

OMB Supporting Statement for Proposed Data Collection
Part A. Justification

Study of State Implementation of the Unsafe School Choice Option

1. Importance of Collecting the Information

The purpose of this study is to examine state implementation of federal requirements to provide an Unsafe School Choice Option (USCO) that permits students attending a persistently dangerous public elementary or secondary school, or students who become victims of a violent criminal offense while in or on the grounds of a public school that they attend, be allowed to attend a safe public school within the school district, including a public charter school. The U.S. Department of Education (Department) has never conducted such a study. Given ongoing, cross-Federal-agency efforts to help ensure students are safe in school, it is essential for the Department to understand how State Educational Agencies (SEAs) are implementing the USCO requirements.

Program and Policy Context

Section 8532 of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), requires that each state receiving funds under the ESEA establish and implement a statewide policy requiring that students attending a persistently dangerous public elementary or secondary school, or students who become victims of a violent criminal offense while in or on the grounds of a public school that they attend, be allowed to attend a safe public school. As a condition of receiving ESEA funds, each state must certify that the state is in compliance with these requirements.

The Department's *Unsafe School Choice Option: Non-Regulatory Guidance*, published in 2004, provided a suggested framework for states to develop their policies, including around the determinations for persistently dangerous schools.¹ A 2004 analysis of state policies by the Education Commission of the States found that the majority of states required thresholds to be met for more than one year before identifying a school as persistently dangerous, despite the 2004 guidance to define persistently dangerous schools based on incidents in a single school year.² A 2007 perspective paper authored by the Department's Office of Inspector General found that over 50 percent of the states did not follow Department guidance for setting criteria used to determine persistently dangerous schools. For example, some states excluded common violent offences from the persistently dangerous school determination.³

Study Design and Study Questions

This study is intended to examine how SEAs implement the USCO requirements. Specific study questions include the following:

- a. What are states' processes for developing and reviewing policies?
- b. How do states ensure the data used to make determinations is accurate?

¹ U.S. Department of Education. Office of Elementary and Secondary Education. (2004). *Unsafe School Choice Option: Non-Regulatory Guidance*. Accessed from <https://www2.ed.gov/policy/elsec/guid/unsafeschoolchoice.doc>.

² Zradicka, Gloria. (2004). *Persistently Dangerous School Criteria*. Denver, CO: Education Commission of the States.

³ U.S. Department of Education, Office of Inspector General. (2007). *An OIG Perspective on the Unsafe School Choice Option*. ED-OIG/S03G0015. Accessed from <http://educationnewyork.com/files/s03g0015dangerousschools.pdf>.

- c. For states with appeal processes for determinations, how have those worked in practice?
- d. What guidance do states provide to districts on how to comply with the USCO provisions, including offering transfer to a victim of a violence criminal offense?
- e. How do states monitor district compliance, including offering transfer to victims of a violent criminal offense while in or on the grounds of a public school that they attend?
- f. How many students have transferred under USCO provision?
- g. What challenges have States encountered in implementing the USCO and how can they be addressed?

To address these questions, the study will include interviews with state coordinators in all 50 states, Washington, D.C., and Puerto Rico, collect data on the number of students that transferred under USCO policies (if possible), and analyze extant documents and data.

2. Purposes and Uses of the Data

The purpose of this data collection is to provide information about how states are implementing the USCO requirements. Findings from the data collection will be used to inform technical assistance and monitoring.

3. Improved Information Technology

The interviews will be conducted via telephone and, if available, data and extant documents will be collected via email.

4. Efforts to Identify Duplication

Through the Consolidated State Plan process, the Department of Education requires States to assure they will comply with ESEA section 8532. However, the Department does not collect data on how states implement the policies. Therefore, this collection does not duplicate effort.

5. Methods Used to Minimize Burden on Small Entities

No small entities are included in this data collection.

6. Consequences of Not Collecting the Information

To help support state and local efforts to ensure student safety in school, it is essential for the Department to understand how SEAs are implementing the USCO requirements. If we do not collect this information, the Department would not have information to improve technical assistance and monitoring to better support SEAs in ensuring that students have access to safe schools.

7. Special Circumstances

None of the special circumstances listed apply to this data collection.

8. Consultations Outside the Agency

No consultations have been conducted outside the U.S. Department of Education regarding this data collection. A 60 day notice was published in the Federal Register on December 3, 2018 (83 FR 62311). No public comments were received. A 30 day notice will be published.

9. Payments or Gifts to Respondents

No payment or gifts to respondents will be made.

10. Assurance of Confidentiality

Responses to this data collection will be used only for research purposes. No part of the study involves evaluation of any individual, agency, or institution. The study report prepared for the study will consolidate the results across all the states in the study. The study report will not disclose the names of individual study participants or their states, except as required by law.

11. Sensitive Questions

This interview protocol does not contain any questions of a sensitive nature.

12. Estimated Response Burden

We estimate that the hour burden on respondents will total 70 hours. In monetary terms, the estimated cost of this burden amounts to a total of \$4,300.

Table 1
Estimate of Burden Hours and Monetary Cost

Collection Type	Number of Respondents	Average Number of Hours Per Respondent	Total Burden Hours	Average Hourly Rate	Estimated Monetary Cost of Burden	Average Monetary Cost Per Respondent
Interview	56	1.25	70	\$60	\$4,300	\$75

13. Estimates of Annualized Respondent Capital and Maintenance Costs

This is a one-time data collection, and there are no respondent capital and start-up costs, nor operation and maintenance costs.

14. Estimated Annualized Cost to the Federal Government

The total cost to the federal government for this one-time data collection and resulting report is estimated to be a maximum of \$300,000 over 14 months, or annualized at \$257,104. This amount represents the budgeted cost for a contractor to collect and analyze the data and to produce a final report.

15. Changes in Burden

This is a new study to allow the Department to understand how SEAs are implementing the USCO requirements. Given ongoing, cross-Federal-agency efforts to help ensure students are safe in school, it is essential for the Department to better understand implementation of the USCO provision. This results in an increase in burden and response of 70 hours and 56 responses.

16. Study Schedule and Publication Plans

The data collected under this study will be summarized in a public report. We anticipate that a final report will be completed by April 2020. Table 3 provides a schedule for completion of the data collection and report.

**Table 2
Study Timeline**

Begin data collection	May 2019
End data collection	August 2019
First draft of final report	November 2019
Completion of final report	April 2020

17. Display Expiration Date for OMB Approval

The data collection form will display the expiration date for OMB approval of the information collection.

18. Exceptions to Certification Statement

Not applicable. There are no exceptions requested.