

**SUPPORTING STATEMENT  
FOR PAPERWORK REDUCTION ACT SUBMISSION**

**A. Justification**

Q1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a 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<sup>1</sup>. 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.

A1. OMB Information Collection 1820-0600 reflects the provisions in the Act and the Part B regulations requiring States and/or local educational agencies to collect and maintain information or data and, in some cases, report information or data to other public agencies or to the public. However, such information or data is not reported to the Secretary. The following table describes the information under Part B of the Individuals with Disabilities Education Act (IDEA) to be collected or maintained and the legal requirements for each collection.

The proposed Part B State and Local Agency Record and Reporting Requirements information collection published in the 60-day Federal Register notice for this collection on July 11, 2017 included a section intended to collect information required by the Assistance to States for the Education of Children with Disabilities; Preschool Grants for Children with Disabilities regulations (known as the “Equity in IDEA” or “significant disproportionality” regulations) (81 FR 92376). In response to Executive Order 13777: Enforcing the Regulatory Reform Agenda and input received through comment on Evaluation of Existing Regulations published in the Federal Register on June 22, 2017 (82 FR 28431), the Department continues to analyze the significant disproportionality regulations to further examine issues such as fiscal impact on SEAs and LEAs and unintended consequences of the regulations, particularly on the identification of children with disabilities. As a result, the Part B State and Local Agency Record and Reporting Requirements information collection no longer includes the requirement to collect and report the significant disproportionality data required by those regulations. The public will be informed of the Department’s decision through a separate regulatory action. Until then, the current regulations and compliance dates remain in effect.

<b>Required Collection</b>	<b>Statutory Authority</b>	<b>Regulatory Authority</b>
<i>LEA consultation with private school representatives. Each LEA must provide to private school officials a</i>	20 U.S.C. 1412(a)(10)(A)(iii) and (iv)	§§300.134 and 300.135

<sup>1</sup> Please limit pasted text to no longer than 3 paragraphs.

Required Collection	Statutory Authority	Regulatory Authority
written explanation of the reasons why the LEA chose not to provide services directly or through a contract and the LEA must obtain a written affirmation signed by the representatives of participating private schools that timely and meaningful consultation has occurred and forward the documentation of the consultation process to the State educational agency (SEA).		
<i>Private school complaint of noncompliance with consultation requirements.</i> A private school official may submit a complaint to the SEA that the LEA did not engage in consultation that was meaningful and timely, or did not give due consideration to the views of the private school official.	20 U.S.C. 1412(a)(10)(A)(v)	§300.136
<i>Number of children with disabilities enrolled in private schools by their parents.</i> Each LEA must maintain in its records and annually provide to the SEA the number of children enrolled in private schools by their parents that are evaluated by the LEA to determine whether they are children with disabilities under IDEA, the number of children determined to be children with disabilities under IDEA, and the number of children receiving special education and related services in accordance with 20 U.S.C. 1412(a)(10)(A).	20 U.S.C. 1412(a)(10)(A)(i)(V)	§300.132
<i>State plan for high cost fund.</i> Any State educational agency (SEA), not later than 90 days after the State chooses to reserve funds under 20 U.S.C. 1411(e)(3)(C)(ii) shall annually review, and amend as necessary, a State plan for the high cost fund.	20 U.S.C. 1411(e)(3)(C)(ii)	§300.704
<i>Free and low-cost legal services.</i> Each public agency shall inform the parent of any free or low-cost legal and other relevant services available in the area if	20 U.S.C. 1415(b)(6)	§300.507

