require approximately 17,347 hours per State and 1.5 hours per parent (overall) to address the requirements of §200.89(c). We estimate that it will require approximately 1,220 hours per State (annually) to address the requirements of §200.89(d).

We estimate that it will require approximately 1,044 hours per State (overall) to address the requirements of §200.83. We estimate that it will require approximately 440 hours per State (biennially) to address the requirements of §200.84. We estimate that it will require approximately 4 hours per State (on a one-time basis) to address the requirements of §200.88.

These estimates were developed by program staff with prior experience in the State-level administration of the MEP. [See the tabular summaries below for a fuller explanation of the calculations.]

Summary of Total Burden Hours (Annualized)

By regulatory section/subsection	Total Burden Hours (Annualized)
200.83	9,829
200.84	10,780
200.88	33
200.89	510,456
TOTAL	531,098

200.89(b)	Frequency of response	# of Respondents	Average # of Hours per respondent	Total Hours	Description
(1) Retrospective Re-interviewing	One Time				
Re-interviews	One Time	15 ¹ SEAs 300 parents ² of migrant children per State = 4,500 parents	1,200 0.5	18,000 2,250	Assuming an average sample of 300 children per State and an average time of 4 hours ³ (including multiple attempts) to locate, travel to & re-interview each child's parent/guardian, including an average of ½ hour per family to conduct the re-interview per State
Analysis & Reporting	One Time	15 SEAs	380	5,700	Assuming an average sample of 300 children and 1 hour per child to analyze eligibility findings and 80 hours to construct the report.
Subtotal (1)	One Time		1,580 per SEA & 0.5 per parent	25,950	
(2) Prospective Re-Interviewing	Annually				
Re-interviews	Annually	49 ⁴ SEAs 50 parents of migrant children per State = 2,450 parents	100 0.50	4,900 1,225	Assuming an average sample of 50 children per State and an average time of 2 hours ⁵ (including multiple attempts) to locate, travel to & re-interview each child's parent/guardian, including an average of ½ hour per family to conduct the re-interview per State.
Analysis	Annually	49 SEAs	50	2,450	Assuming an average sample of 50 children per State and 1 hour per child to analyze eligibility findings.
Report as part of Migrant Child Count Report ⁶	Annually	49 SEAs	2	98	Assuming it will take no more than 2 hours per State to summarize the new findings

¹ Because virtually all SEAs have already voluntarily-submitted defect rates, we estimate that only 15 will be required to submit under the authority of §200.89(b): 5 SEAs who may not submit voluntarily before the regulation is finalized and 10 SEA who may have to redo the process because their defect rate and process are determined by the Secretary to be flawed.

² Assumes only 1 parent/guardian per family need be interviewed.

³ We estimate 4 hours to locate/re-interview each child retrospectively since these re-interviews will be taking place long after the initial eligibility determination was done in 2003-04.

⁴ We estimate 49 SEAs since, as of FY 2006, Rhode Island, the District of Columbia and Puerto Rico are no longer participating in the MEP.

⁵ We estimate 2 hours to locate/re-interview each child prospectively since these re-interviews will take place soon after the initial eligibility determination was done in any program year.

					for the report.
Subtotal (2)	Annually		152 per SEA & 0.5 per parent	8,673	
TOTAL for §200.89(b)		49 SEAs & 6,950 ⁷ parents	636 ⁸ per SEA & 0.5 per parent	34,623	

200.89(c)	Frequency of response	# of Respondents	Average # of Hours per respondent	Total Hours	Description
Eligibility Documentation					
Conduct the interview	Once per 3-years of eligibility	49 SEAS 300,000 parents ⁹	9,184 0.5	450,000 150,000	Assuming approximately 750,000 children and 2.5 children per family (and per COE) and 1.5 hours to initially locate, travel to and interview each family, including an average of ½ hour per family to conduct the re-interview per State.
Write up the COE & other SEA-required eligibility documentation	Once per 3-years of eligibility	49 SEAS	2,041	100,000	Assuming 20 minutes per COE. One COE is done for every family (each with an average of 2.5 children).
Update/Revise COE as necessary ¹⁰	Twice within 3-year eligibility period	49 SEAs 300,000 parents	6,122 1.0	300,000 300,000	Assuming an average of ½ hour per COE per year for each of two of three years.
TOTAL for §200.89(c)		49	17,347 per SEA and 1.5 per parent	1,300,000	

⁶ The Migrant Child Count Report has already been cleared through 6/30/07 under OMB No. 1810-0519. For 2006-07, the child count data collection will be eliminated as a separate collection but the data will be collected and its burden included under an amendment to the electronic collection of the Consolidated State Performance Report (CSPR).

