

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

Report of Children with Disabilities Exiting Special Education

A. JUSTIFICATION

1. Circumstances necessitating information collection.

The Individuals with Disabilities Education Act (P.L. 108-446) directs the Secretary of Education to obtain data on the number and percentage of children with disabilities by race/ethnicity, disability, gender, and limited English proficiency (LEP) status exiting special education each year. The specific legislative authority may be found in Section 618(a)(1)(A)(iv). The purposes of such data are: (1) to assess the progress, impact, and effectiveness of State efforts to implement the legislation and (2) to provide Congress and Federal, State, and local education agencies with relevant information. These data will be used for monitoring activities, planning purposes, congressional reporting requirements, and dissemination of data to individuals and groups.

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:

(iv) For each year of age from age 14 through 21, stopped receiving special education and related services because of program completion (including graduation with a regular secondary school diploma), or other reasons, and the reasons why those children stopped receiving special education and related services”.

This data collection form provides instructions and information for States when submitting their count of children with disabilities exiting special education and related services. The reporting form collects a count of the number of students, ages 14 through 21, who exit special education during a 12-month reporting period, tabulated by the student’s age, disability category, and basis of exit. For students ages 14 through 21, the form also collects cross-tabulations of the student’s race/ethnicity and basis of exit, gender and basis of exit, and LEP status and basis of exit.

The disability categories used on the form are listed in Section 602(3)(A) 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). This form is presented in two versions 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 SY 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.

As indicated in the preceding paragraphs, IDEA 2004 requires each state to report the “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 will be calculated by the data collection software.

Through the Individuals with Disabilities Education Act, OSEP has a statutory requirement to collect and report these data. Some of these data are also used by other ED program offices. With OSEP collections among the longest-running collections in the Department, these collections were among the first to begin transitioning to EDEN, the centralized collection point for submission of ED data. OSEP has a history of involvement in the development of PBDMI/EDEN, with staff having participated on PBDMI review teams for several state site visits. Congruence analyses have been conducted over the past several years, as a means of confirming accuracy of state data submitted through EDEN with reference to the data submitted through the OSEP data collection system, DANS. Once sufficient congruence of the data is ensured, the Department approves a state’s submission of the data through EDEN only. When the state data for this collection are submitted through EDEN only, the respective data then are extracted from the EDEN database for purposes of required annual reporting. For school year 2008-09, over two-thirds of the states were approved to submit data from this collection through EDEN only.

2. Use for which the information is gathered.

OSEP uses the information collected on this form to assist in establishing programmatic priorities (such as addressing the problems associated with high dropout rates for students with disabilities), to monitor States to ensure compliance with Federal statute and regulations, 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 (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/g1spcedstates.doc>.

The Exiting data are also used extensively by OSEP, State agencies, university researchers, and advocates to examine patterns over time with regards to the reason for exiting special education for students with disabilities who are served under IDEA.

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 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.

In 2007-08, 40 States submitted the Exiting data through ED's ED*Facts* system. OSEP is currently working with other ED personnel to analyze data submissions for the remaining States and approve them for submission through this system, as well. OSEP is working closely with the States and ED personnel to ensure that all States are transitioned to the ED*Facts* system as soon as their data systems will allow.

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) that in turn collect it from local educational agencies (LEAs).

5. Small businesses.

The information requested does not involve the collection of information from entities classified as small businesses.

6. Consequences 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.

Interested persons were invited to comment on this proposed information collection request in a notice published in the Federal Register, Volume 74, No. 109 on June 9, 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 August 10, 2009.

In response to this request, the Department of Education received 2 comments pertaining to this form. The issues raised in these comments are described below and followed by the Department's response.

1. *Commenter notes discrepancies between instructions in the proposed Table 4 and the EDFacts technical file specifications with regards to the inclusion of students for whom parents revoked consent for receipt of special education and related services in the "transferred to regular education" category.*

The 2009-10 version of the EDFacts Technical File Specifications for the collection of the IDEA Part B Exiting data (N009) are not yet finalized and have not been posted. OSEP is working with the Office of Program Evaluation and Policy Development (OPEPD) to ensure that the EDFacts file specifications will properly align with the IDEA reporting requirements.

2. *Commenter recommends eliminating the IDEA Exiting collection (Table 4), and that the IDEA statutory requirements can be met by utilizing ESEA Title I data.*

Section 618(a)(1)(iv) of IDEA requires each State to provide data on the number and percentage of children with disabilities, age 14 through 21, who stopped receiving special education and related services because of program completion or other reasons and the reasons why those children stopped receiving special education and related services. Data collected under ESEA Title I does not include exit data for each year of age from 14 through 21 and does not include information on the reasons why children with disabilities stop receiving special education and related services under IDEA. OSEP will continue to collect special education data elements, consistent with IDEA data requirements in Section 618.

Additional comments will be solicited through the IDEA NPRM at the same time this collection is pending at OMB.

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 estimate of burden is based on previous experience with the data collection, feedback from States during their annual meeting, the available information about State data collection systems, and consultation with representatives of several SEAs. The estimate of total respondent burden is based on 60 reporting entities¹. 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.

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 SEA burden). Next, OSEP estimated average LEA burden. For each State, an average of 260 LEAs per State was used. OSEP calculated total LEA burden per State by multiplying 260 by the average LEA burden. They calculated total LEA burden by multiplying 60*260*average LEA burden.

For SEAs, the estimated average burden is 6.8 hours per State agency or 408 hours total. The estimated average LEA burden is 4.4 hours or 1,144 hours of LEA burden per State. The total burden estimate is 69,048 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 collect implement individual student record systems.

Number of Respondents	SEA Burden Hours	LEA Burden Hours	Total Burden Hours²
48 States with Individual Student Record Systems	4.5	3	37,656
12 States without Individual Student Record Systems	16	10	31,392
60 States	6.8 (Avg.)	4.4 (Avg.)	69,048

OSEP estimated respondent costs as \$20 per hour. As indicated above, the estimated total number of hours of burden is 69,048. Therefore, the estimated cost to the respondents is \$1,380,960.

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.

1 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.

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

The following table represents the estimated costs to the Federal Government associated with the data collection.

Copying:	\$50
Mailing:	\$300
Staff:	\$2,500
Contractor Data Services:	<u>\$15,500</u>
	\$18,350

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 9,432 hour decrease to the annual reporting and record keeping burden from the currently approved 1820-0521 form. This decrease is due to a projected increase in the number of States that are now using individual level student record keeping data systems.

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 the publication of the data on the Internet (IDEAdata.org). OSEP will also use this information for purposes of monitoring and 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.