Supporting Statement A

Individuals with Disabilities Education Improvement Act (IDEIA) Part B and C Child Count

OMB Control Number 1076-0176

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.**

The Individuals with Disabilities Education Improvement Act (IDEIA), 20 U.S.C. §§ 1400 et seq., includes provisions requiring Indian tribes to submit certain information to the Secretary of the Interior. The IDEIA provides that the Department of Education provide funding to the Secretary of the Interior for the coordination of assistance for special education and related services for American Indian children aged 0-5 on reservations where an elementary or secondary school is operated or funded by the Department of the Interior ("Bureau-funded schools") for Indian children. The Secretary of the Interior, through the Bureau of Indian Education, then allocates this funding to tribes and tribal organizations based on the number of Indian children with disabilities on the reservations served by such schools. In order to allow the Secretary of the Interior to determine what amounts to allocate to whom, the IDEIA requires tribes and tribal organizations to submit information to Interior. Specifically:

- In IDEIA Part B – Assistance for Education of All Children with Disabilities, 20 U.S.C. § 1411(h)(4)(D) requires tribes and tribal organizations to submit to the Secretary of the Interior certain information to allow the Secretary of the Interior to use the funds to assist in the coordination of assistance for Indian children aged 3 to 5 residing on the reservation.

In IDEIA Part C – Infants and Toddlers with Disabilities, 20 U.S.C. §1443(b)(4) likewise requires tribes and tribal organizations to use the funds to assist children under age 3 residing on the reservation.

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 Bureau of Indian Education, within the Department of the Interior, uses the information to provide funding based upon the number of eligible students within each tribe's reservation. The information is not disseminated to the public.

There are two information collection instruments associated with this information collection.

Each of these forms establishes a count date of December 1 and a due date of the last working day of January the following year. The numbers are used to determine funding for the following July through June. For example, the first form will establish a count date of December 1, 2010, with a due date of January 28, 2011, and the numbers will be used to determine funding for July 2011 through June 2012. The years in these dates will be updated with each new annual cycle of forms on both the instructions and the forms.

<u>Part B Form</u>

This form has three components. The first is Table 1, which requires a count of Indian children, aged 3 through 5, who are not enrolled in a private, public, or BIA-funded school, and who reside on the reservation, separated by type of disability (e.g., mental retardation, hearing impairment, speech/language impairments). This is a non-duplicative count, and includes a category for multiple disabilities for those children who may fall into more than one of the other categories. The first column is for the total number of children (aged 3 through 5) who are residing on the reservation, and the second column is for how many of those children the tribe is serving in accordance with an Individualized Education Program (IEP). This information is needed when tribes coordinate services with the local educational agency.

The second component of the form is a certification by an authorized tribal official that the child count numbers provided are accurate.

The final component of the form is an assurance by an authorized tribal official that the tribe has provided the appropriate State agency the information it needs to coordinate assistance to Indian children (aged 3 through 5) residing on the reservation.

Part C Form

This form also has three components. The first is Table 1, which requires a count of Indian children, from birth through age 2 who are residing on the reservation, the subsets who are receiving early intervention services from the tribe, who will receive early intervention services from the tribe within 45 days, and, if the State has an "at risk" category, those children who are at risk and receiving early intervention services (but are not listed in the prior two categories). This information fulfills the requirement for reporting the number of children contacted, the number of children receiving services, and an estimated number of children in need of services.

The second component of the form is a certification by an authorized tribal official that the child count numbers provided are accurate.

The final component of the form is an assurance by an authorized tribal official that the tribe has provided the appropriate State agency with the information it needs to coordinate assistance to Indian children (birth through 2) residing on the reservation.

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 IDEIA Parts B & C Child Count Forms are available on the Bureau of Indian Education website at: http://www.bie.edu/Programs/FACE/index.htm. The forms may be submitted by fax, regular mail, and e-mail.

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.**

This information is not available from any other source. While the IDEIA is primarily administered by the U.S. Department of Education, the Bureau of Indian Education administers those portions that apply to children 0-5 with disabilities on reservations where an elementary or secondary school for Indian children is operated or funded by the Department of Interior ("Bureau-funded schools"). Therefore, this is the only count of Indian children residing on the reservation meeting the IDEIA definitions for eligibility.

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

This collection of information does not impact small businesses or other small entities, as tribes are not considered small businesses or other small entities; we collect only the minimum information necessary to allow us to allocate the funding in a manner that reflects the number of children served.

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.

Not conducting this information collection would compromise our ability to allocate funding to tribes in an equitable manner to meet the goals of the IDEIA.

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 circumstances that require us to collect the information in a manner inconsistent with OMB guidelines.

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.

We published a notice in the Federal Register on December 23, 2013 (78 FR77487). There were no comments 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.**

BIE reached out to the following tribal representatives who respond to this information collection. We asked for the following information about their experience providing this information, including:

- Whether or not the forms and instructions are clear
- How long it takes to complete the forms, including time to review instructions, gather and maintain data.
- Ways to minimize the burden

We received many comments stating that the forms are clear and concurred with the burden time to provide the information. Based on these comments, BIE did not make any changes to the forms.