⁷ Total of 4,500 under §200.89(b)(1) + 2,450 under §200.89(b)(2) = 6,950 parents.

⁸ Estimated hours per SEA across all 49 SEAs – where all 49 SEAs will do the §200.89(b)(2) prospective re-interviewing annually but only 15 SEAs will also do the §200.89(b)(1) retrospective re-interviewing once over the next 3 year period.

⁹ Assumes 1 parent per family needs to be interviewed

¹⁰ This would include the survey data required to document the temporary nature of employment under §200.89(a)(i).

200.89(d)	Frequenc y of response	# of Respon- dents	Average # of Hours per respondent	Total Hours	Description
Quality Control Procedures					
(4) SEA/LEA COE reviews	Annually	49 SEAs	1,020	50,000	Assuming 300,000 COEs (new or updated) and 10 minutes per COE for review.
(6) Documenta- tion of quality control processes and improvement	Annually	49 SEAs	200	9,800	Assumes 200 hours of person time per year to prepare needed documentation
TOTAL for §200.89(d)		49 SEAs	1,220	59,800	

§ 200.83	Frequency of response	# of Respondents	Average # of Hours per respondent	Total Hours	Description
Needs Assessment	One Time				
Data Collection	Activities One Time	49 SEAs	643.50	31,532	This estimate includes the time required to design and collect information through surveys of samples of parents, staff and LEAs with migrant students regarding migrant students' needs and the whether other programs' services are already available.
Analysis & Reporting	One Time	49 SEAs	160	7,840	This estimate includes the time for SEA staff to analyze the collected needs assessment data and summarize the results.
Plan Development	One Time	49 SEAs	160	7,840	This estimate consists of the time needed for SEA staff to draft, revise and clear a comprehensive service delivery plan that responds to the identified needs of students and coordinates services across the MEP and other available services.
Plan Update	Biennial	49 SEAs	80	3,920	This estimate consists of the time needed for SEA staff to update the comprehensive service delivery plan in response to the results of program evaluations.
Total for §200.83		49	1,044	51,132	

§ 200.84 Activities	Frequency of response	# of Respondents	# of Hours per respondent	Total Hours	Description
Evaluation	Biennial				
Data Collection	Biennial	49 SEAs	120	5,880	This estimate consists of the time to collect project observation data in a 30 percent samples of MEP project sites nationally. (The estimate does not include the time associated with collecting student-level assessment data since student assessment data is exempt from the paperwork clearance process.)
Analysis & Reporting	Biennial	49 SEAs	320	15,680	This estimate consists of the time needed for SEA staff to analyze and summarize the project and student data to determine the effectiveness of the State's MEP program.
Total for §200.84		49	440	21,560	Biennially

§ 200.88 Activities	Frequency of response	# of Respondents	# of Hours per respondent	Total Hours	Description
Written determination	Once	49 SEAs	4	196	This estimate consists of the time needed for SEA staff to analyze and prepare a written determination in support of an exclusion.
Totals for § 200.88		49	4	196	One-time

Estimates of annualized burden:

- Amortized over the next three years, **the annual burden to address the §200.89(b)(1) requirements** would be 25,950 hours /3 years = **8,650 hours/year**. **The annual burden to address the §200.89(b)(2) requirements would be 8,673 hours/year**. Therefore **the total annual burden to address the § 200.89(b) requirements** would be: 8641.66 + 8,673 = **17,323 hours/year**.
- Amortized over the 3-year eligibility cycle, **the annual burden to address the §200.89(c) requirements** would be 1,300,000/3 years = **433,333 hours/year**.
- **The annual burden to address the §200.89(d) requirements** would be **59,800 hours/year**.

Therefore, the annual burden to address the §200.89 requirements = 17,323 + 433,333 + 59,800 = 510,456 hours/yer.

- Amortized over the six-year ESEA authorization, **the annual burden to address the § 200.83 "Needs Assessment" and initial "Plan Development" requirements** would be: (31,532+ 7.840+7,840) hours / 6 years = **7,869 hours/year**. Amortized over a biennial

period, **the total annual burden to address the full § 200.83 "Plan Update" requirements** would be: 3,920 hours / 2 years = **1,960 hours/year**. [Note: Of these 1,960 hours, based on footnote 11, it will only require 24.5 hours per year to implement the new requirement for §200.83: (1 hour/SEA x 49 SEAs) / 2 years = 24.5 hours annually.] Therefore **the total annual burden to address the § 200.83 requirements** would be: 7,868.66 + 1,960 = **9,829 hours/year**.

