

SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION OF
ADDITIONS TO 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.

The Secretary has proposed to amend the regulations governing programs administered under Title I, Part A (Title I) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB). The regulations are needed to clarify and strengthen current regulations in the areas of accountability and assessment.

The U.S. Department of Education (ED) has determined that some of the proposed and amended regulations include activities covered by the Paperwork Reduction Act (PRA). ED proposes to revise the State Educational Agency Local Educational Agency, and School Data Collection and Reporting under ESEA, Title I, Part A (OMB Number 1810-0581) collection by adding burden estimates to SEAs and/or LEAs for the following proposed and amended regulations:

- §200.11(c);
- §200.19(a)(1);
- §200.19(a)(1)(i);
- §200.19(a)(1)(ii)(A);
- §200.19(e)(1);
- §200.19(e)(2);
- §200.37(b)(5);
- §200.39(c);
- §200.47(a)(4)(iii); and
- §200.48(d).

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 educational services (SES) 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

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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, 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 and proposed regulations are attached.

The information collection requirements that already have OMB approval in the statute are Sections 1111(h)(1) and 1111(h)(2), and the information collection requirements for existing regulations that already have OMB approval are §§ 200.6, including 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.

Information collection activities are also associated with modified §200.37(b)(4)(iv) and new regulation §200.44(a)(2)(ii). The information collection activities associated with these changes would not pose an additional burden to LEAs, however. They simply clarify an existing regulation (§200.37) for which sufficient hours are already accounted for in the currently approved 1810-0581 collection.

Information collection activities are also associated with other proposed revisions to §200.47(a)

(4) at the SEA level. These particular revisions also would not pose an additional burden to SEAs because they simply specify how SEAs are to carry out this part of the regulation and related regulations. As such, they should not require additional time beyond the hours already estimated for §200.47(a) in the currently approved 1810-0581 collection.

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 SES providers to carry out the requirement to provide SES to eligible children attending schools that are in their second year of improvement, corrective action, or restructuring under section 1116 of ESEA. Also related to this requirement, parents have used information provided by the SEA and LEAs to select an SES provider for their children.

SEAs have used the data on student performance to determine whether their schools have made adequate yearly progress, enforce sanctions on LEAs and schools, and prepared their State reports cards, which are on their web sites. In addition, SEAs have used the information provided by potential SES providers in their SES provider approval processes. 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 areas of Standards and Assessments, Program Improvement, Parental Involvement, and Options, and Fiduciary. 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.

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A3. The 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 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 the changes impact them. The only small entities affected by the amended regulations are small LEAs. The bulk of the additional burden on LEAs, however, will fall on larger LEAs that, for example, will generally have more students to track under §200.19(a)(1)(i). Moreover, because SEAs are responsible for ensuring that the LEAs follow the statute and regulations, small LEAs will receive instructions and guidance from their SEA on exactly how to implement the requirements. This important SEA responsibility helps to minimize burden on small LEAs.

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 regulations is not continued, knowledge about educational progress towards universal proficiency would suffer and it 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*

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

A8. ED is seeking public comment on the paperwork requirements at the same time that the proposed regulations are published for public comment.

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.

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A11. The 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.*
- *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 revision of the information package that was developed for the regulations listed in A1 and approved through December 31, 2009. There is an overall increase in the burden estimate from the previously approved amount of 6,689,387 hours to 7,548,642 hours, which represents a change of 859,255 hours.

The following table lists by level the activities whose burden estimates have changed since this collection was first approved 2003 and presents the estimated hours for the new requirements. Concerning the proposed regulations related to graduation rates shown in the table, the estimated burden takes into account that the approach currently used by five States to calculate their graduation rates is consistent with the proposed regulations.

Activity by Level	Year				Difference from 2007
	2003	2006	2007 Addition	2008 Additions	
SEA					
Report Card	0	19,240			
LEP addition to Report Card	0	52			
Two percent addition to Report Card	0		52*		

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Activity by Level	Year				Difference from 2007
	2003	2006	2007 Addition	2008 Additions	
NAEP data to Report Card and parent tool				260	260
Graduation rate				11,280	11,280
Use of AFGR				1,880	1,880
Graduation rate and AYP determinations option by SY 2012-13				5,640	5,640
Graduation rate and AYP determinations option through SY 2011-12				5,640	5,640
Develop, implement and publicly report on standards and techniques for monitoring LEAs' implementation of the SES requirements				2,080	2,080
Reviewing LEAs' submissions on demonstrating success in the indicated areas				1,125	1,125
SEA notification to LEA (SES waiver)	0	250			
SES notice	832	832			
Update SES provider list	5,200	5,200			
SES evaluation report	12,480	12,480			
Notify Secretary	4,160	0			
HQT plan	33,280	33,280			
LEA					
Report Card	0	211,936			
Cohort documentation				699,350	699,350
Provide information on public school choice and SES				60,000	60,000
Demonstrating success in the indicated areas				36,000	36,000

