OMB #1820-0557

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

A. JUSTIFICATION

1. Circumstances necessitating information collection.

The data in these information collections are required to be collected by the U.S. Department of Education (Department or ED) by statute, primarily under Sections 618 and 637(b)(4)(A) of the Individuals with Disabilities Education Act (IDEA). These data are collected by ED from State lead agencies through three major information collections under Part C of the IDEA, which is the early intervention program that serves infants and toddlers with disabilities. The three information collections are: (1) Child Count (in Table 1); (2) Service Settings (in Table 2); and (3) Exiting Data (in Table 3). Each information collection includes instructions and information for State lead agencies to assist them when submitting their data.

IDEA Part C Child Count Data (Table 1)

Table 1 collects the child count data required by IDEA Section 618, on the number of percentage of infants and toddlers with disabilities who receive IDEA Part C services. Table 1 provides the data required by IDEA Section 618(a)(1)(B) and Section 618(a)(2).

- Section A collects the number infants and toddlers with disabilities by the child's age and race/ethnicity.
- Section B collects the number of infants and toddlers with disabilities by the child's gender.
- Section C collects the number of infants and toddlers who are at risk of having substantial developmental disabilities, by the child's age and race/ethnicity. This count is a subset of the children reported in Section A and is completed only by States that exercise the State option to serve at-risk infants and toddlers.
- Section D collects the cumulative count of the number of infants and toddlers with disabilities who received early intervention services during the most recent 12-month period by child's race/ ethnicity.
- Section E collects the cumulative count of the number of infants and toddlers with disabilities who received early intervention services during the most recent 12-month period by child's gender.

Because IDEA requires each State to report the percentage of children with disabilities, by race, gender, and ethnicity and the percentage of at-risk infants and toddlers by race and ethnicity, Table 1 also includes cells for these percentages. However, to assure cross-state comparability and minimize State burden, these percentages will be calculated by the data collection software. To accommodate the flexibility of Section 635(c), additional data collection elements are included in Table 1 (child count) to collect counts of children age 3 and older, by age, race/ethnicity, and gender. See sections A2 and B2 of Table 1.

The authority for Table 1 is Section 618 of IDEA, which provides:

"(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)(B) The number and percentage of children with disabilities, by race, gender, and ethnicity, who are receiving early intervention services.
>
> (2) The number and percentage of infants and toddlers, by race, and ethnicity, who are at risk of having substantial developmental delays (as defined in Section 632), and who are receiving early intervention services under part C.
>
> (3) Any other information that may be required by the Secretary."

Under IDEA Section 635(c), States have the flexibility to continue to make available IDEA Part C services to children beyond age 3 years of age up until they enter elementary school requires State to provide data if they exercise this option. If they do so, IDEA Section 635(c)(3) specifies that:

> "If a statewide system includes a State policy described in paragraph (1), the State shall submit to the Secretary, in the State's report under section 637(b)(4)(A), a report on the number and percentage of children with disabilities who are eligible for services under section 619 but whose parents choose for such children to continue to receive early intervention services under this part."

IDEA Part C Settings Data (Table 2)
Table 2 collects information about the settings in which early intervention services are provided to the children reported on Table 1.

- Section A collects primary setting of infants and toddlers according to the child's age.
- Section B collects the primary setting according to the child's race/ethnicity.

Each child reported in Table 2 is reported in only one setting. To account for children served in States that have exercised the flexibility option to serve children beyond age three under IDEA Section 635(c), additional data collection elements are included in Table 2 (settings) to collect counts of children age 3 and older according to their primary service setting, by age and race/ethnicity. See sections A2 and B2 of Table 2.

The authority for this information collection on the service setting for infants and toddlers with disabilities is the following. Specifically, service setting data is collected under IDEA Sections 618(a)(1)(A)(ii)and (iii) as applied to Part C through IDEA section 642 and furthermore, IDEA Sections 618(a)(3) and 637(b)(4)(A) provides ED with discretion to require "any other information required by the Secretary" and "[e]ach State shall provide for "making such reports in such form and containing such information as the Secretary may require to carry out the Secretary's functions under this part."

Table 2 collects data on the implementation of IDEA Section 635(a), which specifies that:
"(a) IN GENERAL-A statewide system described in section 633 shall include, at a minimum, the following components: …(16) Policies and procedures to ensure that, consistent with section 636(d)(5)--(A) to the maximum extent appropriate, early intervention services are provided in natural environments"

IDEA Part C Exiting Data (Table 3)
Table 3 provides the data required by IDEA Section 618(a)(1)(C), the number and percentage of infants and toddlers with disabilities who, from birth through age 2, stopped receiving early intervention services.

- Section A collects the reason for no longer receiving services according to the child's race/ethnicity.
- Section B collects the reason for no longer receiving services according to the child's gender.

As in Table 1, Table 3 includes cells for percentages that will be calculated by the data collection software. To accommodate the flexibility of Section 635(c), additional data collection elements are included in Table 3 to collect counts of the number of families of children who chose to take advantage of the flexibility, by race/ethnicity and gender. See row 3 of Sections A and B of Table 3.

