

ICRAS ICR ID and OMB Number: (1974.01) XXXX-XXXX

Revised: XX/XX/XXXX

RIN Number: XXXX-XXXX (if applicable)

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# FOR PAPERWORK REDUCTION ACT SUBMISSION

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**Highly Qualified Teacher Collection through *EDFacts***

**March 2013**

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## SUPPORTING STATEMENT, PART A: JUSTIFICATION

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- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a hard copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information, or you may provide a valid URL link or paste the applicable section. Please limit pasted text to no longer than 3 pages. Specify the review type of the collection (new, revision, extension, reinstatement with change, reinstatement without change). If revised, briefly specify the changes. If a rulemaking is involved, make note of the sections or changed sections, if applicable.**

The Fiscal Year 2013 Continuing Resolution (CR) directed the Department of Education (ED) to submit a report to Congress by December 31, 2013, on the extent to which students with disabilities, English Learners, students in rural areas, and students from low-income families are taught by teachers who are deemed to be Highly Qualified Teachers (HQT) while currently enrolled in an alternative route to certification program. The exact language of the requirement is found in Section 145(b) of H.J. Res. 117 as follows:

“(c) Not later than December 31, 2013, the Secretary of Education shall submit a report to the Committees on Appropriations and Health, Education, Labor, and Pensions of the Senate and the Committees on Appropriations and Education and the Workforce of the House of Representatives, using data required under existing law (section 1111(h)(6) (A) of Public Law 107–110) by State and each local educational agency, regarding the extent to which students in the following categories are taught by teachers who are deemed highly qualified pursuant to 34 C.F.R. 200.56(a)(2)(ii) as published in the Federal Register on December 2, 2002:

- (1) Students with disabilities.
- (2) English Learners.
- (3) Students in rural areas.
- (4) Students from low-income families.”

However, the cited provision (section 1111(h)(6)(A) of Public Law 107-110), does not require state educational agencies (SEAs) or local educational agencies (LEAs) to maintain the required information in a format suitable for rapid and simple reporting to ED, and we understand that few SEAs or LEAs have data systems capable of doing so. In order to be responsive to the statutory provision, ED investigated the least burdensome method by which to collect and report the required data, or reasonable alternatives. To respond to the statutory requirement, a new data collection will be needed from all SEAs.

ED is requesting a new OMB control number for the HQT CR collection.

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- 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.**

These data will be used to prepare a report for Congress to respond to the CR requirement.

- 3. 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 given to using technology to reduce burden.**

ED seeks approval from the Office of Management and Budget (OMB) under the *Paperwork Reduction Act* of 1995 (PRA) to collect the SY 2013-14 data outlined in Attachment B. In order to reduce burden on SEAs and maximize the availability and utility of the data, ED plans to collect these data through *EDFacts*, which is a proven data collection system that allows availability and utility of the data for programs across ED. *EDFacts* is an ED initiative to put performance data at the center of ED's policy, management, and budget decision-making processes for all K-12 educational programs. *EDFacts* provides an electronic submission system for SEAs, and centralizes the availability of the performance data supplied by SEAs to enable better analysis and use in policy development, planning, and management.

The requirement to submit through *EDFacts* is in line with Final Regulations amending 34 C.F.R. Part 76 and published in the *Federal Register* on January 25, 2007, in which the Secretary required that States submit their performance reports, financial reports, and any other required reports, in the manner prescribed by the Secretary, including through electronic submission, if the Secretary has obtained approval from OMB under the PRA.

- 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 Question 2 above.**

A thorough analysis of the current *EDFacts* and current Civil Rights data collections indicate that these data are not currently collected from the universe of state and local educational agencies, nor can they be derived from any data currently collected. Note that the *EDFacts* IC package (1875-0240) includes a count of special education teachers who are highly qualified (in full-time equivalencies) taken on or about the state IDEA Child Count date. However, the SY 2013-14 data are due in November 2014 and are not at the level of detail needed for this collection, so the submission for IDEA purposes cannot be used for the purposes described in Question 2.

