

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

**Report of Children with Disabilities Receiving Special Education Under Part B of the
Individuals with Disabilities Education Act, As Amended**

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 percentage of children with disabilities by race/ethnicity, disability, gender, and Limited English Proficiency (LEP) status receiving special education and related services in each State. The specific legislative authority may be found in Section 618(a)(1)(A)(i). 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 of data 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:

(i) Receiving a free appropriate public education.”

Section 602(3)(B) also allows the collection of data for children ages 3 through 9 by the disability category developmental delay:

“(B) CHILD AGED 3 THROUGH 9- The term ‘child with a disability’ for a child aged 3 through 9 (or any subset of that age range, including ages 3 through 5), may, at the discretion of the State and the local educational agency, include a child—

(i) experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in 1 or more of the following areas: physical development; cognitive development; communication development; social or emotional development; or adaptive development; and

- (ii) who, by reason thereof, needs special education and related services.”

This data collection form provides instructions and information for States when submitting their count of children with disabilities receiving special education and related services. The form collects data on the number and percentage of children served under Part B of IDEA, cross-tabulated by the child’s age year and disability and by race/ethnicity and disability. (To reduce data burden, the Office of Special Education Programs [OSEP] collects data on gender and LEP status as part of another data collection.) The disability categories used on the form are defined in Section 602(3)(A). 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 five categories 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 these 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. OSEP has a history of involvement in the development of PBDMI/EDEN, with staff having participated on PBDMI review teams for several state site visits. Congruence analyses have been conducted over the past several years, as a means of confirming accuracy of state data submitted through EDEN with reference to the data submitted through the OSEP data collection system, DANS. Once sufficient congruence of the data is ensured, the Department approves a state’s submission of the data through EDEN only. When the state data for this collection are submitted through EDEN only, the respective data then are extracted from the EDEN database for purposes of required annual reporting. 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 expanding or adapting services for students with emotional disturbance), to monitor States to ensure compliance with Federal statute and regulations, and to disseminate data to Congress and the public.

States are also required to determine if disproportionate representation based on race/ethnicity is occurring due to inappropriate identification for children served under IDEA Part B overall and within specific disability categories.

The Child Count data are also used extensively by OSEP, State agencies, university researchers, and advocates to examine patterns over time with regards to children with disabilities who are served under IDEA.

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, 41 of 60 reporting entities submitted the Child Count 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) that 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.

Interested persons were invited to comment on this proposed information collection request in a notice published in the Federal Register, Volume 74, No. 109 on June 9, 2009. The Department of Education expressed interest in public comment addressing five specific issues including: whether the collection is necessary to the proper functions of the Department; whether the information will be processed and used in a timely manner; the accuracy of the burden estimate; how the Department might enhance the quality, utility and clarity of the collected information; and how the Department might minimize the burden on respondents. The Parties were informed that their comments would be accepted on or before August 10, 2009.

In response to this request, the Department of Education received 1 comment pertaining to this form. The issue raised in this comment is described below and followed by the Department’s response.

1. *Commenter requests that “Report of Children with Disabilities Receiving Special Education Under Part B of the Individuals with Disabilities Education Act” (Table 1) be revised to include disability counts cross-tabulated by gender.*

Currently the total number of children served is cross-tabulated by gender in the Educational Environments collection (Table 2). OSEP also notes that the IDEA data collected through the EDFacts system are specified such that States have the option of reporting their counts of children’s disability status by gender. Currently all of the 41 States that are reporting Child Count data through EDFacts are reporting their disability counts by gender. However, OSEP does not intend to add data elements to Table 1 at this time.

Additional 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 burden is based on previous experience with the data collection, feedback from States during their annual meeting, the available information about State data collection systems, and consultation with representatives of several State education agencies. 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). 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 7.4 hours per State agency or 444 hours total. The estimated average LEA burden is 1.9 hours or 494 hours of LEA burden per State. The total burden estimate is 30,084 hours.

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 Affairs.

Number of Respondents	SEA Burden Hours	LEA Burden Hours	Total Burden Hours²
48 States with Individual Student Records at the State Level	5	1.5	18,960
12 States without Individual Student Records at the State Level	17	3.5	11,124
60 States ³	7.4 (Avg.)	1.9 (Avg.)	30,084

OSEP estimated respondent costs as \$20 per hour. As indicated above, the estimated total number of burden hours is 30,084. Therefore, the estimated cost to the respondents is \$601,680.

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>\$ 9,300</u>
	\$12,150

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

15. Reasons for program changes or adjustments.

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 Affairs.

There is a 3,192 hour decrease to the annual reporting and record keeping burden from the currently approved 1820-0043 form. This decrease is due to a projected increase in the number of States that are now using individual level student record keeping data systems.

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.