

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

**Personnel (In Full-Time Equivalency of Assignment) Employed To Provide Special Education
and Related Services for Children with Disabilities**

A. JUSTIFICATION

1. Circumstances necessitating information collection.

The Individuals with Disabilities Education Act (P.L. 108-446) allows the Secretary of Education to obtain data on the number and type of highly qualified personnel that are employed to provide special education and related services to children with disabilities served in each State. The specific legislative authority may be found in Section 618(a) (3). The purposes of these data are to: (1) assess the progress, impact, and effectiveness of State and local efforts to implement the legislation and (2) provide Congress and Federal, State, and local educational agencies with relevant information. These data are used for monitoring activities, for planning purposes, for congressional reporting requirements, and for 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:

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

Under IDEA 2004, for any special education teacher, the term 'highly qualified' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (ESEA) except that such term also includes the requirements described in Section 602(10)(B), and includes the option for teachers to meet the requirements of Section 602(10)(C) or (D).

In addition, Section 612(a)(14)(A) describes qualifications for related services personnel and paraprofessionals: States must establish and maintain qualifications "to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities." States must also "adopt a policy that includes a requirement that LEAs in the State take measurable steps to recruit, hire, train, and retain highly qualified personnel to provide special education and related services under this part to children with disabilities." (P.L. 108-446 Section 612(a)(14)(D)).

This data collection will be used by States in developing State Personnel Development Plans required under Section 653(b)(7) of IDEA 2004 to receive State Personnel Development Grants.

"(b) ELEMENTS OF STATE PERSONNEL DEVELOPMENT PLAN. – Each

State personnel development plan under subsection (a)(2) shall –

(7) describe how the State educational agency will recruit and retain highly qualified teachers and other qualified personnel in geographic areas of greatest need;...”

This data collection form provides instructions and information for States when submitting their counts of the number of personnel employed, the number and type of highly qualified personnel, and the number and type of personnel not highly qualified for their position.

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 Office of Special Education Programs (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, 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/g1specpedpreschool.doc>.

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

3. Use for 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 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, 32 States submitted the Personnel 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 EDFacts system as soon as their data systems will allow.

4. Efforts to identify duplication.

The information requested does not represent any duplication in content, reporting, or performance requirements beyond those imposed under the statute. This information is available only from State educational agencies (SEAs) that collect it from local educational agencies (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, 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 and the public on the following..."

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 2 comments pertaining to this form. The issues raised in these comments are described below and followed by the Department's response.

1. *Commenter requests that OSEP examine the extent to which the data collected through the current "Personnel Employed to Provide Special Education and Related Services for Children with Disabilities" collection (Table 2) are redundant to the highly-qualified teachers (HQT) data reported under the Consolidated State Performance Report.*

The relationship between the IDEA and CSPR personnel data collection has been jointly explored by OSEP and the Office of Elementary and Secondary Education (OESE). While there are a number of distinctions in statute that provide for varying HQT requirements for special education teachers by levels of responsibility in the classroom, the most important distinction between the two collections is the unit of analysis, which ultimately impacts on the universe represented in the two collections. The CSPR collects data regarding the number of classes that are taught by highly qualified teachers, while the IDEA collection focuses on the number of full-time equivalent (FTE) teachers that are employed or contracted to provide special education and related services to students with disabilities. The CSPR data do not differentiate between classes that may or may not include students with disabilities. Moreover, the CSPR does not include all special education teachers who provide services to students with disabilities, only those who teach core academic content. In addition to including all special education teachers who are employed or contracted to provide special education and related services, the IDEA data include FTE reports of paraprofessionals and related services personnel employed or contracted to provide services to students with disabilities ages 3 through 21. Given OSEP's interest in identifying personnel needs in special education and discretionary funding investments in personnel and leadership preparation, OSEP does not intend to change personnel data reporting elements at this time. However, OSEP is continuing conversations with OESE to ensure both offices are informed of and using the data collected across federal program offices.

2. *Commenter requests a definition for the term "fully certified".*

OSEP provides a definition of "fully certified" in the instructions for Section C of Table 2.

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. However, no individually identifiable information is requested.

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 of these data, such as the variation in the number of LEAs in each State, the number of personnel in the system, and the sophistication of the personnel data system. In making the following estimates, we used different burdens based on whether SEAs use computerized personnel data systems to collect these data. Fewer States use computerized data systems to collect the personnel data than use individualized record data systems to collect the student data they report to OSEP.

In order to calculate burden, OSEP first estimated the number of hours required per State and per LEA for computerized and non-computerized systems. 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). OSEP then 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 2.3 hours per State agency or 138 hours total. The estimated average LEA burden is 0.46 hours or 119.6 hours of LEA burden per State. The total burden estimate is 7,314 hours.

Number of Respondents	SEA Burden Hours	LEA Burden Hours	Total Burden²
42 States with Computerized Record Systems	2	.40	4,452
18 States without Computerized Record Systems	3	.60	2,862
60 States	2.3 (Avg.)	.46 (Avg.)	7,314

OSEP estimated respondent costs as \$20 per hour. As indicated above, the estimated total number of burden hours is 7,314. Therefore, the total estimated cost to the respondents is \$146,280.

13. Estimate of costs to respondent.

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

¹ 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.

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

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>\$ 16,000</u>
	\$18,850

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 636 hour decrease to the annual reporting and record keeping burden from the currently approved 1820-0518 form. The decrease is due to a projected increase in the number of States that are now using computerized 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 for distribution are 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 use these data to measure progress under the performance indicators established by OSEP under the Government Performance and Results Act for special education grants to States and preschool grants. Occasionally, the data are summarized and presented at conferences and in ad hoc reports or articles submitted for publication. This information will also be used by OSEP for purposes of monitoring and focusing discretionary activities.

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