

Supporting Statement for Paperwork Reduction Act Submissions

A. Justification

1. Title VI, Part A, subpart 3 of the Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind Act (P.L. 107-110), authorizes the Secretary of Education to enter into local flexibility demonstration agreements (“Local-Flex” agreements) with up to eighty local educational agencies (LEAs), giving them the flexibility to consolidate certain Federal education funds and to use those funds for any educational purpose permitted under the ESEA in order to meet the State’s definition of adequate yearly progress (AYP) and specific, measurable goals for improving student achievement and narrowing achievement gaps.

This submission seeks Paperwork Clearance for the attached Local-Flex Application Package. The statute directs the Secretary to select participating LEAs on a competitive basis using a peer review process. Interested LEAs must submit an application that includes 1) a proposed Local-Flex agreement that includes a five-year plan describing how the LEA would consolidate and use funds from programs included in the scope of the agreement to meet the State’s definition of adequate yearly progress, to advance the educational priorities of the LEA, to meet the general purposes of the included programs, to improve student achievement, and to narrow achievement gaps; and b) a number of assurances specified in the statute).

The Local-Flex Application Package incorporates the final application requirements. Applicants that seek to enter into Local-Flex agreements with the Secretary must provide in their application:

- Baseline academic data
The purpose of this requirement is for the applicant to demonstrate the current academic achievement levels of students in the LEA. This information will serve both as baseline data against which to measure progress through the lifetime of the Local-Flex agreement, and as evidence of the need for the agreement.
- Specific, measurable education goals
The statute requires LEAs that wish to enter into Local-Flex agreements with the Secretary to set specific, measurable goals for improving student achievement and narrowing achievement gaps to be achieved through the Local-Flex agreement.
- Strategies for meeting its goals and the general purposes of the consolidated programs
The statute requires Local-Flex agreements to contain a 5-year plan describing how the local educational agency intends to consolidate and use the funds from programs included in the scope of the agreement.

The application contains an assurance form that applicants must sign. The

assurances in the form are those specified by the statute, including those in Sec. 6151 (b) 5-10.

In addition, the application contains a cover page that applicants must complete. It asks applicants to fill in the name and address of the applicant; name and information for the contact person for this program; the LEA NCES ID number; and the programs and program amounts that the applicant proposes to consolidate through the Local-Flex agreement.

The Local-Flex application package is composed of the following parts:

- a Dear Colleague letter
- a section providing direction on preparing a the application, plus the forms applicants must fill out
- a section providing transmittal instructions and a checklist for applicants to use to ensure they have included all the necessary information
- a section explaining how the Department will select Local-Flex participants
- a section containing the relevant Federal Register Notices and Program Statute, as well as program guidance on equitable participation requirements for this program
- a section showing the estimated public reporting burden

2. The Department will use the information collection to competitively select participants in the Local Flexibility Demonstration Agreements Program (Local-Flex).
3. The program office will accept electronic submission of Local-Flex applications; however, applicants must still supply an original copy with an original signature for an electronic application to be considered valid.
4. This is a unique program for the Department. No other information collection exists that addresses this topic.
5. The Department does not anticipate that this information collection will impact any small entities. Other existing programs, namely the Rural Education Achievement Program, provide flexibility to small entities.
6. If this collection is not conducted, the agency will not be able to comply with the statutory requirements, and will be unable to select participants for the Local-Flex program, a much-touted new program for the agency.
7. The Department is asking applicants to submit an original and three copies. Since the statute requires peer review, and most such reviews consist of three-reviewer panels, the Department needs three copies for reviewers. With three copies, the Department can maintain the integrity of the original application by keeping it within Department premises and personnel.

The Department does not make a pledge of confidentiality for the information contained in the application, and reserves the right to publish the final Local-Flex agreements.

8. No changes are requested from previous approval.
9. No payment or gifts will be provided.
10. There is no assurance of confidentiality.
11. This collection does not ask questions of a sensitive nature and is compliant with Final guidance on Maintaining, Collecting and Reporting Racial and Ethnic Data to the US Department of Education.
12. Estimates of hour burden:

A. Burden hours for respondents

The previously approved Local-Flex application estimated 80 LEA respondents. The number of respondents has decreased; the estimated maximum number of respondents is 50 LEAs. The average burden per respondent is 80 hours and number of responses per applicant is one. The data collection occurs once per applicant. Since the inception of the program in 2002 there has been a maximum of three respondents for any reporting cycle. Currently, only one LEA has authorization under the Act and there are no pending applications from future participants. Hence, the number of respondents has been reduced from eighty to fifty. We have left the respondent level at fifty to allow for the possibility for new respondents in the future. Based on 50 responses, which will have an average of 80 hours to complete the application, the total burden is decreased to approximately 4,000 hours with a difference of 2,400 burden hours.

B. Cost to respondents

Primary costs to respondents fall into the following categories: setting goals and drafting a five-year plan. Based on an estimate of 50 expected applications, costs to respondents are estimated to be the following:

Setting goals:				
50 applications	X	20 hours /application	X	\$25/hour = \$ 25,000
Drafting plan:				
50 applications	X	60 hours /application	X	\$25/hour = \$ 75,000
Total cost to respondents				\$100,000

13. There are no costs that (a) meet the criteria for inclusion under this item, and b) have not been addressed in either item #12 or #14.

14. Estimated Federal Costs

Program costs entail conducting a peer review process, selecting LEAs, and negotiating final Local-Flex agreements.

conducting a peer review process:	\$30,000
selecting LEAs 8 hours X \$40/hour =	\$320
negotiating final Local-Flex agreements 2 hours/agreement X 50 agreements X \$40/hour =	\$4,000
TOTAL	\$34,320

15. There is a decrease in hours due to less respondents.

16. The Department does not make a pledge of confidentiality for the information contained in the application, and reserves the right to publish the final Local-Flex agreements. In addition, applications will be available for public inspection.

17. The information collection will display the expiration date for OMB approval.

18. There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods

This information collection will not employ statistical methods.