

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

Report of Dispute Resolution Under Part C of the Individuals with Disabilities Education Act
Complaints, Mediations, and Due Process Hearings

A. JUSTIFICATION

1. Circumstances necessitating information collection.

The Individuals with Disabilities Education Act (IDEA; P. L. 108-446) directs the Secretary of Education to obtain data on the dispute resolution process described in Section 615 of the law. Specific 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)(F) The number of due process complaints filed under section 615 and the number of hearings conducted.

(H) The number of mediations held and the number of settlement agreements reached through such mediations”.

In addition to the specific data requirements described in Section 618, Section 616(a)(3)(B) of IDEA identifies the dispute resolution process as a monitoring priority. The law states specifically that:

“(3) MONITORING PRIORITIES- The Secretary shall monitor the States, and shall require each State to monitor the local educational agencies located in the State (except the State exercise of general supervisory responsibility), using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in the following priority areas:

(B) State exercise of general supervisory authority, including child find, effective monitoring, the use of resolution sessions, mediation, voluntary binding arbitration, and a system of transition services as defined in sections 602(34) and 637(a)(9)”.

The data collection form provides instructions and information for States when submitting their dispute resolution data. The form collects data on the number of written, signed complaints; mediation requests; and hearing requests and the status of these actions with regards to children served under Part C of IDEA initiated during the reporting year. 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, planning purposes, congressional reporting requirements, and dissemination to individuals and groups.

2. Use for which the information is gathered.

The Office of Special Education Programs (OSEP) uses the information collected on this form 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, to assist in establishing programmatic priorities, and to disseminate data to Congress and the public.

The Dispute Resolution data are also used extensively by OSEP, State agencies, university researchers, and advocates to examine patterns over time with regards to the provision of services for children with disabilities 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 a number of data edits to improve data entry validity. For example, as States enter their 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 the data are submitted. The spreadsheet also provides space for States to comment on their data, for example providing additional information about how the data were aggregated, what changes were made to these procedures since the last data report, how changes in state policy or legislation affect the data, or 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 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 agencies.

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.

An annual data collection is necessary to comply with statutory requirements. 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..."

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 general comments from three commenters pertaining to this form. The comments are summarized below, followed by the Department's response.

General comments: All commenters agreed with the proposed changes to the information collection form and its instructions. The commenters noted that the changes to the form 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. Two of the commenters expressed a concern with the timing of the public comment process for the proposed information collection form and instructions. These two commenters requested that in the future, the clearance process for the information collection form and its instructions commence earlier to allow ample time for public comment, revisions to the form and its instructions, changes to data systems and training on the new data collection.

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 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 informal feedback received from data managers about their experience with the previous data collection for Table 4. The estimate of total respondent burden is based on 56 reporting entities¹. Note that it is not possible to estimate an exact burden amount for each State because States vary in their methods for collecting and aggregating these data, in the number of children they serve (and, consequently, the number of complaints received), and the sophistication of their data systems. In making these estimates, we assumed that most states directly collect all dispute resolution data and already have systems in place for reporting these data.

In order to calculate burden, OSEP estimated the average number of hours required per State. The total burden for all States was calculated by multiplying the average number of hours by 56¹ (56*average State burden). For State agencies, the estimated average burden is 60 hours per State agency, representing a total burden estimate of 3,360 hours. At the time that this collection was introduced, most States reported that they expected the required number of hours needed to produce these data to decline as systems were expanded to collect all required data elements, personnel were trained on reporting these data, and edits were implemented to automate data cleaning. OSEP expects that these increased efficiencies will balance any burden created as a result of the additional elements that have been added to the data collection, so there will be no net change in average burden to the State.

OSEP estimated respondent costs as \$20 per hour. As indicated above, the estimated total number of burden hours is 3,360. Therefore, the total estimated cost to the respondents is \$67,200.

13. Estimate of costs 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:	\$300
Staff:	\$2,500
Contractor Data Services:	<u>\$12,000</u>
	\$14,850

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

¹ 56 reporting entities refers to: 50 States, District of Columbia, Puerto Rico, Virgin Islands, American Samoa, Guam, and Northern Marianas.

15. Reasons for program changes or adjustments.

Revisions to Table 4 and accompanying instructions are necessary in order to increase the accuracy of State reported data for this collection by incorporating mechanisms to verify reported data, to clarify data elements required by the collection, and to maintain consistency between data collected for all types of dispute resolution processes required under IDEA (complaints, mediation, and hearings). We anticipate no change in response burden associated with those adjustments to this data collection.

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 publication of these data on the Internet (www.IDEAdata.org). OSEP also plans to use these data for state monitoring. Occasionally, the data may be summarized and presented at conferences and in ad hoc reports or articles submitted for publication. The data also will be used by CADRE, in their work under a cooperative agreement with OSEP to assess the need for and development of technical assistance materials and guidance on dispute resolution, as well as to contribute to a national dispute resolution database.

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.