

# Supporting Statement A

## Homeliving Programs and School Closure and Consolidation

OMB Control Number 1076-0164

**Terms of Clearance:** None.

### General Instructions

**A completed Supporting Statement A must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified below. If an item is not applicable, provide a brief explanation. When the question “Does this ICR contain surveys, censuses, or employ statistical methods?” is checked "Yes," then a Supporting Statement B must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.**

### Specific Instructions

#### Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.**

The regulations at 25 CFR 36, Subpart G, Homeliving Programs, implement section 1122 of the Native American Education Improvement Act of 2001 (Pub. L. 95-561, title XI, §1120, as added Pub. L. 107-110, title X, §1042, Jan. 8, 2002, 115 Stat. 2007), establishing national criteria for dormitory situations for Bureau-funded schools. To ensure that Bureau-funded schools comply with these standards and criteria, it is necessary for the Bureau to collect information and require third-party reporting. The Bureau must also collect requests for closure, consolidation, or substantial curtailment of Bureau-funded schools to make decisions regarding continued operation or closure of a school location.<sup>1</sup>

The table entitled “Trainers Train Homeliving Staff to Meet Requirements – Detail” that was submitted with this information collection in 2014 was omitted for this renewal. The burden hours associated with this training were not included in the previous burden estimate, and this type of training does not constitute a collection of information.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for**

<sup>1</sup> The Bureau proposed regulations regarding the school closure and consolidation (drafted by a negotiated rulemaking committee), but the regulations were never finalized. (See proposed rule at 69 FR 41770 (July 12, 2004).

**a new collection, indicate the actual use the agency has made of the information received from the current collection. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.**

The Bureau collects information from Tribes, Tribal governing bodies, or school boards in the form of:

- Data regarding schools' success in meeting homeliving standards. The Bureau uses this information.
- Requests for waivers and alternative homeliving standards. The Bureau uses this information to determine whether to waive the standards for a school.
- Requests for school consolidation, closure, or substantial curtailment. The Bureau uses this information to determine whether such action is necessary.

This information collection also requires third-party reporting, including:

- Parents or guardians of children in homeliving programs must submit a request to the homeliving program to opt out of non-emergency services the program would otherwise provide to the children.
- The homeliving program staff must notify the school if they are aware that a student will be absent from class.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden and specifically how this collection meets GPEA requirements.**

The BIE has a web-based student information system, the Native American Student Information System (NASIS) available and in use for two other OMB authorized collections: Student Data, 1076-0122 and Student Transportation, 1076-0134.

The information under this information collection is not collected via NASIS because the information is most conveniently provided by respondents directly to the BIE education line officer with whom they have a working relationship (e.g., when Tribes or school boards request a waiver and alternative homeliving standards) or is provided to a third party (e.g., parents/guardians notify the school that they opt out of non-emergency services).

**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.**

This information collection does not duplicate other information collections because it is unique to the circumstances and activities of individual homeliving programs for Bureau-funded schools.

**5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

The BIE consulted with Tribes and Tribal organizations through negotiated rulemaking to determine the necessary information collection requirements and to ensure the fair and equitable administration of the Native American Education Improvement Act of 2001 (Pub. L. 95-561, title XI, §1120, as added Pub. L. 107-110, title X, §1042, Jan. 8, 2002, 115 Stat. 2007). Through this consultation, the information burden has been minimized.

**6. Describe the consequence 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.**

The information collection burden cannot be reduced any further without compromising the integrity of the administration of homeliving programs in Bureau- and Tribally-operated schools.

**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 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.**

There are no special circumstances that require exceptions to 5 CFR 1320.5(d)(2).

**8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, 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 in response to the PRA statement associated with the collection over the past three years, and describe actions**

**taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

A 60-day notice for public comments was published in the Federal Register on May 26, 2017 (82 FR 24984). There were no comments received in response to this notice.

**Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, 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 three 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.**

BIE contacted Homeliving Specialists to obtain their views on the availability of data, frequency of collection, and on the data elements to be reported at the following schools:

Riverside Indian School  
Blackfeet Boarding Dormitory  
Kiabeto Boarding School  
Sherman Indian School

The Homeliving Specialists found the information collection to be necessary, and also had no recommendations or suggestions for improvement.

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

No payments or gifts are provided to respondents.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

The Bureau complies with the requirements of the Family Educational Rights and Privacy Act (FERPA) to protect the privacy of respondents when appropriate, in carrying out this information collection.

