

**SUPPORTING STATEMENT**

**FOR PAPERWORK REDUCTION ACT SUBMISSION**

OMB Number: 1810-0576

Revised 05/24/2016

RIN Number: 1810-AB27 and 1810-AB32

**A. Justification**

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.*

This collection, currently approved by OMB under control number 1810-0576, covers the consolidated State plan (previously known as the consolidated State application), as well as assessment peer review guidance. As a result of the Every Student Succeeds Act (ESSA), which amends the Elementary and Secondary Education Act of 1965 (ESEA), the Department of Education (Department) has proposed new regulations at 34 CFR 299.13 through 299.19, as well as revised regulations at 34 CFR 200.2-200.6 and 200.8-200.9, which would affect the existing information collection. The Department seeks to revise the information collection accordingly.

Section 8302 of the ESEA, as amended by the ESSA, permits each SEA, in consultation with the Governor, to apply for program funds through submission of a consolidated State plan (in lieu of individual program State plans). The purpose of consolidated State plans as defined in ESEA is to improve teaching and learning by encouraging greater cross-program coordination, planning, and service delivery; to enhance program integration; and to provide greater flexibility and less burden for State educational agencies.

The programs covered by the consolidated State plan are –

Title I, Part A	Improving Basic Programs Operated by Local Educational Agencies
Title I, Part B, section 1201	Grants for State Assessments and Related Activities
Title I, Part C	Education of Migrant Children
Title I, Part D	Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk
Title II, Part A	Supporting Effective Instruction

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Title III, Part A	Language Instruction for English Learners and Migrant Students
Title IV, Part A	Student Support and Academic Enrichment Grants
Title IV, Part B	21 <sup>st</sup> Century Community Learning Centers
Title VI, Part B, subpart 2:	Rural and Low-Income School Program.
Title VII, subtitle B of the McKinney-Vento Homeless Assistance Act	Education for Homeless Children and Youths Program

Section 1111(b)(2)(A) of the ESEA, as amended by the ESSA, requires States to implement a set of high-quality student academic assessments in mathematics and reading or language arts, and science. The State plan must contain information on a State's academic assessments, and under section 1111(a)(4)(A), the Secretary must establish a peer-review process to assist in the review of such plans.

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.*

The Department will use the information from the consolidated State plan as the basis for approving funding under the included programs. The Department also will use this information to ensure compliance with statutory and regulatory requirements and to assess the progress States make toward achieving the program outcomes of ESEA. This information collection will allow the Department to monitor the effectiveness of the use of program funds, and to provide grantees with technical assistance.

This information collection will also continue to allow the Department to conduct assessment peer review, consistent with assessment peer review guidance issued in September 2015. Assessment peer review is currently underway to ensure the assessments States use for accountability purposes are of sound technical quality.

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.*

The consolidated State plan template and assessment peer review guidance will be available to States electronically. Where applicable, States may include html references, electronic files, or other existing documentation to comply with the requirements listed in the plan.

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.*

The consolidated State plan collection is an effort to avoid duplication. If States submit consolidated State plans, they are not required to submit individual plans for the covered programs. These plans must be updated, because all previously submitted plans no

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longer meet the requirements of the ESEA, as amended by the ESSA. Further, there is no other mechanism for securing the information required for assessment peer review.

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.*

Small businesses have not been impacted by this data collection nor will the changes impact them. States submit consolidated State plans, and are subject to the requirements of assessment peer review.

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.*

This collection will ensure that States provide the information the Department requires to fulfill its fiduciary and oversight responsibilities; without this information, the Department will not be able to fulfill these responsibilities. The ESSA requires States to submit an application for ESEA programs funded through the Department, but permits States to submit a consolidated State plan. Academic assessments are one element covered by the State plans, and this collection allows the Department to ensure that a State's assessments, which are used for accountability purposes on title I of the ESEA, are valid, reliable, and fair for all students.

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*

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- *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 apply to this collection.

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 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 Department will publish an invitation to comment in both Notices of Proposed Rulemaking that affect this information collection. The public will be given the opportunity to comment on the consolidated State plan regulations, as well as the assessment regulations.

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

No payment or gifts will be provided to respondents.

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 ICRAS' Part 2 IC 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.*

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There is no assurance of confidentiality provided to respondents with regard to required information. Respondents are given the option to request that optional extra evidence not be made public. We do not request any Personally Identifiable Information.