The tribal contacts we received comments from included the following Tribal Early Intervention Coordinators:

Tribe/Tribal Organization	**Name**	**Telephone**
Potawatomi	Rose Potvin	906-466-2952, ext. 2722
Leech Lake	Lee Turney	218-335-4500
SSM Tribe of Chippewa	Laura McKechnie	906-635-7722
Pueblo of Acoma	Barbara Antonio	505-552-6959
Northern Cheyenne	Mary Miller	406-477-6347 ext. 28
Shoshone-Bannock	Jessica Wilson-Lucero	208-239-4513
Cheyenne River Sioux	Peggy Gallipo	605-964-7223
Lower Brule Sioux	Cheri Smith	605-473-5520
Sisseton-Wabpeton Oyate	Yvonne Wynde	605-698-4400 ext. 303
Navajo Nation	Treva Roanhorse	928-871-6338
Chitimahca Tribe	Margo Weber	337-923-9960
Eastern Band of Cherokee	Beth Pedersen	828-554-5101

Miccosukee Tribe	Jennie Billie	305-894-2376
Passamaquoddy	Gail McCarthy	207-255-4892
Seminole Tribe of Florida	Jillian Wilson	863-983-6535
Tohono O'odham Nation	Janent Antelo	520-383-8750
Gila River/Pima Maricopa	Aurora Nevarez	520-562-3882
Lac Courte Oreilles	Deanna Baker	715-638-5186
Mille Lacs Band of Ojibwe	Tammy Wickstrom	320-532-4690 ext. 2239
Oneida Tribe	Carla Wittewski	920-490-3891
Meskwaki/ Sac & Fox	Jill Herink	641-484-9000
Pueblo of Tesuque	Carrie Ronneau	505-988-1514
Oglala Sioux	Caroline Bettelyoun	605-867-5712
Lummi Nation	Julie Brown	360-312-2452
Muckleshoot Indian Tribe	Steve Maurer	253-939-3311
Quileute Tribe	Anita Baisley	360-374-5602
Yakama Nation	Chestina Smith	509-865-5121
Pueblo of Isleta	Amalia Sanchez	505-869-9796
Yankton Sioux	Ethel Cournoyer	605-384-3641
San Felipe Pueblo	Bertha Cunderleria	505-867-2816
Pueblo of Zia	M. Sarah Pino	505-867-3304 ext. 224
Mescalero	Peggy Vigil	575-464-9328
Pueblo of Laguna	Liz Martinez	505-552-1013
Standing Rock	George Starr	701-854-7150

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.

We do not provide any assurance of confidentiality. The information that we collect is subject to the requirements of the Privacy Act and the Freedom of Information Act.

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.

These collections of information pertain to children with various disabilities which could be considered of a sensitive and private nature. The agency considers the collection necessary to comply with federal law and to provide funding for educational services to appropriately address those disabilities and support academic success of the children. However, because the information is only collected in the aggregate, it will not be linked to any individual persons and there is no risk of a breach of privacy.

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.**

We anticipate receiving approximately 122 responses (61 respondents will submit 2 responses each year) at 20 hours per response, totaling **2,440** annual burden hours, or the amount equivalent to **$74,372** (rounded), for this information collection.

Regulation/ Activity	Annual Number of Respondents	Frequency of Responses	Annual Number of Responses	Completion Time (hours) Per Response	Total Annual Burden Hours	$ Value of Annual Burden Hours
Part B Form - Tribal Government	61	1	61	20	1,220	$37,186
Part C Form - Tribal Government	61	1	61	20	1,220	$37,186
Totals	**122**	**2**	**122**	**40**	**2,440**	**$74,372**

*To obtain the hourly rate for tribal government employees, we used **$21.77,** the wages and salaries figure for all workers from BLS Release USDL 14-0390, *Employer Costs for Employee Compensation—December 2013*, Table 1, *Employer costs per hour worked for employee compensation and costs as a percent of total compensation: Civilian workers, by major occupational and industry group,*. To account for benefits, we then multiplied this rate by 1.4, to obtain a total rate of **$30.48.**

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.

We estimate the annual cost to the Federal Government to administer this information collection to be **$13,603**.

Salary Costs - $ 13,359 ($43.80 X 2.5 hours per response x 122 responses)

The current estimated annual cost to the government has been calculated by using the hourly rate provided by the 2014 General Schedule Annual Rates by Grade and Step GS11, Step 7 (**$29.20)**, and a multiplier of 1.5 for benefits for a total of **$43.80**. The average work time is estimated at 2.5 hours per response.

Other Costs (paper and mailing) - $244 ($2.00 x 122 responses)

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

There are no program changes or adjustments in 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.

We will not publish the results of this information collection.

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 on the Part B form and the Part C form.

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

There are no exceptions.