

**SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION
State and LEA Record Keeping, Notification, and Reporting Requirements
under Part B of the IDEA**

A. Justification

Q1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

A1. Currently approved OMB Information Collection 1820-0600 reflects the provisions in the Act and the Part B regulations requiring States and/or local educational agencies (LEAs) to collect and maintain information or data and, in some cases, report information or data to other public agencies or to the public. However, such information or data are not reported to the Secretary. The following table describes the information under Part B of the Individuals with Disabilities Education Act (IDEA) to be collected or maintained and the legal requirement for each collection. In addition, the table includes proposed §300.154.

Required Collection	Statutory Authority	Regulatory Authority
<i>LEA consultation with private school representatives.</i> Each LEA must provide to private school officials a written explanation of the reasons why the LEA chose not to provide services directly or through a contract and the LEA must obtain a written affirmation signed by the representatives of participating private schools that timely and meaningful consultation has occurred and forward the documentation of the consultation process to the State educational agency (SEA)	20 U.S.C. 1412(a)(10)(A)(iii) and (iv)	§§300.134 and 300.135
<i>Private school complaint of noncompliance with consultation requirements.</i> A private school official may submit a complaint to the SEA that the LEA did not engage in consultation that was meaningful and timely, or did not give due consideration to the views of the private school official.	20 U.S.C. 1412(a)(10)(A)(v)	§300.136
<i>Number of children with disabilities enrolled in private schools by their parents.</i> Each LEA must maintain in its	20 U.S.C. 1412(a)(10)(A)(i)(V)	§300.132

Required Collection	Statutory Authority	Regulatory Authority
records and annually provide to the SEA the number of children enrolled in private schools by their parents that are evaluated by the LEA to determine whether they are children with disabilities under IDEA, the number of children determined to be children with disabilities under IDEA, and the number of children receiving special education and related services in accordance with 20 U.S.C. 1412(a)(10) (A).		
<i>State plan for high cost fund.</i> Any State educational agency (SEA), not later than 90 days after the State chooses to reserves funds under 20 U.S.C. 1411(e) (3)(C)(ii) shall annually review, and amend as necessary, a State plan for the high cost fund.	20 U.S.C. 1411(e)(3) (C)(ii)	§300.704
<i>Free and low-cost legal services.</i> Each public agency shall inform the parent of any free or low-cost legal and other relevant services available in the area if the parent requests the information or the parent or agency requests a hearing under this part.	20 U.S.C. 1415(b)(6)	§300.507
<i>Early intervening services annual report.</i> Each LEA that develops and maintains coordinated, early intervening services is required to annually report to the SEA on the number of children serviced through early intervening services and the number of children who subsequently receive special education and related services under Part B of the Act during the preceding two year period.	20 U.S.C. 1413(f)(4)	§300.226
<i>List of hearing officers and mediators.</i> Each State receiving funds under Part B must maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations	20 U.S.C.1415(e)(2)(C)	§300.506 and 300.511

Required Collection	Statutory Authority	Regulatory Authority
relating to the provision of special education and related services. Each public agency must maintain a list of individuals who serve as hearing officers, along with the qualifications of each of these individuals. (This information was included in previous OMB Collection 1820-0509)		
<i>State complaint procedures.</i> Each SEA participating in the program funded under Part B must adopt written procedures for receiving and resolving complaints alleging that the State (grantee) or a sub grantee is violating a Part B statutory or regulatory requirement. (This information was included in former OMB Collection 0599)	20 U.S.C. 1221 e-3	§§300.151-300.153
<i>LEA application under Part B, and report of early intervening services.</i> LEAs and eligible state agencies must submit a plan to the SEA that provides assurances that the LEA meets specified requirements for assistance under Part B and the regulations and, if applicable, annually report to the SEA on the number of students served under 20 U.S.C. 1413(f) and the number of students served under 20 U.S.C. 201413(f) who subsequently receive special education and related services in Part B during the preceding 2-year period, if the LEA develops and maintains coordinated, early intervening services under 20 U.S.C. 1413(f). (Note: This incorporates information from the information collection in the NPRM titled <i>Early Intervening Services Annual Report</i>). Included in this collection is the requirement that a parent of a child with a disability must be provided a copy of the procedural safeguard notice only one time a year	20 U.S.C. 1413(f) 20 U.S.C. 1415(d)	§§300.201-300.213, §300.224, §300.226, and §300.504.

