

SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION

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 section¹. 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.

The Migrant Information Exchange (MSIX) is a nationwide electronic records exchange mechanism mandated under Title I, Part C of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA). The Migrant Education Program (MEP) is authorized under sections 1301-1309 in Title I, Part C of the ESEA. MSIX and the minimum data elements (MDEs) are authorized under section 1308(b) of the ESEA, as amended. As a condition of receiving a grant of funds under the MEP, each State Educational Agency (SEA) is required to collect, maintain, and submit minimum health and education-related data to MSIX within established timeframes. Regulations CFR 34 §200.85 for the MSIX issued by the U.S. Department (the Department) have been in effect as of June 9, 2016. MSIX is designed to facilitate timely school enrollment, grade and course placement, accrual of secondary course credits and participation in the MEP for migratory children. The regulations help the Department to determine accurate migratory child counts and meet other MEP reporting requirements.

The Department is requesting approval to extend the 1810-0683 information collection that supports statutory requirements for data collection under Title I, Part C MEP.

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.

Each grantee receiving a grant of funds under the MEP is required to submit information for migratory children receiving MEP services through an established secure data submission method as agreed upon in the Memorandum of Understanding (MOU) and Interconnection Security Agreement (ISA). The information collected is used to meet the statutory requirements for a nationwide electronic records exchange mechanism that is used by the grantees to facilitate timely school enrollment, grade and course placement, accrual of secondary course credits and participation in the MEP for eligible migratory children. Information collected in MSIX is used by SEAs, migratory student educators, MEP personnel, school registrars, and school guidance counselors. The Department analyzes aggregate data for national counts of migratory children, trends in data, and for program performance reporting. The Department also uses the information collected to monitor the grantees' compliance with code of federal regulations applicable to the use of the MSIX system, specifically 34 CFR §200.85.

¹ Please limit pasted text to no longer than 3 paragraphs.

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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.

The information collection requires SEAs to submit MDEs electronically to MSIX as required by program statute. SEAs are currently using automated information systems to collect, analyze and maintain information on migratory children within their SEAs. These SEA operated database servers electronically submit data to MSIX nightly, weekly or as new information is available. The MSIX system processes newly submitted data files nightly, every business day. There are interface file formats made available to SEAs with extensive instructions and support to submit data files in appropriate formats and to receive response files containing verifications and errors for SEA's review. Nightly data file uploads are used to eliminate duplication of effort for the SEA's data entry needs. Data are entered, validated, and approved in the SEA system before submission to MSIX, therefore data are more reliable, less prone to error and are transferred between the SEA database server to MSIX in a controlled manner. The SEA also has the option to use application program interface (API) for connecting MSIX to its SEA operated system for seamless integration of modules and functionality between the two systems.

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.

The information that SEAs submit to MSIX is unique to each migratory child enrolled in the MEP. This MSIX information collection will not duplicate (or otherwise include) the burden associated with the MDEs available for submission to MSIX from other authorized collections. While EDFACTS and the Consolidated State Performance Report (CSPR) may require SEAs to submit aggregate counts and summary information of student demographics and achievement, these other collections do not contain individual information for migratory children receiving MEP services nor do they facilitate a nationwide records exchange of educational and health information.

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.

Small business and/or small entities are not impacted by this data collection.

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.

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If the collection is not conducted, ED will be unable to carry out its statutory mandate under section 1308 of the ESEA. Additionally, SEA grantees of the MEP will be hindered in identifying migratory children, determining the educational and health status of those who move within and across States, making prompt and appropriate educational placements, and providing for a continuity of services. In addition, migratory children may be at risk of omitted or unnecessary immunizations. Secondary students may be unable to document coursework that could be important for graduation, entry into postsecondary education, or employment opportunities.

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.

Migratory children move across multiple districts and States throughout the school year which create the unique circumstance that require frequent and regular data collection and submission to MSIX. Section 1308(b)(2)(C) of the ESEA provides that SEAs shall be able to obtain "immediate access" to the required MDEs. The Department has determined, after consultation with intended users among the State and local MEP staff, that this statutory provision can best be achieved by requiring an SEA to submit applicable MDEs to MSIX within 10 working days of documenting that a child is eligible for the MEP, and within 4 working days of notice from MSIX

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of a child's change in residence. All other information collection requirements conform to 5 CFR § 1320.5, including the requirement for SEAs to provide updated and newly available information about children within 30 calendar days of the end of each semester, trimester, intersession, or summer session. All data submission timelines are established through 34 CFR §200.85.

Respondents should retain records for as long as a migratory child is in the MEP program, which may be for more than three years and may remain until the child's 22nd birthday. Records must be available to SEAs to ensure proper enrollment, grade and course placement, and accrual of secondary course credits for eligible migratory children.

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 State User Group for Analysis and Recommendations (SUGAR) meets quarterly to discuss data and technical concerns regarding MSIX and its uses. This group of nine representatives from grantees collaborates and consults with regard to data collected, availability of data, frequency of collection, clarity of instruction, data disclosures, reporting, and public burden for the data collection. Some of the changes noted on the updated MDE list reflect changes requested from the SUGAR members, such as the changes from 'male parent' and 'female parent' to 'parent 1' and 'parent 2.' Comments received by SUGAR group members have resulted in clarity of terms used in the MDE list and inclusion of examples for appropriate responses to data elements in the assessments and course history categories.

ED will publish both 60-and 30-day notices seeking comments. Comments will be used to finalize the data collection.