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.*

This collection does not ask questions of a sensitive nature.

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 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. (The table should at minimum include Respondent types, Number of Respondents 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.*

The proposed regulations would revise the requirements for consolidated State plans. Under this collection, all States that choose to submit consolidated State plans would be required to: report on consultation with stakeholders; provide assurances; submit amendments to the plan; report on challenging academic standards and academic assessments; report on accountability support and improvement for schools; report on supporting excellent educators; report on equitable access and support for students; report on performance management and technical assistance; and report on coordination. States implementing specific flexibility for eighth grade students taking advanced mathematics coursework would also be required to describe in the State plan strategies to provide all students with the opportunity to take advanced mathematics coursework in middle

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school. We estimate that, over the three year period for which we seek information collection approval, each State will require 1260 hours to prepare and submit these plans, or 420 hours annually. Accordingly, we estimate an annual burden for all 52 States of 21,840 hours.

As necessary, some States would apply for an extension for the educator equity student-level data collection, and must submit a plan for that extension. We estimate that about 16 States would need to apply for that extension, which will take 60 hours, but will only need to be conducted once over the three years of approval of this collection. Thus, we estimate a burden of 20 hours per year for 16 States, which comes to 320 total hours.

As necessary, States would also have the opportunity to submit appropriate amendments. We estimate that all States will have amendments, significant changes, and or revisions once over the three year period, and that these amendments will require 60 hours. Therefore, over the three year period for which we seek approval, we estimate each State will spend an average of 20 hours preparing amendments, or 1,040 total burden hours per year.

In total, we estimate a total of 23,200 burden hours per year for the preparation and submission of the consolidated State plan, which comes to a total cost of \$928,000 per year for all States assuming \$40 per hour for State staff time.

Additional proposed regulations would revise the requirements for assessment peer review, required under the assessment section of the State Plans and the requirement that State plans be peer reviewed. Under this collection, States would be required to submit evidence for the Department's peer review process, and to make this evidence available to the public. We estimate that all States will submit this information, and spend an average of 79.5 hours, for 4,133 total burden hours on this requirement. States would be required to disseminate information regarding the use of appropriate accommodations to schools and parents. We estimate that 52 States will spend 60 hours on this, for 3,120 burden hours.

In the event that an LEA exceeds the cap for assessing students with the most significant cognitive disabilities with an alternate assessment, aligned to alternate academic achievement standards, under the proposed regulations, a State would be required to make LEA submitted information publicly available. We estimate that 52 States will spend 20 hours on this, resulting in 1,040 burden hours. In the event that a State exceeds the same cap on a statewide basis, the State could request a waiver from the Secretary, to exceed the cap. We estimate that requesting such a waiver would take 40 hours annually per State, and that 15 States will request such a waiver, resulting in 600 burden hours.

Under the proposed regulations, States would be required to report to the Secretary data relating to the assessment of children with disabilities. We estimate that 52 States will spend 40 hours on this annually, for 2,080 burden hours. States that adopt alternate achievement standards for students with the most significant cognitive disabilities would be required to ensure certain parents are provided with information. We estimate that 52 States will spend 100 hours on this, for 5,200 burden hours. States would be required to annually provide student assessment reports to States, teachers, and principals, as well as

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itemized score analyses for LEAs and schools. We estimate that 52 States will spend 1,500 hours on this, for 78,000 burden hours.

The following burden table provides detail on the different sections of proposed regulations in the NPRM for Accountability and State Plans and the NPRM for Assessments that affect this information collection.

Burden in Hours and Dollars (presuming an hourly rate of \$40 for State staff time)

