

SUPPORTING STATEMENT
FOR PAPERWORK REDUCTION ACT SUBMISSION

Request for OMB Clearance

Gun-Free Schools Act Report

A. Justification

- 1. 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.**

This is a required annual information collection under the Gun-free Schools Act (GFSA), reauthorized as Subpart 3, Part A of Title IV of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001.

The GFSA requires States to provide annual reports to the Secretary of Education concerning implementation of the GFSA's requirements based on information collected from local educational agencies (LEAs) in their applications requesting assistance. The GFSA requires each State receiving ESEA funds to have in effect a State law requiring LEAs to expel from school for a period of not less than one year a student found to have brought a firearm to school or to have possessed a firearm at school. The GFSA also requires LEAs that receive ESEA funds to adopt a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm to school or possesses a firearm at school.

The Secretary is required to collect data on the circumstances surrounding expulsions under the State laws required by the GFSA. State compliance with the GFSA will be monitored by the Department through the analysis of this information collection. The attached instrument will provide uniformity to the data collected to determine compliance with the requirements of the GFSA, assess the extent of firearms violations among students, and determine the number of expelled students referred to alternative placements. Attached is a copy of the statute authorizing this data collection. Please note that minor revisions were made to the attached collection for clarification purposes only. Specifically, the mailing and contact information in the general directions section was updated; Item #1 is entitled "Number of Students"; Item #3 (students with disabilities) follows item #2 (modified expulsions).

In 2003-2004, the Education Data Exchange Network (EDEN) was implemented in the Department of Education (ED) as a new data collection system, which collects, stores, and manages education data efficiently through electronic means to allow for easier submission by states and reduces duplication of collections and burdens on states. In keeping with ED's

goals for using EDEN to collect data, the GFSA data was incorporated into EDEN and, for school year 2005-2006, states were given the option of submitting their GFSA data to the EDEN data repository or submitting their GFSA report through the current OMB approved collection instrument (OMB #1865-0002). Only eight (8) states submitted through EDEN for the 2005-2006 school year. All 8 stated that submitted their data via EDEN reported erroneous data. In school year 2006-2007, the number of states that submitted their data via EDEN increased to 30. Unfortunately, the data errors submitted by states also increased. A new contract has been acquired to work with states as they transition their state systems from the paper collection to EDEN. We anticipate that as states continue to report data through EDEN, this collection item will become unnecessary and, therefore, obsolete. To ensure the proper clearances are in place throughout this important transition period, **the Department seeks a three-year approval for this collection.**

- 2. 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.**

The information contained in the report is used by ED to determine compliance with the requirements of the GFSA. ED uses the data collected to assess the extent of firearms violations among students. The information collected assists ED in providing information to the public and the Congress about firearms violations in each State. In addition, the information collected has assisted ED in identifying States that are in need of technical assistance and determining if LEAs are eligible to receive ESEA grant funds

- 3. 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.**

This information collection does not currently involve the use of technological collection techniques. However, we do make this collection available to all state educational agencies (SEAs) through our LISTSERVE. Through the LISTSERVE, SEAs may download a copy of the collection and submit an electronic file of the collection for easier transmission of the data. (Those states that submit their responses through EDEN will use a Web-based, computer-assisted data collection system that will provide data in the most automated, electronic format that the technology of that specific respondent can currently support. To assist states, data are received in multiple formats to ensure the least possible burden on each of the respondents.)

- 4. 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.**

The GFSA requires each State to enact a State law requiring LEAs to expel from school for one year any student who brings a firearm to school or possesses a firearm at school. The

information requested in the report is related specifically to assessing compliance with this legislative mandate. It is also important to note that the abrupt discontinuation of this collection could cause severe problems and confusion with states, including failure regarding ED's goal to transform how education information is collected.

5. 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.

This collection of information does not involve small businesses or other small entities.

6. 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.

If the information is not collected, the legislative requirement cannot be met. If the information is collected less than annually, ED would be unable to determine if States remain in compliance with the GFSA, and would not be able to determine LEA eligibility for ESEA funds or provide needed assistance in a timely manner.

7. Explain any special circumstances.

There are no special circumstances regarding this information collection.

8. 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 from 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.

Feedback on the implementation of the GFSA and its reporting requirements has been solicited from SEAs and other State representatives. The feedback received has been primarily regarding accuracy of data, monitoring and accountability, and compliance with the GFSA. In response to the annual data we have received, program staff has provided technical assistance to States to clarify reporting requirements in order to encourage the

submission of the most accurate data possible. In addition, program staff has worked with the EDEN team to determine the best possible scenario for transitioning states from this collection to EDEN.

A 60-day Federal Register Notice was published on _____. We received no comments on this Notice. We published a 30-day Federal Register Notice on _____.

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

No payments or gifts will be provided to respondent for this data collection.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

There is no statutory, regulatory or policy requirement for assuring confidentiality.

11. 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. The 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.

No sensitive information will be collected.

