

SUPPORTING STATEMENT  
FOR PAPERWORK REDUCTION ACT SUBMISSION

- 1. Explain the circumstances that make the collection of information necessary. What is the purpose for this information collection? Identify any legal or administrative requirements that necessitate the collection. Include a citation that authorizes the collection of information. 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, list the sections with a brief description of the information collection requirement, and/or changes to sections, if applicable.**

This is a request for review and approval of an extension of the approved Report of Dispute Resolution Under Part C of the Individuals with Disabilities Education Act [Information Collection 1820-0678/ Expiration Date: 11/30/20]. The Individuals with Disabilities Education Act (IDEA; P. L. 108-446) directs the Secretary of Education to obtain data on the dispute resolution process described in Section 615 of the law. Specific legislative authority in Section 618 of IDEA requires that:

“(a) IN GENERAL- Each State that receives assistance under this part, and the Secretary of the Interior, shall provide data each year to the Secretary of Education and the public on the following:

(1)(F) The number of due process complaints filed under section 615 and the number of hearings conducted.

(H) The number of mediations held and the number of settlement agreements reached through such mediations”.

In addition to the specific data requirements described in Section 618, Section 616(a)(3)(B) of IDEA identifies the dispute resolution process as a monitoring priority. The law states specifically that:

“(3) MONITORING PRIORITIES- The Secretary shall monitor the States, and shall require each State to monitor the local educational agencies located in the State (except the State exercise of general supervisory responsibility), using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in the following priority areas:

(B) State exercise of general supervisory authority, including child find, effective monitoring, the use of resolution sessions, mediation, voluntary binding arbitration, and a system of transition services as defined in sections 602(34) and 637(a)(9)”.

The data collection form provides instructions and information for States when submitting their dispute resolution data. The form collects data on the number of written, signed complaints; mediation requests; and hearing requests and the status of these actions initiated during the reporting year with regards to children served under Part C of IDEA. The purposes of these data are to: (1) assess the progress, impact, and effectiveness of State and local efforts to implement the legislation and (2) provide Congress, the public, and Federal, State, and local educational

agencies with relevant information. These data are used for monitoring activities, planning purposes, congressional reporting requirements, and dissemination to individuals and groups.

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.**

The Office of Special Education Programs (OSEP) uses the information collected on this form to monitor States to ensure compliance with the Federal statute and regulations, including the State's Annual Performance Report under each State's Performance Plan required by Section 616 of the IDEA, to assist in establishing programmatic priorities, and to disseminate data to Congress and the public.

The Part C Dispute Resolution data are also used by OSEP, State agencies, university researchers, and advocates to examine patterns over time with regards to the provision of services for children with disabilities under IDEA.

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. Please identify systems or websites used to electronically collect this information. Also describe any consideration given to using technology to reduce burden. If there is an increase or decrease in burden related to using technology (e.g. using an electronic form, system or website from paper), please explain in number 12.**

OSEP will collect the Part C Dispute Resolution data electronically through the *EDFacts* Metadata and Process System (EMAPS) from State agencies. EMAPS is an established submission system that State agencies have been using to submit information to the Department for several years. EMAPS allows each State agency to provide the Part C Dispute Resolution data in the non-proprietary, electronic formats that could be generated through automated processes within the State agency. The EMAPS Part C Dispute Resolution form includes a number of data edits to improve data entry validity. For example, as States enter their data, the edits flag relationships between the counts reported that are impossible (e.g., situations where 10 reports were issued with findings of noncompliance, as reported in Row 1.1(a), but only a total of 5 reports were issued, as reported in Row 1.1). The use of the spreadsheet with built-in edits reduces the number of follow-up contacts with the States after the data are submitted. Additionally, the EMAPS form auto-calculates totals and subtotals where appropriate to minimize reporting burden on the State. Finally, the form provides space for States to comment on their data, for example providing additional information about how the data were aggregated, what changes were made to these procedures since the last data report, how changes in state policy or legislation affect the data, or other issues the State believes are applicable to the data collection.

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 requested does not represent any duplication in content, reporting, or performance requirements. This information is available only from State agencies.

- 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.**

The information requested does not involve the collection of information from entities classified as small organizations.

- 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.**

An annual data collection is necessary to comply with statutory requirements. P.L. 108-446, Section 618(a) requires: "Each State that receives assistance under this part, and the Secretary of the Interior, shall provide data each year to the Secretary..."

- 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 associated with this data collection.

- 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.**

**Include a citation for the 60 day comment period (e.g. Vol. 84 FR ##### and the date of publication). Summarize public comments received in response to the 60 day notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden. If only non-substantive comments are provided, please provide a statement to that effect and that it did not relate or warrant any changes to this information collection request. In your comments, please also indicate the number of public comments received.**

**For the 30 day notice, indicate that a notice will be published.**

**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.**

Interested persons were invited to comment on this proposed information collection request in a notice published in the Federal Register, Vol. 85, No. 117 on Wednesday, June 17, 2020. ED requested public comment addressing five specific issues including: is this collection necessary to the proper functions of the Department; will this information be processed and used in a timely manner; is the estimate of burden accurate; how might the Department enhance the quality, utility, and clarity of the information to be collected; and how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Comments were due on or before August 17, 2020. This is the request for the 30-day Federal Register notice inviting public comment. OSEP's responses to the comments received during the 60-day comment period are included with this 30-day Federal Register notice.

