

**SUPPORTING STATEMENT**  
**FOR PAPERWORK REDUCTION ACT SUBMISSION**  
OMB Number: 1820-0578  
Revised 5/25/2017

## **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 is a request for review and approval of a revision to the currently approved Part C State Performance Plan (Part C SPP) and Annual Performance Report (Part C APR) [Information Collection 1820-0578/Expiration Date: 5/31/2017]. In accordance with 20 U.S.C. 1416(b)(1) and 20 U.S.C. 1442, not later than one year after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA), each Lead Agency was required to have in place a Part C SPP that evaluated the Lead Agency's efforts to implement the requirements and purposes of Part C and described how the Lead Agency would improve such implementation. IDEA sections 616(b)(1)(C) and 642 require each State to review its SPP at least once every six years. In accordance with 20 U.S.C. 1416(b)(2)(C)(ii) the Lead Agency must report annually to the public on the performance of each early intervention service program (EIS program)<sup>1</sup> located in the State on the targets in the Lead Agency's performance plan. The Lead Agency also must annually submit a Part C APR to the Secretary on the performance of the State under the Lead Agency's performance plan. Information Collection 1820-0578 corresponds to 34 CFR §§303.700-303.704. The final regulations may be accessed at [this link](#).

This collection is conducted in a manner that is consistent with the guidelines in 5 CFR 1320.5.

Each State submitted its SPP, including targets through FFY 2010, in December 2005. In 2011, to meet the requirement set forth in IDEA sections 616(b)(1)(C) and 642 to review the SPP every six years, and in the absence of IDEA reauthorization, the Department of Education (the Department) proposed to make no major changes to the SPP (*i.e.*, significant revisions to indicators) and allowed States to extend their targets and improvement activities through FFY 2012. The collection was also revised in 2012 and

---

<sup>1</sup> Early intervention service program (EIS program) means an entity designated by the lead agency for reporting under sections 616 (b)(2)(C) and 642 of the Act.

2014; OSEP eliminated reporting burden in both revisions. States submitted a new 6-year SPP in 2015, covering FFY 2013 through FFY 2018.

With this request, the Department is proposing to make minor revisions to the previously-approved information collection. The proposed revisions to the Part C SPP/APR, which would go into effect with States' FFY 2016 SPP/APR to be submitted in February 2018, are focused on further clarifying existing reporting within the parameters of the current IDEA statutory and regulatory requirements. Overall, it is estimated that the reporting burden will remain consistent with previous submissions. See OSEP's answer to Question 12 for additional explanation.

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.

As required by IDEA sections 616(b)(1)(A) and 642, each State must have in place a SPP that evaluates the State's efforts to implement the requirements and purposes of Part C of the IDEA, and describes how the State will improve its implementation. IDEA section 616(b)(2) requires that the State report annually to the Secretary on its performance under the State's SPP for Part C of the IDEA. Specifically, the State must report, in its APR, on its progress in meeting the measurable and rigorous targets it established in its SPP. In the past, the Department required States to maintain a separate SPP and APR. Beginning in 2015, the Department combined the SPP/APR into one document.

IDEA sections 616(d) and 642 require that the Department review the APR each year. Based on the information provided in the State's APR, information obtained through monitoring visits, and any other publicly available information, each year the Department must determine if the State: "Meets requirements" and purposes of the IDEA or "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" in implementing the requirements of the IDEA.

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 Department developed an online SPP/APR submission mechanism and, beginning with the FFY 2013 SPP/APR (submitted in February 2015), States are required to submit using the online system (GRADS portal through [osep.grads360.org](http://osep.grads360.org)). Adopting an online reporting system allowed for prepopulation of data already submitted to the Department through other data collections, as well as preloading of the previous year's SPP/APR information. This process significantly reduced the reporting burden associated with this collection.

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.

Since 2005, all Lead Agencies have completed and submitted ten APRs. Beginning with the FFY 2013 SPP/APR submitted in February 2015, a combined Part C SPP/APR took the place of the previous SPP and APR. This change eliminated duplicate reporting in the SPP and in the APR on the State's targets and its discussion of improvement activities completed. In addition, the Department allowed States to use data already collected for other purposes whenever possible.

