

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSION**

OMB No. 1810-0662-v.8

**MIGRANT EDUCATION PROGRAM (MEP)
FINAL REGULATIONS &
CERTIFICATE OF ELIGIBILITY (COE)**

§§ 200.83, 200.84, 200.88 and 200.89

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. The U.S. Department of Education (the Department) is requesting an extension to the currently approved information collection OMB No. 1810-0662. This collection of information is necessary to collect information under the Title I, Part C Migrant Education Program (MEP). The MEP is authorized under sections 1301-1309 of Part C of Title I of the Elementary and Secondary Education Act (ESEA), as amended. Regulations for the MEP are found at 34 CFR 200.81-200.89 (attached). This information collection covers regulations with information collection requirements (see below). These requirements pertain to information that State educational agencies (SEAs) must collect in order to properly administer the MEP. They also pertain, in part, to information that the Department's contractor (also referred to as "Bypass contractor") must collect in order to operate the MEP in three States that no longer wish to receive MEP funds (Section 1307 of the ESEA authorizes the secretary to bypass states that are unable or unwilling to operate educational programs for migratory children in their States). Most provisions do not require SEAs to submit the information collected to the Department, with the exception of the provisions under Section 200.89(b).

The particular regulations with information collection requirements are §§ 200.83, 200.84, 200.88, and 200.89 (b)-(d). No other MEP regulatory sections have information collection requirements.

Section 200.83 establishes minimum requirements a State Educational Agency (SEA) must meet for development of a comprehensive needs assessment and plan for service delivery as required under Section 1306(b) of the ESEA (P.L. 107-110). The Bypass contractor will develop a comprehensive needs assessment as required in § 200.83. However, the contractor will not implement the requirements for developing a plan for service delivery, also described in § 200.83.

Section 200.84 establishes minimum requirements the SEA must meet to implement the program evaluation required under Section 1304(c)(2) of the ESEA. The Bypass contractor will not implement the program evaluation requirements described in § 200.84.

Section 200.88 clarifies for the purposes of the MEP, only "supplemental" State or local funds that are used for programs specifically designed to meet the unique needs of migratory children can be excluded in terms of determining compliance with the "comparability" and "supplement, not supplant" provisions of the statute. This information collection requirement does not apply to the Bypass contractor.

Section 200.89(b) establishes the minimum requirements an SEA must meet to carry out re-interviews of a sample of migrant families. Re-interviews allow SEAs to examine and validate their statewide MEP

eligibility determinations, to generate a defect rate for adjusting SEA migrant child counts, if necessary, and to ensure ongoing quality control in future eligibility determinations. The Bypass contractor must implement the requirements of § 200.89(b)(2). However, the contractor is not required to implement the re-interview requirements described in § 200.89(b)(1). This regulatory requirement is consistent with secs. 1309(2) and 1304(c)(7) of ESEA.

Section § 200.89(c) establishes minimum requirements an SEA must meet to document its eligibility determinations under the MEP (including the use of a standard Certificate of Eligibility (COE) form [attached]). The Bypass contractor will be required to implement § 200.89(c), to include use of the standard COE. This regulatory requirement is consistent with secs. 1302, 1304(a) and 1309(2) of the ESEA

Section § 200.89(d) establishes minimum requirements for a system of quality controls that an SEA must implement to ensure accurate eligibility determinations under the MEP. The Bypass contractor will also be required to meet the requirements of 200.89(d). This regulatory requirement is consistent with secs. 1309(2) and 9304(a)(6) of the ESEA.

A copy of the existing regulations, the relevant statutory sections, and the COE are attached.

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 needs assessment and service delivery information required by § 200.83 are used by the SEA to design and implement an effective statewide MEP. The needs assessment information will also be used by the Bypass contractor to design and implement services in the three Bypass states. The evaluation information required by § 200.84 is used by the SEA to assess the effectiveness of the statewide MEP and to promote improved service delivery. The advance written determination by an SEA required by § 200.88 (that a State or locally funded program meets the intents and purposes of part C of Title I) is used by the SEA to support the exclusion of "supplemental" State or local funds in determining compliance with the "comparability" and "supplement, not supplant" provisions of the statute.

The re-interview information required by § 200.89(b) is used by the SEA, the Bypass contractor, and the Secretary to estimate the accuracy of program eligibility determinations and to make needed improvements. The information is also used by the Secretary to make necessary adjustments to State MEP allocations; such information was used to adjust FY 2009 MEP allocations. The eligibility materials required by § 200.89(c) are used by SEAs and the Bypass contractor to clearly document the basis for the determination of program eligibility of each migrant child identified by the SEA and for determining which children are eligible for MEP services. The information required by § 200.89(d) is used by the SEA and the Bypass contractor to examine and document the implementation of its quality control system and to enable the SEA and the Bypass contractor to determine and implement necessary improvements.

