

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

**Part B, Individuals with Disabilities Education Act
Implementation of FAPE Requirements**

A. JUSTIFICATION

1. Circumstances necessitating information collection.

The Individuals with Disabilities Education Act (P.L. 108-446) directs the Secretary of Education to obtain data on the number and percentages of children with disabilities by disability, race/ethnicity, gender, and limited English proficiency (LEP) status participating in regular education, in separate classes, separate schools, separate facilities, or public or private residential facilities. The specific legislative authority may be found in Section 618(a)(1)(A). The purposes of such data are: (1) to assess the progress, impact, and effectiveness of State and local efforts to implement the legislation and (2) to provide Congress and Federal, State, and local educational agencies with relevant information. These data are used for monitoring activities, planning purposes, congressional reporting requirements, and dissemination to individuals and groups.

Legislative authority requires that:

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

(1)(A) The number and percentage of children with disabilities, by race, ethnicity, limited English proficiency status, gender, and disability category, who are in each of the following separate categories:

(ii) Participating in regular education.

(iii) In separate classes, separate schools or facilities, or public or private residential facilities” (P.L. 108-446, Section 618).

This data collection form collects information about the extent to which students with disabilities are included in the regular educational environment. This design reflects the language of P.L. 108-446, Section 612(a)(5)(A) that states "To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." It provides instructions and information for States when submitting their count of children with disabilities according to their educational environment.

For children ages 3 through 5, the reporting form collects a count of children served under Part B of IDEA, cross-tabulated by their age year and educational environment, disability and educational environment, race/ethnicity and educational environment, gender and educational environment, and LEP status and educational environment. For students ages 6 through 21, the form collects a three-way tabulation of the student's age group (6-11, 12-17, 18-21), disability category, and educational environment. The form also cross-tabulates the student's race/ethnicity and educational environment, gender and educational environment, and LEP status and educational environment.

The disability categories used on the form are listed in Section 602(3)(A)(i) of P.L. 108-446 and are defined in the OSEP IDEA, Part B Data Dictionary (October 2005). The LEP status categories used on the form are based on the definition of limited English proficient in the Elementary and Secondary Education Act, 20 USC Section 7801(A) (25). This form is presented in two versions to facilitate the transition of States' reporting of race/ethnicity data according to the Department of Education's Final Guidance on Maintaining, Collecting and Reporting Racial and Ethnic Data to the U.S. Department of Education, published October 2007. States must implement the procedures for collecting, reporting, and aggregating race and ethnicity data as describe in the new guidance no later than the report of the SY 2010-11 data. States that are not yet prepared to implement those guidelines may continue to report using the defined by OMB in 1997. However, children can only be reported in a single racial/ethnic category.

As indicated in the preceding paragraphs, IDEA 2004 requires each state to report the "percentage of children with disabilities, by race, ethnicity, limited English proficiency status, gender, and disability category, who are in" each of the reporting categories. The data collection grid includes cells for the required percentages; however, to assure cross-state comparability and minimize state burden, these percentages will be calculated by the data collection software.

Through the Individuals with Disabilities Education Act, OSEP has a statutory requirement to collect and report this data. Some of these data are also used by other ED program offices. With OSEP collections among the longest-running collections in the Department, these collections were among the first to begin transitioning to EDEN, the centralized collection point for submission of ED data. For school year 2008-09, about two-thirds of the states were approved to submit data from this collection through EDEN only.

2. Use for which the information is gathered.

OSEP uses the information collected on this form to assist in establishing programmatic priorities (such as addressing problems of inclusion for students with significant disabilities), to monitor States to ensure compliance with Federal statute and regulations, and to disseminate data to Congress and the public.

These data are also used to measure progress under the performance indicators established by OSEP under the Government Performance and Results Act (P.L. 103-62) for special education grants to States and preschool grants. Performance objectives and indicators can be found in OSEP's Fiscal Year 2009 Performance Plan, and are available at <http://www.ed.gov/about/reports/annual/2009plan/g1specedpreschool.doc>.

States are also required to determine if significant disproportionality based on race/ethnicity is occurring with regard to educational environments for children with disabilities.

The educational environments data are also used extensively by OSEP, State agencies, university researchers, and advocates to assess the relative level of inclusion for students with disabilities nationally and in individual States.

3. Use of improved information technology.

OSEP provides States with an electronic (Excel spreadsheet) version of the data collection form to use when submitting data. The spreadsheet includes a number of data edits to improve data entry validity. For example, as the State enters data, the edits flag totals that do not equal the sum of the disaggregated counts. The use of the spreadsheet with built-in edits reduces the number of follow-up contacts with the States after submission. The spreadsheet also provides space for States to comment on their data, such as changes in the way the State reports the data, changes in policy or legislation that may affect the data, or other issues the State believes are applicable to the data collection.

