

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

**Report on IDEA Part B Maintenance of Effort Reduction (34 CFR §300.205(a)) and
Coordinated Early Intervening Services (34 CFR §300.226)**

A. JUSTIFICATION

1. Circumstances necessitating information collection.

The provisions of 34 CFR §§300.205(a), regarding maintenance of effort reduction (MOE reduction), and 300.226, regarding coordinated early intervening services (CEIS) have been incorporated in regulation since the final Individuals with Disabilities Education Act (IDEA) Part B regulations issued on August 14, 2006.

Specifically, 20 U.S.C. 1413(a)(2)(C)(i), and its implementing regulation at 34 CFR §300.205(a), allows, with certain exceptions, a local education agency (LEA) to reduce its level of state and local expenditures (otherwise known as “maintenance of effort”) by not more than 50 percent of the amount of the excess for any fiscal year for which the allocation received by the LEA exceeds the amount the LEA received for the previous fiscal year.

20 U.S.C. 1413(f)(1), and its implementing regulation at 34 CFR §300.226, allows an LEA to use not more than 15 percent of the amount the LEA receives under Part B of the Act for any fiscal year, less any amount reduced by the LEA pursuant to 34 CFR §300.205, if any, in combination with other amounts (which may include amounts other than education funds), to develop and implement CEIS. Further, 20 U.S.C. 1413(f)(4), and its implementing regulation at 34 CFR §300.226(d), requires each LEA that develops and maintains CEIS to annually report to the State education agency (SEA) on: the number of children served under this section who received CEIS; and the number of children served under this section who received CEIS and subsequently received special education and related services under Part B of the Act during the preceding two year period.

IDEA (P.L. 108-446) also allows the Secretary of Education to obtain data on the provision of CEIS and maintenance of Effort (MOE) reduction. The specific legislative authority may be found in 20 U.S.C. 1418(a)(3).

Legislative authority 20 U.S.C. 1418(a)(3) 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:

(3) on any other information that may be required by the Secretary."

Due to the enactment of The American Recovery and Reinvestment Act of 2009 (P.L. 11-5; ARRA) and the disbursement of \$11.7 billion in IDEA Part B ARRA funds to LEAs (in addition to the regular FY 09 appropriation of \$11.8 billion), it is necessary to collect information on the implementation of 34 CFR §§300.205(a) and 300.226. Collecting this information will allow the Department to: monitor the reduction of MOE; determine the amount of FY 2009 Part B funds (both regular IDEA and IDEA ARRA funds) reserved for CEIS; exercise our fiduciary responsibilities to prevent fraud, waste and abuse and to ensure the effective use of FY 2009 Part B funds; and provide information to Congress and the public regarding LEAs that took advantage of these flexibilities

The data collection form provides instructions and information for States when submitting data on the IDEA provisions of CEIS (34 CFR §300.226) and MOE reduction (34 CFR §300.205(a)). The form collects data on allocations of IDEA funds; the dollar amount of MOE reduction; the dollar amount used for CEIS; and the number of children receiving CEIS disaggregated by LEA/ educational service agency (ESA).

2. Use for which the information is gathered.

The Office of Special Education Programs (OSEP) will use the information collected on this form to monitor States to ensure compliance with Federal statute and regulations, to assist in establishing programmatic priorities, and to disseminate data to Congress and the public. The data gathered through this collection will provide the SEA with information regarding the number of students in each LEA that receive services through CEIS and whether these students subsequently receive special education and related services.

3. Use of improved information technology.

OSEP will provide States with an electronic (Excel spreadsheet) version of the data collection form to use when submitting data. The spreadsheet will include edits to improve data entry validity. These edits flag mathematical inconsistencies for the users as they enter data. The use of the spreadsheet with built-in edits should help to reduce 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.

4. Efforts to identify duplication.

The information requested does not represent any duplication of paperwork, content, reporting, or performance requirements beyond those imposed under the statute. This information is available only from SEAs that receive it from LEAs and intermediate educational units.

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, §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.

Comments will be solicited through the IDEA NPRM at the same time this collection is pending at OMB.

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 total respondent burden is based on 60 reporting entities¹. 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 a database with 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 States 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).

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

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 48 hours per State agency or 2,880 hours total. The estimated average LEA burden is 66 hours or 17,160 hours of LEA burden per State. The total burden estimate is 1,032,480 hours

Number of Respondents	SEA Burden Hours	LEA Burden Hours	Total Burden Hours²
48 States with Individual Student Records at the State Level	47	64.5	807,216
12 States without Individual Student Records at the State Level	52	72	225,264
60 States ³	48 (Avg.)	66 (Avg.)	1,032,480

OSEP estimated respondent costs as \$20 per hour. As indicated above, the estimated total number of burden hours is 1,032,480. Therefore, the estimated cost to the respondents is \$20,649,600.

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:	\$200,00
Contractor Data Services:	<u>\$300,000</u>
	\$500,350

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

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

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

verifying, and analyzing the data.

15. Reasons for program changes or adjustments.

There is a 1,032,480 hour increase to the annual reporting and record keeping burden because this form is a new collection.

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, §664(d)(2)) and through publication of these data on the Internet (IDEAdata.org). OSEP will also use this information for purposes of monitoring, 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.