As noted in A1, this collection of information does not require SEAs to submit the information collected to the Department except for § 200.89(b). Instead, the information is for SEAs to use in documenting eligible migrant children and in designing, operating and evaluating their State MEP.

The Department will use the information the Bypass contractor submits under § 200.83 and §200.89(b) and (d) to evaluate the contractor's progress in meeting the tasks of the contract.

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. The regulations themselves do not require nor preclude SEAs or the Bypass contractor from using automated, electronic, mechanical, or other technological collection techniques to reduce burden. As noted earlier, most of the information to be collected by SEAs will not be further collected by the Department from the SEAs (with the exceptions of § 200.89(b)). SEAs electronically report as part of the Consolidated State Performance Report the results of the information collected under § 200.89(b)(2). The information collected under § 200.89(b)(1) would be collected, if necessary, via a report that SEAs would send electronically to the Department. Many SEAs and the Department's contractor will use information technology (e.g., an electronic COE) to collect and analyze data. Facsimile and computer systems will be used to transmit and store data.

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. The eligibility documentation information, the re-interviewing information, the quality control process documentation, the needs assessment and service delivery information, the evaluation information, and the advance written determination supporting the exclusion of "supplemental" State or local funds in determining compliance with the "comparability" and "supplement, not supplant" provisions of the statute required by this collection are unique to this program and the particular grantee. Other than state assessment data to be collected under the Title I assessment requirements for use in §§ 200.83 and 200.84, the information to be collected by the SEA and the Bypass contractor under §§ 200.83, 200.84, and 200.88 and §§ 200.89(b), 200.89(c) and 200.89(d) are not in any other data collection, and are necessary for the SEA to design, implement, and improve its statewide MEP. These student-level data are not being collected under EDEN/EDFacts.

Q5. If the collection of information impacts small businesses or other small, describe any methods used to minimize burden.

A5. Small businesses are not impacted by this data collection.

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. The Department would be unable to calculate State MEP allocations and to adjust allocations in cases where SEAs have identified high numbers of ineligible children. In addition, the Department would be unable to monitor adequately SEA implementation and operation of the MEP and use of Federal funds. These same consequences would apply to the Department's oversight of the Bypass contract.

Q7. Explain any special circumstance 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. The regulations do not require the information collection to be conducted in a manner inconsistent with the requirements of 5 CFR 1320.5(d)(2).

Q8. *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 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. Relative to existing §§ 200.83 and 200.84: These final regulations were first published on December 2, 2002. No specific comments on the cost and hour burdens were received from the public when the last version of this information collection was posted to EDICS in July 2008. Since then, OME has met annually with State Directors to discuss program issues. A few State Directors, whose States receive small MEP allocations, raised general burden concerns with the needs assessment and plan for service delivery requirements. In response to comments, OME held a meeting in 2009 with State Directors whose States receive small MEP allocations. At the meeting, OME and the State Directors worked collaboratively to identify solutions for carrying out these requirements in cases where SEAs have limited resources. No further comments on cost and burden have been received.

Relative to existing § 200.88: This final regulation was first published on December 2, 2002. No specific comments on the cost and hour burdens were received from the public at that time or when the last version of this information collection was posted to EDICS in July 2008.

Relative to existing § 200.89(b): This final regulation was first published in July 2008. The Notice of final regulations summarized, in detail, the comments received. Some comments expressed concern about the costs and data collection burden associated with the proposed regulations. The comments, in general, did not offer specific remedies to the concerns other than eliminating the data collection requirements. Nevertheless, the Department has decreased the burden associated with 200.89(b)(1) because all States had an ED-accepted rate and no State has had to go through the retrospective re-interview process as a result of corrective action. Given this, it is unlikely that 15 states will need to implement 200.89(b)(1) in the next three years. The Secretary is reducing the burden the associated with this requirement.

OME has discussed the requirements of 200.89(b)(2) at the annual meeting of State Directors and via several conference workshops. A few States have expressed concern about States' general responsibilities of identifying and recruiting eligible migrant students, one of which is the prospective re-interview requirements. However, these are just a small portion of what SEAs have historically expended on identification and recruitment activities under the general authority of the statute and the general requirements for documentation and program monitoring that are in 34 CFR 76.731. To address concerns and to assist States in implementing 200.89(b) and (d), OME developed a technical assistance guide. The guide provides SEAs with tools to facilitate the interview and analysis processes, templates

for recording information, and strategies for decreasing travel time and costs.

