

Paperwork Reduction Act Submission Supporting Statement

Annual Mandatory Collection of Elementary and Secondary Education Data through *EDFacts*

EDFacts, the Department of Education's centerpiece of information collection on elementary and secondary education, has transformed how the Department collects, uses, and reports on a large volume of education information. *EDFacts* is a decidedly different approach to how the Department collaborates and interacts with institutional data providers and users at the elementary and secondary education levels. *EDFacts* coordinates the collection of data across all the Department's major elementary and secondary education programs, while allowing certain flexibilities of collection methodology appropriate to individual program needs. The majority of *EDFacts* data is submitted by state education agencies, with data for certain areas submitted by local education agencies.

The collection, use, and reporting of education information and data has been an integral component of our mission, since the inception of the Department. The Secretary has determined that complete, accurate, and reliable data are essential for effective decision-making and for implementing the requirements of the nation's education laws. *EDFacts* is justified by the Department's mission to "...promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access."

EDFacts provides to the Department and its constituents more comparable, timely, valid, and accurate information to better meet our mission. The system provides a framework for assessing and coordinating multiple information collections and provides improved information for assessing multiple education program initiatives, as well as the condition of American education. This coordinated approach results in both better compliance with the Paperwork Reduction Act by limiting the quantity of information collection and, equally important, improved quality of information.

The Department currently administers programs that touch on every area and level of education. The Department's elementary and secondary programs annually serve approximately 18,000 school districts and 50 million students attending 100,000 public schools.

The Department's ability to collect, store, and manage education data efficiently through electronic means allows for easier submission by education units and reduces duplication of collections and burdens on them. It also facilitates the efficient use of data for analysis by program officials and other interested parties. Implementation of the No Child Left Behind Act of 2001 (P.L. 107-110) (NCLB) requires that educators have accurate and reliable data and the knowledge needed to assess how close the nation is to reaching the goal of ensuring that every child achieve to high academic standards.

In November 2007, *EDFacts* received a three-year clearance through October 2010 as I.C. 1875-0240. The Department's 2009-10 data request from states will be collected

under that clearance and is unaffected by this submission. The Department is hereby resubmitting I.C. 1875-0240 so that changes in the Civil Rights Data Collection (CRDC), which is part of *EDFacts*, can be reviewed and approved under the Paperwork Reduction Act. The responses to the items below focus specifically on the Civil Rights Data Collection as the only part of *EDFacts* that will have changes under this request.

A. Justification

1. 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.

A number of federal laws support the collection of civil rights data. Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, and national origin. Title IX of the Education Amendments of 1972 prohibits discrimination based on sex. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability. The Age Discrimination Act of 1975 prohibits discrimination based on age. Title II of the Americans with Disabilities Act of 1990 prohibits discrimination based on disability. The applicable laws supporting the collection of the civil rights data are found at <http://www.ed.gov/about/offices/list/ocr/know.html>.

The 1980 Department of Education Organization Act conveys to the Assistant Secretary for Civil Rights the authority to “collect or coordinate the collection of data necessary to ensure compliance with civil rights laws under the jurisdiction of the Office for Civil Rights” (20 U.S.C. 3401, Section 3413(c)(1)). Any data collection that the Office for Civil Rights (OCR) has “determine[d] to be necessary” to ascertain compliance with these laws, is mandatory pursuant to the implementing regulations of the federal civil rights laws.

The Department has collected CRDC data biennially directly from LEAs since 1968; each included LEA submits a summary survey about the LEA as well as a survey about each school in the LEA. Generally, the collection has included a sample of about 6,000 LEAs; the 1976 collection included all LEAs and a sample of schools; and the 2000 collection included all LEAs and all schools. For many years, the collection operated as the Elementary and Secondary School Civil Rights Compliance Report approved by OMB as 1870-0500. The last two administrations of the CRDC, the 2004 CRDC and the 2006 CRDC, were conducted primarily on-line via the EDEN Survey Tool as part of *EDFacts*.

The Department is proposing a two-part collection for the 2009-10 CRDC with all data to be from the 2009-10 school year. Previously, the CRDC collected data from two different school years. Data that were counts taken at one point during the school year (*e.g.*, enrollment) were collected for the year in which the CRDC was being administered. Cumulative or end-of-year data (*e.g.*, AP testing, discipline, athletics) was reported for the previous school year. By collecting CRDC data in two parts, we will have all CRDC data collected for the same school year. This is similar to the way that data is collected for programs such as the Individuals with Disabilities Education Act (IDEA).

School year (SY) 2009-10 is planned as the next administration of the CRDC. For this collection, the Department proposes to drop some of the more burdensome data groups and add selected data groups to provide data in areas of focus under new education programs, initiatives, and identified risk areas. Like the last two CRDCs, the upcoming survey will be primarily electronic collection through *EDFacts*.

2. 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.

