

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

A. JUSTIFICATION

1. Circumstances necessitating information collection.

Section 618 of the Individuals with Disabilities Education Act (IDEA), Public Law 108-446, directs the Secretary of Education to obtain data on: (1) the number and percentage of infants and toddlers with disabilities, by race and ethnicity and gender, who are receiving early intervention services; (2) the number and percentage of infants and toddlers, by race and ethnicity, who are at risk of having substantial developmental delays (as described in Section 632), and who are receiving early intervention services under Part C; and (3) the number and percentage of children with disabilities, by race and ethnicity and gender, who, from birth through age 2, stopped receiving early intervention services because of program completion or for other reasons. The specific legislative authority for this data collection may be found in Section 618(a)(1)(B), Section 618(a)(1)(C), Section 618(a)(2) and Section 618(a)(3).

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. OSEP also uses these data for monitoring activities, planning purposes, congressional reporting requirements, and dissemination of data to individuals and groups.

Legislative authority in Section 618 of IDEA 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)(B) The number and percentage of children with disabilities, by race, gender, and ethnicity, who are receiving early intervention services.

(C) The number and percentage of children with disabilities, by race, gender, and ethnicity, who, from birth through age 2, stopped receiving early intervention services because of program completion or for other reasons.

(2) The number and percentage of infants and toddlers, by race, and ethnicity, who are at risk of having substantial developmental delays (as defined in Section 632), and who are receiving early intervention services under part C.

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

In addition to the specific data requirements described in Section 618, other provisions of IDEA address the need to examine where services are provided for infants and toddlers with disabilities. Section 635(a) specifies that:

“(a) IN GENERAL-A statewide system described in section 633 shall include, at a minimum, the following components:

(16) Policies and procedures to ensure that, consistent with section 636(d)(5)--

(A) to the maximum extent appropriate, early intervention services are provided in natural environments;”

An additional provision of IDEA addresses the flexibility of serving children 3 years of age until entrance into elementary school. Section 635(c)(3) specifies that:

“If a statewide system includes a State policy described in paragraph (1), the State shall submit to the Secretary, in the State’s report under section 637(b)(4) (A), a report on the number and percentage of children with disabilities who are eligible for services under section 619 but whose parents choose for such children to continue to receive early intervention services under this part.”

Section 637(b)(4)(A) specifies that:

Each State shall provide for “making such reports in such form and containing such information as the Secretary may require to carry out the Secretary’s functions under this part.” This clearance package includes three data collection forms. Each form provides instructions and information for States when submitting their data. Table 1 provides the data required by Section 618(a)(1)(B) and Section 618(a)(2).

- Section A collects the number children with disabilities by the child’s age and race/ethnicity.
- Section B collects the number of children with disabilities by the child’s gender.
- Section C collects the number of infants and toddlers who are at risk of having substantial developmental disabilities, by the child’s age and race/ethnicity. This count is a subset of the children reported in Section A and is completed only by States that serve at-risk infants and toddlers.
- Section D is an optional cumulative count of the number of infants and toddlers with disabilities who received early intervention services during the most recent 12-month period.

Because IDEA 2004 requires each State to report the percentage of children with disabilities, by race, gender, and ethnicity and the percentage of at-risk infants and toddlers by race and ethnicity, Table 1 also includes cells for these percentages. However, to assure cross-state comparability and minimize State burden, these percentages will be calculated by the data collection software. To accommodate the flexibility of Section 635(c), additional data collection elements are included in Table 1 (child count) to collect counts of children age 3 and older, by age, race/ethnicity, and gender. See sections A2 and B2 of Table 1.

Table 2 collects information about the settings in which early intervention are provided to the children reported on Table 1.

- Section A collects primary setting of infants and toddlers according to the child's age.
- Section B collects the primary setting according to the child's race/ethnicity.

Each child reported in Table 2 is reported in only one setting. To accommodate the flexibility of Section 635(c), additional data collection elements are included in Table 2 (settings) to collect counts of children age 3 and older according to their primary service setting, by age and race/ethnicity. See sections A2 and B2 of Table 2.

Table 3 provides the data required by Section 618(a)(C), the number and percentage of infants and toddlers with disabilities who, from birth through age 2, stopped receiving early intervention services.

- Section A collects the reason for exiting according to the child's race/ethnicity.
- Section B collects the reason for exiting according to the child's gender.

As in Table 1, Table 3 includes cells for percentages that will be calculated by the data collection software. To accommodate the flexibility of Section 635(c), additional data collection elements are included in Table 3 to collect counts of the number of families of children who chose to take advantage of the flexibility, by race/ethnicity. See row 3 of Sections A and B of Table 3.

Two versions of each of these three forms have been developed 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 school year 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.

