

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSION**

ESEA Title I, Part C, Education of Migratory Children

**State MEP Director Survey
Binational Migrant Education Initiative (BMEI)**

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 (ED) and its Office of Migrant Education (OME) is requesting an extension without change clearance for the survey of State Directors of Migrant Education regarding their States' participation in the Binational Migrant Education Initiative (BMEI) to serve children who migrate between the U.S. and Mexico.

The BMEI is an effort to support the coordination of activities among U.S. States that participate in programs with Mexican States to improve the continuity of educational and educationally-related support services for migrant students who migrate between the two countries. The BMEI was established and operates under the authority of a Memorandum of Understanding between the Departments of Education in the United States and Mexico. The activities of the BMEI are consistent with the inter-state coordination requirements found in section 1304(a) & (c) of the Elementary and Secondary Education Act (ESEA), as amended by No Child Left Behind Act of 2001. The survey was developed and results will be analyzed under a contract authorized under the inter-state coordination authority found in section 1308(a) of ESEA, as amended.

The requested information represents the minimum information needed to determine the scope and level of State participation in the BMEI.

Q2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

A2. The information will be used by ED and OME to: (1) examine the scope and extent of participation of State Migrant Education Programs (MEP) in the (BMEI); (2) consider improvements to the program; and (3) report summary findings to policy-makers in the Administration as well as to State education officials, Congress and the public; moreover the summary findings are presented to Mexican officials.

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 State MEPs are to submit the requested information electronically (i.e., by fax or email).

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 requested information is not in any other Federal data collection, and is unique to this program and its grantees. The form is a single document intended to serve the purpose of determining the types and extent of States' participation in the BMEI.

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. Small businesses and other small entities 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. If this collection is not conducted, ED will be unable to assess the types and extent of State MEPs' participation in the BMEI. Therefore, ED will be unable to: (1) inform Administration officials, Congress, State education personnel and other policy-makers (in both the U.S. and Mexico) about the services actually provided to binational migrant children through the Binational Initiative; and (2) determine whether and what changes and improvements should be made to the program.

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. There are no special circumstances that require the collection to be conducted in a manner inconsistent with the requirement of 5 CFR 1320.5.

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. ED published in the Federal Register a 60-and 30-day Federal Register Notice. Consultation has been conducted recently with fewer than ten State MEP Directors regarding the availability of data and the level of burden associated with this collection.

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

A9. No gift or payment will 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.

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 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 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. Total annual burden for this collection of data is 60 annual hours with 48 respondents, taking a total of 1.25 hours to complete the survey. Estimates of annualized cost to respondents total \$2,901 annually, with 48 respondents taking 1.25 hours at GS 13 rate of \$48.35 per hour.

Please see tables breaking out 3-year totals on following page.

| |
|---|
| Estimated Burden Hours |
| This estimate includes the time that SEA staff needs in order to complete the survey. |
| |

| Year | No. of Hours | Number of SEA Respondents | Total Hours |
|---|--------------|---------------------------|-------------|
| 1 | 1.25 | (x) 48 | = 60 |
| 2 | 1.25 | (x) 48 | = 60 |
| 3 | 1.25 | (x) 48 | = 60 |
| Total Estimated Burden Hours for 3 Years = 180 | | | |
| Total Annual burden =60 hours | | | |

A12. Table 1

A12. Table 2

| Estimates of Annualized Cost to Respondents | | | | | | |
|---|--|-----------------|--------------------------|-----------------------------|-----------|------------------------------------|
| Year | | Number of Hours | Respondent Cost per Hour | Number of SEAs/ Submissions | Cost | Note |
| 1 | | 1.25 | \$48.35 | 48 | = \$2,901 | Equivalent to the pay of a GS-13/5 |
| 2 | | 1.25 | \$48.35 | 48 | = \$2,901 | |
| 3 | | 1.25 | \$48.35 | 48 | = \$2,901 | |
| Total for 3 Years: = \$ 8,703 | | | | | | |
| Annual costs= \$2,901 | | | | | | |

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. Not applicable.