Relative to § 200.89(c): In 2008, when the COE was posted to EDICS, OME received several technical comments on the format and style of the COE. In consultation with State and Local MEP staff, OME made several editorial changes and improvements to the COE and its instructions. Since then, OME has discussed the requirement and use of the COE with several State Directors and with local users during technical assistance workshops, conference presentations, and onsite reviews. No specific comments on the cost and hour burdens have been received.

A 60 day notice was published in the Federal Register seeking public comment. The Department received comments from one individual. The commenter expressed concerns about burdensome and repetitive COE documentation (required under § 200.89(c)) for older migratory children (i.e., youth up through age 21) who are also migratory workers. The commenter requested that the COE form be modified to give special consideration to these individuals. In addition, the individual (1) requested guidance on how to complete specific COE data elements, (2) made technical suggestions to the COE format and instructions, and (3) offered information about how the commenter's State MEP has instructed its staff to complete the COE. The Department's cost and burden estimate takes into account the burden that the commenter references regarding migratory children. The Department believes this burden is necessary in order to clearly present on the COE an older child's eligibility for the MEP. In response to one of the commenter's suggestions on the COE instructions, the Department modified the instruction for the data element titled "Residency Date". The Department will respond individually to the commenter's request for guidance.

A 30 day notice will be published in the Federal Register seeking public comment.

Q9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

A9. The regulations do not require gifts or payments to be made to respondents.

Q10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulations, or agency policy.

A10. The specific MEP regulations discussed in this information collection package require no assurance of confidentiality. However, because the COE form required under § 200.89(c) is an "educational record", State and local operating agencies are required to comply with the Family Educational Rights and Privacy Act (FERPA) of 1974. FERPA establishes when States and local operating agencies can and cannot disclose "educational records" without parental consent. The Bypass Contractor will be required to comply with the Privacy Act of 1974, as amended. A Privacy Impact Assessment will be published online. The Department will publish a System of Records Notice for the system of records that will be created for purposes of the Bypass contract. In addition, the COE form that the Bypass uses will include a privacy statement [see attached]

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. The regulations do not require any questions of sensitive nature in this collection of information.

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.
- 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.

Estimated hour burden for the collection of information.

As presented in greater detail below, we estimate that it will require 16,382 hours per State respondent and 2 hours per migrant parent to respond to the requirements of these regulations.

We estimate that it will require approximately 421 hours per State respondent, 152 hours per ED contractor,¹ and 0.5 hours per migrant parent respondent (annually) to address the requirements of §200.89(b). We estimate that it will require approximately 12,650 hours per State and ED contractor, and 1.5 hours per parent (overall) to address the requirements of §200.89(c). We estimate that it will require approximately 966.67 hours per State and ED contractor (annually) to address the requirements of §200.89(d).

We estimate that it will require approximately 1,044 hours per State (overall) to address the requirements of §200.83. We estimate that it will require approximately 803.5 hours per ED contractor to address the needs assessment requirements of §200.83. We estimate that it will require approximately 440 hours per State (biennially) to address the requirements of §200.84. We estimate that it will require approximately 4 hours per State (on a one-time basis) to address the requirements of §200.88.

These estimates were developed by program staff with prior experience in the State-level administration of the MEP. [See the tabular summaries below for a fuller explanation of the calculations.]

Summary of Total Burden Hours (Annualized)

By regulatory section/subsection	Total Burden Hours (Annualized)
200.83	10,633
200.84	10,340
200.88	31
200.89	387,629
TOTAL	408,633

¹ ED's contractor is one respondent. However, the contractor will operate MEPs in three States (Connecticut, Rhode Island, and West Virginia). The burden hours associated with the contractor's work are equivalent to the burden hours for three SEAs.

200.89(b)	Frequency of response	# of Respondents	Average # of Hours per respondent	Total Hours	Description
(1) Retrospective Re-interviewing					
Re-interviews (<i>record-keeping</i>)	One Time	8 ² SEAs	1,200	9,600	Assuming an average sample of 300 children per State and an average time of 4 hours ⁴ (including multiple attempts) to locate, travel to & re-interview each child's parent/guardian, including an average of ½ hour per family to conduct the re-interview per State
		300 parents ³ of migrant children per State = 2,400 parents	0.5	1,200	
Analysis & Reporting (<i>record-keeping and reporting</i>)	One Time	8 SEAs	380	3,040	Assuming an average sample of 300 children and 1 hour per child to analyze eligibility findings and 80 hours to construct the report.
Subtotal (1)	One Time	8 SEAs	1,580	12,640	
		2,400 parents	0.5	1,200	
				13,840	
(2) Prospective Re-Interviewing					
Re-interviews (<i>record-keeping</i>)	Annually	47 ⁵ SEAs	100	4,700	Assuming an average sample of 50 children per State and an average time of 2 hours ⁶ (including multiple attempts) to locate, travel to & re-interview each child's parent/guardian, including an average of ½ hour per family to conduct the re-interview per State.
		1 ED contractor operating MEPs three (3) States ⁷	100	300	