Since 1968, the Civil Rights Data Collection (and its predecessor surveys) has served as the cornerstone for federal enforcement of children's civil rights in public schools. The Department conducts the survey to provide the Office for Civil Rights (OCR) headquarters and regional offices with current data to use when targeting compliance review sites or to as source material when investigating complaints. The CRDC is also used by social scientists conducting research on discriminatory practices and by civil rights advocacy groups for monitoring issues related to their mission. State and national projections are generated to produce estimates for variables of interest to OCR, such as membership, suspensions and expulsions, students enrolled in LEP programs, students with disabilities, students enrolled in advanced placement courses, and others, by gender and racial and ethnic categories. Data are available to the public via the Web.

3. 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.

Like the previous two collections, the primary collection instrument for the SY 2009-10 CRDC will be a Web-based system; users will enter the data in response to questions displayed on the screen; and the data are transmitted directly into a database at ED. To reduce burden, the Department plans to develop and utilize a more user-friendly tool that will be interactive with the user. For example, if a user indicates the school serves only elementary students, then questions about high schools will not be presented. To facilitate this approach guiding questions may precede data group tables. For example, the user would be asked if the school provided Advanced Placement (AP) courses. If the user answered No, then the series of tables about AP would be skipped; if the answer is yes, then the tables about AP would be presented. Flat file submissions, such as Excel files, will be allowed for large districts that have the capacity to create them; and paper submissions will be allowed for LEAs with no Internet connectivity or limited Web access. States that wish to submit data for their LEAs will be allowed to do so, as they have been in the past.

Through computer control of the data collection process and the monitoring of responses, the computer-based system offers the capacity for substantial improvements in data

quality and data collection efficiency over a survey conducted using paper and pencil. Incidents of missing and inconsistent data are greatly reduced since questionnaire skip patterns are computer controlled. Moreover, invalid entries, contradictory entries, or entries inconsistent with available data on the school or LEA are questioned by the computer and must be resolved or confirmed by the respondent during the self-directed Web instrument data collection.

4. 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.

In planning the SY 2009-10 CRDC, the Office for Civil Rights carefully examined all data groups already collected by *EDFacts* and dropped several tables previously in CRDC because the data are available through the state-based portion of *EDFacts*, the EDEN Submission System (ESS). For example, the CRDC previously collected data on graduate counts and disability categories. For SY 2009-10 OCR will utilize the state reported data collected via *EDFacts* for these and other topics. To avoid duplication, comparisons were also made with the information requirements of the American Recovery and Reinvestment Act of 2009 (ARRA). The CRDC will collect basic enrollment counts that are also collected by ESS in order to allow the internal cross-checks that will validate the CRDC submitted data.

5. 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.

The Civil Rights Data Collection allows small districts with limited Web access to submit via a paper form.

6. 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.

Education in this nation is on an annual cycle where success and failure are measured and reported annually and civil rights complaints must be investigated and resolved on an ongoing basis. The most recent CRDC contained data from the spring of school year 2005-06 and the fall of school year 2006-07. It is critical that more recent information be available so that the Department can carry out its mandate to ensure civil rights under the applicable laws.

7. Explain any special circumstance 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.

This information collection activity does not have special circumstances that would include any of the requirements listed above.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 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.

The *Federal Register* notice for the 60-day comment period was published on September 11, 2009. ED received a number of comments. Most comments were in support of the CRDC collection. ED's response to public comments has been attached as a separate document.

In addition to receiving public comment from the *Federal Register* notice, ED has done extensive outreach with other offices in ED as well as with state and local education agencies through conferences, meetings, and a Webinar.

- In a Webinar for members of the CRDC work group, composed of state and local education agency representatives, all familiar with the prior CRDC, ED reviewed each proposed content item (data group) and solicited feedback.
- In a joint meeting of the General Statistics subcommittee and the Special Education subcommittee of the Education Information Management Advisory Consortium (EIMAC), ED reviewed each proposed content item (data group) and solicited feedback.
- At the fall ED*Facts* conference in Chicago, ED held two breakout sessions for conference participants, in which ED reviewed each proposed content item (data group) and solicited feedback.
- OCR met with various offices within ED to discuss the proposed content and seek feedback, including the Office of Special Education Programs, Policy and Program Studies Service, Budget Service, and the National Center for Education Statistics.

ED has reviewed all feedback obtained above, both public comment and outreach, and has modified the proposed data groups appropriately.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

There is no current remuneration for any school district.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulations, or agency policy.

There has been no assurance of confidentiality provided to the respondents beyond the agreement to protect individual student information under the Federal Educational Rights and Privacy Act. The CRDC does not collect any direct personally identifiable information (PII). Confidentiality issues with the CRDC are specific to the amount of data found in a “cell” that might make the identification of an individual student or staff member possible when combined with other information not collected in the CRDC. ED is committed to protect individual privacy by not making public any data in rows or columns where a single cell is below a certain threshold of size. ED will continue to review the submitted data for any other security requirements.

