

**SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION
PART C OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT AS AMENDED IN 2004
Information Collection 1820-0578
Part C State Performance Plan (SPP) and Annual Performance Report (APR)**

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.** In accordance with 20 U.S.C. 1416(b)(1) and 20 U.S.C. 1442, not later than 1 year after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2004, each lead agency must have in place a performance plan that evaluates the lead agency's efforts to implement the requirements and purposes of Part C and describe how the Lead Agency will improve such implementation. This plan is called the Part C State Performance Plan (Part C – SPP). In accordance with 20 U.S.C. 1416(b)(2)(C)(ii) the lead agency shall report annually to the public on the performance of each early intervention service (EIS)¹ program located in the State on the targets in the lead agency's performance plan. The lead agency also shall report annually to the Secretary on the performance of the State under the lead agency's performance plan. This report is called the Part C Annual Performance Report (Part C – APR). IC 1820-0578 is for continued approval for an existing collection.
- 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.** As required by sections 616(b)(1)(A) and 642 of the Individuals with Disabilities Education Act (IDEA), each State must have in place a State Performance Plan (SPP) that evaluates the State's efforts to implement the requirements and purposes of Part C of the IDEA, and describes how the State will improve its implementation. Section 616(b)(2) requires that the State report annually to the Secretary on its performance under the State performance plans for Part C of the IDEA. Specifically, the State must report, in its Annual Performance Report (APR), on its progress in meeting the measurable and rigorous targets it established in its SPP.
- Section 616(d) requires that the Department review the APR each year. Based on the information provided in the State's APR, information obtained through monitoring visits, and any other public information, the Department will determine if the State: Meets Requirements; Needs Assistance; Needs Intervention; or Needs Substantial Intervention.
- 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.** Lead Agencies may complete and mail a copy of the SPP/APR to the Office of Special Education Programs or submit electronically to OSERS.capr@ed.gov.
- 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.** All lead agencies have completed five Annual Performance Reports. The Part C SPP and APR are taking the place of the previous Annual Performance Report. With the revision of this

¹ Early intervention service program (EIS program) means an entity designated by the lead agency for reporting under section 616 (b)(2)(C) of the Act.
Part C SPP / APR

collection there has been an attempt to allow lead agencies to use data already collected for other purposes whenever possible. Data collection is only required for data that is not available from other sources.

In many cases, information required provides lead agencies an opportunity to analyze and explain data that are reported in the Annual Report of Children Served, i.e., number of infants and toddlers served, settings where services are provided, etc. No duplication currently exists.

- 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.** The information requested does not involve the collection of information from entities classified as small business.
- 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.** Activities described in answers A1 and A2 would not be completed if this collection was not conducted.
- 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.** There are no special circumstances that would cause an information collection to be conducted as described in the bulleted items.
- 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.** Information Collection 1820-0578 was placed in the Federal Register on Wednesday, May 9, 2007, to solicit comments. (Federal Register / Vol. 72, No. 89 / Wednesday, May 9, 2007 / Notices [Page 26490]. As a result of this posting the Department received the following comments, all of which were carefully reviewed:

Summary of General Comments

Comment: One commenter noted that States are having increasing difficulty in responding to the continual changes required in Federal data collection and reporting. States have invested in electronic data systems to ensure timely and accurate reporting of Federal data and any additions or changes to data requirements necessitate costly and often time consuming changes to States' electronic data systems. This includes the funding, expertise and time for the design, development, training, and testing necessary to respond to new or revised federal data requirements. The commenter further noted that it requires at least a year after data system revisions are implemented to ensure accurate data from the local level.

Discussion: The Department is sensitive to the challenges that States face in collecting accurate and timely data and strives to require the collection of data only if it is required by statute or necessary to ensure proper administration of the Part C program. When changes to data collection forms or procedures are considered, we routinely get both formal and informal input from interested parties. In addition, we attempt to provide lead time to the implementation of data collection and requirements, such as delaying the reporting of baseline for Indicator 3 (early childhood outcomes) until FFY 2008.

Changes: None.

Comment on Indicator 1: One commenter had concerns with the requirement for States to report on the range of delays for each service not received in a timely manner and the reasons for the untimely receipt of services that are due to causes other than documented exceptional family circumstances. The commenter noted that this information is important to States as part of their monitoring systems to ensure correction of noncompliance by individual early intervention services (EIS) programs, it is not necessary that this information be systematically aggregated and submitted to the federal level.

Discussion: The Department agrees and has revised the referenced language in Indicator 1 to the previously approved version.

Changes: Delete "Indicate range of delays and reasons for untimely receipt of services due to causes other than documented exceptional family circumstances." Add back "Account for untimely receipt of services."

Comment on Indicator 3: One commenter supported the change in this indicator that allows States to submit child outcome data to establish baseline and targets in 2010 rather than 2008.

Discussion: The Department recognizes that States need adequate time to collect child outcome data in order to report baseline and set targets.

Changes: None.

Comment on Indicator 7: One commenter opposed the requirement that States report on the range of delays and the reasons for these delays due to causes other than documented exceptional family circumstances. The commenter noted that this information is important to States as part of their monitoring systems to ensure correction of noncompliance by individual EIS programs, but it is not necessary that this information be systematically aggregated and submitted to the federal level.

