

**Supporting Statement A
for Paperwork Reduction Act Submissions**

OMB Control Number 1076-0163

No Child Left Behind, 25 CFR 30, 37, 39, 42, 44 and 47

Terms of Clearance: None

This is a request for a renewal of a currently authorized information collection.

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

Public Law 107-110, the No Child Left Behind (NCLB) Act, requires all schools, including Bureau of Indian Education (BIE or Bureau) funded schools, to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging academic achievement standards and assessments. BIE has promulgated several regulations implementing the NCLB Act. This OMB Control Number addresses the information collected under the following regulations.

Regulation	Circumstances that make the collection of information necessary
25 CFR 30 – Adequate Yearly Progress (AYP)	Tribes/school boards may request an alternative to the established AYP definition or standards. Tribes/school boards may provide evidence that BIE made an error in identifying the school for improvement. Achievement, attendance and graduation rate is collected from schools to facilitate yearly calculation of AYP.
25 CFR 37 - Geographic Boundaries	This part establishes procedures for confirming, establishing, or revising attendance areas for each Bureau-funded school. Tribes/school boards must submit certain information to BIE to propose a change in geographic boundaries.
25 CFR 39 – Indian School Equalization Program (ISEP)	This part provides for the uniform direct funding of Bureau-operated and tribally operated day schools, boarding schools, and dormitories. Auditors of schools to ensure accountability in student counts and student transportation must certify that they meet certain qualifications and have conducted a conflict of interests check. Schools must submit information to BIE to apply for funds in the event of an emergency or unforeseen contingency.
25 CFR 42 – Student Rights	The purpose of this part is to govern student rights and due process procedures in disciplinary proceedings in all Bureau-funded schools. This part requires the school to provide notice of disciplinary charges, provide a copy of the hearing of record, and provide a student handbook.
25 CFR 44 – Grants under the Tribally Controlled Schools Act	The purpose of this part is to establish who is eligible for a grant and requires tribes to submit information to BIE to retrocede a program to the Secretary.
25 CFR 47 – Uniform Direct Funding and Support for Bureau-operated Schools	This part contains the requirements for developing local educational financial plans in order to receive direct funding from the Bureau. The part requires school supervisors to submit quarterly reports to school boards, submit a notice of appeal to BIE for a decision where agencies disagree over expenditures, make certain certifications in financial plans, and send the plan and documentation to BIE or submit a notice of appeal.

Information collections associated with data elements for student enrollment in Bureau-funded schools, student transportation and performance reports are addressed by the following other OMB Control Numbers:

- 1076-0122 ([Data Elements for Student Enrollment in Bureau - funded Schools](#))
- 1076-0134 (Student Transportation Form, [Subpart H, 25 CFR 39.100-103](#))
- U.S. Department of Education’s 1810-0614 (Consolidated State Performance Report).

2. Indicate how, by whom, 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 BIE serves as the State Education Agency (SEA) for Indian schools, which means it must ensure that its Bureau-funded schools comply with U.S. Department of Education requirements. Information is gathered through paper, electronic, or faxed report submission and through monitoring by BIE using its Native American Student Information System (NASIS) electronic database. BIE uses the information collected for the following purposes.

Regulation	Purposes for which BIE uses the information
25 CFR 30 – Adequate Yearly Progress (AYP)	<ul style="list-style-type: none"> • To make a decision of whether a school made AYP and what “status” a school is placed in based on that AYP calculation. • To determine whether to allow the tribe/school board to use an alternative AYP definition or standard. • To correct any misinformation in its identification of a school for improvement.
25 CFR 37 - Geographic Boundaries	<ul style="list-style-type: none"> • To determine whether to change a school’s geographic boundaries.
25 CFR 39 – Indian School Equalization Program (ISEP)	<ul style="list-style-type: none"> • To ensure that auditors don’t have a conflict of interest. • To determine whether to provide a school with extra funds to address an emergency or contingency.
25 CFR 42 – Student Rights	<ul style="list-style-type: none"> • To ensure that schools provide students with proper notice and due process in disciplinary proceedings.
25 CFR 44 – Grants under the Tribally Controlled Schools Act	<ul style="list-style-type: none"> • To determine whether to allow a grant school to retrocede its program to BIE.
25 CFR 47 – Uniform Direct Funding and Support for Bureau-operated Schools	<ul style="list-style-type: none"> • To determine whether to provide a school with direct funding. • To ensure that schools spend all allotted funds in accordance with their educational plans and to determine which expenditure should be made in cases where the agencies disagree.

