

Supporting Statement A for Paperwork Reduction Act Submission

OMB Control Number 1076-NEW

IDEIA Part B and C Child Count

Terms of Clearance: None.

1. Explain the circumstances that make the collection of information necessary.

The Individuals with Disabilities Education Improvement Act (IDEIA), 20 U.S.C. §§ 1400 et seq., includes provisions requiring Indian tribes to submit certain information to the Secretary of the Interior. The IDEIA provides that the Department of Education provide funding to the Secretary of the Interior for the coordination of assistance for special education and related services for American Indian children 0-5 on reservations where an elementary or secondary school is operated or funded by the Department of the Interior ("Bureau-funded schools") for Indian children. The Secretary of the Interior, through the Bureau of Indian Education, then allocates this funding to tribes and tribal organizations based on the number of Indian children with disabilities on the reservations served by such schools. In order to allow the Secretary of the Interior to determine what amounts to allocate to whom, the IDEIA requires tribes and tribal organizations to submit information to Interior. Specifically:

- In IDEIA Part B – Assistance for Education of All Children with Disabilities, 20 U.S.C. § 1411(h)(4)(D) requires tribes and tribal organizations to submit to the Secretary of the Interior certain information to allow the Secretary of the Interior to use the funds to assist in the coordination of assistance for Indian children 3 to 5 residing on the reservation.
- In IDEIA Part C – Infants and Toddlers with Disabilities, 20 U.S.C. §1443(b)(4) likewise requires tribes and tribal organizations to use the funds to assist children under age 3 residing on the reservation.

2. Indicate how, by whom, how frequently, and for what purpose the information is to be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, explain how the collection complies with all applicable Information Quality Guidelines.

The Bureau of Indian Education, within the Department of the Interior, uses the information to provide funding based upon the number of eligible students within each tribe's reservation. The information is not disseminated to the public.

There are two information collection instruments associated with this information collection.

Each of these forms establishes a count date of December 1 and a due date of the last working day of January the following year. The numbers are used to determine funding for the following July through June. For example, the first form will establish a count date of December 1, 2010, with a due date of January 28, 2011, and the numbers will be used to determine funding for July 2011 through June 2012. The years in these dates will be updated with each new annual cycle of forms on both the instructions and the forms.

Part B Form

This form has three components. The first is Table 1, which requires a count of Indian children, aged 3 through 5, who are not enrolled in a private, public, or BIA-funded school, and who reside on the reservation, separated by type of disability (e.g., mental retardation, hearing impairment, speech/language impairments). This is a non-duplicative count, and includes a category for multiple disabilities for those children who may fall into more than one of the other categories. The first column is for the total number of children (aged 3 through 5) who are residing on the reservation, and the second column is for how many of those children the tribe is serving in accordance with an Individualized Education Program (IEP). This information is needed when tribes coordinate services with the local educational agency.

The second component of the form is a certification by an authorized tribal official that the child count numbers provided are accurate.

The final component of the form is an assurance by an authorized tribal official that the tribe has provided the appropriate State agency the information it needs to coordinate assistance to Indian children (aged 3 through 5) residing on the reservation.

Part C Form

This form also has three components. The first is Table 1, which requires a count of Indian children, from birth through age 2 who are residing on the reservation, the subsets who are receiving early intervention services from the tribe, who will receive early intervention services from the tribe within 45 days, and, if the State has an "at risk" category, those children who are at risk and receiving early intervention services (but are not listed in the prior two categories). This information fulfills the requirement for reporting the number of children contacted, the number of children receiving services, and an estimated number of children in need of services.

The second component of the form is a certification by an authorized tribal official that the child count numbers provided are accurate.

The final component of the form is an assurance by an authorized tribal official that the tribe has provided the appropriate State agency with the information it needs to coordinate assistance to Indian children (birth through 2) residing on the reservation.

3. Describe whether, and to what extent, the collection of information involves the use

of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology; e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden [and specifically how this collection meets GPEA requirements.]

The IDEIA Parts B & C Child Count forms will be made available on the Bureau of Indian Education website permitting electronic submission of responses. Electronic submission will expedite data collection submission and increase the accuracy of information received.