Discussion: The Department agrees and has revised the referenced language in Indicator 7 to the previously approved version, with minor edits to align the data to the indicator.

Changes: Delete “Indicate range of delays and reasons for untimely evaluations due to causes other than documented exceptional family circumstances” and replace with “Account for untimely initial evaluations, assessments, and IFSP meetings.”

Comment on Indicator 8: One commenter supported the change made to the instructions and measurement of 8b allowing States to not include children whose parents have “opted out” of notification to the LEA consistent with State policy.

Discussion: The Department recognized that when parents “opt-out” of notification to the LEA, those instances should not be counted against the State in computing compliance under this indicator.

Changes: None.

Comment on Indicator 9: One commenter opposed the additional requirement to provide disaggregated data on the method/component of the general supervision used to report findings. Because the commenter believed it would be extremely burdensome on states. The commenter noted that this information is important to States as part of their monitoring system to ensure correction of noncompliance by individual EIS programs, it is not necessary that this information be systematically aggregated and submitted to federal level.

Discussion: The reporting requirement to disaggregate monitoring data by component of the general supervision system was not a new requirement with this version of the collection but has been in effect since the original version of the collection. This information is needed to verify that correction is ensured when noncompliance is identified through any general supervision mechanism, i.e., on-site visits, data system, desk audits, complaints, hearings, etc. The Department has however, simplified this reporting from eight components of the State's general supervision system to two (monitoring and dispute resolution).

Changes: The instructions have been revised to make it clear that States may group components of their general supervision system into two categories – monitoring and dispute resolution.

Comment on Indicator 9: One commenter requested clarification of terminology related to reporting by “indicator” and “other topical area.”

Discussion: The Department is no long requiring that findings of noncompliance be disaggregated by indicator or other topical area.

This collection is conducted consistent with the guidelines required by 5 CFR 1320.8(d).

- Q9.** Explain any decision to provide any payment or gift to respondents, other than re numeration of contractors or grantees.
- A9.** This collection does 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.** No assurance of confidentiality is provided to respondent lead agencies. However 20 U.S.C. 1416(b)(2)(C)(iii) allows that the lead agency shall not report to the public or the Secretary any information on performance that would result in the disclosure of personally identifiable information about individual children or where the available data is insufficient to yield statistically reliable information. All data are aggregated at the State level.
- 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 or requirements 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 83-1.
- 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. It is estimated that respondents will spend approximately 180 hours when maintaining the SPP and 1800 hours completing the APR. The original SPP was due December 2, 2005 and is updated, as necessary, thereafter (for example, updates that may occur due to changes in improvement activities or revisions to targets). The APR is to be completed annually thereafter. The first APR was due February 1, 2007.

The Interagency Coordinating Council (ICC) reviews and certifies the lead agency's report, and either agrees or disagrees with the Report. In either case, the ICC may wish to provide additional comments related to the SPP and APR by appending comments. The estimate will be 2 hours to review, certify, and add comments as needed.

Total burden hours for maintaining the SPP will be 56 respondents times 180 hours, which equals 10,080 hours. Of the total 180 hours, it is estimated that 100 hours will be spent planning the report, 50 hours will be spent writing the report, and 30 hours will be spent typing and compiling the report.

The estimated cost burden to public agencies of maintaining the SPP is \$302,400 annually. The estimated total cost burden is reached by multiplying the hours of response (180) by the number of responses (56) and then multiplying the newly obtained product by the average hourly pay rate (\$30) of the staff preparing the report.

Total burden hours for the APR (submitted annually) will be 56 respondents times 1800 hours, which equals 100,800 hours. Of the total 1800 hours, it is estimated that 1720 hours will be spent planning the report, 40 hours will be spent writing the report, and 40 hours will be spent typing and compiling the report.

The estimated cost burden to public agencies of preparing the APR is \$3,024,000 annually. The estimated total cost burden is reached by multiplying the hours of response (1800) by the number of responses (56) and then multiplying the newly obtained product by the average hourly pay rate (\$30) of the staff preparing the report.

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.** Lead agencies have been preparing an Annual Performance Report for the past three years. Therefore, there are no start-up costs in addition to those described in item 12. This collection does not necessitate that States develop or refine their data collection system, although some States are choosing to do so. There are no anticipated costs for operation, maintenance, or purchase of services that are imposed on States by these requirements, other than those noted 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.** The estimated cost to the Federal Government is the staff time to review and analyze the reports. It is estimated that it will take 40 hours of staff time to review each of the 56 responses, which equals 2240 hours. The 2240 hours is multiplied by the average hourly rate of pay for each reviewer (\$36), to equal an estimated cost to the Federal Government of \$80,640.00.
- Q15.** Explain the reasons for any program changes or adjustments reported in Items 12 or 14 of the OMB Form 83-I.
- A15.** N/A. While the burden hours have not changed, there was one change to the instrument because of the new regulations.
- 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 use complex analytical techniques.
- 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.** There is no request to ask for an approval not to display the expiration date.
- Q18.** Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.
- A18.** There are no proposed exceptions to the certifications.

B. Collections of Information Employing Statistical Methods

This collection does not require that statistical methodology be employed.