

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.**

The Migrant Information Exchange (MSIX) is a nationwide electronic records exchange mechanism mandated under Title I, Part C of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA). The Migrant Education Program (MEP) is authorized under sections 1301-1309 in Title I, Part C of the ESEA. MSIX and the minimum data elements (MDEs) are authorized under section 1308(b) of the ESEA, as amended. As a condition of receiving a grant of funds under the MEP, each State Educational Agency (SEA) is required to collect, maintain, and submit minimum health and education-related data to MSIX within established timeframes. Regulations 34 C.F.R. § 200.85 for the MSIX issued by the U.S. Department of Education (the Department) have been in effect since June 9, 2016. MSIX is designed to facilitate timely school enrollment, grade and course placement, accrual of secondary course credits and participation in the MEP for migratory children. The regulations help the Department determine accurate migratory child counts and meet other MEP reporting requirements.

The Department requests approval for a revision of the 1810-0683 information collection that supports the statutory requirements for data collection under Title I, Part C MEP.

This request for revision includes five new MDEs, only three of which place additional burden on the respondents' behalf. The total nationwide count of eligible migratory children has been adjusted to reflect verified numbers from 2020-2021 reporting period. These changes were made in consultation with the States that administer migrant education programs (MEPs). These changes are in the best interest of the students the States serve and will allow the States to better achieve their mission of helping migratory students and their families.

- 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.**

Each SEA receiving grant funds under the MEP is required to submit information for migratory children receiving MEP services through an established secure data submission method, as agreed upon in the Memorandum of Understanding (MOU) and Interconnection Security Agreement (ISA). The information collected is used to meet the statutory requirements for a nationwide electronic records exchange mechanism that the grantees use to facilitate timely school enrollment, grade and course placement, accrual of secondary course credits, and participation in the MEP for eligible migratory children. Information collected in MSIX is used by SEAs, migratory student educators, MEP

personnel, school registrars, and school guidance counselors. The Department analyzes aggregate data for national counts of migratory children, trends in data, and program performance reporting. The Department also uses the information collected to monitor the grantees' compliance with code of federal regulations applicable to the use of the MSIX system, specifically 34 C.F.R. § 200.85.

- 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 information collection requires SEAs to submit MDEs electronically to MSIX, as required by program statute. SEAs currently use automated information systems to collect, analyze, and maintain information on migratory children within their SEAs. These SEA-operated database servers electronically submit data to MSIX nightly, weekly or as new information is available. The MSIX system processes newly submitted data files nightly, every business day. There are interface file formats made available to SEAs with extensive instructions and support to submit data files in appropriate formats and to receive response files containing verifications and errors for SEA's review. Automated nightly data file uploads are used to eliminate duplication of effort for the SEA's data entry needs. Data are entered, validated, and approved in the SEA system before submission to MSIX, therefore data are more reliable, less prone to error, and are transferred between the SEA database server to MSIX in a controlled manner.

- 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 that SEAs submit to MSIX is unique to each migratory child enrolled in the MEP. This MSIX information collection will not duplicate (or otherwise include) the burden associated with the MDEs available for submission to MSIX from other authorized collections. While EDFACTS and the Consolidated State Performance Report (CSPR) may require SEAs to submit aggregate counts and summary information of student demographics and achievement, these other collections do not contain individual information for migratory children receiving MEP services nor do they facilitate a nationwide records exchange of educational and health information.

- 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.

Small business and/or small entities are not impacted by this data collection.

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 the collection is not conducted, the Department will be unable to carry out its statutory mandate under section 1308 of the ESEA. Furthermore, SEA grantees of the MEP will be hindered in identifying migratory children, determining the educational and health status of those who move within and across States, making prompt and appropriate educational placements, and providing for a continuity of services. Secondary students may be unable to document coursework that could be important for graduation, entry into postsecondary education, or employment opportunities. In addition, if the collection were not conducted, migratory children may be at risk of not receiving services or of receiving duplicative immunizations

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.

Migratory children move across multiple districts and States throughout the school year, which creates the unique circumstance that requires frequent and regular data collection and submission to MSIX. Section 1308(b)(2)(C) of the ESEA provides that SEAs shall be able to obtain “immediate access” to the required MDEs. After consultation with intended users among the State and local MEP staff, the Department has determined that this statutory provision can best be achieved by requiring an SEA to submit applicable MDEs to MSIX within 10 working days of documenting that a child is eligible for the MEP, and within 4 working days of notice from MSIX of a child’s change in residence. All other information collection requirements conform to 5 C.F.R. § 1320.5, including the requirement for SEAs to provide updated and newly available information about children within 30 calendar days of the end of each semester, trimester, intersession, or summer session. All data submission timelines are established through 34 C.F.R. § 200.85.

Respondents must retain their electronic student records indefinitely at this point in time, until a new record retention schedule is approved by the National Archives and Records Administration (NARA). Records must be available to SEAs to ensure proper enrollment, grade and course placement, and accrual of secondary course credits for eligible migratory children.

- 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.

