

Statutory and Regulatory Instrument

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. Public reporting burden for this collection of information is estimated to be in a very wide range of hours (.5 hrs – 40 hrs) and, therefore, averages about 5 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is to obtain or retain benefit (20 U.S.C. 1400 et. seq. IDEA). Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, 400 Maryland Ave., SW, Washington, DC 20210-4537 or email ICDocketMgr@ed.gov and reference the OMB Control Number 1820-0600. **If you have comments or concerns regarding the status of your individual submission of this form, write directly to:** Gregg Corr, OSERS, U.S. Department of Education, Potomac Center Plaza, 550 12th St SW, Room 4005, Washington, DC 20202.

- A1. Currently 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	20 U.S.C. 1412(a)(10)(A)(v)	§300.136

Required Collection	Statutory Authority	Regulatory Authority
<p>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.</p>		
<p><i>Number of children with disabilities enrolled in private schools by their parents.</i> Each LEA must maintain in its 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).</p>	<p>20 U.S.C. 1412(a)(10) (A)(i)(V)</p>	<p>§300.132</p>
<p><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.</p>	<p>20 U.S.C. 1411(e)(3) (C)(ii)</p>	<p>§300.704</p>
<p><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.</p>	<p>20 U.S.C. 1415(b)(6)</p>	<p>§300.507</p>
<p><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</p>	<p>20 U.S.C. 1413(f)(4)</p>	<p>§300.226</p>

Required Collection	Statutory Authority	Regulatory Authority
preceding two year period.		
<p><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 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)</p>	20 U.S.C.1415(e)(2)(C)	§300.506 and 300.511
<p><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)</p>	20 U.S.C. 1221 e-3	§§300.151-300.153

Required Collection	Statutory Authority	Regulatory Authority
<p><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.20 1413(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 (except one shall be provided upon referral or request for an evaluation, filing a due process complaint, or upon request).</p>	<p>20 U.S.C. 1413(f) 20 U.S.C. 1415(d)</p>	<p>§§300.201-300.213, §300.224, §300.226, and §300.504.</p>

Required Collection	Statutory Authority	Regulatory Authority
<p><i>Proposed</i></p> <p><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></p>	<p>20 U.S.C. 1232(g)</p> <p>20 U.S.C. 1402(9)</p> <p>20 U.S.C. 1412(a)(12)</p> <p>20 U.S.C. 1417(c)</p>	<p>Proposed §300.154</p>