

**SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION  
State Lead Agency Record Keeping and Reporting Requirements under Part C of the  
Individuals with Disabilities Education Act (IDEA)**

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. OMB Information Collection 1820-0682 has been created to reflect the requirements in Part C of the IDEA in 20 U.S.C.1431-1443 and the final Part C regulations. These regulations require the 56 State lead agencies (LAs) that receive Part C funds to collect and maintain information or data and, in some cases, report information or data to other public agencies or to the public. These record-keeping requirements are not new and do not require reporting to the Secretary. This Information Collection is being created to ensure that all Part C information responsibilities are documented and have been submitted for OMB review. The following table describes the information under Part C to be collected or maintained and identifies the legal requirement for each collection. These required listed collections are consolidated into 1820-0682.

<b>Required Collection</b>	<b>Statutory Authority</b>	<b>Regulatory Authority</b>
<i>Free and low-cost legal services.</i> Each LA that adopts Part B due process procedures for Part C must inform the parent of any free or low-cost legal and other relevant services available in the area if the parent requests the information or the parent or EIS provider files a due process complaint under §303.440.	20 U.S.C. 1439(a)	§303.430(d)(2) §303.440(b)
<i>List of mediators.</i> Each LA must maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of early intervention services.	20 U.S.C. 1415(e)(2) (C) and 1439(a)(8)	§303.431(b)(2)(i)
<i>List of hearing officers.</i> Each LA that adopts Part B due process procedures for Part C must maintain a list of persons who serve as hearing officers, along with a statement of the qualifications of each of the persons.	20 U.S.C. 1439(a)	§§303.430(d)(2); 303.443(c)(3)

Required Collection	Statutory Authority	Regulatory Authority
<p><i>State complaint procedures.</i> Each LA must adopt written procedures for receiving and resolving complaints filed by any party that alleges that the LA or an EIS provider has violated a requirement of Part C of the Act or of the regulations in Part 303.</p>	<p>20 U.S.C. 1439(a); 1435(a)(10)</p>	<p>Proposed §§303.430(c); 303.432 through 303.434</p>

- 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. The information is used by State lead agencies and is not collected by the U.S. Department of Education.
- 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. State lead agencies are encouraged to use computer technology when feasible and cost effective. We estimate that approximately 70% of the information gathered through this collection will be collected electronically. There are no technical or legal obstacles to reducing the burden to State lead agencies.
- 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. Duplication of this collection does not exist.
- Q5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.
- A5. This collection does not involve small businesses or entities.
- 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. If the information collection under these final regulations is not conducted, State lead agencies will not have information necessary to carry out the requirements of the law.
- 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. This section is not applicable. No data or information is submitted to the U.S. Department of Education. Information collection methods and timing is at the discretion of the State lead agencies.

Q8. If applicable, provide a copy and identify the date and page number of the Federal Register notice under 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 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.

A8. A 60- and 30-day Federal Register Notice was published, receiving no public comments during the 60-day comment period.

Q9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

A9. This item is not applicable. There is no assurance. There was no decision to provide any payment or gift to respondents.

Q10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulations, or agency policy.

- A10. This section is not applicable. There is no assurance of confidentiality provided to respondents.
- 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.

<b>Collection</b>	<b>Respondents, Frequency, Burden</b>	<b>Total Annual Burden Hours</b>	<b>Cost Burden Estimate</b>	<b>Total Cost</b>
<i>Free and low-cost legal services.</i> Each Part C LA in FFY 2006 received an average of approximately XX complaints. In FFY 2005, 15 LAs or 27% of States adopted Part B due process procedures for Part C and thus would have had to provide parents with this list of free and low cost services. The data burden is expected to require an average	45 State due process complaints x .5 (hrs.)	22.5	22.5 x \$22	\$495

<b>Collection</b>	<b>Respondents, Frequency, Burden</b>	<b>Total Annual Burden Hours</b>	<b>Cost Burden Estimate</b>	<b>Total Cost</b>
of 30 minutes per hearing request to inform parents of the availability of low-cost legal services.				
<i>List of mediators.</i> There are 56 State- level record keepers who must maintain a list of mediators. It is estimated to take approximately three hours annually for record keepers to update and maintain the lists.	56 State LA record keepers x 3 (hrs)	168	168 x \$22	\$3,696
<i>List of hearing officers.</i> Approximately 15 States have adopted Part B due process procedures for Part C. The LAs in these States must maintain a list of individuals who serve as hearing officers, along with the qualifications of each of the individuals. It is estimated to take approximately three hours annually for record keepers to update and maintain the lists.	15 State LA record keepers x 3 (hrs)	45	45 x \$22	\$990
<i>State complaint procedures.</i> Each of the 56 State LAs process, on average, 3 complaints annually. It takes an average of about 24 hours for a State LA to issue a written decision to a complaint.	56 LA respondents x 3 complaints = 168 x 24 hrs.	4032	4032 x \$22	\$88,704
<b>TOTAL BURDEN</b>		<b>4,267.5</b>		<b>\$93,885</b>

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. It is not likely that a public agency will incur costs other than those described in item 12 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. There is no cost to the Federal government.

Q15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

A15. There are no program changes or adjustments. The regulations in this collection are based on the burden for the *list of hearing officers and mediators, free and low-cost legal services, and State complaint procedures* due to revised regulatory requirements after the IDEA amendments of 2004.

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. No complex analytical techniques will be used.

- 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. This section is not applicable, since this is a recordkeeping requirement. There is no request to not display the expiration data for OMB approval.
- Q18. Explain each exception to the certification statement identified in Item 19, “Certification for Paperwork Reduction Act Submissions,” of OMB Form 83-I.
- A18. This section is not applicable. There are no exceptions to item 19 of the “Certification for Paperwork Reduction Act Submissions.”

B. Collections of Information Employing Statistical Methods

This collection does not employ statistical methods.