- Amortized over a biennial period, **the total annual burden to address the § 200.84 requirements** would be: 21,560 hours / 2 years = **10,780 hours/year**.
- Amortized over the six-year ESEA authorization, **the total annual burden to address the § 200.88 requirements** would be: 196 hours / 6 years = **33 hours/year**.

Estimates of annualized cost to respondents.

SEA Respondents

Estimating respondent cost at an average of \$10/hour for SEA staff carrying out interviews in §§200.89(b) and 200.89(c) and \$25/ hour for other SEA staff carrying out analysis and reporting and §§200.89(d), 200.83, 200.84 and 200.88, **the average cost per State** would be:

- $(\$10/\text{hour} \times 1,200 \text{ hours}) + (\$25/\text{hour} \times 380 \text{ hours}) = \$12,000 + \$9,500 = \mathbf{\$21,500 \text{ per State to address §200.81(b)(1)}$ on a one-time basis, and $\$21,500/3 = \$7,167$ annually per State amortized over the next 3 years. $(\$10/\text{hour} \times 100 \text{ hours}) + (\$25/\text{hour} \times 52 \text{ hours}) = \$1,000 + \$1,300 = \mathbf{\$2,300 \text{ per State to address §200.89(b)(2)}$ annually. Amortized over the next 3 years, **the annual cost per SEA to address the § 200.89(b) requirements** would be $(\$21,500/3 + \$2,300) = \mathbf{\$9,467/\text{year}}$.
- $[\$10/\text{hour} \times (450,000 + 100,000 + 300,000 \text{ hours})]/49 = (\$10/\text{hour} \times 850,000)/49 = \$8,500,000/49 = \$173,469/\text{State}$. Amortized over the 3 year eligibility cycle, **the annual cost per SEA to address the § 200.89(c) requirements** would be $\$173,469/3 = \mathbf{\$57,823/\text{year}}$.
- **The annual cost per SEA to address the § 200.89(d) requirements** would be $\{\$25/\text{hour} \times 1,220 \text{ hours}\} = \mathbf{\$30,500/\text{year}}$.
- With a total **annual** burden of 9,828.66 hours/year for all 49 SEAs , **the annual cost per SEA to address the full § 200.83 requirements** would be: $(\$25/\text{hour} \times 9,828.66 \text{ hours}) / 49 \text{ SEAs} = \mathbf{\$5,015/\text{year}}$. [Note: Of this amount, based on footnote 11, with a total annual burden of 24.5 hours per year to implement the new regulatory requirement for §200.83, the annual cost per SEA to implement the new regulatory requirement for §200.83 would be: $(\$25/\text{hour} \times 24.5 \text{ hours}) / 49 \text{ SEAs} = \$12.50/\text{year}$.]
- $\$25/\text{hour} \times 440 \text{ hours} = \$11,000$ per State to address the § 200.84 requirements (biennially). Amortized over a biennial period, **the annual cost per SEA to address the § 200.84 requirements** would be: $\$11,000 / 2 \text{ years} = \mathbf{\$5,500/\text{year}}$.
- $\$25/\text{hour} \times 4 \text{ hours} = \100.00 per State to address the § 200.88 requirements (on a one-time basis). Amortized over the six year ESEA authorization, **the annual cost per SEA to address the § 200.88 requirements** would be: $\$100.00 / 6 \text{ years} = \mathbf{\$17/\text{year}}$.

Annual Total Costs

- **The annual total cost to address the §200.89(b) requirements would be** $\$7,167 \times 15 \text{ SEAs} + \$2,300 \times 49 \text{ SEAs} = \mathbf{\$220,200}$.

- **The annual total cost to address the §200.89(c) requirements would be:** $\$8,500,000/3 = \$2,833,333$.
- **The annual total cost to address the §200.89(d) requirements would be** $\$30,500/\text{SEA} \times 49 \text{ SEAs} = \$1,495,000$.
- **The annual total cost to address the full § 200.83 requirements would be:** $(\$5,015/\text{SEA} \times 49 \text{ SEAs}) = \$245,735/\text{year}$. [Note: Of this, the total annual cost to implement the new regulatory requirement for §200.83 would be: $(\$12.50/\text{year} \times /49 \text{ SEAs}) = \$612.50/\text{year}$.]
- **The annual total cost to address the § 200.84 requirements would be:** $(\$5,500/\text{SEA} \times 49 \text{ SEAs}) = \$269,500/\text{year}$.
- **The annual total cost to address the § 200.88 requirements would be:** $\$16.67/\text{SEAs} \times 49 \text{ SEAs} = \$817/\text{year}$.

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. The only costs to respondents are those shown above for staff time for data collection and reporting. There should be no record-keeping costs beyond those covered under customary and usual business practices.