12. Provide estimates of the hour burden of the collection of information.

We have estimated that the total number of overall respondents for this collection will be 7221 (29 SEAs; 128 large LEAs; and 7064 other LEAs). This was based on an assessment conducted by the EDEN team where, for the 2005-2006 collection, only one state has submitted its GFSA data through EDEN, to date. Twelve states have indicated that they are not able to submit their data through EDEN at this time and 17 states have not indicated whether they can or cannot submit their data through EDEN. Over the next year, states will be required to transition from this collection to EDEN.

We have estimated the total annual burden hours for all respondents to be 14,756 hours. Below is a table summarizing the total burden hours:

Type of Respondent	# of Respondents	Hour Burden	Cost Burden
SEAs	29	116	\$ 2668 (\$92 x 29)
“Large” LEAs	128	512	9600 (\$75 x 128)
Other LEAs	7064	14,128	240,176 (\$34 x 7,064)
Total	7221	14,756	\$252,444

The following explains each row of the summary table above for each respondent:

SEAs

It is estimated that the report can be prepared in an average of 2 hours of professional time and 2 hours of clerical support time. The total estimated annual burden time for respondents submitting the report (4 burden hours for each respondent multiplied by 29 respondents) is 116 burden hours. It is estimated that the annual median salary for a State-level program administrator is \$60,000. The annual median salary for State-level support staff is estimated at \$35,000. Given a 2080-hour work year, the annual cost to each respondent is estimated as follows:

$$\begin{array}{r} \$60,000 \times 2/2080 = \$ 58 \\ \$35,000 \times 2/2080 = \underline{34} \\ \$ 92 \end{array}$$

LEAs

Although not direct respondents, LEAs will incur hour burden in reporting required information to the State. Virtually all LEAs receive ESEA funds. There are a total of 14,383 LEAs. It is difficult for us to assess the proportionate number of participating LEAs based on the number of SEA respondents. Therefore, since we estimate that half the SEAs from previous years will respond to this collection, we also estimate that half the LEAs will respond to the SEAs in response to this collection. We anticipate that 100 percent of all LEAs within the responding SEA regions (14,383/2 = 7,192 districts) will participate. In addition, data suggests that firearms violations may increase with the size of the LEA. Therefore, we provide a separate estimate for districts with 25,000 or more students. For the purposes of this supporting statement, we will refer to these LEAs as “large LEAs.” [Data was taken from 2005 Digest of Education Statistics, NCES]

“Large” LEAs

According to NCES data, there are 256 large LEAs. For the purpose of this collection, it is anticipated that only half of those large LEAs will participate (128 large LEAs). We estimate that, on average, a large LEA should be able to prepare the information in 2 hours of professional time and 2 hours of clerical support time. The total estimated annual burden time for a large LEA (4 burden hours multiplied by 128 LEAs) is 512 burden hours. It is estimated that the annual median salary for a large LEA’s program administrator is \$48,000. The annual median salary for a large LEA’s support staff is estimated at \$30,000. Given a 2080-hour work year, the annual cost to a large LEA is estimated as follows:

$$\begin{array}{r} \$48,000 \times 2/2080 = \$ 46 \\ \$30,000 \times 2/2080 = \underline{29} \\ \$75 \end{array}$$

Other LEAs

On average, we estimate that other LEAs (7,192 LEAs - 128 large LEAs = 7,064 other LEAs) can prepare the information in 1 hour of professional time and 1 hour of clerical support time. The total estimated annual burden time for other LEAs (2 burden hours multiplied by 7064 other LEAs) is 14,128 burden hours. It is estimated that the annual median salary for these program administrators is \$45,000. The annual median salary for these LEA support staff is estimated at \$25,000. Given a 2080-hour work year, the annual cost to one of the other LEAs is estimated as follows:

$$\begin{aligned} \$45,000 \times 1/2080 &= \$ 22 \\ \$25,000 \times 1/2080 &= \underline{12} \\ & \$34 \end{aligned}$$

Since States have been required to provide this data on an annual basis, they have revised their LEA application forms and recordkeeping systems to request the information required by the GFSA. Based on the steps States have taken to collect GFSA data, there are no additional costs anticipated.

- 13. 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.)**

There is no additional cost burden.

- 14. 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.**

The following estimates consider costs to the Federal Government for reviewing the State reports for compliance information and aggregating data at 1 hour per report for professional review and 1 hour per report for support services. Given 29 reports and a 2080-hour work year, the following annual cost to the Federal Government is estimated:

$$\begin{aligned} \text{GS-12 (Step 5) @ } \$79,068 \times 29 \text{ hours/2080} &= \$1102 \\ \text{GS-7 (Step 5) @ } \$44,572 \times 29 \text{ hours/2080} &= \underline{621} \\ & \$1723 \end{aligned}$$

The total cost to the Federal Government for reviewing for compliance (professional review) and aggregating data (support services) is estimated to be \$1723.

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

Changes in Federal salaries were made. No other program changes or adjustments were made. There are no start-up costs. *Note there were minor changes in the collection form that did not contribute to burden hours. These changes were made for clarity purposes only.

- 16. 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.**

There are no plans to publish the results of the information collection.

- 17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

Approval to not display the expiration date is not being sought.

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

No exceptions have been identified.

B. Collection of Information Employing Statistical Methods

The collection of information does not employ statistical methods.