4. Describe efforts to identify duplication.

This information is not available from any other source. While the IDEIA is primarily administered by the U.S. Department of Education, the Bureau of Indian Education administers those portions that apply to children 0-5 with disabilities on reservations where an elementary or secondary school for Indian children is operated or funded by the Department of Interior ("Bureau-funded schools"). Therefore, this is the only count of Indian children residing on the reservation meeting the IDEIA definitions for eligibility.

5. If the collection of information impacts small businesses or other small entities, describe the methods used to minimize burden.

This collection of information does not impact small businesses or other small entities, as tribes are not considered small businesses or other small entities; we collect only the minimum information necessary to allow us to allocate the funding in a manner that reflects the number of children served.

6. Describe the consequence 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.

Not conducting this information collection would compromise our ability to allocate funding to tribes in an equitable manner to meet the goals of the IDEIA.

7. Explain any special circumstances 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.

There are no circumstances that require us to collect the information in a manner inconsistent with OMB guidelines.

8. **Provide 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 (or in response to a PRA statement) and describe actions taken by the agency in response to these comments.**

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. [Please list the names, titles, addresses, and phone numbers of persons contacted.]

On June 4, 2010, we published a notice in the Federal Register (75 FR 31810) announcing our intent to request OMB approval for this information collection. In that notice, we solicited comments for 60 days, ending on August 3, 2010. No comments were received in response to the Federal Register notice.

In addition to our notice, we contacted the following tribal representatives who responded to this information collection. We asked for information about their experience providing this update, including:

- Whether or not the forms and instructions are clear
- How long it takes to complete the forms, including time to review instructions, gather and maintain data.
- Ways to minimize the burden

We received many comments stating that the forms are clear. Other comments requested clarifying the definition of “served” and other definitions, who may sign the forms, the cut-off months, and how sections C and D (on Part C form) are different. We accepted these comments by making the requested clarifications.

One commenter suggested burden could be minimized by on-line submission and omitting the signature by a tribal official. BIE plans to make this available on the Internet for submission. BIE must require the tribal official signature to ensure it represents the official input of the tribe.

The tribal contacts we received comments from included the following Tribal Early Intervention Coordinators

| Tribes/Tribal Organization | Name | Telephone |
|-----------------------------------|------------------------------|------------------------|
| Potawatomi | Rose Potvin | 906-466-2952, ext. 158 |
| Leech Lake | [illegible] | 218-335-8356 |
| SSM Tribe of Chippewa | Laura McKechnie | 906-635-7722 |
| Haak'u Learning Center | Barbara Antonio | 505-552-6959 |
| Northern Cheyenne | Holda [?] Roundstone | 406-477-6346 ext, 28 |
| Shoshone-Bannock | Ivonne Hartman | 208-239-4513 |
| Cheyenne River Sioux | Peggy Gallipo | 605-964-7223 |
| Lower Brule Sioux | Cheri Smith | 605-473-5520 |
| Sisseton-Wabpeton Oyate | Terri Crawford | 605-698-4400 ext. 300 |
| Navajo Nation | Treva Roanhorse/Paula Seanez | 928-871-6338 |
| Chitimahca Tribe | Lee Ann LeBlanc | 337-923-9960 |
| Eastern Band of Cherokee | Beth Pedersen | 828-554-5101 |
| Miccosukee Tribe | Jennie Billie | 305-894-2376 |
| Passamaquoddy | Gail McCarthy | 207-255-4892 |
| Seminole Tribe of Florida | Jillian Francis | 863-983-6535 |
| Tohono O'odham Nation | Janent Antelo | 520-383-8750 |
| Gila River | Linda Shields | 520-562-3882 |
| Lac Courte Oreilles | Barbara Biller | 715-634-7262 |
| Mille Lacs Band of Ojibwe | Tammy Wickstrom | 320-532-4690 ext 2239 |
| Oneida Tribe | Carla Wittewski | 920-490-3891 |
| Meskwaki | Jerry Stephens | 641-484-9000 |
| Pueblo of Tesuque | Carrie Ronneau | 505-988-1514 |
| Oglala Sioux | Caroline Bettelyoun | 605-867-5712 |
| Lummi Nation | Terry Tucker | 360-384-2260 |
| Muckleshoot Indian Tribe | Julia Anderson | 253-876-3056 |
| Quileute Tribe | Pemny Winn | 360-374-3149 |
| Yakama Nation | Frank Mesplie | 509-865-5121 |
| Pueblo of Isleta | Michelle Jiron | 505-924-3160 |
| Yankton Sioux | Marilyn Kokesh | 605-589-3134 |
| San Felipe Pueblo | Bertha Cunderleria | 505-867-2816 |
| Pueblo of Zia | M. Sarah Pino | 505-867-3304 ext 224 |
| Mescalero | Peggy Vigil | 575-464-9328 |
| Pueblo of Laguna | Susan Tharpe | 505-552-1013 |
| Standing Rock | George Starr/Dorothy Larson | 701-854-7150 |

