

Supporting Statement A

No Child Left Behind, 25 CFR 30, 37, 39, 42, 44 and 47

OMB Control Number 1076-0163

Terms of Clearance: None.

General Instructions

A completed Supporting Statement A must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified below. If an item is not applicable, provide a brief explanation. When the question “Does this ICR contain surveys, censuses, or employ statistical methods?” is checked "Yes," then a Supporting Statement B must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

Public Law 107-110, the No Child Left Behind (NCLB) Act, requires all schools, including Bureau of Indian Education (BIE or Bureau) funded schools, to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging academic achievement standards and assessments. BIE has promulgated several regulations implementing the NCLB Act. This OMB Control Number addresses the information collected under the following regulations.

Regulation	Circumstances that make the collection of information necessary
25 CFR 30 – Adequate Yearly Progress (AYP)	To calculate AYP, BIE collects the following data: participation in assessments, achievement test scores in reading and mathematics, graduation rates, and attendance for all students and by subgroup (i.e., limited English proficient and students with disabilities). Governing tribes/school boards may appeal AYP determinations made by BIE and present evidence to support their claim. Governing tribes/school boards may request an alternative definition of AYP for use by BIE in making accountability determinations.
25 CFR 37 - Geographic Boundaries	This part establishes procedures for confirming, establishing, or revising attendance areas for each Bureau-funded school. Tribes/school boards must submit certain information to BIE to propose a change in geographic boundaries.

25 CFR 39 – Indian School Equalization Program (ISEP)	This part provides for the uniform direct funding of Bureau-operated and tribally operated day schools, boarding schools, and dormitories. Auditors of schools to ensure accountability in student counts and student transportation must certify that they meet certain qualifications and have conducted a conflict of interests check. Schools must submit information to BIE to apply for funds in the event of an emergency or unforeseen contingency.
25 CFR 42 – Student Rights	The purpose of this part is to govern student rights and due process procedures in disciplinary proceedings in all Bureau-funded schools. This part requires the school to provide notice of disciplinary charges, provide a copy of the hearing of record, and provide a student handbook.
25 CFR 44 – Grants under the Tribally Controlled Schools Act	The purpose of this part is to establish who is eligible for a grant and also requires tribes to submit information to BIE to retrocede a program to the Secretary.
25 CFR 47 – Uniform Direct Funding and Support for Bureau-operated Schools	This part contains the requirements for developing local educational financial plans in order to receive direct funding from the Bureau. The part requires school supervisors to submit quarterly reports to school boards, submit a notice of appeal to BIE for a decision where agencies disagree over expenditures, make certain certifications in financial plans, and send the plan and documentation to BIE or submit a notice of appeal.

Information collections associated with data elements for student enrollment in Bureau-funded schools, student transportation and performance reports are addressed by the following other OMB Control Numbers:

- 1076-0122 (Data Elements for Student Enrollment in Bureau-funded Schools)
- 1076-0134 (Student Transportation Form, Subpart H, 25 CFR 39.100-103)
- U.S. Department of Education’s 1810-0614 (Consolidated State Performance Report).

2. 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. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.

The BIE serves as the State Education Agency (SEA) for BIE-funded schools, which means it must ensure that those schools comply with U.S. Department of Education statutory and regulatory requirements. Information is gathered through electronic submissions, using BIE’s Native American Student Information System (NASIS) electronic database and the Academic Report (AR) electronic database, but continues to accept paper or faxed report submissions. BIE uses the information collected for the following purposes.

Regulation	Purposes for which BIE uses the information
25 CFR 30 – Adequate Yearly Progress (AYP)	<ul style="list-style-type: none"> • To calculate AYP for school accountability determinations. • To verify data when an appeal of BIE’s AYP determination is made by a school.
25 CFR 37 - Geographic Boundaries	<ul style="list-style-type: none"> • To determine whether to change a school’s geographic boundaries.
25 CFR 39 – Indian School Equalization Program (ISEP)	<ul style="list-style-type: none"> • To ensure that auditors don’t have a conflict of interest. • To determine whether to provide a school with extra funds to address an emergency or contingency.
25 CFR 42 – Student Rights	<ul style="list-style-type: none"> • To ensure that schools provide students with proper notice and due process in disciplinary proceedings.

25 CFR 44 – Grants under the Tribally Controlled Schools Act	<ul style="list-style-type: none"> • To determine whether to allow a grant school to retrocede its program to BIE. • To determine eligibility for a grant or revoke that determination.
25 CFR 47 – Uniform Direct Funding and Support for Bureau-operated Schools	<ul style="list-style-type: none"> • To determine whether to provide a school with direct funding. • To ensure that schools spend all allotted funds in accordance with their educational plans and to determine which expenditure should be made in cases where the agencies disagree.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden and specifically how this collection meets GPEA requirements.