² Because no SEAs have had to re-do the retrospective re-interview process and no SEAs have had to go through the process as a result of corrective action, it is unlikely that 15 states will need to do so in the next three years. As a result, this estimate has been reduced from 15 SEAs to eight SEAs.

³ Assumes only 1 parent/guardian per family needs be interviewed.

⁴ We estimate 4 hours to locate/re-interview each child retrospectively since these re-interviews will be taking place up to four years after the initial eligibility determination was done.

⁵ We estimate 47 SEAs since the SEAs for Rhode Island, Connecticut, West Virginia, the District of Columbia, and Puerto Rico no longer participate in the MEP.

⁶ We estimate 2 hours to locate/re-interview each child prospectively since these re-interviews will take place soon after the initial eligibility determination was done in any program year.

⁷ The Department's contractor will operate MEPs in Rhode Island, Connecticut, and West Virginia. The estimated costs associated with the contractor's work are described in Q14—annualized costs to the Federal Government.

		50 parents of migrant children per State (50) = 2,500 parents	0.50	1,250	
Analysis (<i>record-keeping</i>)	Annually	47 SEAs	50	2,350	Assuming an average sample of 50 children per State and 1 hour per child to analyze eligibility findings.
		1 ED contractor operating MEPs in three (3) states	50	150	
Report as part of Consolidated State Performance Report ⁸ (<i>reporting</i>)	Annually	47 SEAs	2	94	Assuming it will take no more than 2 hours per State to summarize the new findings for the report.
		1 ED contractor operating MEPs in three (3) states	2	6	
Subtotal (2)	Annually	47 SEAs	152	7,144	
		1 ED contractor operating MEPs in three (3) states	152	456	
		2,500 parents	0.5	1,250	
				8,850	
TOTAL for §200.89(b)		47 SEAs	421 ⁹	19,784	
		1 ED contractor operating MEPs in three (3) states	152	456	

⁸ The Consolidated State Performance Report has already been cleared through 11/30/13 under OMB No. 1810-0614.

⁹ Estimated hours per SEA across all 47 SEAs – where all 47 SEAs will do the §200.89(b)(2) prospective re-interviewing annually (7,144 hours for all 47 SEAs), but only 8 SEAs will also do the §200.89(b)(1) retrospective re-interviewing once over the next 3 year period (12,640 for all 8 SEAs). Total number of hours (7,144 + 12,640) is 19,784. Across all 47 SEAs total is 420.94 hours per SEA.

		4,900 ¹⁰ parents	0.5	2,450	
				22,690	

200.89(c)	Frequenc y of response	# of Respon- dents	Average # of Hours per respondent	Total Hours	Description
Eligibility Documentation					
Conduct the interview (<i>record-keeping</i>)	Once per 3-years of eligibility	47 SEAS	6,900	324,300	Assuming approximately 575,000 children (includes children in the 47 SEA operated States and children in the 3 ED contractor operated States) and 2.5 children per family (and per COE) and 1.5 hours to initially locate, travel to and interview each family, including an average of ½ hour per family to conduct the interview per State.
		1 ED contractor operating MEPs in three (3) states	6,900	20,700	
		230,000 parents ¹¹	0.5	115,000	
Write up the COE & other SEA-required eligibility documentation (<i>record-keeping</i>)	Once per 3-years of eligibility	47 SEAS	1,150	54,050	Assuming 15 minutes per COE. One COE is done for every family (each with an average of 2.5 children).
		1 ED contractor operating MEPs in three (3) states	1,150	3,450	
Update/Revise COE as necessary ¹² (<i>record-keeping</i>)	Twice within 3- year eligibility period	47 SEAs	4,600	216,200	Assuming an average of ½ hour per COE per year for each of two of three years.
		1 ED contractor operating MEPs in three (3) states	4,600	13,800	
		230,000 parents	1.0	230,000	
TOTAL for §200.89(c)		47 SEAs	12,650	594,550	
		1 ED	12,650	37,950	

¹⁰ Total of 2,400 under §200.89(b)(1) + 2,500 under §200.89(b)(2) = 4,900 parents.