**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. 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.**

Schools are required to enter student data such as names, addresses, special statuses (e.g., gifted and talented, English proficiency, special education), and parent or guardian information to be used in cases of emergencies, etc. However, we adhere strictly to the requirements of the Family Educational Rights and Privacy Act (FERPA).

**12. 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.**
- \* Provide estimates of annualized cost to respondents for 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.**

There are 175 respondents and responses with an estimated total annual burden of 789 hours with an estimated cost to respondents of \$27,536.

25 CFR section		No. Respondents	Responses per respondent	Responses	Burden per response (hours)	Total annual burden (hours)	Cost to Respondents
36.71(b)(2)	Schools report on whether standards met	50	1	50	.25	13	\$454
36.93			Covered by existing OMB approval 1076-0163				
36.94							
36.97(c)	Parents/ guardians waive non-emergency services	10	1	10	.25	3	\$105
36.100(g)	Homeliving staff notifies school of student's absence	76	1	76	.02	2	\$70
36.111	Tribe, Tribal governing body	19	1	19	.50	10	\$349

	or local school board waives homeliving standards						
36.111(a)	Tribe, Tribal governing body or local school board submits alternative homeliving standards	19	1	19	40.00	760	\$26,524
36.120			Covered by existing OMB approval 1076-0163				
--	Tribe, Tribal governing body or local school board requests closure, consolidation, or substantial curtailment	1	1	1	1.00	1	\$35
<b>Totals</b>		<b>175</b>		<b>175</b>		<b>789</b>	<b>\$27,536</b>

To obtain the hourly rate, BIA used \$34.90, the wages and salaries figure for civilian workers from BLS Release USDL-17-0770, Employer Costs for Employee Compensation—March 2017, Table 1, Employer costs per hour worked for employee compensation and costs as a percent of total compensation: Civilian workers, by major occupational and industry group, at <https://www.bls.gov/news.release/pdf/ecec.pdf>. This wage includes a multiplier for benefits. See [www.bls.gov/news.release/pdf/ecec.pdf](http://www.bls.gov/news.release/pdf/ecec.pdf).

**13. Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)**

- \* **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 (including filing fees paid for form processing). 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 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 purchasing or 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.**

The estimated total annual cost burden to respondents or record keepers for capital and start-up costs components (annualized over the useful life) for this information collection requirement is zero.

**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.**

We estimate the annual cost to the Federal Government to administer this information collection to be \$9,726.

25 CFR section		Responses	Federal Burden Hours per Response	Total Federal Burden Hours	Federal Costs
36.71(b)(2)	Schools report on whether standards met	50	1	50 (i.e., approx 3 hours per each of the 18 line officers)	\$3,829
36.97(c)	Parents/guardians waive non-emergency services	10	--	--	NA
36.100(g)	Homeliving staff notifies school of student's absence	76	--	--	NA
36.111	Tribe, Tribal governing body or local school board waives homeliving standards	19	2	38	\$2,910
36.111(a)	Tribe, Tribal governing body or local school board submits alternative homeliving standards	19	2	38	\$2,910
--	Tribe, Tribal governing body or	1	1	1	\$77

	local school board requests closure, consolidation, or substantial curtailment				
<b>Totals</b>				<b>127</b>	<b>\$9,726</b>

The current estimated annual cost to the government has been calculated by using the hourly rate provided by the 2017 General Schedule Annual Rates by Grade and Step: GS-14/5 (\$47.86), and a multiplier of 1.6 for benefits for a total of \$76.58. See [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/17Tables/html/GS\\_h.aspx](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/17Tables/html/GS_h.aspx).

**15. Explain the reasons for any program changes or adjustments in hour or cost burden.**

The cost burden increased due to the increased labor statistics issued by the Bureau of Labor Statistics. Additionally, burden estimates for 25 CFR 36.86 were removed because these regulations did not require a collection of information. Therefore, the burden estimate was reduced by 555 hours.

**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 summary of the collections may be used for budget purposes, and to meet statutory requirements of the Native American Education Improvement Act of 2001 (Pub. L. 95-561, title XI, §1120, as added Pub. L. 107-110, title X, §1042, Jan. 8, 2002, 115 Stat. 2007).

**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 are no forms associated with this collection.

**18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."**

There are no exceptions.