ED published a 60-day notice in the Federal Register on March 18, 2019 under the citation 84 FR 9768. The 60-day comment period closed on May 17, 2019; after which time the Office of Migrant Education analyzed and responded to comments. No changes were made to either the MSIX MDE List or the Date Burden Statement after the analysis of the comments. A 30-day comment period for this renewal request will be published on the Federal Register subsequently.

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

No gifts or payments will be provided to respondents.

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 IC Data Form. A confidentiality statement with a legal citation that authorizes the pledge of confidentiality should be provided.² 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.

All sources submitting information to MSIX must sign a Memorandum of Understanding (MOU) and Interconnection Security Agreement (ISA), which are reviewed annually and renewed every 3 years. All authorized persons who access this information must accept and sign the MSIX Rules of Behavior annually, which contain a detailed description of the safeguards that each system user must follow to protect the privacy and security of the information. The Rules of Behavior require compliance with the confidentiality standards in the Privacy Act of 1974 as amended. A Privacy Impact Assessment is published online. The Department published a System of Records Notice for MSIX in the Federal Register on December 5, 2007, Vol. 72, number 233, pages 68572-68576. The SORN is currently being updated for non-substantive revisions.

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.

The information collection does not include any 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

² 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)

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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)
- 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.

The key change in estimates of the hour burden from the previous Information Collection is the elimination of the one-time burden of start-up submissions. As all SEAs have been certified for start-up submissions and have established procedures for proper operation and maintenance of the existing information collection, the burden hours shown below reflect continuing activities to sustain the regularly scheduled data submissions. The average person years calculation has been adjusted for 46 currently participating SEAs, rather than the 50 projected in the previous notice. The average hours per 1,000 eligible children has been updated with total national count of reported eligible children for 2016-2017 reporting period, which was 302,361 migratory children.

By Reporting Activity	Annualized Burden for all SEA Respondents
1 Newly Documented Migratory Children	123,928
2 Newly Documented (Secondary Records - Same State)	26,545
3 Newly Documented (Secondary Records - Out of State)	38,441
4 End of Term Submissions	261,069
5 Change of Residence Submissions	4,682
6 Parental Request to SEA for Data Correction	32
7 Response to the Department - Parental Request to the Department for Data Correction	4
Annualized Total over 3 Years for All SEAs	454,701
Average Hours per SEA	9,885
Average Person Years per SEA (at 2,080 hours/year)	4.75
Average Hours per 1,000 Eligible Children (of 302,361 Children)	1,504

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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 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

Total Annualized Capital/Startup Cost: NA

Total Annual Costs (O&M): _____ NA _____

Total Annualized Costs Requested: NA

This information collection does not require the use of any capital equipment, start-up costs, or record keepers, specifically for this purpose.

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

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information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

Estimated annualized cost to the Federal government is \$4M. There was an increase from FY2016 to 2017 due to contract renewal and technology modernization projects to migrate from traditional data center to a cloud services provider. Additional resources were allocated for the Responsive Web Design project where the application code and user interfaces were modernized to use current software coding standards and to implement a more mobile/tablet friendly design.

	Department Staff Time in Government FTEs	Department Staff Costs (Loaded with Benefits, 3% annual increase)	MSIX Contract Costs	Totals
Historical Costs				
FY 2006	2.2	\$ -	\$7,980,831	\$7,980,831
FY 2007	2.2	\$264,440	\$3,129,097	\$3,393,537
FY 2008	2.2	\$272,373	\$3,262,624	\$3,534,997
FY 2009	2.2	\$280,544	\$3,034,085	\$3,314,630
FY 2010	2.2	\$288,961	\$3,161,144	\$3,450,105
FY 2011	2.2	\$297,630	\$3,632,746	\$3,930,376
FY 2012	2.2	\$306,558	\$2,660,856	\$2,967,415
FY 2013	2.2	\$315,755	\$2,754,435	\$3,070,190
FY 2014	2.2	\$325,228	\$2,572,637	\$2,897,865
FY 2015	2.2	\$334,985	\$2,565,255	\$2,900,240
Total		\$2,686,474	\$34,753,710	\$37,440,186
Annualized Total		\$298,497	\$3,475,371	\$3,744,019
Past 3 Years				
FY 2016	2.2	\$345,035	\$2,727,190	\$3,072,225
FY 2017	2.2	\$355,386	\$4,162,190	\$4,517,576
FY 2018	2.2	\$366,047	\$4,170,000	\$4,536,047
Total		\$1,066,467	\$11,059,380	\$12,125,847
Annualized Total		\$355,489	\$3,686,460	\$4,041,949

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

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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).

There are three points of adjustment in this renewal notice. First, start-up data submission burden has been removed as all participating SEAs are fully certified to have completed the start-up work necessary to collect and transmit data to MSIX. Second, the number of participating SEAs has been adjusted from 50 to 46, with the following SEAs declining participation in the MEP program: Connecticut, Rhode Island, West Virginia, and Wyoming. Lastly, the total nationwide count of eligible migratory children has been adjusted to reflect verified numbers from 2016-2017 reporting period. The estimate is based on continuing existing procedures without substantive changes.

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 collection of information does not require publication of the information or use of complex analytical techniques. Summary information may be reported by the Secretary in tabular form to the SEAs, Congress and the public.

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.

The OMB approval number will be displayed on the forms.

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

There are no proposed exceptions to the certifications.