¹¹ Assumes 1 parent per family needs to be interviewed.

¹² This would include the survey data required to document the temporary nature of employment under §200.89(a) (i).

		contractor operating MEPs in three (3) states			
		230,000 parents	1.5	345,000	
				977,500	

200.89(d)	Frequency of response	# of Respondents	Average # of Hours per respondent	Total Hours	Description
Quality Control Procedures					
(4) SEA/LEA COE reviews (<i>record-keeping</i>)	Annually	47 SEAs	766.67	36,033	Assuming 230,000 COEs (new or updated) and 10 minutes per COE for review.
		1 ED contractor operating MEPs in three (3) states	766.67	2,300	
(6) Documentation of quality control processes and improvement (<i>record-keeping</i>)	Annually	47 SEAs	200	9,400	Assumes 200 hours of person time per year to prepare needed documentation
		1 ED contractor operating MEPs in three (3) states	200	600	
TOTAL for §200.89(d)		47 SEAs	966.67	45,433	
		1 ED contractor operating MEPs in three (3) states	966.67	2,900	
				48,333	

§ 200.83	Frequency of response	# of Respondents	Average # of Hours per respondent	Total Hours	Description
Needs Assessment					
Data Collection	One Time	47 SEAs	643.50	30,245	This estimate includes the time required to design and collect

		1 ED contractor operating MEPs in three (3) states	643.50	1930.50	information through surveys of samples of parents, staff and LEAs with migrant students regarding migrant students' needs and the whether other programs' services are already available.
Analysis & Reporting (<i>record-keeping</i>)	One Time	47 SEAs	160	7,520	This estimate includes the time for SEA staff to analyze the collected needs assessment data and summarize the results.
		1 ED contractor operating MEPs in three (3) states	160	480	
Plan Development ¹³ (<i>record-keeping</i>)	One Time	47 SEAs	160	7,520	This estimate consists of the time needed for SEA staff to draft, revise and clear a comprehensive service delivery plan that responds to the identified needs of students and coordinates services across the MEP and other available services.
Plan Update (<i>record-keeping</i>)	Biennial	47 SEAs	80	3,760	This estimate consists of the time needed for SEA staff to update the comprehensive service delivery plan in response to the results of program evaluations.
Total for §200.83		47 SEAs	1,043.5	49,045	
		1 ED contractor operating MEPs in three (3) states	803.5	2410.5	
				51,455.5	

§ 200.84 Activities	Frequency of response	# of Respondents	# of Hours per respondent	Total Hours	Description
Evaluation ¹⁴					
Data Collection (<i>record-</i>	Biennial	47 SEAs	120	5,640	This estimate consists of the time to collect project observation data in a 30

¹³ The Bypass contractor will not develop or update a service delivery plan in any state in which it operates a MEP.

¹⁴ The contractor will not conduct evaluations in any State in which it operates a MEP.

<i>keeping)</i>					percent sample of MEP project sites nationally. (The estimate does not include the time associated with collecting student-level assessment data since student assessment data is exempt from the paperwork clearance process.)
Analysis & Reporting <i>(record-keeping)</i>	Biennial	47 SEAs	320	15,040	This estimate consists of the time needed for SEA staff to analyze and summarize the project and student data to determine the effectiveness of the State's MEP program.
Total for §200.84		47	440	20,680	Biennially

§ 200.88 Activities ¹⁵	Frequency of response	# of Respondents	# of Hours per respondent	Total Hours	Description
Written determination <i>(record-keeping)</i>	Once	47 SEAs	4	188	This estimate consists of the time needed for SEA staff to analyze and prepare a written determination in support of an exclusion.
Totals for § 200.88		47	4	188	One-time

Estimates of annualized burden:

- Amortized over the next three years, **the annual burden to address the § 200.89(b)(1) requirements** would be $13,840 \text{ hours} / 3 \text{ years} = 4,613 \text{ hours/year}$. **The annual burden to address the § 200.89(b)(2) requirements** would be **8,850 hours/year**. Therefore **the total annual burden to address the § 200.89(b) requirements** would be: $4613 + 8,850 = 13,463 \text{ hours/year}$.
- Amortized over the 3-year eligibility cycle, **the annual burden to address the § 200.89(c) requirements** would be $977,500 / 3 \text{ years} = 325,833 \text{ hours/year}$.
- **The annual burden to address the § 200.89(d) requirements** would be **48,333 hours/year**.

Therefore, the annual burden to address the § 200.89 requirements = $13,463 + 325,833 + 48,333 = 387,629 \text{ hours/year}$.