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. Annual cost to the Federal government totals \$11,292.44 with \$10,200 annual costs for contractor personnel and at a rate of GS 13/5 for \$364.08 per day totaling \$1,092.24.

Table 1

| Costs for Contractor Personnel (3 Year Time period) (Based on contractor's loaded cost rate of \$600 per day) | | | | |
|---|-----------------------|---------------------|--------------------|------------------|
| Purpose | Number of Days | Cost per Day | Total | Frequency |
| • Analyze Data | 4 | \$600.00 | \$2,400.00 | Annually |
| Preparation: | 13 | \$600.00 | \$7,800.00 | Annually |
| • Review | | | | |
| • Final Reports | | | | |
| • Presentation Materials | | | | |
| Annual Subtotal | | | \$10,200.00 | |

| Cost for ED Staff (Assuming Rate of GS 13/5 @ \$364.08 per day) | | | | |
|---|---------------|-----------------|--------------|------------------|
| Purpose | Number | Cost per | Total | Frequency |

| | | | | |
|---|----------------|------------|------------|----------|
| | of Days | Day | | |
| <ul style="list-style-type: none"> • Review • Comment • Edit Draft Materials | 3 | \$364.08 | \$1,092.24 | Annually |

A14. Table 2

A14. Table 3

| Estimated Annualized Federal Cost (Over 3 years of data collection authority) | | |
|---|-----------------------|-------------------------|
| \$10,200.00 + \$1,092.24 | = \$11,292.24 | Year 1 |
| \$10,200.00 + \$1,092.24 | = \$11,292.24 | Year 2 |
| \$10,200.00 + \$1,092.24 | = \$11,292.24 | Year 3 |
| \$11,292.24+\$11,292.24+ \$11,292.24 | = \$ 33,876.72 | Total: Years 1-3 |

Q15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

A15. There are no program changes or adjustments in this extension request.

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 data will be summed and/or averaged across States, and national and State-by-State results will be developed by an ED contractor and shared with officials in the Administration, States, Congress and the public through oral presentations and written materials provided by ED staff. We estimate that the data would be collected annually in early September, and analysis and summary materials would be developed and released in October.

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. The expiration date will be displayed on the survey form.

Q18. *Explain each exception to the certification statement identified in Item 20, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.*

A18. There are no exceptions to the certifications.

B. Collections of Information Employing Statistical Methods

This collection does not employ statistical methods.

Relevant sections from ESEA State MEPs inter-state coordination responsibilities & ED's authority to contract to support interstate coordination in the MEP:

ESEA SEC. 1304. STATE APPLICATIONS; SERVICES.

(a) APPLICATION REQUIRED- Any State desiring to receive a grant under this part for any fiscal year shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(b) PROGRAM INFORMATION- Each such application shall include—

. . .

(3) a description of how the State will use funds received under this part to promote interstate and intrastate coordination of services for migratory children, including how, consistent with procedures the Secretary may require, the State will provide for educational continuity through the timely transfer of pertinent school records, including information on health, when children move from one school to another, whether or not such move occurs during the regular school year;

. . .

(c) ASSURANCES- Each such application shall also include assurances, satisfactory to the Secretary, that—

(1) funds received under this part will be used only—

. . .

(B) to coordinate such programs and projects with similar programs and projects within the State and in other States, as well as with other Federal programs that can benefit migratory children and their families;

ESEA SEC. 1308. COORDINATION OF MIGRANT EDUCATION ACTIVITIES.

(a) IMPROVEMENT OF COORDINATION-

(1) IN GENERAL- The Secretary, in consultation with the States, may make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, and other public and private nonprofit entities to improve the interstate and intrastate coordination among such agencies' educational programs, including the establishment or improvement of programs for credit accrual and exchange, available to migratory students.

(2) DURATION- Grants under this subsection may be awarded for not more than 5 years.