

**SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION  
PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT AS AMENDED IN  
2004**

**Information Collection 1820-0624  
Part B 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. This is a request for review and approval of a revision of the currently approved Part B State Performance Plan (Part B – SPP) and Annual Performance Report (Part B – APR) [Information Collection 1820-0624 / Expiration Date: 02/29/12]. In accordance with 20 U.S.C. 1416(b)(1), not later than 1 year after the date of enactment of the Individuals with Disabilities Education Act, as amended in 2004, each State must have in place a performance plan that evaluates the State's efforts to implement the requirements and purposes of Part B and describe how the State will improve such implementation. This plan is called the Part B State Performance Plan (Part B – SPP). In accordance with 20 U.S.C. 1416(b)(2)(C)(ii) the State shall report annually to the public on the performance of each local educational agency located in the State on the targets in the State's performance plan. The State also shall report annually to the Secretary on the performance of the State under the State's performance plan. This report is called the Part B Annual Performance Report (Part B – APR). Information Collection 1820-0624 corresponds to 34 CFR §§300.600-300.602.

This collection is conducted in a manner that is consistent with the guidelines in 5 CFR 1320.5.

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 B 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 B 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. States may complete and mail a copy of the SPP/APR to the Office of Special Education Programs or submit electronically to [OSERS.bapr@ed.gov](mailto:OSERS.bapr@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 States have completed five Annual Performance Reports. The Part B SPP and APR are taking the place of the previous Annual Performance Report. With the revision of this collection there has been an attempt to allow States to use data already collected for other purposes whenever possible. Data collection is only required for data that are not available from other sources.

In many cases, information required provides States an opportunity to analyze and explain data that are reported in the Annual Report of Children Served, i.e., educational environments, dispute resolution, assessment. However, with stakeholder input, the Department has determined that it is no longer necessary for States to report on Indicators 16 and 17 – State complaints and due process hearings, as it has been determined that OSEP is able to make noncompliance findings without the information provided in the indicators.

- Q5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Fore 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.

A.8. Information collection 1820-0624 placed two notices in the Federal Register as a part of this approval of the revision to a currently approved collection. A 60-day FRN published in December 2011 and a 30-day FRN published in February 2012. Public comments were received and are addressed in the public comment supplement.

Q9. Explain any decision to provide any payment or gift to respondents, other than renumeration 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 States. However 20 U.S.C. 1416(b)(2)(C)(iii) allows that the State 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 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. It is estimated that respondents will spend approximately 500 hours when maintaining the SPP and 5,510 hours completing the APR (this is a reduction of 760 burden hours; see below for explanation). The SPP was completed once, due December 2, 2005, and the APR is to be completed annually thereafter. The first APR was due February 1, 2007.

Total burden hours for maintaining the SPP (for example, updates that may occur due to changes in improvement activities or revisions to targets) is 60 respondents times 500 hours, which equals 30,000 hours. Of the 500 hours, it is estimated that 420 hours is spent planning the report, 40 hours is spent writing the report, and 40 hours is spent tying and compiling the report.

The estimated cost burden to public agencies of maintaining the SPP is an annual cost of \$930,000.00. The estimated total cost burden is reached by multiplying the hours of response (500) by the number of responses (60) and then multiplying the newly obtained product by the average hourly pay rate (\$31) of the staff preparing the report.

Total burden hours for the APR (submitted annually) will be 60 respondents times 5,510 hours, which equals 330,600 hours, a reduction of 11,400 burden hours from the previous collection. The following revisions, made after considering stakeholder input, account for the significant reduction in burden hours –

Currently approved Indicators 16 and 17 – Indicators 16 and 17 have been eliminated.  
Currently approved Indicator 20 – Respondents will no longer be required to report a percentage for this indicator with the APR submission. OSEP will complete the analysis and send the information to the respondent during the period of clarification.

As a result of these revisions, respondents will be required to report on 18 indicators, instead of the currently approved 20 indicators. The measurement table attached to this package reflects these revisions.

Of the total 5,510 hours, it is estimated that 5,150 hours will be spent planning the report, 300 hours will be spent writing the report, and 60 hours will be spent typing and compiling the report.

The estimated cost burden to public agencies of preparing the APR is \$10,248,600.00 annually. The estimated total cost burden is reached by multiplying the hours of response (5,510) by the number of responses (60) and then multiplying the newly obtained product by the average hourly pay rate (\$31) 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. States have been preparing an annual performance report for the past five years. Therefore, there are no start-up costs in addition to those described in item 12. 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 36 hours of staff time to review each of the 60 responses, which equals 2,160 hours. The 2,160 hours is multiplied by the average

hourly rate of pay for each reviewer (\$36), to equal an estimated cost to the Federal Government of \$77,760.00.

- Q15. Explain the reasons for any program changes or adjustments reported in Items 12 or 14 of the OMB Form 83-I.
- A15. There is a program change reduction of 11,400 burden hours from the previous collection. The following revisions, made after considering stakeholder input, account for the significant reduction in burden hours –
- Currently approved Indicators 16 and 17 – Indicators 16 and 17 have been eliminated. Currently approved Indicator 20 – Respondents will no longer be required to report a percentage for this indicator with the APR submission. OSEP will complete the analysis and send the information to the respondent during the period of clarification.
- As a result of these revisions, respondents will be required to report on 18 indicators, instead of the currently approved 20 indicators. The measurement table attached to this package reflects these revisions.
- 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 or use of 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.