- Amortized over the six-year ESEA authorization, **the annual SEA burden to address the § 200.83 "Needs Assessment" and initial "Plan Development" requirements** would be: $(30,245 + 7,520 + 7,520) \text{ hours} / 6 \text{ years} = 7,548 \text{ hours/year}$. Amortized over a biennial period, **the total annual SEA burden to address the full § 200.83 "Plan Update" requirements** would be: $3,760 \text{ hours} / 2 \text{ years} = 1,880 \text{ hours/year}$. Amortized over the two year life of the contract, **the total annual burden to the Department's Bypass contractor to address § 200.83 "Needs Assessment" and initial "Plan Development" requirements**

¹⁵ The contractor will not need to analyze or prepare a written determination in support of exclusion for this requirement.

would be: $(1930.5 + 480)/2$ years = **1205.25/year**. Therefore **the total annual burden to address the § 200.83 requirements** would be: $7,548 + 1,880 + 1205.25 =$ **10,633 hours/year**.

- Amortized over a biennial period, **the total annual burden to address the § 200.84 requirements** would be: $20,680$ hours / 2 years = **10,340 hours/year**.
- Amortized over the six-year ESEA authorization, **the total annual burden to address the § 200.88 requirements** would be: 188 hours / 6 years = **31 hours/year**.

Estimates of annualized cost to respondents:

SEA Respondents

Estimating respondent cost at an average of \$10/hour for SEA staff carrying out interviews in §§200.89(b) and 200.89(c) and \$25/ hour for other SEA staff carrying out analysis and reporting and §§200.89(d), 200.83, 200.84 and 200.88, **the average cost per State** would be:

- $(\$10/\text{hour} \times 1,200 \text{ hours}) + (\$25/\text{hour} \times 380 \text{ hours}) = \$12,000 + \$9,500 =$ **\$21,500 per State to address § 200.89(b)(1)** on a one-time basis, and $\$21,500/3 =$ \$7,167 annually per State amortized over the next 3 years. $(\$10/\text{hour} \times 100 \text{ hours}) + (\$25/\text{hour} \times 52 \text{ hours}) =$ \$1,000 + \$1,300 = **\$2,300 per State to address § 200.89(b)(2)** annually. Amortized over the next 3 years, **the annual cost per SEA to address the § 200.89(b) requirements** would be $(\$21,500/3 + \$2,300) =$ **\$9,467/year**.
- $[\$10/\text{hour} \times (324,300 + 54,050 + 216,200 \text{ hours})]/47 = (\$10/\text{hour} \times 594,550)/47 =$ \$5,945,500/47 = \$126,166.75/State. Amortized over the 3 year eligibility cycle, the **annual cost per SEA to address the § 200.89(c) requirements** would be $\$126,166.75/3 =$ **\$42,056/year**.
- The **annual cost per SEA to address the § 200.89(d) requirements** would be $\{\$25/\text{hour} \times 966.67 \text{ hours}\} =$ **\$24,167/year**.
- With a total **annual** burden of 9,428 hours/year for all 47 SEAs , **the annual cost per SEA to address the full § 200.83 requirements** would be: $(\$25/\text{hour} \times 9,428 \text{ hours}) /47 \text{ SEAs} =$ **\$5,015/year**.
- $\$25/\text{hour} \times 440 \text{ hours} =$ \$11,000 per State to address the § 200.84 requirements (biennially). Amortized over a biennial period, **the annual cost per SEA to address the § 200.84 requirements** would be: $\$11,000 / 2 \text{ years} =$ **\$5,500/year**.
- $\$25/\text{hour} \times 4 \text{ hours} =$ \$100.00 per State to address the § 200.88 requirements (on a one-time basis). Amortized over the six year ESEA authorization, **the annual cost per SEA to address the § 200.88 requirements** would be: $\$100.00 / 6 \text{ years} =$ **\$17/year**.

Annual Total Costs

Annual total cost estimates do not include costs to the Federal government (e.g., costs associated with ED's contractor operating MEPs in the target States.

- **The annual total cost to address the § 200.89(b) requirements would be:** $\$7,167 \times 8 \text{ SEAs} + \$2,300 \times 47 \text{ SEAs} =$ **\$165,436**.
- **The annual total cost to address the § 200.89(c) requirements would be:** $\$5,945,500/3 =$ **\$1,981,833**.

- **The annual total cost to address the § 200.89(d) requirements would be** \$24,167/SEA x 47 SEAs) = **\$1,135,849**.
- **The annual total cost to address the full § 200.83 requirements would be:** (\$5,015/SEA x 47 SEAs) = **\$235,705/year**.
- **The annual total cost to address the § 200.84 requirements would be:** (\$5,500/SEA x 47 SEAs) = **\$258,500/year**.
- **The annual total cost to address the § 200.88 requirements would be:** \$17/SEAs x 47 SEAs = **\$799/year**.