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Activity by Level	Year				Difference from 2007
	2003	2006	2007 Addition	2008 Additions	
Providing notice to parents that their children are eligible for SES and describing the benefits of SES				36,000	36,000
Restructuring	852,800	852,000			
School improvement notices	0	23,296			
Develop improvement plan	0	620,800			
Parent notification of teacher's qualifications	160,020	132,460			
Records on private school consultations	106,680	79,746			
School					
Needs assessment	48,000	0			
Develop schoolwide plan (includes needs assessment)	1,200,000	530,000			
Schoolwide maintains records for intents/purposes of each included program	162,976	179,922			
Develop improvement plan	0	3,987,840			
Total Hours**	2,586,428	6,689,335	6,689,387	7,548,642**	859,255

*Through OMB Notice of Action October 15, 2007

**The 2008 total represents the sum of the amount shown in the 2007 Total column and the additions listed in the 2008 column.

New tabular summaries for SEAs and LEAs presented below provide a more detailed explanation of the estimated burden hours and costs for the proposed regulations. (The tables showing the estimates for the existing approved hours follow the two new tables.)

Burden in Hours and Dollars

Title I Regulations

Proposed Regulations Burden Hours/Cost for SEAs

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Citation	Description	# of respondents	Average # of Hours per Respondent	Total Hours	Total Cost (Total Hours x \$30.00)
§200.11(c)	Adding NAEP data to SEA report cards and developing tool for parents to compare NAEP and State assessment data	52	5	260	\$7,800
§200.19(a)(1)	By SY 2012-13 begin calculating graduation rate as the number of students graduating in the standard number of years divided by the number of students in that class's adjusted cohort	47	240	11,280	\$338,400
§200.19(a)(1)(ii)(A)	Through SY 2011-12 option to calculate graduation rate using the Averaged Freshman Graduation Rate (AFGR)	47	40	1,880	\$56,400
§200.19(e)(1)	By SY 2012-13 calculate the graduation rate in accordance with §200.19(a)(1) in the aggregate and disaggregate for reporting under section 1111(h) of ESEA and determining AYP under §200.20	47	120	5,640	\$169,200
§200.19(e)(2)	Through SY 2011-12 at the LEA and State levels calculate the graduation rate in accordance with §200.19(a)(1) or §200.19(a)(1)(ii) for reporting under section 1111(h) of ESEA and determining AYP under §200.20; and at the school level in the aggregate for determining AYP under §200.20(b)(2) but in the aggregate and disaggregate for determining AYP under §200.20(b)(2) and reporting under section 1111(h) of ESEA	47	120	5,640	\$169,200
§200.47(a)(4)(iii)	Develop, implement and publicly report on standards and	52	40	2,080	\$62,400

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Citation	Description	# of respondents	Average # of Hours per Respondent	Total Hours	Total Cost (Total Hours x \$30.00)
	techniques for monitoring LEAs' implementation of the SES requirements				
§200.48(d)	Reviewing LEAs' submissions on demonstrating success in the indicated areas	52	21.634	1,125	\$33,750
Totals	N/A	52	N/A	27,905	\$837,150

Title I Regulations

Proposed Regulations Burden Hours/Cost for LEAs

Citation	Description	# of respondents	Average # of Hours per Respondent	Total Hours	Total Cost (Total Hours x \$25.00)
<u>§200.19(a)(1)(i)</u>	Documentation that a student has enrolled in a program of study in another school, LEA, or other educational program that culminates in the award of a regular high school diploma	13,987	50	699,350	\$17,483,750
§200.37(b)(5)	Providing notice to parents that their children are eligible for SES and describing the benefits of SES	3,000	12	36,000	\$900,000
§200.39(c)	Provide information on public school choice and SES	2,400	25	60,000	\$1,500,000
<u>§200.48(d)</u>	Demonstrating success in the indicated areas	2,250	16	36,000	\$900,000
Totals		13,987	N/A	831,350	\$ 20,783,750

Existing Approved Burden Hours/Cost for SEAs

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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
200.6(a)(4)	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)(1) (ii)—annual notice to potential supplemental services providers	Annually	52	16	832	\$21,632
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	Done only	52			Part of single

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Activity	Frequency	# of respondents	Average # of Hours per Respondent	Total Hours	Total Cost (Total Hours x \$26.00)
provide notice and a hearing to an LEA before implementing corrective action.	when an LEA fails to meet AYP for four years				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 are covered in OMB 1810-0622 and OMB 1810-0620.)	Already covered by 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		71,386	\$1,854,736

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Existing Approved 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

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Existing Approved 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