Required Collection	Statutory Authority	Regulatory Authority
(except one shall be provided upon referral or request for an evaluation, filing a due process complaint, or upon request).		
<i>Proposed</i> <i>Written notification for the use of public benefits or insurance. Each LEA must provide parents with a written notification prior to accessing a child's or parent's public benefits or insurance.</i>	20 U.S.C. 1232(g) 20 U.S.C. 1402(9) 20 U.S.C. 1412(a)(12) 20 U.S.C. 1417(c)	Proposed §300.154

- Q2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.
- A2. The information is used by SEAs and LEAs and is not collected by the U.S. Department of Education.
- Q3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision of adopting this means of collection. Also describe any consideration of using information technology to reduce burden.
- A3. Local educational agencies (LEAs) and State educational agencies (SEAs) are encouraged to use computer technology when feasible and cost effective. We estimate that approximately 70% of the information gathered through this collection will be collected electronically. There are no technical or legal obstacles to reducing the burden to LEAs and SEAs.
- Q4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use of the purposes described in Item 2 above.
- A4. Duplication of this collection does not exist.
- Q5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.
- A5. This collection does not involve small business or entities.
- Q6. Describe the consequences 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.
- A6. If the information collection is not conducted, SEAs, LEAs, and schools will not have information necessary to carry out the requirements of the law.

- Q7. 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.
- A7. This section is not applicable. No data or information is submitted to the U.S. Department of Education. Information collection methods and timing is at the discretion of the States.
- Q8. If applicable, provide a copy and identify the date and page number of 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 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 instruction and record keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.
- Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years—even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.
- A8. The public, including representatives of those entities will have the opportunity to provide comment on 1820-0600, as well as the Notice of Proposed Rulemaking, associated with this collection. OSERS will respond to the public comments received.
- Q9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.
- A9. This item is not applicable. There is no assurance. There was no decision to provide any payment or gift to respondents.

- Q10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulations, or agency policy.
- A10. This section is not applicable. There is no assurance of confidentiality provided to respondents.
- Q11. 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.
- A11. There are no questions of a sensitive nature.
- Q12. 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 in Item 13 of OMB Form 83-I.
 - Provide estimates of annualized cost to respondents of 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 14.

A12.

Collection	Respondents, Frequency, Burden	Total Annual Burden Hours	Cost Burden Estimate	Total Cost
<i>LEA consultation with private school representatives.</i> It is estimated that approximately 2,849 LEA recordkeepers will be required to provide written explanations to private school officials and obtain a written affirmation signed by the representatives of participating private schools and forward the	(2,849 LEAs x 12 hrs) + (59 SEA x 24 hrs)	35,604	35,604 x \$25	\$890,100

Collection	Respondents, Frequency, Burden	Total Annual Burden Hours	Cost Burden Estimate	Total Cost
<p>documentation of the consultation process to the State educational agency (SEA). It is estimated that it will take, on average, each LEA approximately 12 hours per year to obtain a written affirmation and forward documentation to the SEA. There are 57 SEA recordkeepers who receive the documentation from each LEA. It is estimated that, on the average for all SEAs, it takes recordkeepers 24 hours per year to maintain the records.</p>				
<p><i>Private school complaint of noncompliance with consultation process.</i> Approximately 200 private school officials are estimated to annually choose to file a complaint with SEAs that LEAs did not engage in consultation that was meaningful and timely, or did not give due consideration to the views of the private school officials and 30 private school officials will choose to file a complaint with the Secretary. It is estimated that on average each of 40 SEAs will render a decision for 5 complaints and will be required to submit documentation to the Secretary for 1 complaint. Approximately 200 LEAs across 40 States will be required to forward</p>	<p>Private school burden: (200 private school respondents x 2hrs) + (30 private school respondents x 2hrs) = 460</p> <p>SEA burden: (40 SEA respondents x 5 complaints x 20 hrs) + (40 SEA respondents x 2hrs) = 4,080</p> <p>LEA burden: 200 LEA respondents x 4hrs = 800</p>	5,320	5,320 x \$25	\$133,000

Collection	Respondents, Frequency, Burden	Total Annual Burden Hours	Cost Burden Estimate	Total Cost
documentation to SEAs regarding complaints.				
<i>Number of children with disabilities enrolled in private schools by their parents.</i> There are 16,330 LEA respondents who are required to maintain a record of the number of children evaluated, the number of children determined to be children with disabilities, and the number of children served under 20 U.S.C. 1412(a)(10) (A). There are 59 SEA respondents who receive the records from each LEA.	LEA burden: 16,330 LEA respondents x 10 (hrs) = 163,330 SEA burden: 59 SEA respondents x 20 (hrs) = 1,180	164,480	164,480 x \$25	\$4,112,000
<i>State plan for high cost fund.</i> It is anticipated that approximately 40 States will choose to maintain a high cost fund necessitating a State plan for the high cost fund. It is estimated that it will take each State an average of 40 hours to annually review and amend 40 State plans which equals an estimated total of 1,600 total burden hours.	40 SEA respondents x 40 (hrs)	1,600	1,600 x \$25	\$40,000
<i>Free and low-cost legal services.</i> There are approximately 13,000 due process hearings requested annually through LEAs. The data burden is expected to require an average of 30 minutes per hearing request to inform parents of the availability of low-cost legal	13,000 LEA respondents x .5 (hrs.)	6,500	6,500 x \$25	\$162,500