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 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 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. The only costs to respondents are those shown above for staff time for data collection and reporting. There should be no record-keeping costs beyond those covered under customary and usual business practices.

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. Estimated annualized Federal cost:

Federal costs associated with this collection of information include (1) staff time to monitor SEAs, (2) contractual costs to operate a MEP in three States, and (3) staff time for contract oversight.

Estimated Annualized Federal Cost of Department Monitoring

In regard to staff time for monitoring SEAs, Department staff could be expected to spend four hours reviewing an SEA’s retrospective re-interviewing documentation (§ 200.89(b)(1)); two hours reviewing an SEA’s prospective re-interviewing documentation (§ 200.89(b)(2)); five hours reviewing an SEA’s COEs (§200.89(c)); two hours reviewing an SEA’s Quality Control system and documentation (§ 200.89(d)); two hours reviewing an SEA’s needs assessment and service delivery plan (§ 200.83); two hours reviewing a SEA's program evaluation (§ 200.84); and one-half hour reviewing SEA's written determinations supporting the exclusion of State or local funds from "comparability" and "supplement, not supplant" provisions of the statute in preparation for program monitoring (§ 200.88).

§ 200.89(b) Activities						
Re-interviewing documentation	Review Time	Total Review Time	Wage Rate for Personnel¹⁶	Total Personnel Cost	Other Costs	Total Cost of Review
16 ¹⁷	6 hours	96 hours	\$47	\$4,512	0.00	\$4,512

§ 200.89(c) Activities						
Eligibility documentation	Review Time	Total Review Time	Wage Rate for Personnel	Total Personnel Cost	Other Costs	Total Cost of Review
16	5 hours	80 hours	\$47	\$3,760	0.00	\$3,760

§ 200.89(d) Activities						
Quality Control Documentation	Review Time	Total Review Time	Wage Rate for Personnel	Total Personnel Cost	Other Costs	Total Cost of Review
16	2 hours	32 hours	\$47	\$1,504	0.00	\$1,504

§ 200.83 Activities						
Number of Needs Assessments & Service Delivery Plans	Review Time	Total Review Time	Wage Rate for Personnel	Total Personnel Cost	Other Costs	Total Cost of Review
16	2 hours	32 hours	\$47	\$1,504	0.00	\$1,504

§ 200.84 Activities						
Number of Program Evaluations	Review Time	Total Review Time	Wage Rate for Personnel	Total Personnel Cost	Other Costs	Total Cost of Review
4	2 hours	94	\$47	\$4,418	0.00	\$4,418

¹⁶ 2011 Pay rate for a GS-12/10

¹⁷ 16 SEAs reflects an annualized figure – over the 3-year eligibility cycle -- of the 47 SEAs to be reviewed

§ 200.88 Activities						
Number of Program Exclusions	Review Time	Total Review Time	Wage Rate for Personnel	Total Personnel Cost	Other Costs	Total Cost of Review
16	.5 hours	8 hours	\$47	\$376	0.00	\$376

The total annual cost to the Federal Government for Department monitoring of SEAs is \$16,074.

Estimated Annualized Federal Cost of Contractor Work and Contract Oversight

Other Federal costs are those associated with the contractor the Department will hire to operate a MEP in the three Bypass states. The contractor is required to carry out the information collection requirements associated with the comprehensive needs assessment described in § 200.83, the re-interviews described in § 200.89(b)(2), the documentation of child eligibility as described in § 200.89(c), and the examination and documentation of a system of quality controls described in § 200.89(d).

The Migrant Bypass contract is a one year contract with one option year. Fiscal Year (FY) 2011 costs include identification and recruitment activities and completion of a comprehensive assessment of the needs of migratory children. FY 2012 costs include identification and recruitment activities and re-interviewing activities to verify the accuracy of contractor eligibility determinations. Not all contract costs include information collection requirements.

The cost of Federal personnel time is estimated at \$100,904 per full-time person per year in Fiscal Year 2011. The Federal personnel cost is based on a GS-13 in an intermediate pay step who works in the Washington, DC area. The annual cost has been escalated at a rate of 3 percent per year as an adjustment for possible cost of living increases to Federal pay. The average annualized Federal personnel cost for 0.2 Full Time Equivalents (FTEs) is $(\$20,181 + \$20,786)/2 = \$40,967/2 = \mathbf{\$20,484/year}$.