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:

Federal costs associated with this collection of information are generally those normally associated with Department staff conducting program monitoring. In that context, Department staff could be expected to

spend four hours reviewing an SEA’s retrospective re-interviewing documentation (§200.89(b)(1)); two hours reviewing an SEA’s prospective re-interviewing documentation (§200.89(b)(2)); five hours reviewing an SEA’s COEs (§200.89(c)); two hours reviewing an SEA’s Quality Control system and documentation (§200.89(d)); two hours reviewing an SEA’s needs assessment and service delivery plan (§ 200.83); two hours reviewing a SEA's program evaluation (§200.84); and one-half hour reviewing SEA's written determinations supporting the exclusion of State or local funds from "comparability" and "supplement, not supplant" provisions of the statute in preparation for program monitoring (§200.88).

Estimated Annualized Federal Cost of Review

§ 200.89(b) Activities						
Re-interviewing documentation	Review Time	Total Review Time	Wage Rate for Personnel¹¹	Total Personnel Cost	Other Costs	Total Cost of Review
17 ¹²	6 hours	102 hours	\$40.50	\$4,131	0.00	\$4,131

§ 200.89(c) Activities						
Eligibility documentation	Review Time	Total Review Time	Wage Rate for Personnel	Total Personnel Cost	Other Costs	Total Cost of Review
17	5 hours	85 hours	\$40.50	\$3,442.50	0.00	\$3,442.50

§ 200.89(d) Activities						
Quality Control Documentation	Review Time	Total Review Time	Wage Rate for Personnel	Total Personnel Cost	Other Costs	Total Cost of Review
17	2 hours	34 hours	\$40.50	\$1,377	0.00	\$1,377

§ 200.83 Activities						
Number of Needs Assessments & Service Delivery Plans	Review Time	Total Review Time	Wage Rate for Personnel	Total Personnel Cost	Other Costs	Total Cost of Review
17	2 hours	34 hours	\$40.50	\$1,377	0.00	\$1,377

§ 200.84 Activities						
Number of Program Evaluations	Review Time	Total Review Time	Wage Rate for Personnel	Total Personnel Cost	Other Costs	Total Cost of Review
49	2 hours	98	\$40.50	\$3,969	0.00	\$3,969

§ 200.88 Activities						
Number of Program Exclusions	Review Time	Total Review Time	Wage Rate for Personnel	Total Personnel Cost	Other Costs	Total Cost of Review
17	.5 hours	8.5hours	\$40.50	\$344.25	0.00	\$344.25

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

¹¹ 2006 Pay rate for a GS-12/10

¹² 17 SEAs reflects an annualized figure – over the 3-year eligibility cycle -- of the 49 SEAs to be reviewed

A15. The changes are to reflect the additional burden associated with the collection of information of the new proposed §§ 200.89, the reduction to 49 SEAs participating in the program for §§ 200.83, 200.84 and 200.88; an increase in the wage rate of federal personnel; and adjustment of the federal costs to more clearly reflect annualized costs.

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 (except for §200.89(b)) or use of complex analytical techniques. The defect rates reported under §200.89(b) will be reported by the Secretary in tabular form to the States, Congress and the public.

The retrospective re-interviewing process required under §200.89(b)(1), if not already done voluntarily, must be implemented once during the current period of authorization of ESEA. The prospective re-interviewing process under §200.80(b)(2) must be implemented annually. Identification of eligible migrant children and documentation of eligibility status under §200.89(c) is an activity carried out by the SEA and its subgrantees on an ongoing basis. The quality control processes required under §200.89(d) must be implemented throughout the period of authorization of ESEA

The needs assessment and service delivery plan under 200.83 needs to be implemented at least once during the current period of authorization for ESEA as amended. The program evaluation under 200.84 needs to be implemented biennially during the current period of authorization for ESEA as amended. . The SEA's advance written determination that a State or locally funded program meets the intents and purposes of part C of Title I under §200.88 needs to be implemented at least once 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. Given that the information collection will be conducted by SEAs, the proposed display of the expiration date of OMB approval for the data collection would be inappropriate because the collections are being done by SEAs rather than the Federal Government or through a Federal contractor. In particular, because the COE will be used as a collection mechanism by the SEAs, the inclusion of the Paperwork statement -- including the expiration date -- on the COE would be inappropriate.

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 except that the Paperwork statement will not be included on the COE.

B. Collections of Information Employing Statistical Methods

The regulations do not require that statistical methodology be employed. However, for §§ 200.89(b), 200.83 and 200.84, SEAs are likely to employ statistical samples [of students, staff, and programs sites] when collecting this information to reduce burden.