The BIE has established NASIS, a web-based student information system, and made it available to all 183 sites, which includes all BIE-funded schools, dormitories, and residential schools. It is also available to Educational Line Officers, the Albuquerque Educational Center, and other Bureau educational offices. The system is a full-featured school information and management system that is used by all BIE-funded schools. Real-time use of NASIS by schools allows BIE to generate required reports as needed, thus reducing the burden on schools to generate ad hoc reports in response to various data calls. BIE uses NASIS to collect other information, including student data, student academic progress data, and other supportive data, under OMB Control Numbers 1076-0122 (Data Elements for Student Enrollment in Bureau-funded Schools) and 1076-0134 (Student Transportation Form, Subpart G). NASIS provides real-time data collection.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

The information collected under this OMB number is specific to each individual school’s circumstances and situation at the time submitted and is not duplicated. The information collection burden cannot be reduced any further without compromising the integrity of the administration of BIE-operated and tribally-controlled schools. The yearly reporting data in “Data Elements for Student Enrollment in Bureau-funded Schools,” OMB Control Number 1076-0122, “Student Transportation,” OMB Control Number 1076-0134, and OMB Control Number 1810-0614 for the Department of Education are required and funding is dependent upon the reporting of information contained in NASIS.

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

The BIE consulted with tribes and tribal organizations through negotiated rulemaking to determine the necessary information collection requirements and to ensure the fair and equitable administration of the NCLB Act. Through this consultation, the information burden has been

minimized in keeping with the goals of the Paperwork Reduction Act (PRA).

In addition, the NASIS is provided to the schools at no cost for information collection. The system is used for daily operation of the school, including such activities as lesson plan preparation, teacher grade books, student attendance and student scheduling, preparing student transcripts, and preparing report cards. The system represents a significant cost savings to the schools as well as a means for the BIE to gather and consolidate the data it needs to meet the requirements of 25 CFR Parts 30, 37, 39, 42, 44, and 47.

6. Describe the consequence 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.

The information collection burden cannot be reduced any further without the integrity of the administration of BIE-operated and tribally-controlled schools being compromised. Reports are required by law. Using the Bureau's technical assistance and NASIS are ways of reducing the burden on the public. Failure to submit these reports could lead to reductions in the amount of funds available because the reports are used to establish proportional shares of funds.

7. 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.**

There are no special circumstances that require exceptions to 5 CFR 1320.5 (d) (2).

8. 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 in response to the PRA statement associated with the collection over the past three years, and describe actions taken by the agency in response to these comments. Specifically, address comments received on cost and hour burden.

A Federal Register notice concerning the renewal of this collection was published on December 23, 2013 (78 FR 77486). No comments were received in response to this notice.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, 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 three 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.

Originally, this rule was negotiated with tribal, school, and Federal representatives over a period of months, with meetings being held in June, July, August, September, and October of 2003. The rulemaking pertinent to this information collection was negotiated with tribes being represented on the committee proportionally according to student population in both BIE- and tribally-operated schools. Technical assistance is provided as requested to tribal entities who are seeking to develop an alternate definition of AYP. The time and work burden varies dependent upon the complexity of the change desired. The initial task, upon a tribal request or technical assistance, is to meet with the group and jointly develop a work plan for the task. In some instances technical assistance has included financial support to enable the tribal entity to develop their own resources.

The BIE interviewed the representatives from two schools concerning data collections related to accountability:

- (1) Mr. Freddie Cardenas has been the principal at Jemez Day School for 11 years. Jemez is a BIE-operated school. Jemez Day School is a typical, “small school” in the BIE. Mr. Cardenas also found the purpose behind the submission of data for educational accountability determinations stemming from 25 CFR 30.104(a) clear. He found the process of reporting data to the BIE to be easier and quicker now than it was before. Mr. Cardenas requires 15-30 minutes, on average, to submit the data for Jemez Day School. Mr. Cardenas likes that data that his school enters into NASIS is now being re-used for education accountability purposes. Mr. Cardenas says, “I used to have to enter all the data myself for the general population and each sub group. It would take quite a bit of

time. The past two years have been very simple because all the assessment data has been uploaded for us. The only problem I see is that the staff information has been populated from last year. In most schools there are a lot of changes from staff from year to year.”