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 BIE has established NASIS, a web-based student information system, and made it available to all 183 sites, which includes all BIE-funded schools, all dormitories and residential schools. It is also available to Educational Line Officers, the Albuquerque Educational Center, and other Bureau educational offices. The system is a full-featured school information and management system that is used by all BIE-funded schools. BIE uses NASIS to collect other information, including student data, student academic progress data, and other supportive data, under OMB Control Numbers 1076-0122 (Data Elements for Student Enrollment in Bureau-funded Schools) and 1076-0134 (Student Transportation Form, Subpart G). NASIS provides real-time data collection. If a school enters data as it occurs, NASIS can develop reports automatically, allowing BIE to retrieve the data needed, and relieving the burden on the school of stopping to prepare a report.

The information under OMB Control Number 1076-0163 is not collected via NASIS because the information is most conveniently provided by respondents directly to the BIE education line officer with whom they have a working relationship (e.g., when tribes or school boards request technical assistance or submit a proposal for alternative AYP) or is provided to a third party (e.g., the school provides notice of disciplinary charges to the student).

4. Describe efforts to identify duplication.

The information collected under this OMB number is specific to each individual school's circumstances and situation at the time submitted and is not duplicated. The information collection burden cannot be reduced any further without compromising the integrity of the administration of BIE- and tribal-operated schools. The yearly reporting data in "Data Elements for Student Enrollment in Bureau-funded Schools," OMB Control Number 1076-0122, "Student Transportation (revised)," OMB Control Number 1076-0134, and OMB Control Number 1810-0614 for the Department of Education are required and funding is dependent upon the reporting of information contained in NASIS.

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

The BIE consulted with tribes and tribal organizations through negotiated rulemaking to determine the necessary information collection requirements and to ensure the fair and equitable administration of the NCLB Act. Through this consultation, the information burden has been minimized in keeping with the goals of PRA although we do not consider the tribes to be small entities.

In addition, the NASIS has been furnished to the schools at no cost to the schools for information collection. The system is used for daily operation of the school, including such activities as lesson plan preparation, teacher grade books, student attendance, student scheduling, preparing student transcripts and preparing report cards. The system represents a significant cost savings to the schools as well as a means for the BIE to gather and consolidate the data it needs to meet the requirements of 25 CFR Parts 30, 37, 39, 42, 44, and 47.

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.**

The information collection burden cannot be reduced any further without the integrity of the administration of BIE- and tribal-operated schools being compromised. Reports are required by law. Using the Bureau's technical assistance and the NASIS are ways of reducing the burden on the public. Failure to submit these reports could lead to reductions in the amount of funds available because the reports are used to establish proportional shares of funds.

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 not any special circumstances that require exceptions to 5 CFR 1320.5 (d) (2).

8. **If applicable, provide a copy and identify 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 [and in response to the PRA statement associated with the collection over the past three years] and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

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.

A Federal Register notice concerning renewal of this collection was published August 25, 2010 (75 FR 52359). No comments were received.

Originally, this rule was negotiated with tribal, school, and Federal representatives over a period of months, with meetings being held in June, July, August, September, and October of 2003. The rulemaking pertinent to this information collection was negotiated with tribes being represented on the committee proportionally according to student population in both BIE- and tribal-operated schools. Technical assistance is provided as requested to tribal entities who are seeking to develop an alternate definition of AYP. The time and work burden varies dependent upon the complexity of the change desired. The initial task, upon a tribal request or technical assistance is to meet with the group and jointly develop a work plan for the task. In some instances technical assistance has included financial support to enable the tribal entity to develop their own resources.

