

**Office of Elementary and Secondary
Education
Performance Review
Self-assessment and Protocol**

Supporting Statement Part A

OMB No. Pending

Submitted by:

Office of Elementary and Secondary Education
U.S. Department of Education

October 2018

Summary

The Office of Elementary and Secondary Education (OESE), U.S. Department of Education (the Department), seeks approval from the Office of Management and Budget (OMB) for its performance review self-assessment and protocol. We are requesting a clearance for the 2018-19, 2019-20, and 2020-21 school years to enable us to support State and local educational agencies (SEAs and LEAs) as they implement the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), which was signed into law in December, 2015.

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.**

OESE administers multiple programs administered by SEAs, including Title I, Sections 1001-1004 (School Improvement); Title I, Part A (Improving Basic Programs Operated by Local Educational Agencies); Title I, Part B (Enhanced Assessments Grants (EAG), and Grants for State Assessments and Related Activities); Title II, Part A (Supporting Effective Instruction); Title III, Part A (English Language Acquisition, Language Enhancement, and Academic Achievement). Annual performance reviews – annual phone or on-site conversations with a purposeful sample of SEA and LEA program directors and coordinators – help ensure that an SEA and its LEAs are making progress toward improving student achievement and the quality of instruction for all students and are ensuring requirements are met through the review of the program and fiscal requirements to safeguard public funds from waste, fraud, and abuse. The information shared with OESE also informs the selection and delivery of technical assistance to SEAs and aligns structures, processes, and routines so OESE can regularly monitor the connection between grant administration and intended outcomes. Because grantees are monitored on a multiyear cycle, administration of this information collection, including the publication of performance review results, is necessary to enable OESE to identify potential areas of noncompliance ahead of formal monitoring visits, decreasing the need for enforcement actions and minimizing burden for SEAs. Applicable statutory and regulatory citations are provided below.

ESEA:

[§1003\(a\)-\(f\)](#)

[§1111\(a\)-\(d\), \(g\)-\(h\)](#)

[§8101](#)

[§8303](#)

[§8304\(a\)\(6\)\(A\)](#)

Title I Regulations:

[34 C.F.R 200.11](#)

[34 C.F.R 200.19](#)

Uniform Guidance:

[2 C.F.R. 200.303](#)

[2 C.F.R. 200.328](#)

EDGAR

[34 CFR 76.720](#)

[34 CFR 76.770](#)

- 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 primary users of this information will be the program managers and officers in OESE. Information collected will be used to evaluate the effectiveness and efficiency of State and local implementation of federal education programs that OESE oversees. Based on the information collected, OESE will ensure basic program requirements are met, identify areas of improvement for SEA program coordinators and directors, and focus technical assistance resources where they are needed the most to provide the best educational outcomes for the nation's students and their families.

- 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.**

SEAs and LEAs submit written responses electronically through an online survey and complete in-person or phone interviews with OESE staff.

- 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 OESE performance review self-assessment and protocol does not duplicate any other information collection effort.

- 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.**

This collection may impact small school districts and as a result, the Department will take a number of steps to minimize burden. The methods employed include LEA sampling rules that ensure the only LEAs participating are (1) among the largest LEAs in the State and (2) if they are not large LEAs, are selected in partnership with the SEA. In addition, the LEA protocol is

substantially shorter than the SEA protocol and only requests information that is absolutely necessary to verify the accuracy of SEA responses.

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.

SEA performance reviews are conducted on a multiyear cycle. If the Department collected this information less frequently, or not at all, it would greatly diminish the ability of program managers and analysts to use the information to measure education progress in support of federal legislation and would prevent OESE from ensuring basic requirements are met, decreasing the Department's ability to safeguard public funds from waste, fraud, and abuse.

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.**

None of the special circumstances 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 published a 60-day FRN seeking public comments, and a 30-day FRN seeking public comments. No consultations outside of the public comment process were conducted for this collection. There were no public comments as a result of the public comment period notices.

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

These data are collected from a purposefully sample of grantee SEAs and subgrantee LEAs. No remuneration, outside of grant funds allocated to the SEAs and LEAs by formula, is made.

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 the Department 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.

There has been no assurance of confidentiality provided to the respondents.

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.

Not applicable. This collection contains 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 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.

Fifty-three (53) grantees interact with OESE during this information collection, over a multi-year period. The list of respondents includes: 50 states, District of Columbia (DC), Puerto Rico (PR) and the Bureau of Indian Education (BIE). We estimate that 15 SEAs will be monitored per year. Approximately 14,000 subgrantees have the potential to interact with OESE during this information collection. The list of subgrantee respondents includes every LEA receiving Title I, Title II, Title III, or school improvement funds. We estimate that 30 LEAs will be monitored per year. The burden differences across reporting entities are limited, so all entities are assigned the same estimated reporting burden of one full-time equivalent (FTE) per reporting entity.

Collection	Respondent Types	Annual Respondents	Responses	Hours per Respondent (52 weeks/year; 40 hours/week)	Total Hours
OESE Performance Review Self-assessment and Protocol	SEAs and LEAs	45	1 per respondent	200 hours per year	9,000 per year

The annualized cost related to the respondent burden time is estimated to be \$450,000 (9,000 hours multiplied by an average wage of \$50 per hour). There is a wide range of hourly salaries associated with the professionals that participate in OESE reviews, making this estimation approximate.

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: None.

Total Annual Costs (O&M): None.

Total Annualized Costs Requested:

The OESE performance reviews for the foreseeable future will require no additional systems development efforts by SEAs. There are no capital or startup costs associated with this performance review.

- 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.**

Collection	Annual Responses	Hours of work per year (52 weeks/year; 40 hours/week)	Total Hours
OESE Performance Review Self-assessment and Protocol	45	40 hours/year	1,800

The annualized cost for the Federal Government is estimated to be \$90,000 (1,800 hours multiplied by an average wage of \$50 per hour). There is a wide range of hourly salaries associated with OESE Program Officers, making this estimation approximate.

- 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).

This is a new data collection; there is a program change increase of 9,000 annual burden 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.**

Not applicable.

- 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.**

Ongoing annual collection, starting May 2019.

- 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.**

Not applicable.

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

Not applicable.