Contact Information: Freddie Cardenas, Principal, Jemez Day School, (575) 834-7304

BIE Response: The BIE is actively building-out NASIS to address this issue. BIE is currently in the testing phase of using a new system, Data Certification Module, which will interface with NASIS, to allow a less obtrusive method of data collection to work in favor of schools so they can select which data to reuse, year to year, in NASIS.

(2) Dr. Emil “Bill” Kaul has been the data analysis and reporting representative for Shiprock Associated Schools. Shiprock Associated Schools are tribally-controlled, consisting of Atsa’ Biya’a’zh Elementary and Middle School and Shiprock Northwest High School. Shiprock Associated Schools is a typical, “large school” system. To Dr. Kaul, the purpose behind the submission of data for educational accountability determinations stemming from 25 CFR 30.104(a) is clear. However, it is not entirely clear to Dr. Kaul how the BIE establishes its deadlines related to the collection of data.

BIE Response: The deadlines are contingent upon how the U.S. Department of Education sets its deadlines for EdFacts reporting. BIE plans to establish a data collection schedule for schools to know in advance when data collections are scheduled to take place; however, this is dependent on BIE getting the deadlines from U.S. Department of Education.

Dr. Kaul finds the process of reporting data to the BIE to be easier and quicker now than it was before. He sees variations in the reporting requirements based on state standards and assessments as a major factor in the amount of time he spends reporting his schools’ data.

BIE Response: BIE recognizes this as an issue. Under 25 CFR 30.104(a), BIE schools are required to use the standards and assessments of the state in which the school is located. An Education Line Office (which is regional based) may be responsible for schools in multiple states, with each state using different standards and assessments. The issue is not complicated directly in terms of reporting requirements, but could be resolved if the BIE has a single set of standards and assessments so BIE could pull all the information directly from NASIS for EdFacts from a single assessment vendor for all BIE schools. BIE is exploring options to unify BIE’s accountability system in regards to its academic content standards, assessments, and method of determining Adequate Yearly Progress.

According to Dr. Kaul, “Ease of reporting waxes and wanes over time and is likely to continue as some tribal departments of education are developing their own requirements. Transition to the PARCC assessment will impact ease of reporting.” Dr. Kaul estimates that it may take 120 hours or more to complete all of the required reporting for his schools, even with NASIS data being reused. This is due to the large number of students

in the Shiprock Associated Schools system.

BIE Response: BIE will not make any changes to the estimated burden based on Dr. Kaul's comment as the estimated burden represents the average burden time. Dr. Kaul works with larger schools and therefore the burden is typically more than the average burden time.

Contact Information: Dr. Emil Kaul, Curriculum Specialist, Shiprock Northwest High School (505) 368-2100.

In conclusion, BIE did not make any changes to the information collection under this renewal request. However, BIE is exploring options to improve NASIS, develop a procedure to communicate with Education Line Offices regarding the deadlines and examining possibilities to streamline requirements.

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

No payments or gifts are provided to respondents.

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

The requirements of the Family Education Rights and Privacy Act (FERPA) are followed, and yearly training is provided, to protect the privacy of respondents when necessary.

11. 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.

There are no questions of a sensitive nature included in the information collected.

12. 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 for 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.**

The reporting requirements affect approximately 183 BIE-funded schools, dormitories, and residential schools. This results in an estimated annual burden of **27,355 hours** or the equivalent annualized cost of **\$629,165**.

Table 1: Alternative Adequate Yearly Progress (AYP)
Respondents are a self-selected subset of all Bureau-funded schools.

CFR Section	# Respondents	Responses per Respondent	Responses	Burden Hours per Response	Total Annual Hour Burden	Annual Cost Burden @ \$23/hr. salary & benefits
30.104 (a) (1) Submit notification	1	1	1	1	1	\$23
30.104 (b) Submit waiver	4	1	4	11	44	\$1,012
30.106 Submit proposal for alternative AYP	4	1	4	1	4	\$92
30.107 Proposal contents	4	1	4	480	1,920	\$44,160
30.110 Submit request for technical Assistance	4	2	8	2	16	\$368
30.118 Submit evidence	10	1	10	3	30	\$690
TOTAL	10		31		2,015	\$46,345

Table 2: Geographic Boundaries of BIE-Funded Schools
Respondents are a self-selected subset of all Bureau-funded grant schools.

CFR Section	# Respondents	Responses per Respondent	Responses	Burden Hours per Response	Total Annual Hour Burden	Annual Cost Burden @ \$23/hr. salary & benefits
37.122 (b) Propose change in geographic	2	1	2	1	4	\$92

boundaries						
37.123 (c)	2	1	2	1	2	\$46
TOTAL	2	4	4	4	4	\$92

Table 3: School Equalization Program

Respondents are auditors and are a self-selected subset of all Bureau-funded schools.