§ 200.83 Activities - The Bypass contractor will only carry out § 200.83 activities that are associated with the needs assessment (e.g., data collection, and analysis and reporting). Additionally, this activity will only be conducted in the base year of the contract. Using the information provided in response to Question 12, the average number of hours per ED contractor operating a MEP in three States,, for these particular activities, is 803.5 hours (643.50 hours for data collection and 160 hours for analysis and reporting). The cost per respondent would be: $\$25/\text{hour} \times 803.5 \text{ hours} = \$20,087.5$. Activities will be conducted in each of the three Bypass States. Therefore, annual contractor costs for carrying out activities under § 200.83 are estimated at $\$20,087.5 \times 3 = \mathbf{\$60,263}$.

§ 200.89(b)(2) Activities - Contractor costs for carrying out activities under § 200.89(b)(2) are estimated using the annual cost per SEA as calculated in response to Question 12 multiplied by the number of States covered under the Bypass contract. $\$2,300 \times 3 = \mathbf{\$6,900}$.

§ 200.89(c) Activities - Contractor costs for carrying out activities under § 200.89(c) are estimated using the annual cost per SEA as calculated in response to Question 12 multiplied by the number of States covered under the Bypass contract. $\$126,500 \times 3 = \mathbf{\$379,500}$.

§ 200.89(d) Activities – Contractor costs for carrying out activities under §200.89(d) are estimated using the annual cost per SEA as calculated in response to Question 12 multiplied by the number of States covered by the Bypass contract. $\$24,167/\text{year} \times 3 = \mathbf{\$72,501}$.

The chart below shows the estimated costs of the Bypass contract by fiscal year.

Migrant Bypass Contract Costs			
	FY 2011	FY 2012	Total
200.83 Activities	\$60,263	\$0	\$60,263
200.89(b)(2) Activities	\$6,900	\$6,900	\$13,800
200.89 (c) Activities	\$379,500	\$379,500	\$759,000
200.89(d) Activities	\$72,501	\$72,501	\$145,002
Total	\$519,164	\$458,901	\$978,065

The average annualized contractor cost is $(\$519,164 + \$458,901)/2 = \$978,065/2 = \mathbf{\$489,033/year}$.

The total annualized cost for the Migrant Bypass contractor, including Government FTE to oversee the contract, is $\$20,484 + \$489,033 = \mathbf{\$509,517}$.

The total annual cost to the Federal Government is $\$16,074 + \$509,517 = \$515,591$.

Q15. Explain the reasons for any program changes or adjustments reported.

A15. There is an adjustment in the number of responses and burden. The number of responses decreased from 300,049 to 230,048 - a difference of 70,001 responses. The number of burden hours decreased from 522,765 hours to 408,633 hours - a difference of 114,132 hours. The reduction in SEA burden and responses was achieved not as a result of deliberate Federal government action, but rather due to decreases in the number of eligible migratory children and decreases in the number of SEAs that receive MEP funds.

The increased Federal costs are due to the fact that the Department will hire a contractor to operate Migrant Education Programs in the three Bypass states (CT, RI, and WV).

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. The collection of information does not require publication of the information (except for § 200.89(b)) or use of complex analytical techniques. The defect rates reported under § 200.89(b) will be reported by the Secretary in tabular form to the States, Congress and the public.

The retrospective re-interviewing process required under § 200.89(b)(1), which has already been done by SEAs (and which the Department's contractor is not required to do), had to be implemented once during the current period of authorization of ESEA. The prospective re-interviewing process under § 200.89(b)(2) must be implemented annually. Identification of eligible migrant children and documentation of eligibility status under § 200.89(c) is an activity carried out on an ongoing basis. SEAs must implement the quality control processes required under § 200.89(d) throughout the period of authorization of ESEA. The Department's contractor must also carry out these activities.

The needs assessment and service delivery plan under § 200.83 needs to be implemented at least once during the current period of authorization for ESEA as amended. The program evaluation under § 200.84 needs to be implemented biennially during the current period of authorization for ESEA as amended. The SEA's advance written determination that a State or locally funded program meets the intents and purposes of part C of Title I under § 200.88 needs to be implemented at least once during the current period of authorization for ESEA as amended. The Department's contractor must implement the needs assessment under § 200.83 during the base year of the contract. The contractor does not need to

implement the other requirements under § 200.83 or those under § 200.84 and 200.88.

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. ED is not seeking this approval.

Q18. Explain each exception to the certification statement identified in Item 20, "Certification for Paperwork Reduction Act Submissions."

A18. Exception (i) in Item 20 – Statistical survey methodology does not apply. There are no other proposed exceptions to the certifications except that the Paperwork statement will not be included on the COE.