In addition, we contacted Dana Brave Eagle, Tribal Education Director, Oglala Sioux Tribe (605)455-2666 for her comments on this information collection. Ms. Brave Eagle stated that the directions for submitting alternative AYP proposals are clear and the information requested is available. She also stated that it has taken about 16 hours per month over a span of approximately 12 months to pull together the information, but that it could range to a couple of weeks of full time work, so an estimate of 480 hours is reasonable.

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

No payments or gifts are provided to respondents.

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

The requirements of the Family Education Rights and Privacy Act (FERPA) are followed, and yearly training is provided, to protect the privacy of respondents when necessary.

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. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

This information collection contains no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- * Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.
- * If this request for approval covers more than one form, provide separate hour

burden estimates for each form and aggregate the hour burdens.

- * **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 13.**

Table 1: Alternative Adequate Yearly Progress (AYP)
Respondents are a self-selected subset of all Bureau-funded schools.

CFR Section	# Respondents	Responses per Respondent	Responses	Burden Hours per Response	Total Annual Hour Burden	Annual Cost Burden @ \$22.29/hr. salary & benefits
30.104 (a) (1) Submit notification	1	1	1	1	1	\$22
30.104 (b) Submit waiver	4	1	4	11	44	\$980
30.106 Submit proposal for alternative AYP	4	1	4	1	4	\$89
30.107 Proposal contents	4	1	4	480	1,920	\$42,797
30.110 Submit request for technical Assistance	4	2	8	2	16	\$357
30.118 Submit evidence	10	1	10	3	30	\$669
TOTAL	10		31		2,015	\$44,914

Table 2: Geographic Boundaries of BIE-Funded Schools
Respondents are a self-selected subset of all Bureau-funded grant schools.

CFR Section	# Respondents	Responses per Respondent	Responses	Burden Hours per Response	Total Annual Hour Burden	Annual Cost Burden @ \$22.29/hr. salary & benefits
37.122 (b) Propose change in geographic boundaries	2	1	2	1	2	\$45
37.123 (c)	2	1	2	1	2	\$45
TOTAL	2		4		4	\$90

Table 3: School Equalization Program
Respondents are auditors and are a self-selected subset of all Bureau-funded schools.

CFR Section	# Respondents	Responses per Respondent	Responses	Burden Hours per Response	Total Annual Hour Burden	Annual Cost Burden @ \$22.29/hr. salary & benefits
39.410 Submit certification of conflict of interests review	1	1	1	1.5	2	\$45

in support of request to audit						
39.502 Submit request for contingency funds	20	1	20	1	20	\$446
TOTAL	20		21		22	\$491

Table 4: Student Disciplinary Hearings
Respondents are all Bureau-funded schools.

CFR Section	# Respondents	Responses per Respondent	Responses	Burden Hours per Response	Total Annual Hour Burden	Annual Cost Burden @ \$22.29/hr. salary & benefits
42.7 Provide written notice of disciplinary charges.	183	38	6,954	0.5	3,477	\$77,502
42.8 Provide a copy of hearing of record.	183	38	6,954	3	20,862	\$465,014
42.10 Provide student handbook.	183	1	183	0.25	46	\$1,020
TOTAL	183		14,091		24,385	\$543,536

Table 5: Retrocession of a Program
Respondents are a self-selected subset of contract grant schools only.

CFR Section	# Respondents	Responses or per Respondent	Responses	Burden Hours per Response	Total Annual Hour Burden	Annual Cost Burden @ \$22.29/hr. salary & benefits
44.105 Provide written notice of retrocession	1	1	1	1	1	\$22
TOTAL	1		1		1	\$22

Table 6: Local Educational Financial Plans
Respondents are BIE schools only.

