

**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 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.

A1. OMB Information Collection 1820-0600 reflects the provisions in Part B of the Individuals with Disabilities Education Act (IDEA) and the implementing regulations requiring States and/or local educational agencies (LEAs) 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 IDEA to be collected or maintained and the legal requirements for each collection. This submission reflects a revision of a currently approved collection to add the requirements in 34 CFR §§300.646 and 300.647 related to the information or data that States must collect to determine if significant disproportionality based on race and ethnicity is occurring in the State and LEAs of the State with respect to the identification, placement, and discipline of children with disabilities.

Required Collection	Statutory Authority	Regulatory Authority
<p><i>LEA consultation with private school representatives and representatives of parents of parentally-placed private school children with disabilities.</i> The consultation process must address how, if the LEA disagrees with the views of the private school officials on the provision of services or the types of services (whether provided directly or through a contract), the LEA will provide the private school officials a written explanation of the reasons why the LEA chose not to provide those services directly or through a contract.</p>	<p>20 U.S.C. 1412(a)(10)(A)(iii)(V) and (iv)</p>	<p>§§300.134(e) and 300.135</p>

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

Required Collection	Statutory Authority	Regulatory Authority
<p>The LEA must obtain a written affirmation signed by the representatives of participating private schools that timely and meaningful consultation has occurred. If the private school representatives do not provide the written affirmation within a reasonable period of time, the LEA must forward the documentation of the consultation process to the State educational agency (SEA).</p>		
<p><i>Private school official's complaint of noncompliance.</i> A private school official has the right to 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.</p>	20 U.S.C. 1412(a)(10)(A)(v)	§300.136
<p><i>Number of children with disabilities enrolled in private schools by their parents, other than children with disabilities enrolled by their parents in private schools when a free appropriate public education is at issue.</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 under IDEA, the number of children determined to be children with disabilities under IDEA, and the number of children served in accordance with 20 U.S.C. 1412(a)(10)(A).</p>	20 U.S.C. 1412(a)(10)(A)(i)(V)	§300.132
<p><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 for the purpose of assisting LEAs (including a charter school that is an LEA or a consortium of LEAs) in addressing the needs of</p>	20 U.S.C. 1411(e)(3)(C)(ii)	§300.704(c)(3)(i)

Required Collection	Statutory Authority	Regulatory Authority
high need children with disabilities.		
<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 the parent requests the information or the parent or agency files a due process complaint under §300.507.	20 U.S.C. 1415(b)(6)	§300.507
<i>List of hearing officers and mediators.</i> Each State receiving funds under Part B of IDEA 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(b)(3)(i) and 300.511(c)(3)
<i>State complaint procedures.</i> Each SEA must adopt written procedures for resolving any complaint, including a complaint filed by an organization or individual from another State, that meets the requirements of §300.153. The complaint must be signed and written and allege that a public agency has violated a requirement of Part B of IDEA or the Part B regulations and the facts upon which the allegation is based. (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> In order to be eligible for assistance under Part B of IDEA for a fiscal year, LEAs and eligible state agencies must submit a plan to the SEA that provides assurances that the LEA or eligible state agency 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	20 U.S.C. 1415(d)(1) (A)	§300.504(a)

Required Collection	Statutory Authority	Regulatory Authority
<p>must be provided a copy of the procedural safeguards notice only one time a school year, except a copy shall be provided upon initial referral or parent request for an evaluation; upon receipt of the first State complaint under 34 CFR §§300.151 through 300.153 and upon receipt of the first due process complaint under 34 CFR §300.507 in a school year; in accordance with the discipline procedures in 34 CFR §300.530(h); and upon request by a parent.</p>		
<p><i>Significant Disproportionality.</i> Under 20 U.S.C. 1418(d) and 34 CFR §300.646, States are required to collect and examine data to determine if significant disproportionality based on race and ethnicity is occurring in the State and the LEAs of the State with respect to the identification of children as children with disabilities, including identification as children with particular impairments; the placement of children in particular educational settings; and the incidence, duration, and type of disciplinary actions, including suspensions and expulsions. Section 300.647 addresses how States must make a significant disproportionality determination. States must make determinations annually by determining the number of prior years' data to be analyzed, calculating and comparing the risk ratios, or alternate risk ratios as appropriate, to the thresholds for each LEA in the State in each of the categories described in §300.647 (b)(3) and (4) and for each racial and ethnic group described in §300.647(b)(2) in accordance with §§300.646 and 300.647 to determine if significant disproportionality occurred. States must retain these risk ratios, or alternate risk ratios, and whether the risk ratios</p>	20 U.S.C. 1418(d)	§§300.646 and 300.647

Required Collection	Statutory Authority	Regulatory Authority
triggered a finding of significant disproportionality requiring the provision of comprehensive coordinated early intervening services, for review if requested.		
<p><i>Setting standards for significant disproportionality with advice from stakeholders.</i></p> <p>State selected standards for reasonable risk ratio thresholds, minimum cell-sizes, minimum n-sizes, and, if the State uses the “reasonable progress” flexibility, standards for measuring reasonable progress and the number of year’s data that determinations are based upon. These standards “must be based on advice from stakeholders, including State Advisory Panels, as provided under section 612(a)(21)(D) (iii) of [IDEA].”</p>	20 U.S.C. 1412(a)(21)(D)(iii) and 1418(d)	§300.647(b)(1)(i) and (iii)(A).