11. 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.

There are no questions of sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. The education data collected and stored in *EDFacts* will be data about schools, school districts, and states.

12. 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 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.**

Fifty-five SEAs supply *EDFacts* data annually. This submission makes no change to the existing burden estimate of the state-based portion of *EDFacts*.

For the Civil Rights Data Collection, the respondent is the LEA; the LEA must complete one LEA-level survey plus one school-level survey for each of its schools.

For the most recent Civil Rights Data Collection, the 2006 CRDC, the burden was estimated to be 462,000 hours across 6,000 LEA respondents and their approximately 60,000 schools, based on an estimated 7 hours/survey. However, that burden was dropped in the November 2007 clearance of I.C. 1875-0240 because, as a biennial collection, the CRDC was not to be conducted for 2007. Therefore the existing CRDC burden is zero.

For the SY 2009-10 Civil Rights Data Collection, the burden analysis considers the differentiation between the burden of the LEA-level survey and the school-level survey; and it considers the differentiation between student/course data and finance data.

Adjustments to the estimated burden for student/course data are based on considering the average burden per data group; the burden for the finance data is based on a comparison to the burden of the ARRA data collection of school finance data.

Considering the distinction between the LEA-level survey and the school-level survey, the burden of the prior CRDC (which contained no finance data) was estimated to be 2 hours/LEA survey and 7.5 hours/school survey. The SY 2009-10 CRDC LEA survey student/course content will increase by approximately 40%; and the school survey

student/course content will increase by approximately 34%. Therefore the burden of the student/course content is estimated as:

- LEA survey student/course content: 2.8 hours (1.4 x 2)
- School survey student/course content: 10.1 hours (1.34 x 7.5)

The LEA survey contains no finance data. The burden of the finance data on the school level survey is estimated to be 2.7 hours. In developing this estimate, ED used a lesser value than the burden estimated for the ARRA collection of finance data because of several factors, such as the earlier notification to LEAs and the experience LEAs will have from the ARRA collection. Based on this burden estimate for the finance data, the burden of the two components is estimated as:

- LEA survey: 2.8 hours
- School survey 12.8 hours (10.1 + 2.7)

The overall burden estimate is calculated as follows. Overall, approximately 7,000 LEAs will respond for themselves and their 77,000 schools to the request for data. Using 2.8 hours/LEA survey and 12.8 hours/school survey, as described above, the total burden estimate is calculated as follows:

- 7,000 LEAs
- 77,000 schools
- Average LEA has 11 schools
- Average LEA must complete 1 LEA survey and 11 school surveys
- Average estimated LEA burden is 143.6 hours (1 x 2.8 + 11 x 12.8)
- Total estimated burden of the CRDC is 1,005,200 hours.

This results in a total burden estimate of 1,005,200 hours for the CRDC, all of which must be treated as new burden since the burden was set to zero in 2007, as explained above.

	Respondents	Hours/Response	Total Hours
Previous – Civil Rights Data	0		0
New – Civil Rights Data	7,000	143.6	1,005,200
Carry forward– State-based ED <i>Facts</i> Data	59		107,834
New – Total Burden	7,059		1,113,034

The respondent cost for the SY 2009-10 Civil Rights Data Collection is estimated to be \$ 40,208,000 (1,005,200 hours multiplied by an average wage of \$40 per hour). There is a wide range of hourly salaries associated with the professionals that will provide the data, but \$40/hour is a reasonable average.

13. 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 rate(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.**

The collection of CRDC data for the foreseeable future will require no additional systems development efforts by the local agencies.

14. 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.

The estimated government cost for the next Civil Rights Data Collection is \$3,800,000. This estimate is based on contractual costs to develop a revised survey tool, provide technical support for users, and produce and analyze the resulting database of survey responses.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

Approximately 7,000 LEAs will respond to the CRDC for themselves and their 77,000 schools to this request for data. This results in a total CRDC burden estimate of 1,005,200 hours, all of which must be treated as new burden since the burden was set to zero in 2007, as explained above. The ESS burden is unchanged.

The government cost is similar to the cost of previous surveys, the last of which was the 2006 CRDC, conducted in 2007.

16. 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.

The Department presently makes CRDC results available to the public on the Web at <http://ocrdata.ed.gov>. This site provides a user-friendly Flexible Tables software product that displays CRDC data with privacy protections in place. National and state projections based on the raw data are also available at this site under Downloads.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

This collection will display the OMB approval date in all transmittal documents requesting the information from the state or local agencies and in any written discussion or representation of the collection. The OMB number will be properly displayed on any the Web form and paper form used by the Civil Rights Data Collection.

18. Explain each exception to the certification statement identified in Item 20, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

ED is requesting no exemptions from the Certification.