The authority for this section is in IDEA Section 618, which provides:

"(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)(C) The number and percentage of children with disabilities, by race, gender, and ethnicity, who, from birth through age 2, stopped receiving early intervention services because of program completion or for other reasons."

2. Use for which the information is gathered.

The Office of Special Education Programs (OSEP) within the Department uses the data collected through these information collections to help States serve infants and toddlers with disabilities and their families, to establish programmatic priorities (such as promoting child find and the early identification of children in need of services and the provision of early intervention services in natural environments), to assist and monitor States in implementing the Federal IDEA statute and regulations, including the State's Annual Performance Report under each State's Performance Plan required by Sections 616 and 642 of IDEA, and to ensure transparency by providing a summary of this data annually to Congress and the public. These data are also used to measure progress under IDEA Part C on the provision of early intervention services under the performance indicators established by OSEP under the Government Performance and Results Act (GPRA; P.L. 103-62).

3. <u>Use of improved information technology</u>.

OSEP will collect the data electronically through the ED*Facts* Metadata and Process System (EMAPS) from State lead 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 data in the non-proprietary, electronic formats that could be generated through automated processes within the State agency. The EMAPS surveys include 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 150 African American infants and toddlers with disabilities are reported in Section A of Table 1 but only a total of 100 infants and toddlers with disabilities are reported in Section B of Table 1). The use of a survey with built-in edits reduces the number of follow-up contacts with the States after the data are submitted. Additionally, the EMAPS surveys auto-calculate totals and subtotals where appropriate to minimize reporting burden on the State. Finally, the surveys provide 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. <u>Efforts to identify duplication</u>.

The information collected on the forms does not represent any duplication of paperwork, content, reporting, or performance requirement beyond that imposed under the statute. This information is only available from State agencies. There is currently no other source of national information on the number of infants and toddlers receiving early intervention services, on the settings in which they receive services, or on infants and toddlers who are no longer receiving IDEA Part C services.

5 <u>Small businesses</u>.

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

6. <u>Consequence of less frequent collection</u>.

The IDEA, 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 <u>each year</u> to the Secretary of Education and the public…" This annual collection is required by statute and ED is not proposing to collect it more often than once a year.

7. <u>Special circumstances</u>.

There are no special circumstances associated with these data collections.

8. <u>*Federal Register* notice/consultation outside the agency</u>.

Interested persons were invited to comment on this proposed information collection request in a notice published in the *Federal Register*, Volume 82, No. 28485 on June 22, 2017. ED requested public comment addressing five specific issues including: is this collection necessary to the proper functions of the Department; will this information be processed and used in a timely manner; is the estimate of burden accurate; how might the Department enhance the quality, utility, and clarity of the information to be collected; and how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Comments were due on or before August 21, 2017.

ED received a number of comments in response to the June 22, 2017 proposed information collection request. The Department has summarized, and only responded to below, those major comments that directly relate to the data required to be reported in Tables 1, 2 and 3 under Sections 618 of the IDEA.

Comment 1: One commenter indicated support for the Department to collect the cumulative count of infants and toddlers with disabilities, ages birth through 2, who received early intervention services during a 12-month period by race/ethnicity and by gender. This commenter expressed concern on reporting cumulative count by discrete age. The commenter noted that it would be difficult for a State to identify a discrete age for a child when the child falls within two different discrete ages during the same 12-month period.

Discussion: The Department appreciates the commenter's support for the Department to collect the cumulative count of infants and toddlers with disabilities, ages birth through 2, who received early intervention services during a 12-month period by race/ethnicity and by gender. The Department agrees with the commenter that providing instructions and technical assistance on reporting the cumulative count by discrete age would be challenging. Thus, the Department has removed the discrete ages from section D of Table 1. The Department will continue to collect the number of children receiving early intervention services as of the state-designated child count date by discrete age in section A of Table 1.

Changes: Based on the comment received, OSEP removed the proposed requirement for States to report the cumulative count of infants and toddlers with disabilities by discrete age in section D of Table 1.

Comment 2: One commenter, which represents centers across the country, supports the Department's need to collect Part C Child Count, Settings, and Exiting data, but expressed concerns with how some states interpret the three types of settings category within Table 2 and how one State in particular interprets the "community-based" setting category.

Discussion: The Department appreciates the commenter's support of the Department collecting Part C Child Count, Settings and Exiting data through this information collection. With respect to Table 2, the Department provides definitions for the three major Part C Settings (Home, Community-based, and Other) in Table 2.

The number of children reported under the "community-based setting" in Table 2 captures an "unduplicated count of children whose early intervention services are provided primarily in a setting where children without disabilities typically are found. These settings include but are not limited to child care centers (including family day care), preschools, regular nursery schools, early childhood center, libraries, grocery stores, parks, restaurants, and community centers (e.g., YMCA, Boys and Girls Clubs)."

States must report every infant and toddler receiving early intervention services within their state as of the Child Count date based on the three categories in Table 2 of this information collection. States may provide further explanation through data notes for how they collect and categorize the settings that infants and toddlers with disabilities receive their early intervention services. The Department also includes the definitions for these settings in the EMAPS User guide, which is published each year to assist states in submitting their Part C data collections under IDEA section 618.

