

**SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION
ANNUAL STATE APPLICATION UNDER PART B OF THE INDIVIDUALS WITH DISABILITIES
EDUCATION ACT AS AMENDED IN 2004 FOR FEDERAL FISCAL YEAR _____**

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. This is a request for full clearance of the *Annual State Application under Part B of the Individuals with Disabilities Education Act as Amended in 2004 for Federal fiscal year*. The Individuals with Disabilities Education Act, when signed on December 3, 2004, became PL 108-446. In accordance with 20 U.S.C. 1412(a) a State is eligible for assistance under Part B for a fiscal year if the State submits a plan that provides assurances to the Secretary that the State has in effect policies and procedures to ensure that the State meets each of the conditions found in 20 U.S.C. 1412. Information Collection 1820-0030 allows a State to provide the required assurances indicating that it either has or does not have in effect policies and procedures to meet the eligibility requirements of Part B of the Act as found in PL 108-446.

It should be noted that the requirements for the Annual State Application, as outlined in this request, are adequate to meet the reporting requirements for eligibility under 20 U.S.C. 1419. In fact, the Department of Education uses the information provided by States for eligibility for 20 U.S.C. 1412 in order to determine eligibility under 20 U.S.C. 1419. Therefore, it is the Department's intent to cover under the Paperwork Reduction Act by this submission the relevant State eligibility provisions for both 20 U.S.C. 1412 and 20 U.S.C. 1419. Information Collection 1820-0030 corresponds with 34 CFR §§ 300.100-176; 300.199; 300.640-645; and 300.705. These sections include the requirement that the Secretary and local educational agencies located in the State be notified of any State-imposed rule, regulation, or policy that is not required by this title and Federal regulation.

This collection is conducted in a manner that is consistent with the guidelines in 5 CFR §1320.5.

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 information gathered through Information Collection 1820-0030 will be used by the Monitoring and State Improvement Planning Division (MSIPD), OSEP, to assist in determining: grant eligibility for each State. The information will be evaluated by Education Program Specialists to identify State and national needs for services required to meet the FAPE requirement for children with disabilities (Part B, 20 U.S.C. 1412) and to provide to Congress and to the general public programmatic information, as appropriate.

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. States continue to use computerized data bases to reduce the burden. States may submit any required information or revisions to the State application electronically.

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 Annual State Application was reviewed by the ED Facts team (Office of Planning, Evaluation and Policy Development) and Regulatory Information Management Services (Office of

Management). This application has been determined to be "unEDENable" and not to duplicate any other collection.

- 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.** The information requested does not involve the collection of information from entities classified as small business.
- 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.** Items 1, 2, and 4 would not be accomplished unless directed by Federal statute.
- Q7.** Explain any special circumstances 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.** There are no special circumstances that would cause an information collection to be conducted as described in the bulleted items. This collection is conducted in a manner that is consistent with the guidelines in 5 CFR 1320.5.
- Q8.** *If applicable, provide a copy and identify the date and page number of 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.** Comments will be solicited when this collection is posted on EDICS. OSEP will respond to and consider comments prior to submission for final OMB approval.
- 9Q.** *Explain any decision to provide any payment or gift to respondents, other than re numeration of contractors or grantees.*

- 9A.** There are no payments or gifts to respondents other than the funds they receive under the formula mandated for this program.
- 10Q.** *Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulations, or agency policy.*
- 10A.** The statute requires no assurance of confidentiality.
- 11Q.** *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.*
- 11A.** There are no questions of a sensitive nature.
- 12Q.** *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.*
- 12A.** There are 60 respondents who, under PL 108-446, are required to submit the Part B Annual State Application if Federal funds are received. The data burden is expected to require an average of 12 hours per respondent. The burden estimate is: 60 respondents X 12 hours to submit the Annual State Application that equals an estimated total of 720 hours.
- The estimated cost of preparing the State application is \$8640. The response time per response (estimated at 12 hours) is multiplied by the number of respondents (60) multiplied by the average hourly salary (estimated at \$12).
- 13Q.** *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 rates(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.*
- 13A.** There are no start-up costs, or costs in addition to those described in item 12. There are no anticipated costs for operation, maintenance, or purchase of services that are imposed on States by these requirements, other than those noted above.
- 14Q.** *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.*
- 14A.** The overall cost to the Federal Government will be greatly reduced since States are now required to submit only assurances.
- 15Q.** *Explain the reasons for any program changes or adjustments reported in Items 12 or 14 of the OMB Form 83-I.*
- 15A.** No program changes or adjustments were reported in Items 12 and 14.
- 16Q.** *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.*
- 16A.** The information in the State application is not published.
- 17Q.** *If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.*
- 17A.** There is no request to ask for an approval not to display the expiration date.
- 18Q.** *Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.*
- 18A.** There are no proposed exceptions to the certifications.

B. Collections of Information Employing Statistical Methods

This collection does not require that statistical methodology be employed.