CFR Section	# Respondents	Responses or per Respondent	Responses	Burden Hours per Response	Total Annual Hour Burden	Annual Cost Burden @ \$22.29/hr. salary & benefits
47.5 Submit quarterly report to school board.	58	4	232	3	696	\$15,514
47.7 Notice of appeal	58	1	58	1	58	\$1,293
47.9 Form requirements, financial plan	58	1	58	2	116	\$2,586
47.10 Notice of action on financial plan	58	1	58	1	58	\$1,293
TOTAL	58		406		928	\$20,686

Compilation Table

TABLE	RESPONSES	HOURLY BURDEN	COST BURDEN
Table 1: Alternative Adequate Yearly Progress (AYP)	31	2,015	\$44,914
Table 2: Geographic Boundaries of BIE-Funded Schools	4	4	\$90
Table 3: School Equalization Program	21	22	\$491
Table 4: Student Disciplinary Hearings	14,091	24,385	\$543,536
Table 5: Retrocession of a Program	1	1	\$22
Table 6: Local Educational Financial Plans	406	928	\$20,686
Total	14,554	27,355	\$609,739

*We are estimating salary using Bureau of Labor Statistics, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION— June 2010 (released September 8, 2010), USDL 10-1241, Table 2, for the “Office and administrative support” category (\$15.92/hour x 1.4 for benefits for individuals or \$22.29/hour). We used the category “Office and administrative support” because much of the data is provided by clerical personnel. The 1.4 multiplier is also derived from the Bureau of Labor Statistics, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION— June 2010 (released September 8, 2010), USDL 10-1241. See www.bls.gov/news.release/pdf/ecec.pdf.

13. Provide an estimate of the total annual [non-hour] cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- * **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information [including filing fees paid]. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- * **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- * **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory**

compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

The estimated total annual cost burden to respondents or recordkeepers for capital and start-up costs components (annualized over the useful life) for this information collection requirement is zero.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

Operational expenses (such as equipment, overhead, printing) for this information collection total approximately \$4,000.

Typically, 70% of the work is done by clerical help and 30% is done by technical staff (program managers).

- GS 6/Step 7 at \$17.58/hr x 1.5 multiplier* = \$26.37/hour x 12 clerks x 9 hours= \$2,848.
- GS 14/Step 8 at \$50.05/hr x 1.5 multiplier* = \$75.08/hr x 12 managers x 4 hours = \$3,604.

The total salary cost for this information collection is \$6,452. The total estimated annual cost to the Federal Government is \$10,452.

*These hourly salary figures are based on the *Salary Table 2010-GS Incorporating the 1.50% General Schedule Increase*. See, 2010 General Schedule (Base) www.opm.gov/oca/10tables/indexGS.asp. The 1.5 multiplier for benefits is based on the Bureau of Labor Statistics, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION— June 2010 (released September 8, 2010), USDL 10-1241. See www.bls.gov/news.release/pdf/ecec.pdf.

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

We have adjusted the estimates of the number of respondents and responses to reflect experience over the past three years, since this information collection was last renewed. For instance, we:

- Changed the number of respondents from six to one for section 30.104(a)(1) as a placeholder because, currently, no Bureau-funded school's geographic boundaries span more than one state to facilitate requiring them to notify BIE of which state's AYP they will follow;
- Adjusted the number of respondents for alternative AYP proposals and associated information collections because the previously estimated number was too high;
- Adjusted the number of respondents and responses for student disciplinary actions to account for the number of student disciplinary actions actually occurring;
- Updated the number of Bureau funded schools from 110 to 183 and BIE schools from 62 to 58.

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

tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

No reports are directly associated with the information collected under this OMB control number.

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 plan to display the OMB control number and expiration date.

18. Explain each exception to the certification statement identified in 5 CFR 1320.8 (b)(3) and 5 CFR 1320.9

There are no exceptions.