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- 5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden. A small entity may be (1) a small business which is deemed to be one that is independently owned and operated and that is not dominant in its field of operation; (2) a small organization that is any not-for-profit enterprise that is independently owned and operated and is not dominant in its field; or (3) a small government jurisdiction, which is a government of a city, county, town, township, school district, or special district with a population of less than 50,000.**

This collection will not impact small businesses or other small entities as defined above.

- 6. 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.**

These data are needed to respond to the statutory reporting requirement.

- 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 than 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 that 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.**

This information collection activity does not have special circumstances that would include any of the requirements listed above.

- 8. As applicable, state that the Department has published the 60 and 30 Federal Register notices as required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments**

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**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.**

The proposed collection was designed to be the most practical and least burdensome approach to respond to the data reporting requirement in the CR. Based on information available through the monitoring activities of Statewide Longitudinal Data Systems grant program on state capacity around reporting teacher-related data, and interviews conducted with nine states, ED concluded that using the teacher as the unit of analysis in the data collection would be far less burdensome on respondents than using the student as the unit of analysis, which would have been the necessary approach for meeting the specific reporting requirement in the CR. If ED were to use the student as the unit of analysis, most respondents would not have the necessary linkages in their student and teacher data systems to report the data using the student as the unit of analysis. By using teachers as the unit of analysis, ED will be able to minimize the burden on SEAs and determine the extent to which English language learner (ELL) students, students in rural areas, special education students and students from low-income families are taught by teachers deemed highly qualified but who have not yet completed their alternative route to certification program. A 60-day and 30-day comment period will be provided for this collection in order to obtain additional information from SEAs as to the availability and burden associated with the proposed collection.

In order to meet reporting requirements on rural areas and low-income families, ED will utilize data already collected within *EDFacts* to approximate the percent of each district represented by those demographic categories. These percentages will be applied to the reported count of all teachers and count of all highly qualified teachers enrolled in an alternative route to certification program for use in the resulting report for Congress.

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

There is no current remuneration for any respondent.

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- 10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If personally identifiable information (PII) is being collected, a Privacy Act statement should be included on the instrument. Please provide a citation for the Systems of Record Notice and the date a Privacy Impact Assessment was completed as indicated on the IC Data Form. A confidentiality statement with a legal citation that authorizes the pledge of confidentiality should be provided. Requests for this information are in accordance with the following ED and OMB policies: Privacy Act of 1974, OMB Circular A-108 – Privacy Act Implementation – Guidelines and Responsibilities, OMB Circular A-130 Appendix I – Federal Agency Responsibilities for Maintaining Records About Individuals, OMB M-03-22 – OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002, OMB M-06-15 – Safeguarding Personally Identifiable Information, OM:6-104 – Privacy Act of 1974 (Collection, Use and Protection of Personally Identifiable Information). If the collection is subject to the Privacy Act, the Privacy Act statement is deemed sufficient with respect to confidentiality. If there is no expectation of confidentiality, simply state that the Department makes no pledge about the confidentiality of the data.**

None of the data proposed for collection are personally identifiable information (PII). There has been no assurance of confidentiality provided to the respondents.

- 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. The 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, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

- 12. Provide estimates of the hour burden of the collection of information. The statement should:**
- Indicate the number of respondents by affected public type (federal government, individuals or households, private sector – businesses or other for-profit, private sector – not-for-profit institutions, farms, state, local or tribal governments), frequency of response, annual hour burden, and an explanation of how the burden was estimated, including identification of burden type: recordkeeping, reporting or third party disclosure. All narrative should be included in Question 12. 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**

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- 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 the ROCIS IC Burden Analysis Table. (The table should at minimum include Respondent types, IC activity, Respondent and Responses, Hours/Response, and Total Hours)**
  - **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 Question 14.**

Respondents: 53 SEAs are the primary respondents (50 states, District of Columbia, Puerto Rico, and the Bureau of Indian Education). A small number of states have one system from which they can extract all of the data for this collection. However, in most states and for the large majority of the approximately 17,000 LEAs in the country, the LEAs will need to respond to this collection by reporting new data up to the SEA. For the purpose of this estimate, all 53 SEAs and 17,000 LEAs were included in the cost estimate.