Required Collection	Statutory Authority	Regulatory Authority
the parent requests the information or the parent or agency requests a hearing under this part.		
<i>List of hearing officers and mediators.</i> Each State receiving funds under Part B must maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services. Each public agency must maintain a list of individuals who serve as hearing officers, along with the qualifications of each of these individuals. (This information was included in previous OMB Collection 1820-0509)	20 U.S.C.1415(e)(2)(C)	§§300.506 and 300.511
<i>State complaint procedures.</i> Each SEA participating in the program funded under Part B must adopt written procedures for receiving and resolving complaints alleging that the State (grantee) or a sub grantee is violating a Part B statutory or regulatory requirement. (This information was included in former OMB Collection 0599)	20 U.S.C. 1221 e-3	§§300.151-300.153
<i>LEA plan under Part B.</i> LEAs and eligible state agencies must submit a plan to the SEA that provides assurances that the LEA meets specified requirements for assistance under Part B and the regulations.	20 U.S.C. 1413(a)	§§300.201-300.213, and §300.224
<i>Procedural Safeguards Notice.</i> A parent of a child with a disability must be provided a copy of the procedural safeguard notice only one time a year (except one shall be provided upon referral or request for an evaluation, filing a due process complaint, or upon request).	20 U.S.C. 1415(d)	§300.504

Q2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

A2. The information is used by State educational agencies (SEAs) and local educational agencies (LEAs) and is not collected by the U.S. Department of Education.

Q3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision of adopting this means of collection. Also describe any consideration given to using technology to reduce burden.

A3. LEAs and SEAs are encouraged to use computer technology when feasible and cost effective. We estimate that approximately 70% of the information gathered through this collection will be collected electronically. There are no technical or legal obstacles to reducing the burden to LEAs and SEAs.

Q4. 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.

A4. Duplication of this collection does not exist.

Q5. 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.

A5. This collection does not involve small businesses.

Q6. Describe the consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

A6. If the information collection is not conducted, SEAs, LEAs and schools will not have information necessary to carry out the requirements of the law.

Q7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- requiring respondents to report information to the agency more often than quarterly;
- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- requiring respondents to submit more than an original and two copies of any document;

- requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;
- in connection with a statistical survey, that is not designed to produce valid and reliable results 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.

A7. This section is not applicable. No data or information is submitted to the U.S. Department of Education. Information collection methods and timing is at the discretion of the States.

Q8. 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.

A8. OSEP received several comments during the 60-day public comment period regarding the significant disproportionality record keeping and reporting requirements. A 30-day FRN published 11/27/2017 FR 82 56011.

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

A9. This item is not applicable.

A10. 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.<sup>2</sup> 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.

A10. The Department makes no pledge about the confidentiality of the data.

Q11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. 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.

A11. There are no questions of a sensitive nature.

Q12. Provide estimates of the hour burden of the collection of information. The statement should:

- Indicate the number of respondents 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)

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<sup>2</sup> 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)

- Provide estimates of annualized cost to respondents of the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.

A12.

Collection	Respondents, Frequency, Burden	Total Annual Burden Hours	Cost Burden Estimate	Total Cost
<i>LEA consultation with private school representatives.</i> It is estimated that approximately 2,849 LEA recordkeepers will be required to provide written explanations to private school officials and obtain a written affirmation signed by the representatives of participating private schools and forward the documentation of the consultation process to the State educational agency (SEA). It is estimated that it will take, on average, each LEA approximately 12 hours per year to obtain a written affirmation and forward documentation to the SEA. There are 57 SEA recordkeepers who receive the documentation from each LEA. It is estimated that, on the average for all SEAs, it takes recordkeepers 24 hours per year to maintain the records.	(2,849 LEAs x 12 hrs) + (57 SEA x 24 hrs)	35,556	35,556 x \$25	\$888,900
<i>Private school complaint of noncompliance with consultation process.</i> Approximately 200 private school officials are estimated to annually choose to file a complaint with SEAs that LEAs did not engage in	Private school burden: (200 private school respondents x 2hrs) + (30 private school respondents x 2hrs) = 460 SEA burden: (40	5,320	5,320 x \$25	\$133,000