The SPP/APR provides States an opportunity to analyze and explain data that the State is required to report annually under sections 618 and 642 of the IDEA, *e.g.*, number of infants and toddlers served and settings where services are provided. During previous approval cycles, with stakeholder input, the Department determined that it was no longer necessary for States to report on Indicators 10 and 11 – the timeliness of State complaints and due process hearing decisions – as OSEP is able to evaluate State performance on these indicators by using data collected through IDEA section 618 without having to require States to report this information through the SPP/APR collection. The Department also eliminated Indicators 9 and 14 because, as with previous Indicators 10 and 11, OSEP is able to evaluate State performance in these areas (monitoring and data collection) without the information provided in those indicators.

Most of the information collected in this request is not available in other data collections and must be collected and reported annually. Therefore, this request is necessary to fulfill a statutory requirement and the collection must be extended through FFY 2018.

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.

The information requested does not involve the collection of information from entities classified as small business or other small entities.

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.

Activities described in answers A1 and A2 would not be completed, and OSEP would be in violation of section 616 of the IDEA, if this collection was not conducted.

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.

There are no special circumstances that would cause an information collection to be conducted as described in the bulleted items.

8. As applicable, state that the Department has published the 60 and 30 day 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.

OSEP consulted with the field during the development of this revision. Additionally, Information Collection 1820-0578 was placed in the Federal Register as a part of this approval of the revision to a currently-approved collection. There were eight public

comments received during the 60-day public comment period, response to these comments are attached.

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

This collection does not require gifts or payments to be made 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 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.

No assurance of confidentiality is provided to respondent Lead Agencies. However, under 20 U.S.C. 1416(b)(2)(C)(iii), a State must not report to the public or the Secretary any information on performance that would result in the disclosure of personally identifiable information about individual children or where the available data is insufficient to yield statistically reliable information. All data required to be reported in the APR are aggregated at the State level.

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.

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 item 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 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 Item 14.

In this collection, the Department is proposing no change in overall burden hours.

Total burden hours for the combined SPP/APR (submitted annually) will be 56 respondents times 1,100 hours (or an average<sup>2</sup> of 100 hours per indicator), which equals 61,600 hours. Of the total 1,100 hours, it is estimated that 1,020 hours will be spent planning the report, 40 hours will be spent writing the report, and 40 hours will be spent typing and compiling the report.

The Interagency Coordinating Council (ICC) reviews and certifies the Lead Agency's report, and either agrees or disagrees with the Report. In either case, the ICC may wish to provide additional comments related to the SPP/APR by appending comments. The estimate will be 2 hours to review, certify, and add comments as needed.

The estimated cost burden to public agencies of preparing the SPP/APR is \$1,848,000 annually. The estimated total cost burden is reached by multiplying the hours of response (1,100) by the number of responses (56) and then multiplying the newly-obtained product by the average hourly pay rate (\$30) of the staff preparing the report.

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 Items 12 and 14.)

---

<sup>2</sup> OSEP bases its average on the staff hours associated with collecting and analyzing data, and reporting in the SPP/APR for each indicator. Some indicators may require more staff time than the average, *e.g.*, Indicator 3, while others may require far less than the average, *e.g.*, Indicators 9 and 10.

- 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 Item 12

Total Annualized Capital/Startup Cost:

Total Annual Costs (O&M):

Total Annualized Costs Requested:

Lead Agencies have been preparing an APR for the past ten years. Therefore, there are no start-up costs. There are no anticipated costs for operation, maintenance, or purchase of services that are imposed on States by these requirements, other than those noted above.

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 Items 12, 13, and 14 in a single table.

The estimated cost to the Federal Government includes the staff time to review and analyze the reports. It is estimated that it will take 10 hours of staff time to review each of the 56 responses, which equals 560 hours. The 560 hours is multiplied by the average

hourly rate of pay for each reviewer (\$45), to equal an estimated cost to the Federal Government of \$25,200.00.

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 the 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).

There are no program changes or adjustments.

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.

The collection of information does not require publication of the information or use of complex analytical techniques.

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.

There is no request to ask for an approval not to display the expiration date.

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

There are no proposed exceptions to the certifications.

## **B. Collections of Information Employing Statistical Methods**

This collection does not require that statistical methodology be employed.