2. Use for which the information is gathered.

OSEP uses the information collected on this form to assist in establishing programmatic priorities (such as promoting services in the natural environment), to monitor States to ensure compliance with the Federal statute and regulations, including the State's Annual Performance Report under each State's Performance Plan required by Section 616 of the IDEA, 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 (GPRA; P.L. 103-62) for early intervention services. 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/g1specedinfants.doc>.

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 reporting that they changed the way the State collects the data, noting changes in policy or legislation that may affect the data, or sharing information about other issues the State believes are applicable to the data collection. At the time of the most recent data collection, all States submitted the data electronically.

4. Efforts to identify duplication.

The information collected on the forms does not represent any duplication of paperwork, content, reporting, or performance requirement beyond that imposed under the statute. This information is only available from State agencies. There is currently no other source of national information on the number of infants and toddlers receiving early intervention services, on the settings in which they receive services, or on infants and toddlers who exit Part C services.

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..."

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. 185 on September 25, 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 November 24, 2009.

In response to this request, the Department of Education received two general comments from two commenters relevant to this form. The comments are summarized below, followed by the Department's response. Note that the current proposed revision to this data collection does not include any revision to existing data elements.

General comments: Both commenters agreed with the proposed changes to the information collection forms and their instructions. The commenters noted that the changes to the forms and instructions would provide important clarification on some of the data elements, which would enhance the quality of the data and the utility of the data to the field. Both commenters also expressed a concern with the timing of the public comment process for the proposed information collection forms and instructions. The commenters requested that in the future, the clearance process for the information collection forms and their instructions commence earlier to allow ample time for public comment, revisions to the forms and their instructions, changes to data systems and training on the new data collections.

Discussion: The Department appreciates the commenters' recognition that the Department improved the clarity of the instructions. Regarding the comment about timing of the proposed changes, the Department agrees that more time is advisable to support both the public input process and the collection of valid and reliable data. The Department will make every effort to improve its processes and procedures in the future.

Changes: None.

9. Payments of 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.

Estimating burden is difficult for the Part C program because of variations in the availability and sophistication of computerized data collection systems and the difficulty of collecting information across participating agencies. OSEP developed the burden estimates based on previous experience with each data collection, the information available about State data collection systems, and through consultation with representatives of several State agencies. In calculating the average burden, we applied different burden estimates based on whether or not the State agencies use individual child record systems to collect these data.

The estimated burden for Table 1 (count of infants and toddlers served) is 32.8 hours per State agency or 1,836 hours total.

| Number of Respondents | Burden Hours | Total Burden Hours¹ |
|---|---------------------|---------------------------------------|
| 37 States with Individual Child Record Systems | 26 hours | 962 hours |
| 19 States without Individual Child Record Systems | 46 hours | 874 hours |
| 56 States ² | 32.8 (Avg.) | 1,836 hours |

The estimated burden for Table 2 (settings) is 23.9 hours per State agency or 1,336 hours total.

| Number of Respondents | Burden Hours | Total Burden Hours³ |
|---|---------------------|---------------------------------------|
| 37 States with Individual Child Record Systems | 13 hours | 481 hours |
| 19 States without Individual Child Record Systems | 45 hours | 855 hours |
| 56 States ² | 23.9 (Avg.) | 1,336 hours |

¹ Total burden is based on averages rounded to the hour.

² 56 States and Outlying Areas refers to: 50 States, District of Columbia, Puerto Rico, Virgin Islands, American Samoa, Northern Marianas, and Guam.

The estimated burden for Table 3 (exiting) is 50.3 hours per State agency or 2,815 hours total.

| Number of Respondents | Burden Hours | Total Burden Hours³ |
|--|---------------------|---------------------------------------|
| 37 States with Individual Child Record Systems | 35 hours | 1,295 hours |
| 19 States without Individual Child Record System | 80 hours | 1,520 hours |
| 56 States ⁴ | 50.3 (Avg.) | 2,815 hours |

OSEP estimated respondent costs as \$20 per hour. The total number of burden hours across all three tables is estimated at 5,987. Therefore, the estimated cost to the respondents is \$119,740.

13. Estimate of cost to respondent.

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: | \$260 |
| Staff: | \$6,000 |
| Contractor Data Services: | <u>\$16,000</u> |
| | \$22,310 |

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

15. Reasons for program changes or adjustments.

There is a 582 hour decrease to the annual reporting and record keeping burden from the currently approved 1820-0557 packet. This decrease is due to a projected increase in the number of States that are now using individual level student record keeping data systems.

³ Total burden is based on averages rounded to the hour.

⁴ 56 States and Outlying Areas refers to: 50 States, District of Columbia, Puerto Rico, Virgin Islands, American Samoa, Northern Marianas, and Guam.

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 (www.IDEAdata.org). OSEP will also use this information for the purposes of monitoring, GPRA performance reports, focusing discretionary activities, guiding policy development, 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 in submission of data to the Department of Education.