

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 U.S. Department of Education (ED) is requesting a three-year extension of attached ED Form 4376 – Annual Report of Children in Institutions for Neglected or Delinquent Children, Adult Correctional Institutions, and Community Day Programs for Neglected and Delinquent Children. Approval of this form is needed in order to continue the on-going collection of data used to allocate funds authorized under Title I, Part A and Title I, Part D, Subparts 1 and 2 of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESEA). Congress appropriated approximately \$16.4 billion for these programs for fiscal year 2020. The ESEA is available at: <https://legcounsel.house.gov/Comps/Elementary%20And%20Secondary%20Education%20Act%20Of%201965.pdf>.

Title I, Part A provides formula grants to local educational agencies (LEAs), through State educational agencies (SEAs), to improve the teaching and learning of at-risk students in high-poverty schools. In order to calculate Title I, Part A allocations, ED must annually collect data on the number of children living in locally operated institutions for neglected or delinquent (N or D) children. ED must obtain separate counts of children in local institutions for neglected children and children in local institutions for delinquent children based on requirements under the Title I, Part D, Subpart 2 Local Agency program. Under those requirements, SEAs must retain funds generated under Title I, Part A based on children living in local delinquent institutions and adult correctional facilities in order to make subgrants to LEAs with high numbers or percentages of such children and youth. The Title I, Part D, Subpart 1 State Agency program provides formula grants to SEAs that in turn make subgrants to State agencies that operate educational programs for children in institutions for N or D children, community day programs for N or D children, and adult correctional institutions. To determine Subpart 1 allocations, ED must obtain annual counts of N or D children, aged 20 or younger, who are in (1) State-operated correctional facilities and enrolled in a regular program of instruction for at least 15 hours per week; or (2) State N or D institutions or community day programs and enrolled in a regular program of instruction for at least 20 hours per week.

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

The attached form is designed to collect the data needed to calculate Title I, Part A LEA grant allocations, determine the amount SEAs must retain for the Title I, Part D Subpart 2 program, and allocate funds under Title I, Part D, Subpart 2. Part I of the form collects data by LEA on the number of children in local institutions for neglected children and in locally operated institutions for delinquent children or adult correctional facilities. Part II of the form collects the data needed to allocate State agency N or D funds to SEAs. Both parts have not changed substantively from the previously approved data collection report form. Supporting materials to support SEAs in reporting accurate counts are also included for informational purposes.

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.

ED will use the data from Part I of ED form 4376 to determine allocations for the Title I, Part A LEA grant program and the amount of funds an SEA must retain for purposes of the Title I, Part D, Subpart 2 Local Agency program for at-risk children. ED will use Part II of ED form 4376 to collect the adjusted count of children enrolled in the educational programs of State-operated or supported institutions for N or D children, community day programs for N or D children, or adult correctional institutions to determine State allocations for the Title I, Part D, Subpart 1 State Agency N or D program.

ED will send ED form 4376 out to each SEA. The SEA will collect the information needed to complete the report from the State and local institutions within the State in a manner it chooses and report the data to ED using this form and certify its accuracy and completeness. We expect that all 52 respondents will reply because the data collected will generate Federal funds.

ED has used the information collected through ED Form 4376 to determine LEA allocations for the Title I, Part A program, State allocations for the Title I, Part D, Subpart 1 State Agency N or D program, and the amount States must retain for the Title I, Part D, Subpart 2 Local Agency program for at-risk children.

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.

As in the past, ED will continue to make the attached report form available electronically to each SEA. To help SEAs complete Part I of ED form 4376, which asks for the local N or D information on an LEA basis, we will continue to provide electronically to each SEA a template that contains the names of the LEAs in that State and a space to enter the data. We will also provide SEAs with an electronic version of Part II of ED form 4376, which they can use to provide information needed for the State Agency N or D program.

We encourage SEAs to submit the report information to us electronically, including a signed certification page.

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 ESEA requires ED to use specific data on the number of N or D children in State and locally operated institutions to calculate Title I allocations. There are no similar data on children in institutions for N or D children available from other sources that could be modified to meet the requirements of the Title I statutory formulas.

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.

There is no impact on small businesses. Of the 1,413 LEAs in which counts of N or D children were reported for fiscal year 2019 allocations, 874 would be considered small LEAs because they have a total population of less than 50,000. The impact with regard to burden on these LEAs, however, is minimal because the SEA works directly with the institution(s) located within the LEA to obtain the information needed for this report.

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.

If ED did not collect this information annually, it could not calculate the Title I formulas as required by the ESEA.

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.**

There are no special circumstances that would cause this collection to be collected in such a manner.

- 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.

On March 16, 2020, a Federal Register Notice requesting public comment was published (Vol. 85, No. 51, page 14929). Three comments were received. One of the comments was unrelated to this collection. ED has provided a response to the two substantive

comments. ED is publishing the applicable 30-day Federal Register notice to request public comment.

ED has collected formula data on N or D children since Title I was first authorized in 1965. The requirement for collecting data on N or D children and the instructions for reporting such data are discussed at national meetings with Title I State coordinators held annually. ED has apprised all of the Title I State coordinators of the need to continue collecting data on the number of N or D children in locally operated institutions by LEA and data on the number of N or D children enrolled in educational programs operated by State agencies in order to determine Title I allocations.

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

ED will not provide any payments or gifts 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.

None. The data collected are not considered confidential. These are summary data aggregated at either the State or LEA level and have no names or means of identification associated with them. ED makes no pledge about the confidentiality of the data.

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.

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)

The purpose of the collection is to gather information for purposes of determining formula allocations, and it does not ask questions of a sensitive nature or that are considered private.

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 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 total time needed for the 52 SEAs to collect and process these data for approximately 2,760 programs (a total of 2,812 respondents) operated for neglected and delinquent children would total 4,061 hours.

Nationally, the total burden hours of 4,061 hours divided by 2,812 respondents supports the average burden for each respondent of 1.44 hours. This takes into consideration the time required by the institution to collect its count and complete its submission to the SEA, for the SEA to collect the information from all the institutions within the State, and for the SEA to prepare ED form 4376 to submit to ED. The estimate also incorporates any additional time States may need to input LEA data that is submitted to ED. The estimated annual cost to the respondents is \$112,445.

Annual estimated Burden and Respondent Costs

Information Activity or IC (with type of respondent)	Sample Size (if applicable)	Respondent Response Rate (if applicable)	Number of Respondents	Number of Responses	Average Burden Hours per Response	Total Burden Hours	Estimated Respondent Average Hourly Wage	Total Annual Costs (hourly wage x total burden hours)
State	N/A	Once, Yearly	52	1	42	2184	\$30	\$65,520
Local	N/A	Once, Yearly	2,760	1	.68	1,877	\$25	\$46,925

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 : \$0
 Total Annual Costs (O&M) : \$0
 Total Annualized Costs Requested : \$0

There are no start-up costs.

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 Items 12, 13, and 14 in a single table.**

The annual cost to the Federal government is estimated to be \$7,200. This assumes a GS-14's working for about 120 hours to distribute ED form 4376, review and enter the data received for purposes of the Title I allocations, and contact States concerning questions about the data submitted prior to calculating the allocations.

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 an existing data collection for which ED is requesting an extension without change.

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.**

There will be no publication of these data in a report. ED's Budget Service, Office of School Support and Accountability, and National Center for Education Statistics use these data to calculate allocations for Parts A and D of Title I.

- 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.**

ED will display on the form the expiration date for the OMB approval as required.

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

There are no exceptions to the certification statement.