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 SEAs and 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. The public, including representatives of those entities that must collect the required information, have the opportunity to provide comments on this collection. A 60-day notice was published on August 26, 2019 in the Federal Register to solicit public comments. Eleven comments were received. OSERS responded to these comments. No changes were made to the collection. Subsequently, a 30-day notice will be published in the Federal Register to solicit additional public comments. OSERS will respond to comments received for this notice, as well.

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.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.

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)

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)
- 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 and representatives of parents of</i>	(2,849 LEAs x 12 hrs) + (57 SEAs x 24 hrs)	35,556	35,556 x \$25	\$888,900

Collection	Respondents, Frequency, Burden	Total Annual Burden Hours	Cost Burden Estimate	Total Cost
<p><i>parentally placed private school children with disabilities.</i> It is estimated that approximately 2,849 LEA recordkeepers will be required to provide written explanations to private school officials, if applicable, and obtain a written affirmation signed by the representatives of participating private schools that timely and meaningful consultation has occurred, and if applicable, to 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, if applicable, to forward documentation of the consultation process 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.</p>				
<p><i>Private school complaints of noncompliance.</i> Approximately 200 private school officials are estimated to annually choose to file a complaint with their SEA alleging that LEAs did not engage in consultation that was meaningful and timely, or did not give due consideration to the views of the private school</p>	<p>Private school burden: (200 private school respondents x 2hrs) + (30 private school respondents x 2hrs) = 460 SEA burden: (40 SEA respondents x 5 complaints x 20 hrs) + (40 SEA</p>	5,320	5,320 x \$25	\$133,000

Collection	Respondents, Frequency, Burden	Total Annual Burden Hours	Cost Burden Estimate	Total Cost
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.	respondents x 2hrs) = 4,080 LEA burden: (200 LEA respondents x 4hrs) = 800			
<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.	LEA burden: 14,229 LEA respondents x 10 (hrs) = 142,290 SEA burden: 57 SEA respondents x 20 (hrs) = 1,140	143,430	143,430 x \$25	\$3,585,750
<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 estimated total of 1,600 total burden hours.	40 SEA respondents x 40 (hrs)	1,600	1,600 x \$25	\$40,000
<i>Free and low-cost legal services.</i> There are	13,000 LEA respondents x .5	6,500	6,500 x \$25	\$162,500

Collection	Respondents, Frequency, Burden	Total Annual Burden Hours	Cost Burden Estimate	Total Cost
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.	(hrs.)			
<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 on 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 Safeguards Notice</i> . It is estimated that each of 14,229 respondents will expend a total of 3 hours annually generating and providing procedural	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
safeguards notices to parents of children with disabilities.				
<i>Significant Disproportionality.</i> It is estimated that each of the 60 States and entities will expend a total of 156 hours annually calculating risk ratios or alternate risk ratios for all the LEAs in the State.	60 States X 156 (hrs)	9,360	9,360 X \$43.18	\$404,181
<i>Setting standards for significant disproportionality with advice from stakeholders.</i> It is estimated that each of the 60 States and entities will expend a total of 292 hours in a given year to set the standards required in §300.647(b)(1)(i) based on advice from stakeholders, including State Advisory Panels.	60 States X 292 (hrs)	5,840 (annualized over 3 years)	5,840 X \$30.91	\$180,488.92
TOTAL BURDEN	73,623	362,649		\$9,270,894.92

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. The Department makes two revisions as the result of 34 CFR §§ 300.646 and 300.647 published in the Federal Register on December 19, 2016, and currently in effect following the decision of the United States District Court for the District of Columbia in *Council of Parent Attorneys and Advocates, Inc. v. DeVos*, 365 F.Supp.3d 28 (2019).

Type of Change	Type of collection	New elements to be collected through existing collection as the result of regulatory changes	Respondents, Frequency, Burden	Total Annual Burden Hours	Cost Burden Estimate	Total Cost
Program	Revision	<i>Significant</i>	60 States X	9,360	9,360 X	\$404,181

change due to new regulations		<i>Disproportionality.</i> It is estimated that each of the 60 States and entities will expend a total of 156 hours annually calculating risk ratios or alternate risk ratios for all the LEAs in the State.	156 (hrs)		\$43.18	
Program change due to new regulations	New	<i>Setting Standards for significant disproportionality with advice from stakeholders.</i> It is estimated that each of the 60 States and entities will expend a total of 292 hours in a given year to set the standards required in §300.647(b)(1)(i) based on advice from stakeholders, including State Advisory Panels.	60 States X 292 (hrs)	5,840 (annualized over 3 years)	5,840 X \$30.91	\$180,488.92
		TOTAL BURDEN CHANGES	120	15,200		\$584,669.92

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.