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

We do not provide gifts or payments to respondents.

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

We do not provide any assurance of confidentiality. The information that we collect is subject to the requirements of the Privacy Act and the Freedom of Information Act.

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.

We do not ask questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information.

We anticipate receiving approximately 122 responses (61 respondents will submit 2 responses each year) at 20 hours per response, totaling 2,440 annual burden hours for this information collection. We estimate the total dollar value of the burden hours to be \$75,738 (rounded).

| Regulation/ Activity | Annual Number of Respondents | Frequency of Responses | Annual Number of Responses | Completion Time (hours) Per Response | Total Annual Burden Hours | \$ Value of Annual Burden Hours |
|---|------------------------------------|---------------------------|----------------------------------|--|---------------------------------|---------------------------------------|
| Part B Form - Tribal Government | 61 | 1 | 61 | 20 | 1,220 | \$37,869 |
| Part C Form - Tribal Government | 61 | 1 | 61 | 20 | 1,220 | \$37,869 |
| Totals | 122 | 2 | 122 | 40 | 2,440 | \$75,738 |

*To obtain the hourly rate for tribal government employees, we used **\$20.69**, the wages and salaries figure for all workers from BLS Release USDL 09-1098, *Employer Costs for Employee Compensation—September 2010*, Table 1, *Employer costs per hour worked for employee compensation and costs as a percent of total compensation: Civilian workers, by major occupational and industry group*. To account for benefits, we then multiplied this rate by 1.5, to obtain a total rate of **\$31.04**.

13. Provide an estimate of the total annual [non-hour] cost burden to respondents or record keepers resulting from the collection of information.

We have not identified any non-hour costs associated with this information collection.

14. Provide estimates of annualized costs to the Federal Government.

We estimate the annual cost to the Federal Government to administer this information collection to be **\$13,472**.

Salary Costs - \$ 13,228 (\$43.37 X 2.5 hours per response x 122 responses)

The current estimated annual cost to the government has been calculated by using the hourly rate provided by the 2009 General Schedule Annual Rates by Grade and Step GS11, Step 7 (**\$28.91**), and a multiplier of 1.5 for benefits for a total of **\$43.37**. The average work time is estimated at 2.5 hours per response.

Other Costs (paper and mailing) - \$244 (\$2.00 x 122 responses)

15. Explain the reasons for any program changes or adjustments.

The Department of the Interior is requesting approval for this collection as a result of a program change in order to implement provisions of the IDEIA. While the requirement for Interior to collect this information has been in place for several years, Interior is only now developing its own forms (independent of those developed by the U.S. Department of Education under OMB Control Number 1820-0557). Interior determined that it was necessary to develop its own form because much of the information on the U.S. Department of Education form is superfluous to Interior's purposes. Also, since IDEIA specifically assigns to Interior the task of collecting this information from tribes and tribal organizations, Interior determined that OMB approval specific to this information collection is required by the Paperwork Reduction Act.

16. For collections of information whose results will be published, outline plans for tabulation and publication.

We will not publish the results of this information collection.

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.

We will display the OMB control number and expiration date on the Part B form and the Part C form.

18. Certification.

There are no exceptions to the certification statement.