

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

**Part B, Individuals with Disabilities Education Act
Implementation of FAPE Requirements**

A. JUSTIFICATION

1. Circumstances necessitating information collection.

P.L. 108-446 directs the Secretary of Education to obtain data on the number and percentages of children with disabilities by disability, race/ethnicity, gender, and limited English proficiency (LEP) status participating in regular education, separate classes, separate schools, separate facilities, or public or private residential facilities. The specific legislative authority may be found in Section 618(a)(1)(A). 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 IDEA data to the general public.

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:

(ii) Participating in regular education.

(iii) In separate classes, separate schools or facilities, or public or private residential facilities” (P.L. 108-446, Section 618).

This data collection form collects information about the extent to which students with disabilities are included in the regular educational environment. This form reflects the language of P.L. 108-446, Section 612(a)(5)(A) that states "To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." It provides instructions and information for States when submitting their count of children with disabilities according to their educational environment.

For children ages 3 through 5, the reporting form collects a count of children served under Part B of IDEA, cross-tabulated by their discrete age and educational environment, disability and educational environment, race/ethnicity and educational environment, gender and educational environment, and LEP status and educational environment. While the form includes data about children with disabilities ages 3 through 21, the proposed changes are only in the sections referring to children with disabilities ages 3 through 5, so all information in the statement are associated with the 3 through 5 age group. No changes are proposed for the portion of the collection that refers to children with disabilities ages 6 through 21.

The changes to this data collection form will impact the data collected in the EDFacts Data Set (OMB 1875-0240). The EDFacts file specifications data elements should align with all data elements in the data collection form OMB #1820-0517, including the required cross-tabulations. The required cross-tabulations include discrete age, disability category, race/ ethnicity, gender, and LEP status. See the attached EDFacts Data Set Technical Amendment document for further information on the changes to the EDFacts Data Set pertaining to this form.

The disability categories used on the form are listed in Section 602(3)(A)(i) of P.L. 108-446. The LEP status categories used on the form are based on the definition of limited English proficient in the Elementary and Secondary Education Act, 20 USC Section 7801(A)(25). The race/ethnicity guidelines are consistent with the 2007 publication of the Final Guidance on Maintaining, Collecting, and Reporting Racial and Ethnic Data to the U.S. Department of Education in the Federal Register (VOL. 72, No. 202, available at <http://www.gpoaccess.gov/nara/index.html>).

As indicated in the preceding paragraphs, IDEA 2004 requires each state to report both 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 reporting categories. The data collection grid includes cells for the required percentages; however, to assure cross-state comparability and minimize state burden, these percentages are currently and will continue to be calculated by the data collection software using the numbers provided by the SEA.

2. Use for which the information is gathered.

OSEP uses the information collected on this form to monitor States to ensure compliance with Federal statute and regulations, to disseminate data to Congress and the public, and for program improvement purposes.

These data are also used to measure progress on 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/g1spcedpreschool.doc>.

States are also required to determine if significant disproportionality based on race/ethnicity is occurring with regard to educational environments for children with disabilities. The educational environments data are also used extensively by OSEP, State

agencies, university researchers, and advocates to assess the relative level of inclusion for students with disabilities nationally and in individual States.

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 to DANS, the legacy data collection system. 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.

Currently, 43 of the 60 reporting entities are approved to submit the Educational Environments data through ED's ED*Facts* system. OSEP is working closely with other ED personnel to analyze data submissions for the remaining States and approve them for submission through this system. OSEP is also working closely with ED*Facts* personnel to ensure all grantees can report all IDEA data via ED*Facts* (e.g. outlying areas) and that the data are reliable and valid.

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) who collect the data 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.

The information collection for preschoolers is uniquely challenging because States are not required to provide universal pre-kindergarten programs for all children, so defining a setting and capturing the time a preschool child with a disability is participating with

non-disabled children is not an exact parallel concept with school-age collections. OSEP solicited ideas and comments from multiple groups about this information collection. This input was received in several venues, including meetings of the National Association of State Directors of Special Education, National Early Childhood Inclusion Institutes, OSEP Leadership Conferences, OSEP 619 Coordinators Meetings, OSEP Data Meetings, and OSEP National Early Childhood Conferences. OSEP considered those comments and responded by simplifying the currently approved form to minimize the number of determinations an SEA or LEA needed to make, decreasing the calculations per child for percent of time in a setting, consistent with the statutory data requirements.

Interested persons were invited to comment on this proposed information collection request in a notice published in the Federal Register, Volume 72, No. 158 on August 16, 2007. The Parties were informed that their comments would be accepted on or before October 15, 2007.

In response to this request, the Department of Education received 64 comments, generally addressing three main issues of concern. The form was simplified in response to concerns about data collection and calculation burden. For further information about comments and analyses, see the attached (“2009 02 12 Comments 1820-0517”).

Public comments were reviewed and summarized by January 2008. From January 2008 through January 2009, the revised data form was in development. This was an extensive delay due to the unique complexities associated with the preschool service systems and OSEP’s intense examination of various perspectives provided by stakeholders. Considerations about reporting burden, desired information, use of the data, and required data elements were complicated, but OSEP believes that the revised changes reflect the input received and provide a measured response to the major issues raised. No reduction in information available to USDOE will result and OSEP believes the stakeholder groups will find the changes favorable.

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 revised estimate of burden is based on previous experience with the data collection, the available information about State data collection systems, and consultation with SEA representatives. 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 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 SEAs 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 was used. OSEP calculated total LEA burden per State by multiplying 260 by the average LEA burden (60*260*average LEA burden).

For SEAs, the estimated average burden is 26 hours per State agency or 1,560 hours total. The estimated average LEA burden is 26 hours or 6,760 hours of LEA burden per State. The total burden estimate is 407,160 hours. The required number of hours needed to collect and report these data should decline over time, however, as States put systems in place to automate data cleaning, student matching, and the data aggregation process.

Number of Respondents	SEA Burden Hours	LEA Burden Hours	Total Burden Hours¹
48 States with Individual Student Records at the State Level	21	22	
12 States without Individual Student Records at the State Level	48	41	
60 States ²	26 (Avg.)	26 (Avg.)	407,160

OSEP estimated respondent costs as \$20 per hour. As indicated above, the estimated total number of burden hours is 407,160. Therefore, the estimated cost to the respondents is \$8,143,200.

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.

¹

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

² 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.

Copying:	\$ 50
Mailing:	\$ 300
Staff:	\$ 2,500
Contractor Data Services:	<u>\$ 7,500</u>
Total:	\$ 10,350

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 9,372 hour program change increase to the annual reporting and record keeping burden from the currently approved 1820-0517. This increase is due to revisions to the form for children ages 3 through 5. This revision is necessary in order to adequately capture the information mandated by IDEA 2004 in regards to the participation of children with disabilities in settings with typically developing peers, while also obtaining data regarding the location of special education and related service provision, which States have indicated are critical to their ability to ensure that this population is adequately served.

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