Collection	Respondents, Frequency, Burden	Total Annual Burden Hours	Cost Burden Estimate	Total Cost
<p>consultation that was meaningful and timely, or did not give due consideration to the views of the private school officials and 30 private school officials will choose to file a complaint with the Secretary. It is estimated that on average each of 40 SEAs will render a decision for 5 complaints and will be required to submit documentation to the Secretary for 1 complaint. Approximately 200 LEAs across 40 States will be required to forward documentation to SEAs regarding complaints.</p>	<p>SEA respondents x 5 complaints x 20 hrs) + (40 SEA respondents x 2hrs) = 4,080 LEA burden: 200 LEA respondents x 4hrs = 800</p>			
<p><i>Number of children with disabilities enrolled in private schools by their parents.</i> There are 14,229 LEA respondents who are required to maintain a record of the number of children evaluated, the number of children determined to be children with disabilities, and the number of children served under 20 U.S.C. 1412(a)(10) (A). There are 57 SEA respondents who receive the records from each LEA.</p>	<p>LEA burden: 14,229 LEA respondents x 10 (hrs) = 142,290 SEA burden: 57 SEA respondents x 20 (hrs) = 1,140</p>	143,430	143,430 x \$25	\$3,585,750
<p><i>State plan for high cost fund.</i> It is anticipated that approximately 40 States will choose to maintain a high cost fund necessitating a State plan for the high cost fund. It is estimated that it will take each State an average of 40 hours to annually review and amend 40 State plans which equals an</p>	<p>40 SEA respondents x 40 (hrs)</p>	1,600	1,600 x \$25	\$40,000



Collection	Respondents, Frequency, Burden	Total Annual Burden Hours	Cost Burden Estimate	Total Cost
estimated total of 1,600 total burden hours.				
<i>Free and low-cost legal services.</i> There are approximately 13,000 due process hearings requested annually through LEAs. The data burden is expected to require an average of 30 minutes per hearing request to inform parents of the availability of low-cost legal services.	13,000 LEA respondents x .5 (hrs.)	6,500	6,500 x \$25	\$162,500
<i>List of hearing officers and mediators</i> (previous OMB 1820-0509). There are 57 State level record keepers who must maintain a list of mediators and approximately 14,229 public agencies. It is estimated to take approximately three hours annually for record keepers to update and maintain the lists.	14,286 SEA/LEA respondents x 3 (hrs)	42,858	42,858 x \$25	\$1,071,450
<i>State complaint procedures</i> (previous OMB 1820-0599). Each of 57 SEAs process, on average, 30 complaints annually. It takes an average of about 24 hours for a State educational agency to issue a written decision to a complaint.	57 SEA respondents x 30 = 1,710 x 24 hrs.	41,040	41,040 x \$25	\$1,026,000
<i>LEA plan under Part B</i> (previous OMB 1820-0600). It is estimated that each of 14,229 respondents will expend a total of 2 hours annually processing modifications to an LEA plan for Part B funds and reporting.	14,229 LEA respondents x 2 (hrs)	28,458	28,458 x \$25	\$711,450
<i>Procedural Safeguard Notice.</i> It is estimated that each of 14,229 respondents will	14,229 LEA respondents x 3 (hrs)	42,687	42,687 x \$25	\$1,067,175

Collection	Respondents, Frequency, Burden	Total Annual Burden Hours	Cost Burden Estimate	Total Cost
expend a total of 3 hours annually generating and providing procedural safeguard notices to parents of children with disabilities.				
<b>TOTAL BURDEN</b>	<b>73,503</b>	<b>347,449</b>		<b>\$8,686,225</b>

Q13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14.)

- The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount 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

A13. Total Annualized Capital/Startup Cost : \$0  
 Total Annual Costs (O&M) : \$0  
 Total Annualized Costs Requested : \$0

It is not likely that a public agency will incur costs other than those described in Item 12 above.

Q14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

A14. There is no cost to the federal government.

Q15. Explain the reasons for any program changes or adjustments. 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).

A15. No program changed or adjustments were reported in Items 13 or 14.

Q16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

A16. No analytical techniques will be used.

Q17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

A17. This section is not applicable, since this is a recordkeeping requirement. There is no request to not display the expiration data for OMB approval.

Q18. Explain each exception to the certification statement identified in the Certification of Paperwork Reduction Act.

A18. This section is not applicable. There are no exceptions to item 19 of the "Certification for Paperwork Reduction Act Submissions."

**B. This collection does not involve statistical methods.**