CFR Section	# Respondents	Responses per Respondent	Responses	Burden Hours per Response	Total Annual Hour Burden	Annual Cost Burden @ \$23/hr. salary & benefits
39.410 Submit certification of conflict of interests review in support of request to audit	1	1	1	1.5	2	\$46
39.502 Submit request for contingency funds	20	1	20	1	20	\$460
TOTAL	20		21		22	\$506

Table 4: Student Disciplinary Hearings

Respondents are all Bureau-funded schools.

CFR Section	# Respondents	Responses per Respondent	Responses	Burden Hours per Response	Total Annual Hour Burden	Annual Cost Burden @ \$23/hr. salary & benefits
42.7 Provide written notice of disciplinary charges.	183	38	6,954	0.5	3,477	\$79,971
42.8 Provide a copy of hearing of record.	183	38	6,954	3	20,862	\$479,826
42.10 Provide student handbook.	183	1	183	0.25	46	\$1,058
TOTAL	183		14,091		24,385	\$560,855

Table 5: Retrocession of a Program

Respondents are a self-selected subset of contract grant schools only.

CFR Section	# Respondents	Responses or per Respondent	Responses	Burden Hours per Response	Total Annual Hour Burden	Annual Cost Burden @ \$23/hr. salary & benefits
44.105 Provide written	1	1	1	1	1	\$23

notice of retrocession						
TOTAL	1		1		1	\$23

Table 6: Local Educational Financial Plans
Respondents are BIE schools only.

CFR Section	# Respondents	Responses or per Respondent	Responses	Burden Hours per Response	Total Annual Hour Burden	Annual Cost Burden @ \$23/hr. salary & benefits
47.5 Submit quarterly report to school board.	58	4	232	3	696	\$16,008
47.7 Notice of appeal	58	1	58	1	58	\$1,334
47.9 Form requirements, financial plan	58	1	58	2	116	\$2,668
47.10 Notice of action on financial plan	58	1	58	1	58	\$1,334
TOTAL	58		406		928	\$21,344

Compilation Table

TABLE	RESPONSES	HOURLY BURDEN	COST BURDEN
Table 1: Alternative Adequate Yearly Progress (AYP)	31	2,015	\$46,345
Table 2: Geographic Boundaries of BIE-Funded Schools	4	4	\$92
Table 3: School Equalization Program	21	22	\$506
Table 4: Student Disciplinary Hearings	14,091	24,385	\$560,855
Table 5: Retrocession of a Program	1	1	\$23
Table 6: Local Educational Financial Plans	406	928	\$21,344
Total	14,554	27,355	\$629,165

*We are estimating salary using Bureau of Labor Statistics, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION— December 2013 (released March 12, 2014), USDL 14-0390, Table 2, for the “Office and administrative support” category (\$16.43/hour x 1.4 for benefits for individuals or \$23.00/hour). We used the category “Office and administrative support” because much of the data is provided by clerical personnel. The 1.4 multiplier is also derived from the Bureau of Labor Statistics, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION— December 2013 (released March 12, 2014), USDL 14-0390. See www.bls.gov/news.release/pdf/ecec.pdf.

13. Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of

any hour burden already reflected in item 12.)

- * 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 (including filing fees paid for form processing). 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 purchasing or 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.

There is no non-hour cost burden associated with this information collection.

14. 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.

Operational expenses (such as equipment, overhead, printing) for this information collection total approximately \$4,000.

Typically, 70% of the work is done by clerical help and 30% is done by technical staff (program managers).

- GS 6/Step 7 at \$17.76/hr x 1.5 multiplier* = \$26.64/hour x 12 clerks x 9 hours= \$2,877.12.
- GS 14/Step 8 at \$50.55/hr x 1.5 multiplier* = \$75.83/hr x 12 managers x 4 hours = \$3,639.84.

The total salary cost for this information collection is \$6,517. The total estimated annual cost to

the Federal Government is \$10,517.

*These hourly salary figures are based on the *Salary Table 2014-GS Incorporating the 1% General Schedule Increase*. See, 2014 General Schedule (Base) <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2014/general-schedule/>. The 1.5 multiplier for benefits is based on the Bureau of Labor Statistics, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION— December 2013 (released March 12, 2014), USDL 14-0390. See www.bls.gov/news.release/pdf/ecec.pdf.

15. Explain the reasons for any program changes or adjustments in hour or cost burden.

There are no program changes or adjustments in the hour or cost burden.

16. 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.

There are no plans to publish the results of this collection of information.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

We will display the OMB control number and expiration date.

18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

There are no exceptions.