In 2008-09, 38 States submitted the Educational Environments data through ED's ED Facts system. OSEP is currently working with other ED personnel to analyze data submissions for the remaining States and approve them for submission through this system, as well. OSEP is working closely with the States and ED personnel to ensure that all States are transitioned to the ED Facts system as soon as their data systems will allow.

4. Efforts to identify duplication.

The information collected on the form does not represent any duplication of paperwork, content, reporting, or performance requirement beyond that imposed under the statute. This information is available only from State educational agencies (SEAs) who collect it from local educational agencies (LEAs).

5. Small businesses.

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

6. Consequence of less frequent collection.

P.L. 108-446, Section 618(a) requires: "Each State that receives assistance under this part, and the Secretary of the Interior, shall provide data each year to the Secretary of Education..."

7. Special circumstances.

There are no special circumstances associated with this data collection.

8. Federal Register notice/consultation outside the agency.

A revised version of this form was submitted for public comment and OMB approval in August 2007 and again in April 2009. In response to substantial public comments about timing of the implementation received in April 2009, OSEP is submitting for an extension to the OMB clearance on the current OMB #1820-0517 form.

9. Payments or gifts to respondents.

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

10. Assurance of confidentiality.

No assurance of confidentiality is provided to respondents.

11. Questions of a sensitive nature.

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

12. Estimate of respondent burden.

The estimate of burden is based on previous experience with the data collection, the available information about State data collection systems, and consultation with representatives of several SEAs. Note that it is not possible to estimate an exact burden amount for each State because a variety of factors influence the collection, such as the variation in the number of LEAs in each State, the number of students served in each LEA, and the sophistication of the data system. In making the following estimates, we used different burdens based on whether SEAs use individual student records at the State level to collect these data.

In order to calculate burden, OSEP first estimated the number of hours required per State and per LEA for SEAs with and without individual student records at the State level. An average was calculated for States and LEAs. OSEP then calculated the total burden for all States by multiplying the average number of hours by 60 (60*average State burden). Next, OSEP estimated average LEA burden. For each State, an average of 260 LEAs per State was used. OSEP calculated total LEA burden per State by multiplying 260 by the average LEA burden. They calculated total LEA burden by multiplying 60*260*average LEA burden.

For SEAs, the estimated average burden is 25.8 hours per State agency or 1,548 hours total. The estimated average LEA burden is 25.4 hours or 6,604 hours of LEA burden per State. The total burden estimate is 397,788 hours.

Number of Respondents	SEA Burden Hours	LEA Burden Hours	Total Burden Hours¹
48 States with Individual Student Records at the State Level	21	22	275,568
12 States with Individual Student Records at the State Level	45	39	122,220
60 States ²	25.8 (Avg.)	25.4 (Avg.)	397,788

OSEP estimated respondent costs as \$20 per hour. As indicated above, the estimated total number of burden hours is 397,788. Therefore, the estimated cost to the respondents is \$7,955,760.

13. Estimate of cost to respondents.

There are no additional costs other than the cost burden identified in 12.

14. Estimate of costs to the Federal Government.

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

Copying:	\$50
Mailing:	\$300
Staff:	\$2,500
Contractor Data Services:	<u>\$ 7,500</u>
	\$10,350

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

15. Reasons for program changes or adjustments.

There is a 25,092 program change decrease a to the annual reporting and record keeping hour burden due to a projected increase in the number of States that are now using individual level student record keeping data systems.

¹

² Total burden is based on averages rounded to the nearest hour.

² 60 States and Outlying Areas refers to: 50 States, District of Columbia, Puerto Rico, Virgin Islands, American Samoa, Guam, Marshall Islands, Micronesia, Northern Marianas, Palau, and the Bureau of Indian Affairs.

16. Plans for tabulation and publication.

OSEP will tabulate and display the information submitted by States in a variety of ways. The primary vehicles of distribution are through the Secretary's Annual Report to Congress (P.L. 108-446, Section 664(d)(2)) and through publication of these data on the Internet (IDEAdata.org). OSEP will also use this information for purposes of monitoring, GPRA performance reports, focusing discretionary activities, and suggesting topics for model demonstration projects. Occasionally, the data are summarized and presented at conferences and in ad hoc reports or articles submitted for publication.

17. Display of OMB expiration date.

The OMB expiration date will be displayed on the form.

18. Exceptions to the certification statement.

There are no exceptions to the certification statement.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

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