

**SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION
State Lead Agency Record Keeping and Reporting Requirements under Part C of the
Individuals with Disabilities Education Act (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. OMB Information Collection 1820-0682 has been created to reflect the requirements in Part C of the IDEA in 20 U.S.C.1431-1443 and the final Part C regulations. These regulations require the 56 State lead agencies (LAs) that receive Part C funds to collect and maintain information or data and, in some cases, report information or data to other public agencies or to the public. These record-keeping requirements are not new and do not require reporting to the Secretary. The following table describes the information under Part C to be collected or maintained and identifies the legal requirement for each collection. These required listed collections are consolidated into 1820-0682.

Required Collection	Statutory Authority	Regulatory Authority
<i>Free and low-cost legal services.</i> Each LA that adopts Part B due process procedures for Part C must 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 EIS provider files a due process complaint under §303.440.	20 U.S.C. 1439(a)	§303.430(d)(2) §303.440(b)
<i>List of mediators.</i> Each LA must maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of early intervention services.	20 U.S.C. 1415(e)(2)(C) and 1439(a)(8)	§303.431(b)(2)(i)
<i>List of hearing officers.</i> Each LA that adopts Part B due process procedures for Part C must maintain a list of persons who serve as hearing officers, along with a statement of the qualifications of each of the persons.	20 U.S.C. 1439(a)	§§303.430(d)(2); 303.443(c)(3)
<i>State complaint procedures.</i> Each LA must adopt written procedures for	20 U.S.C. 1439(a); 20	§§303.430(c); 303.432

Required Collection	Statutory Authority	Regulatory Authority
receiving and resolving complaints filed by any party that alleges that the LA or an EIS provider has violated a requirement of Part C of the Act or of the regulations in Part 303.	U.S.C. 1435(a)(10)	through 303.434
<p><i>Written notification for the use of public benefits or insurance.</i></p> <p>Notification</p> <p>Each of the 56 State LAs must develop a written notification. It takes an average of about 10 hours to draft the notice.</p>	20 U.S.C. 1432(4)(B), 1435(a)(10)(B), 1439(a)(2), and 1440.	§303.520(a)

- 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. These records are used by Part C Stat Lead Agencies ensure that all Part C information responsibilities and processes are documented and conducted in a manner consistent with the requirement of IDEA Part C.
- 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. State lead agencies 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 State lead agencies.
- 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 businesses 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 under these final regulations is not conducted, State lead agencies 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 State lead agencies.
- Q8. If applicable, provide a copy and identify the date and page number of the Federal Register notice under 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. Information Collection 1820-0682 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 26491]. As a result of this posting the Department received the following comment, which was carefully reviewed:

Summary of General Comments

Comment: One commenter stated that the proposed regulation in 34 CFR §303.724(c) requires “the lead agency to obtain certification from each early intervention service (EIS) provider that is unduplicated and accurate regarding their count of children served.” The commenter pointed out that some Part C electronic systems do not rely on EIS provider to submit a child count to the lead agency. If the lead agency can and does obtain child count data from an electronic data system, a local EIS provider could not be expected to certify that child count. In such instances, the lead agency must have procedures to ensure the accuracy of the child count but these do not necessitate involvement of each EIS provider. Therefore, the commenter recommended this EIS program certification be required only when applicable to the state’s data system and state procedures for reporting unduplicated and accurate child counts.

Discussion: We have revised §303.724 to only require that, as one of the commenters suggested, the EIS provider certify the accuracy and nonduplication of data that the EIS provider is required to collect and report to the lead agency. Due to this change, we no longer list this requirement in 34 CFR §303.724 as an information collection.

Comment: We received a few comments in response to the NPRM requesting clarification of paperwork requirements.

Discussion: We have reviewed the paperwork requirements listed in the NPRM and have determined that §§303.21(c)(2), 303.211(b)(1), 303.300, 303.520(a)(3) and 303.450(b)(1) (iii) are mandates, not paperwork requirements.

Comment: We received comments expressing the concern that the State should not use a child’s or parent’s public benefits or insurance if the parent would incur specific costs as a result of the use of those benefits. Such concerns were decreasing available lifetime coverage for a child or parent; parents having to pay for services that would otherwise be covered by the public insurance or benefits program; increases in premiums or discontinuation of public insurance or benefits for that child or parent as a result of such use; or risking loss of eligibility for Medicaid home and community-based waivers based on overall health expenses.

Discussion: We have restructured §303.520 to add a new paragraph (a)(1) that requires the State to provide parents with written notification of the no-cost and confidentiality provisions in paragraph (a)(3) and to meet the no-cost protections identified in paragraph (a) (2).

- 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>Free and low-cost legal services.</i> Reporting Each Part C LA in FFY 2006 received an average of approximately XX complaints. In FFY 2005, 15 LAs or 27% of States adopted Part B due process procedures for Part C	45 State due process complaints x .5 (hrs.)	22.5	22.5 x \$22	\$495

Collection	Respondents, Frequency, Burden	Total Annual Burden Hours	Cost Burden Estimate	Total Cost
and thus would have had to provide parents with this list of free and low cost services. 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 services.				
<p><i>List of mediators.</i></p> <p>Reporting</p> <p>There are 56 State- level record keepers who must maintain a list of mediators. It is estimated to take approximately three hours annually for record keepers to update and maintain the lists.</p>	56 State LA record keepers x 3 (hrs)	168	168 x \$22	\$3,696
<p><i>List of hearing officers.</i></p> <p>Reporting</p> <p>Approximately 15 States have adopted Part B due process procedures for Part C. The LAs in these States must maintain a list of individuals who serve as hearing officers, along with the qualifications of each of the individuals. It is estimated to take approximately three hours annually for record keepers to update and maintain the lists.</p>	15 State LA record keepers x 3 (hrs)	45	45 x \$22	\$990
<p><i>State complaint procedures.</i></p> <p>Reporting, Record keeping, third party disclosure</p>	56 LA respondents x 3 complaints = 168 x 24 hrs.	4032	4032 x \$22	\$88,704

Collection	Respondents, Frequency, Burden	Total Annual Burden Hours	Cost Burden Estimate	Total Cost
Each of the 56 State LAs process, on average, 3 complaints annually. It takes an average of about 24 hours for a State LA to issue a written decision to a complaint.				
<i>Written notification for the use of public benefits or insurance.</i> Notification Each of the 56 State LAs must develop a written notification. It takes an average of about 10 hours to draft the notice.	56 LA respondents x 10 (hrs)	560	560 x \$38	\$21,280
TOTAL BURDEN		4,827.5		\$115,165

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 change burden change is a result of new collections of information contained in the final rule for IDEA part C.
- 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.