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

No payments or gifts are provided to respondents for completing this information request.

- 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.<sup>1</sup> 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. If no PII will be collected, state that no assurance of confidentiality is provided to respondents. If the Paperwork Burden Statement is not included physically on a form, you may include it here. Please ensure that your response per respondent matches the estimate provided in number 12.**

No assurance of confidentiality is provided to respondents. However, no individually identifiable information is requested.

- 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.**

There are no questions or requirements of a sensitive nature contained in the form.

- 12. Provide estimates of the hour burden for this current information collection request. The statement should:**
- **Provide an explanation of how the burden was estimated, including identification of burden type: recordkeeping, reporting or third party disclosure. Address changes in burden due to the use of technology (if applicable). Generally, estimates should not include burden hours for customary and usual business practices.**

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<sup>1</sup> 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)

- **Please do not include increases in burden and respondents numerically in this table. Explain these changes in number 15.**
- **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. 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 this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burden in the table below.**
- **Provide estimates of annualized cost to respondents of the hour burdens for collections of information, identifying and using appropriate wage rate categories. [Use this site](#) to research the appropriate wage rate. 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. If there is no cost to respondents, indicate by entering 0 in the chart below and/or provide a statement.**

**Provide a descriptive narrative here in addition to completing the table below with burden hour estimates.**

Estimating burden is difficult for the Part C program because of variations in the availability and sophistication of computerized data collection systems and the difficulty of collecting information across participating agencies. OSEP developed the burden estimates based on previous experience with each data collection, the information available about State data collection systems. The estimate of total respondent burden is based on 56 reporting entities<sup>2</sup>. Note that it is not possible to estimate an exact burden amount for each State because States vary in their methods for collecting and aggregating these data, in the number of children they serve (and, consequently, the number of complaints received), and the sophistication of their data systems. In making these estimates, we assumed that most States directly collect all dispute resolution data and already have systems in place for reporting these data.

In order to calculate burden, OSEP estimated the average number of hours required per State. The total burden for all States was calculated by multiplying the average number of hours by 56<sup>1</sup> (56 multiplied by average State burden). For State agencies, the estimated average burden is 40 hours per State agency, representing a total burden estimate of 2,240 hours. At the time that this collection was introduced, most States reported that they expected the required number of hours needed to produce these data to decline as systems were expanded to collect all required data elements, personnel were trained on reporting these data, and edits were implemented to automate data cleaning.

OSEP estimated respondent costs as \$31 per hour. As indicated above, the estimated total number of burden hours is 2,240. Therefore, the total estimated cost to the respondents is \$69,440.

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<sup>2</sup> 56 reporting entities refer to: 50 States, District of Columbia, Puerto Rico, Virgin Islands, American Samoa, Guam, and Northern Marianas.

**Estimated Annual Burden and Respondent Costs Table**

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 Annual Burden Hours	Estimated Respondent Average Hourly Wage	Total Annual Costs (hourly wage x total burden hours)
States with individual child record systems			51	51	38	1938	\$31	
States without individual child record systems			5	5	60	300	\$31	
Annualized Totals			56	56	40	2,240	\$31	\$69,440

*Please ensure the annual total burden, respondents and response match those entered in IC Data Parts 1 and 2, and the response per respondent matches the Paperwork Burden Statement that must be included on all forms.*

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** :  
**Total Annual Costs (O&M)** : \_\_\_\_\_  
**Total Annualized Costs Requested** :

There are no additional costs other than the cost burden identified in 12.

- 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.**

OSEP estimates the cost of maintaining and updating the database for the Part C Dispute Resolution data collection to be \$41,000 in contractor data services. This figure was determined based on the parameters of an Independent Government Cost Estimate and included in the work scope of the EDMITS contract, which started in August of 2019.

- 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).**

**Provide a descriptive narrative for the reasons of any change in addition to completing the table with the burden hour change(s) here.**

No adjustments were made to this data collection therefore we anticipate no change in the response burden associated with this data collection. OSEP estimated respondent costs as \$31 per



hour based on updated wage rates from the appropriate wage rate website from question #12. The previous wage rate was estimated at \$20 per hour.

	<b>Program Change Due to New Statute</b>	<b>Program Change Due to Agency Discretion</b>	<b>Change Due to Adjustment in Agency Estimate</b>
<b>Total Burden</b>			
<b>Total Responses</b>			
<b>Total Costs (if applicable)</b>			<b>\$24,640</b>

- 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.**

OSEP will tabulate and display the information submitted by States in a variety of ways. The primary vehicles for distribution are the Secretary's Annual Report to Congress (P.L. 108-446, Section 664(d)(2)) and publication of these data on the Internet. OSEP also plans to use these data for state monitoring. Occasionally, the data may be summarized and presented at conferences, in ad hoc reports or articles submitted for publication, and in speeches by senior officials. The data also will be used by the Center for Appropriate Dispute Resolution in Special Education (CADRE), in their work under a cooperative agreement with OSEP to assess the need for and development of technical assistance materials and guidance on dispute resolution, as well as to contribute to a national dispute resolution database.

- 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 expiration date will be displayed on the form.

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

There are no exceptions to the certification statement.