

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.**

We are requesting a three-year extension of the current paperwork clearance package (OMB number 1810-0622) related to State educational agency (SEA) procedures for adjusting Title I, Part A local educational agency (LEA) allocations determined by the U.S. Department of Education (ED). The current package expires February 28, 2021.

Title I, Part A of the Elementary and Secondary Education Act of 1965, as amended (ESEA), requires ED to allocate Basic Grants, Concentration Grants, Targeted Grants, and Education Finance Incentive Grants directly to LEAs. (See sections 1124(a)(2), 1124A(a), 1125(a), (b), and (c)(2), and 1125A(c) and (d)(1)((B), (2)(B), and (3)(B) of the statute at <https://uscode.house.gov/browse/prelim@title20/chapter70/subchapter1/partA&edition=prelim>.) Title I, Part A allocations are based primarily on poverty data provided by the Census Bureau and reflect a national list of LEAs that is generally two years old. For example, the list of LEAs used for calculating school year (SY) 2020-2021 allocations is based on LEAs that existed in SY 2018-2019. Because the list of LEAs used by ED in determining LEA allocations does not match the current universe of LEAs in many States, SEAs must adjust ED's allocations to account for district boundary changes and newly-created LEAs that are legitimately eligible for Title I, Part A funds but did not receive an allocation under ED calculations.

In addition, SEAs must adjust ED allocations to—

- Reserve funds for school improvement (section 1003 of ESEA) and State administration (section 1004 of the ESEA); and
- Allow, for SEAs approved by ED to do so, the use of alternative data to redistribute ED-determined Title I, Part A allocations among “small” LEAs with less than 20,000 total residents.

The provisions in 34 C.F.R. §§ 200.70 through 200.75 and in § 200.100 address the procedures an SEA must follow when adjusting ED's allocations. (The regulations concerning allocations to LEAs are available at: https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title34/34cfr200_main_02.tpl.)

At the time ED first developed its 1999 guidance, the Office of Management and Budget (OMB) approved clearance package 1810-0622, which estimated the SEA burden hours connected with this process. The clearance package was renewed in October 2002, 2005, 2008, 2011, 2014, and 2018. This clearance package would extend the currently approved package for three more years with no change in the current burden hour estimate.

Note that there is no collection of data by ED associated with 34 C.F.R. §§ 200.70 through 200.75 or with § 200.100 of the regulations. This narrative addresses only the burden associated with the actual procedures an SEA must follow when adjusting ED-determined LEA allocations.

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.

To enable an SEA to determine final LEA allocations, the regulations and guidance provide directions on how an SEA adjusts ED-determined Title I, Part A allocations to account for district boundary changes and the creation of new LEAs; to reserve funds for school improvement and State administration; and to use alternative data for small LEAs. The regulations address issues such as:

- Determining numbers of Title I formula children and eligibility of LEAs not on the list of LEAs provided by the Census Bureau that ED used to determine school district allocations.
- Establishing initial allocations for all eligible LEAs (including those not on the Census list) within the State and making adjustments.
- Reserving funds for school improvement, and State administration; and
- Determining final allocations for all eligible LEAs, including those not on the Census list used by ED.

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.

The statute and regulations neither require nor preclude SEAs from using information technology to reduce burden. In the past, SEAs have used electronic technology to make the adjustments outlined in the regulations.

- 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.**

There is no duplication.

- 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 data collection involved. The provisions in 34 C.F.R. §§ 200.70 – 200.75 and § 200.100 of the regulations do not affect small businesses. They apply only to SEAs and concern procedures SEAs must follow to adjust ED-determined LEA allocations. SEAs must make these adjustments in order to ensure that all eligible LEAs receive the Title I, Part A funds to which they are entitled.

- 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.**

This clearance package addresses the burden on SEAs to implement the provisions of 34 C.F.R §§ 200.70 – 200.75 and § 200.100 of the regulations and involves no data collection. These regulations are needed to provide guidance to SEAs on adjustment procedures to follow in order to ensure that eligible LEAs that are not included in ED's allocation calculations will receive the Title I, Part A allocations to which they are entitled.

- 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.**

The requirements in the regulations are consistent with the guidelines in 5 CFR 1320.5. None of the special circumstances outlined in the supporting statement instructions apply.

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.

On October 9, 2020, a Federal Register Notice requesting public comment was published (Vol. 85, No. 197, page 64135). During the 60-day comment period, two comments were collected. Both comments were off topic. The Department is publishing the applicable 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.

Not applicable. No payment is involved because SEAs are not required to provide data or information to ED.

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.¹ 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.

Not applicable. The statute and regulations require no assurance of confidentiality; there are no assurances of confidentiality.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. The justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

The statute and regulations do not involve any questions of a sensitive nature.

¹ 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).

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.**
- **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.

The estimated burden and cost to the 52 SEAs to follow the steps outlined in 34 C.F.R §§ 200.70 – 200.75 and § 200.100 of the regulations is 2,080 annual hours at a cost of \$62,400. This assumes that on average 52 SEAs will require 40 hours of work to carry out these procedures. The cost per hour would average \$30.

The amount of effort varies by SEA. For example, Hawaii and Puerto Rico have only one LEA, and 15 other SEAs have had very few, if any, changes to their LEAs since SY 2018-2019 because their LEAs corresponded closely to counties or other fixed jurisdictions. Consequently, the SEAs in these States had very little additional work because they can use the ED-determined allocations with very few adjustments. In contrast, other States experience annual changes in their LEAs, for example due to the creation of public charter school LEAs. Their adjustments took more time to complete than those by other SEAs.

Estimated Annual Burden and Respondent Costs Table

Information Activity or IC (with type of respondent)	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)
Allocation adjustments by SEAs	52	52	40	2,080	\$30	\$62,400
Annualized Totals	52	52	40	2,080	\$30	\$62,400

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 start-up costs beyond those provided in numbers 12 and 14. SEAs have made the kinds of adjustments outlined in §§200.70 – 200.75 and §200.100 of the regulations since 1999 and have the staff in place to address issues concerning the allocation of Title I, Part A and other Federal education funds.

- 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 time and effort required to provide technical assistance concerning the implementation of §§200.70 – 200.75 and §200.100 of the regulations are part of normal staff functions within ED. An estimate of the GS 14 staff hours and cost to provide technical assistance to SEAs in their implementation of these provisions follows:

No. of hours	300
X Cost per hour	\$60

\$18,000

- 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).**

There are no program changes or adjustments to the current burden hours estimate associated with implementing 34 C.F.R. §§ 200.70 – 200.75 and §200.100 of the regulations. Therefore, an extension of this clearance package would not add any more burden hours to OMB's current inventory for this activity.

- 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.**

This question is not applicable because there is no collection of information.

- 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 proposed display of the OMB expiration date for data collection is not applicable because ED is not collecting any information. The SEA would collect any data needed to implement 34 C.F.R. §§ 200.70 – 200.75 and § 200.100 of the regulations. The SEA is not required to submit data collected for this purpose to ED.

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

There are no proposed exceptions to the certification statement.