<b>State Plan Burden Hours/Cost</b>					
<b>Citation</b>	<b>Description</b>	<b># of respondents</b>	<b>Average # of Hours per Respondent</b>	<b>Total Hours</b>	<b>Total Cost (Total Hours x \$40)</b>
299.13(a) 299.13(b) 299.14(b)(1) 299.15(a)	Report on meaningful consultation with stakeholders, including public comment.	52	59	3068	\$122,720.00
299.13(a) 299.13(c)	Provide assurances.	52	1	52	\$2,080.00
299.13(a) 299.13(d)(3)-(4)	Submit amendments and significant changes, as well as revisions, as appropriate.	52	20	1040	\$41,600.00
299.13(a) 299.13(d)(5)	Submit a plan to apply for an extension for the required educator equity student-level data calculation.	16	20	320	\$12,800.00
299.13(a) 299.14(b)(2) 299.16 200.5(b)(4)	Report on challenging academic standards and academic assessments. Describe strategies for middle school math equity.	52	50	2600	\$104,000.00
299.13(a) 299.14(b)(3) 299.17	Report on accountability support and improvement for schools.	52	150	7800	\$312,000.00
299.13(a) 299.14(b)(4) 299.18	Report on supporting excellent educators.	52	50	2600	\$104,000.00
299.13(a)	Report on equitable	52	50	2600	\$104,000.00

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<b>State Plan Burden Hours/Cost</b>					
299.14(b)(5) 299.19(a)	access and support for students.				
299.13(a) 299.14(c) 299.19(b)	Report on performance management and technical assistance.	52	50	2600	\$104,000.00
299.13(a) 299.15(b)	Report on coordination.	52	10	520	\$20,800.00
	<b>Total:</b>			23,200	\$928,000.00

<b>Assessment Peer Review Burden Hours/Cost</b>					
<b>Citation</b>	<b>Description</b>	<b># of respondents</b>	<b>Average # of hours per respondent</b>	<b>Total Hours</b>	<b>Total Cost (total hours x \$40)</b>
§200.2(b), §200.2(d), §200.3(b)(2)(ii)	Submit evidence for ED peer review process, make evidence available to the public.	52	79.5	4,133	\$165,320
§200.6(b)(2)(i)	Disseminate info on appropriate accommodations to schools and parents.	52	60	3,120	\$124,800
§200.6(c)(3)(iv)	Make publicly available info about exceeding the alternate assessment cap for students with the most significant cognitive disabilities	52	20	1,040	\$41,600
§200.6(c)(4)	Request a waiver to exceed the cap.	15	40	600	\$2,400
§200.6(c)(5)	Report to the Secretary data relating to the assessment of children with disabilities.	52	40	2,080	\$83,200
§200.6(d)(3)	Provide parents with info on alternate achievement standards for students with the most significant	52	100	5,200	\$208,000



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	cognitive disabilities.				
§200.8(a)(2), §200.8(b)(1)	Provide student assessment reports to States, teachers, and principals, as well as itemized score analyses for LEAs and schools.	52	1,500	78,000	\$3,120,000
	Total:			94,173	\$3,745,320

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 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:

This information collection does not require the use of capital, start-up, operation and maintenance, or purchase costs.

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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.*

We estimate that Federal staff will spend an average of 40 hours per State per year to review this information. With 52 States, we estimate 2,080 total hours of review. Different staff members at different pay levels are likely to participate in review, so we will use \$40 as the average hourly rate, which is approximately the GS-12 level for a Federal employee in Washington, DC. At \$40 per hour, the 2,080 total hours of review comes to an annual cost of \$83,200 to the Federal government.

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

The burden changes reflected in this statement are a result of new regulations based on changes in statute following the passage of the Every Student Succeeds Act (ESSA) on December 10, 2015, which amended the ESEA. In order to implement the new statutes in the Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA) Public Law 114-95, section 8302, the Department of Education has prepared two Notices of Proposed Rulemaking for new regulations (one for Accountability and State Plans, and the other for Assessments). These regulations increase burden for the consolidated State plan, also known as the consolidated State application. We estimate that the 52 States will spend a total of 23,300 burden hours per year on accountability systems, for a total cost of \$928,000 per year. We also estimate that the 52 States will spend a total of 94,173 burden hours per year on assessment peer review of the State plans, for a total cost per year of \$3,745,320. There is an increase of 114,973 annual burden hours and \$4,592,395.15 per year.

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.*

The consolidated State plans will not be formally published, but the Department may choose to post the plans on its website.

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.*

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The consolidated State plan will be due March 6, 2017 or July 3, 2017 (whichever the State chooses). The State is required to review the consolidated State plan and submit any revisions to the Department every 4 years.

*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.*

The expiration date for OMB approval of the information collection will be displayed.

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

We do not propose any exceptions to the certification statements identified in the Certification of Paperwork Reduction Act.