Changes: None.

Comment 3: Multiple commenters suggested that the Department collect data through an electronic data system that can gather data on an individual child or from an individual case worker to help the Department collect more in-depth and accurate information.

Discussion: Section 618 of the IDEA requires the Secretary of Education to collect data on an aggregated basis. The statute specifically requires data reported from the collection would not reveal personally identifiable information (U.S.C. 20 § 618(b)(1)) thus, the Department does not collect data at the individual level; instead states provide the Department with aggregate level data to meet the federal reporting requirements above.

With respect to the format of collection, the Department appreciates the reduction in burden an electronic data collecting system provides to the states and requires all states to report Tables 1 through 3 through the ED*Facts* Metadata and Process System (EMAPS) from State agencies.

Changes: None.

Comment 4: One commenter indicated that infants and toddlers prenatally exposed to drugs should be provided early intervention services and included in the child count data.

Discussion: This data collection neither mandates nor changes who is eligible for early intervention services under Part C of the IDEA. However with respect to the population identified, the IDEA statute was revised to 2004 to add IDEA section 637(a)6) to require each State's IDEA Part C early intervention program to include a referral process for the referral to the IDEA Part C program for a child under age 3 who is involved in a substantiated case of child abuse or neglect; or is identified as affected by illegal substance abuse, or withdrawal symptoms resulting from prenatal drug exposure. The IDEA regulations include this requirement in 34 CFR 303.303(b). Once referred, if such a child is suspected of having a disability, the child must be evaluated, and if determined eligible under Part C of the IDEA, provided early intervention services identified on the individualized family service plan or IFSP, and included in the data under Tables 1, 2, and 3.

Changes: None.

9. Payments of 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.

11. Questions of a sensitive nature.

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

12. Estimate of respondent burden.

Estimating burden is difficult for the Part C program because of variations in the availability and sophistication of computerized data collection systems and the difficulty of collecting information across participating agencies. OSEP developed the burden estimates based on previous experience with each data collection, the information available about State data collection systems. In calculating the average burden, we applied different burden estimates based on whether or not the State agencies use individual child record systems to collect these data. The estimate of total respondent burden is based on 56 reporting entities[1].

IDEA Part C Child Count Data

The estimated burden for Table 1 (count of infants and toddlers served) is 40.0 hours per State agency or 2,238 hours total.

Number of Respondents	**Burden Hours**	**Total Burden Hours**[2]
51 States with Individual Child Record Systems	38 hours	1,938 hours
5 States without Individual Child Record Systems	60 hours	300 hours
56 States[1]	40.0 (Avg.)	2,238 hours

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

[2] Total burden is based on averages rounded to the hour.

IDEA Part C Settings Data

The estimated burden for Table 2 (settings) is 15.9 hours per State agency or 888 hours total.

Number of Respondents		Burden Hours	Total Burden Hours[2]
51	States with Individual Child Record Systems	13 hours	663 hours
5	States without Individual Child Record Systems	45 hours	225 hours
56	States[1]	15.9 (Avg.)	888 hours

IDEA Part C Exiting Data

The estimated burden for Table 3 (exiting) is 39.0 hours per State agency or 2,185 hours total.

Number of Respondents		Burden Hours	Total Burden Hours[3]
51	States with Individual Child Record Systems	35 hours	1,785 hours
5	States without Individual Child Record System	80 hours	400 hours
56	States[3]	39.0 (Avg.)	2,185 hours

OSEP estimated respondent costs for labor at $20 per hour. The total number of burden hours across all three tables is estimated at 5,311. Therefore, the estimated cost to all respondents is $106,220.

13. Estimate of cost to respondent.

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

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[3] Total burden is based on averages rounded to the hour.

[3] These data collections apply to 50 States, two territories, and four Outlying Areas which are: 50 States, District of Columbia, Puerto Rico, Virgin Islands, American Samoa, Northern Marianas, and Guam.

14. Estimate of costs to the Federal Government.

OSEP estimates the cost of maintaining and updating the databases for the Part C Child Count, Settings, and Exiting data collections to be $82,000 in contractor data services.

15. Reasons for program changes or adjustments.

The reported burden has decrease due to a significant increase in states that have individual child record system since the last time these information collection packages were circulated for public comments. The estimated burden to respondents has decreased by 1,386 hours and the overall cost to respondents has decreased by $27,720.

16. Plans for tabulation and publication.

OSEP will tabulate and display the information submitted by States in a variety of ways. The primary vehicles of distribution are through the Secretary's Annual Report to Congress (P.L. 108-446, IDEA Section 664(d)(2)) and through publication of these data on ED's IDEA website. OSEP will also use this information for the purposes of monitoring, GPRA performance reports, focusing discretionary activities, guiding policy development, and suggesting topics for model demonstration projects. Occasionally, the data are summarized and presented at conferences, in *ad hoc* reports or articles submitted for publication, and in speeches by senior officials.

17. Display of OMB expiration date.

The OMB expiration date will be displayed on the information collection forms once approved by OMB.

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 ED