Collection	Respondents, Frequency, Burden	Total Annual Burden Hours	Cost Burden Estimate	Total Cost
services.				
<i>Early intervening services annual report.</i> There are an estimated 5,691 LEA that will be required to collect this data and it is estimated that it will take each LEA 22 hours to gather the data needed and prepare information to report to the SEA.	5,691 LEA respondents x 22 (hrs)	125,202	125,202 x \$25	\$3,130,050
<i>List of hearing officers and mediators</i> (previous OMB 1820-0509). There are 60 State level record keepers who must maintain a list of mediators and approximately 16,330 public agencies. It is estimated to take approximately three hours annually for record keepers to update and maintain the lists.	16,390 SEA/LEA respondents x 3 (hrs)	49,170	49,170 x \$25	\$1,229,250
<i>State complaint procedures</i> (previous OMB 1820-0599). Each of 60 SEAs process, on average, 30 complaints annually. It takes an average of about 24 hours for a State educational agency to issue a written decision to a complaint.	60 SEA respondents x 30 = 1,800 x 24 hrs.	43,200	43,200 x \$25	\$1,080,000
<i>LEA application under Part B</i> (previous OMB 1820-0600). It is estimated that each of 16,330 respondents will expend a total of 2 hours annually processing modifications to an LEA plan for Part B funds and reporting.	16,330 LEA respondents x 2 (hrs)	32,660	32,660 x \$25	\$816,500
<i>Procedural Safeguard Notice.</i> It is estimated that each of	16,330 LEA respondents x 3	48,990	48,990 x \$25	\$1,224,750

Collection	Respondents, Frequency, Burden	Total Annual Burden Hours	Cost Burden Estimate	Total Cost
16,330 respondents will expend a total of 3 hours annually generating and providing procedural safeguard notices to parents of children with disabilities.	(hrs)			
<i>Proposed:</i> <i>Written notification for the use of public benefits or insurance.</i> Each of the 60 SEAs must develop a written notification. It takes an average of about 10 hours to draft the notice. It is estimated that each of the 16,330 LEAs will take an average of about 30 min to modify the SEA draft notice.	60 SEA respondents x 10 (hrs) + 16,330 LEA x .5 (hr)	8765	600 x \$38 8165 x \$24	\$218,760
TOTAL BURDEN	104,038	521,491		13,036,910

Q13. Provide an estimate of the total annual cost burden to respondents or record keepers 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. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rates(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 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.

- A13. It is not likely that a public agency will incur costs other than those described in item 12 above.
- Q14. 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.
- A14. There is no cost to the Federal government.
- Q15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.
- A15. The proposed provision requires the public agency responsible for providing special education and related services to a child, provide written notification to the child's parent, before accessing a child's public benefits or insurance. It is important: 1) to ensure that parents have sufficient information to make decisions about a public agency's use of their public benefits or insurance and the disclosure of their child's educational records for that purpose; and 2) that parents be provided information about the limitations on a public agency's billing or public benefits or insurance programs, as well as their rights under FERPA and section 617(c) of the IDEA to consent to the disclosure of personally identifiable information from education records, and to withdraw their consent for such disclosures without penalty.

This is a program change which reflects an increase in burden of 48,840 hours and an increase of 24, 844 in the response/respondent. This reflects proposed section 300.154 and reflects the increase in SEAs and LEAs associated with this collection.

- Q16. 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.
- A16. No complex analytical techniques will be used.
- Q17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

A17. This section is not applicable, since this is a recordkeeping requirement. There is no request to not display the expiration data for OMB approval.

Q18. Explain each exception to the certification statement identified in Item 19, “Certification for Paperwork Reduction Act Submissions,” of OMB Form 83-I.

A18. This section is not applicable. There are no exceptions to item 19 of the “Certification for Paperwork Reduction Act Submissions.”

B. Collections of Information Employing Statistical Methods

This collection does not employ statistical methods.