

**SUPPORTING STATEMENT FOR REQUEST FOR OMB APPROVAL UNDER THE
PAPERWORK REDUCTION ACT**

Report of Dispute Resolution Under Part C of the Individuals with Disabilities Education Act
Complaints, Mediations, and Due Process Hearings

A. JUSTIFICATION

1. Circumstances necessitating information collection.

The Individuals with Disabilities Education Act (IDEA; P. L. 108-446) directs the Secretary of Education to obtain data on the dispute resolution process described in Section 615 of the law. Specific legislative authority in Section 618 of IDEA requires that:

“(a) IN GENERAL- Each State that receives assistance under this part, and the Secretary of the Interior, shall provide data each year to the Secretary of Education and the public on the following:

(1)(F) The number of due process complaints filed under section 615 and the number of hearings conducted.

(H) The number of mediations held and the number of settlement agreements reached through such mediations”.

In addition to the specific data requirements described in Section 618, Section 616(a)(3)(B) of IDEA identifies the dispute resolution process as a monitoring priority. The law states specifically that:

“(3) MONITORING PRIORITIES- The Secretary shall monitor the States, and shall require each State to monitor the local educational agencies located in the State (except the State exercise of general supervisory responsibility), using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in the following priority areas:

(B) State exercise of general supervisory authority, including child find, effective monitoring, the use of resolution sessions, mediation, voluntary binding arbitration, and a system of transition services as defined in sections 602(34) and 637(a)(9)”.

The data collection form provides instructions and information for States when submitting their dispute resolution data. The form collects data on the number of written, signed complaints; mediation requests; and hearing requests and the status of these actions initiated during the reporting year with regards to children served under Part C of IDEA. The purposes of these data are to: (1) assess the progress, impact, and effectiveness of State and local efforts to implement the legislation and (2) provide Congress, the public, and Federal, State, and local educational agencies with relevant information. These data are used for monitoring activities, planning purposes, congressional reporting requirements, and dissemination to individuals and groups.

2. Use for which the information is gathered.

The Office of Special Education Programs (OSEP) uses the information collected on this form to monitor States to ensure compliance with the Federal statute and regulations, including the State's Annual Performance Report under each State's Performance Plan required by Section 616 of the IDEA, to assist in establishing programmatic priorities, and to disseminate data to Congress and the public.

The Part C Dispute Resolution data are also used by OSEP, State agencies, university researchers, and advocates to examine patterns over time with regards to the provision of services for children with disabilities under IDEA.

3. Use for improved information technology.

OSEP will collect the Part C Dispute Resolution data electronically through the ED*Facts* Metadata and Process System (EMAPS) from State agencies. EMAPS is an established submission system that State agencies have been using to submit information to the Department for several years. EMAPS allows each State agency to provide the Part C Dispute Resolution data in the non-proprietary, electronic formats that could be generated through automated processes within the State agency. The EMAPS Part C Dispute Resolution form includes a number of data edits to improve data entry validity. For example, as States enter their data, the edits flag relationships between the counts reported that are impossible (e.g., situations where 10 reports were issued with findings of noncompliance, as reported in Row 1.1(a), but only a total of 5 reports were issued, as reported in Row 1.1). The use of the spreadsheet with built-in edits reduces the number of follow-up contacts with the States after the data are submitted. Additionally, the EMAPS form auto-calculates totals and subtotals where appropriate to minimize reporting burden on the State. Finally, the form provides space for States to comment on their data, for example providing additional information about how the data were aggregated, what changes were made to these procedures since the last data report, how changes in state policy or legislation affect the data, or other issues the State believes are applicable to the data collection.

4. Efforts to identify duplication.

The information requested does not represent any duplication in content, reporting, or performance requirements beyond those imposed under the statute. This information is available only from State agencies.

5. Small businesses.

The information requested does not involve the collection of information from entities classified as small organizations.

6. Consequence of less frequent collection.

An annual data collection is necessary to comply with statutory requirements. P.L. 108-446, Section 618(a) requires: "Each State that receives assistance under this part, and the Secretary of the Interior, shall provide data each year to the Secretary..."

7. Special circumstances.

There are no special circumstances associated with this data collection.

8. Federal Register notice/consultation outside the agency.

Comments were solicited through a 60- and 30-day Federal Register Notice (FRN), there were no public comments received during the 60-day comment period.

9. Payments or gifts to respondents.

No payments or gifts are provided to respondents for completing this information request.

10. Assurance of confidentiality.

No assurance of confidentiality is provided to respondents. However, no individually identifiable information is requested.

11. Questions of a sensitive nature.

There are no questions or requirements of a sensitive nature contained in the form.

12. Estimate of respondent burden.

The estimate of burden is based on informal feedback received from data managers about their experience with the previous data collection for Part C Dispute Resolution data (i.e., Table 4). The estimate of total respondent burden is based on 56 reporting entities¹. Note that it is not possible to estimate an exact burden amount for each State because States vary in their methods for collecting and aggregating these data, in the number of children they serve (and, consequently, the number of complaints received), and the sophistication of their data systems. In making these estimates, we assumed that most States directly collect all dispute resolution data and already have systems in place for reporting these data.

In order to calculate burden, OSEP estimated the average number of hours required per State. The total burden for all States was calculated by multiplying the average number of hours by 56¹ (56 multiplied by average State burden). For State agencies, the estimated average burden is 60 hours per State agency, representing a total burden estimate of 3,360 hours. At the time that this collection was introduced, most States reported that they expected the required number of hours needed to produce these data to decline as systems were expanded to collect all required data elements, personnel were trained on reporting these data, and edits were implemented to automate data cleaning.

OSEP estimated respondent costs as \$20 per hour. As indicated above, the estimated total number of burden hours is 3,360. Therefore, the total estimated cost to the respondents is \$67,200.

¹ 56 reporting entities refer to: 50 States, District of Columbia, Puerto Rico, Virgin Islands, American Samoa, Guam, and Northern Marianas.

13. Estimate of costs to respondent.

There are no additional costs other than the cost burden identified in 12.

14. Estimate of costs to the Federal Government.

OSEP estimates the cost of maintaining and updating the database for the Part C Dispute Resolution data collection to be \$41,000 in contractor data services.

15. Reasons for program changes or adjustments.

Slight adjustments were made to the instructions of this data collection form to clarify the process for submitting the data via EMAPS. We anticipate no change in the response burden associated with these adjustments to the data collection; there are no program changes or adjustments.

16. Plans for tabulation and publication.

OSEP will tabulate and display the information submitted by States in a variety of ways. The primary vehicles for distribution are the Secretary's Annual Report to Congress (P.L. 108-446, Section 664(d)(2)) and publication of these data on the Internet. OSEP also plans to use these data for state monitoring. Occasionally, the data may be summarized and presented at conferences, in ad hoc reports or articles submitted for publication, and in speeches by senior officials. The data also will be used by the Center for Appropriate Dispute Resolution in Special Education (CADRE), in their work under a cooperative agreement with OSEP to assess the need for and development of technical assistance materials and guidance on dispute resolution, as well as to contribute to a national dispute resolution database.

17. Display of OMB expiration date.

The OMB expiration date will be displayed on the form.

18. Exceptions to the certification statement.

There are no exceptions to the certification statement.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection of information does not permit the use of statistical methods in submission of data to the Department of Education.