Average hours required per SEA respondent: 321 to gather data from either LEAs or from disparate SEA systems, validate the data, prepare data files, and submit to ED.

Average hours required per LEA respondent (to SEAs): 6

Total hours for collection: 115,000

Average wage rate: \$50.00

Total annualized cost: \$5,750,000

**13. 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 Questions 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**

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- computers and software; monitoring, sampling, drilling and testing equipment; and acquiring and maintaining 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. Also, these estimates should not include the hourly costs (i.e., the monetization of the hours) captured above in Question 12.**  
**Total Annualized Capital/Startup Cost:**  
**Total Annual Costs (O&M):**  
**Total Annualized Costs Requested:**

The collection of *EDFacts* data for the foreseeable future will require no additional systems development efforts by SEAs. SEAs are currently involved in the development of State education information systems for their own use and for reports in response to education legislation. The guidance, standards, and best practices developed by *EDFacts* have been noted by the SEAs as helping them reduce the total costs associated with those systems development activities by providing cost effective common education information management solutions to SEAs and LEAs. Some of this work is being done under the Institute of Education Sciences (IES) discretionary grants made available to help SEAs develop longitudinal statewide education data systems.

- 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. Agencies also may aggregate cost estimates from Questions 12, 13, and 14 in a single table.**

The estimated cost to ED is approximately \$200,000 for collection and data cleansing (including follow-up and resolution support in the event of data anomalies) and \$175,000 for the report preparation.

- 15. Explain the reasons for any program changes or adjustments. Generally, adjustments in burden result from re-estimating burden and/or from economic**



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**phenomenon outside of an agency's control (e.g., correcting a burden estimate or an organic increase in the size of the reporting universe). Program changes result from a deliberate action that materially changes a collection of information and generally are result of new statute or an agency action (e.g., changing a form, revising regulations, redefining the respondent universe, etc.). Burden changes should be disaggregated by type of change (i.e., adjustment, program change due to new statute, and/or program change due to agency discretion), type of collection (new, revision, extension, reinstatement with change, reinstatement without change) and include totals for changes in burden hours, responses and costs (if applicable).**

This is a new collection request necessitated by the FY 2013 Continuing Resolution language referenced in the response to Question 1.

**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.**

ED will prepare a summary report for Congress based upon the data collected from the SEAs.

**17. 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.**

<b>Date</b>	<b>Action</b>
April 2014	<ul style="list-style-type: none"> <li>• Anticipated OMB clearance of final collection.</li> </ul>
May 2014	<ul style="list-style-type: none"> <li>• Enable ED<i>Facts</i> system to accept data</li> </ul>
June 2014	<ul style="list-style-type: none"> <li>• Due date for SEAs to report approved HQT data (June 30)</li> <li>• Preliminary data review</li> </ul>
July /August 2014	<ul style="list-style-type: none"> <li>• Data file prepared and data tables generated</li> </ul>
September/October 2014	<ul style="list-style-type: none"> <li>• 1<sup>st</sup> draft of report reviewed by ED offices and revised based on comments</li> <li>• 2<sup>nd</sup> review cycle</li> </ul>
November 2014	<ul style="list-style-type: none"> <li>• 3<sup>rd</sup> and final draft prepared and transmitted to Congress</li> </ul>

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

This collection will display the OMB approval date in all transmittal documents requesting the information from the state or local agencies and in any written discussion

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or representation of the collection. The OMB number will be properly displayed on the *EDFacts* file specification documents.

**19. Explain each exception to the certification statement identified in the Certification of Paperwork Reduction Act.**

ED is requesting no exemptions from the Certification.