

Supporting Statement A

Homeliving Programs and School Closure and Consolidation

OMB Control Number 1076-0164

Terms of Clearance: OMB approves this collection for one year. Before the next renewal, the Bureau of Indian Affairs will establish guidance for completing the collections associated with this program. The guidance will eliminate the potential need for respondents to consult the Code of Federal Regulations and ensure that the program's expectations for this collection are clear.

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.¹

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

¹ 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).

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 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 in its reports to the U.S. Department of Education.
- 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.

As a result of the last renewal of this collection, the BIE created a set of instructions for completing the above described collections. Specifically, the BIE has developed: (1) a template BIE Residential Handbook responsive to 25 CFR 36.94; (2) Homeliving Waiver Instructions responsive to 25 CFR 36.120; and (3) Authorization of Medical Care of a Minor. With regard to the BIE Residential Handbook, this document provides basic information applicable to all of BIE's residential programs, including medication administration and transportation policy. The template Handbook also contains sections in which each individual residential program can add site specific information, such as the contact information for applicable Associate Deputy Director Office and the annual school year calendar. With regard to the Homeliving Waiver Instructions, this provides stakeholders with simplified instructions regarding how they can obtain a waiver from homeliving standards pursuant to process outlined in 25 CFR 36.120. The BIE's instructions are easy to understand and eliminate the need for respondents to consult only the CFR for guidance on submitting information.

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 program administrator 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 October 22, 2018 (83 FR 53290). 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 three Homeliving Specialists to obtain their views on the availability of data, frequency of collection, and on the data elements to be reported. Generally, the Homeliving Specialists that conducted the review of BIE's guidance materials found them to be necessary and provided no recommendations or suggestions for improvement. Specifically, the three reviewers provided the following statements regarding the documents:

- 25 CFR 36.94 BIE Residential Handbook:
 - Response #1: A Homeliving Specialist from Lukachukai Community School commented that the template makes developing a Residential Handbook easier as it addresses all the policy requirements listed in the CFR. The Handbook will be

implemented in their school.

- Response #2: A Social Worker from Aneth Community School stated the document is highly useful in enhancing their previous document that was outdated and did not have all the policy requirements.
- Response #3: A Counselor Technician from Wingate High School stated the document allow the Residential Counseling program to group alert the parents, students, and staff about the counseling program that is aligned with Behavior Health requirements. The document is user friendly as it is color coded for insertions.
- 25 CFR 36.120 BIE Residential Annual Accountability Report:
 - Response #1: A Dormitory Manager from Crownpoint Community school stated the guidance document provided clarity to submitting the Annual Accountability report. It will make it easy to address the CFR requirement.
 - Response #2: A Homeliving Specialist Supervisor from Wingate High School stated the document is easy to understand and the use of MS Word will allow him to enter sections A-D easily. The signature page will also allow the document to be reviewed by the school administration, school board, and Associate Deputy Director. The document will make it simple for a submission.
 - Response #3: A Head Teacher from Chi Chil Tah/Jones Ranch School stated the document follows the CFR language by mirroring what is needed for submission. This will allow consistency in reporting for the requirement. It is user friendly as well.
- 25 CFR Part 36.97(c) Parents/guardians may opt out of any non-emergency services:
 - Responses #1 & 2: A homeliving manager and homeliving specialist from Chi Chil Tah/Jones Ranch School reviewed the Medical Authorization form for clarity and content and stated “[we] did feel it was clear for the parent to sign.”
 - Response #3: A homeliving specialist from an off-reservation boarding school reviewed the Medical Authorization form for clarity and content. The respondent stated “...the Authorization form, it’s clear that [the parents] need to fill out A or B.”
- 25 CFR Part 36.100(f) Homeliving Program Notifying the School of a Known Student Absence:
 - Three school representatives were contacted regarding their program’s procedures for information the school’s attendance, or registrars, office of a student’s known absence. Each of the respondent’s stated that homeliving staff supervisors are responsible for making such reports to the school attendance office.
- 25 CFR Part 36.111 Waiver of Homeliving Standard
 - Responses #1 & 2: A homeliving manager and homeliving specialist Chi Chil Tah/Jones Ranch School reviewed the Guidance Document for Requesting Homeliving Standards Waiver Policy for clarity and content. The respondent stated they felt that it was wordy; however, no changes were recommended, and the respondents could not see how to condense the document further.
 - Response #3: A homeliving specialist from an off-reservation boarding school reviewed the waiver guidance form for clarity and content. This respondent

reported that the guidance document makes sense and is laid out plainly. The outline is great and easily followed.

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 164 respondents and responses with an estimated total annual burden of 932 hours with an estimated cost to respondents of \$50,776.

25 CFR section		No. Respondents	Responses per respondent	Responses	Burden per response (hours)	Total annual burden (hours)	Cost to Respondents
36.93 and 36.94	Homeliving handbook requirements	20	1	20	6	120	\$6,538
36.97(c)	Parents/guardians waive non-emergency services	10	1	10	.25	3	\$163
36.100(f)	Homeliving staff notifies school of student's absence	76	1	76	.25	19	\$1,035
36.111	Tribe, Tribal governing body or local school board waives homeliving standards	19	1	19	.5	10	\$545
36.111(a)	Tribe, Tribal governing body or local school board submits alternative homeliving standards	19	1	19	40	760	\$41,405
36.120	Annual accountability report	20	1	20	1	20	\$1,090
TOTALS		164		164		932	\$50,776

To obtain the hourly rate, BIA used \$54.48, the wages and salaries figure for civilian workers from BLS Release USDL-19-0449, Employer Costs for Employee Compensation—March 2019, Table 2, 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 1.5 multiplier for benefits.

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 \$8,756. BIE does not expend any resources for sections 36.93, 36.94, 36.97(c), and 36.100(f).

25 CFR section		Responses	Federal Burden Hours per Response	Total Federal Burden Hours	Federal Costs
36.111	Tribe, Tribal governing body or local school board waives homeliving standards	19	2	38	\$3,461
36.111(a)	Tribe, Tribal governing body or local school board	19	2	38	\$3,461

	submits alternative homeliving standards				
36.120	Annual accountability report	20	1	20	\$1,834
TOTALS		58		96	\$8,756

The current estimated annual cost to the government has been calculated by using the hourly rate provided by the 2019 General Schedule Annual Rates by Grade and Step: GS-14/5 with a multiplier of 1.6 for benefits for a total of \$91.07. See https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/19Tables/html/RUS_h.aspx.

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

The citation 25 CFR 39.71(b)(2) was removed from the burden table because this citation no longer exists. The citations 25 CFR 36.93, 36.94, and 36.120 were added to the burden table of this information collection. In a previous version of this supporting statement, the burden table erroneously stated that these citations were accounted for in the now-discontinued OMB 1076-0163. These three citations should have been, and are now, included with this collection, OMB 1076-0164. The citation 36.100(g) in the burden table was corrected to 36.100(f). The information collection “Tribe, Tribal governing body or local school board requests closure, consolidation, or substantial curtailment collection” was eliminated from the burden table because under 25 CFR 36.112 a homeliving program cannot be closed, transferred to any other authority, consolidated, or its programs substantially curtailed for failure to meet these standards. The hourly burden estimate for 36.100(f), Homeliving staff notifies school of student’s absence, was changed from .02 to .25 to more accurately reflect the amount of time it takes for staff to perform this task.

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.

The BIE will display the OMB control number and expiration date on any forms or guidance documents 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.