The State User Group for Analysis and Recommendations (SUGAR) meets quarterly to discuss data and technical concerns regarding MSIX and its uses. This group of 9 representatives from grantees collaborates and consults with regard to data collected, availability of data, frequency of collection, clarity of instruction, data disclosures, reporting, and public burden for the data collection. Some of the changes noted on the updated MDE list reflect changes requested from the SUGAR members, such as the additions of 'Parent 1 Phone Number' and 'Parent 2 Phone Number' and 'Parent 1 Email Address' and 'Parent 2 Email Address.' Comments received by SUGAR group members have resulted in clarity of terms used in the MDE list and inclusion of new MDEs.

OME has also consulted the Coordination Working Group (CWG), which is composed of 9 State Migrant Education Program directors. OME gathered information about desired changes to the MDE list from the CWG group in September 2021. The proposal to add 5 new MDEs is the result of conversations with, and recommendations from, Migrant advocates from the field related to providing additional resources to assist in participation in the MEP.

On June 16, 2022, a Federal Register Notice requesting public comment was published (Vol. 87, No. 117, page 36474). We received two comments during the 60-day comment period and have provided a separate response to comment document. The Department is publishing the applicable 30-day Federal Register notice to request public comment.

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

No gifts or payments will be provided 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.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.

All sources submitting information to MSIX must sign a Memorandum of Understanding (MOU) and Interconnection Security Agreement (ISA), which are reviewed annually and

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)

renewed every 3 years. All authorized persons who access this information must accept and sign the MSIX Rules of Behavior annually, which contain a detailed description of the safeguards that each system user must follow to protect the privacy and security of the information. The Rules of Behavior require compliance with the confidentiality standards in the Privacy Act of 1974, as amended. A Privacy Impact Assessment is published online. The Department published a System of Records Notice (SORN) for MSIX in the Federal Register on December 5, 2007, Vol. 72, number 233, pages 68572-68576. The SORN was revised and re-published in the Federal Register on July 10, 2019, pages 32895-32899.

- 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 information collection does not include any questions of a sensitive nature.

- 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 change in the burden hour estimate from the previous Information Collection is due to the addition of five new MDEs and to a reduction in the number of migratory students participating in the program. Of the five new proposed MDEs, two are already being collected by all 46 States, but are not yet being transmitted to MSIX. Nine SEAs have been surveyed for new MDE submissions and have responded with prospective procedures for collection and input of the new MDEs, along with the existing information collection. The burden hours shown below reflect continuing activities to sustain the regularly scheduled data submissions and are based on a calculation of how much time and effort it takes the States to submit the required data. The total annual burden hours has been updated with total national count of reported eligible children for 2020-2021 reporting period, which was 265,450 migratory children.

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)
MSIX MDEs (States)			46 States	46	8,690.74	399,774	\$34.09	\$13,628,295.66
Annualized Totals			46 States	46	8,690.74	399,774	\$34.09	\$13,628,295.66

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 : N/A
Total Annual Costs (O&M) : N/A
Total Annualized Costs Requested : N/A

This information collection does not require the use of any capital equipment, start-up costs, or record keepers, specifically for this purpose.

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.

Estimated annualized cost to the Federal government is \$3,572,601. Additional resources were allocated for the recent enhancements to the system, which included archiving student records, updates to specific user functionality, and data dashboards for State directors.

	Department Staff Time in Government FTEs	Department Staff Costs (Loaded with Benefits, 3% annual increase)	MSIX Contract Costs	Totals
Historical Costs				
FY 2006	2.2	\$ -	\$7,980,831	\$7,980,831
FY 2007	2.2	\$264,440	\$3,129,097	\$3,393,537

FY 2008	2.2	\$272,373	\$3,262,624	\$3,534,997
FY 2009	2.2	\$280,544	\$3,034,085	\$3,314,630
FY 2010	2.2	\$288,961	\$3,161,144	\$3,450,105
FY 2011	2.2	\$297,630	\$3,632,746	\$3,930,376
FY 2012	2.2	\$306,558	\$2,660,856	\$2,967,415
FY 2013	2.2	\$315,755	\$2,754,435	\$3,070,190
FY 2014	2.2	\$325,228	\$2,572,637	\$2,897,865
FY 2015	2.2	\$334,985	\$2,565,255	\$2,900,240
FY 2016	2.2	\$345,034	\$2,727,190	\$3,072,224
FY 2017	2.2	\$355,385	\$3,715,296	\$4,070,681
FY 2018	2.2	\$366,047	\$2,913,690	\$3,279,737
Total		\$3,752,940	\$44,109,888	\$47,862,829
Annualized Total		\$288,688	\$3,393,068	\$3,681,756
Past 3 Years				
FY 2019	2.2	\$377,028	\$2,987,585	\$3,364,614
FY 2020	2.2	\$388,339	\$3,063,600	\$3,451,939
FY 2021	2.2	\$399,989	\$3,141,787	\$3,541,776
Total		\$1,165,356	\$9,192,972	\$10,358,329
Annualized Total		\$388,452	\$3,064,324	\$3,452,776

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.

	Program Change Due to New Statute	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate
Total Burden	0	27,600	-82,527
Total Responses	0	0	0
Total Costs (if applicable)	0		

The program changes due to agency discretion reflect the five new MDEs being proposed in this revision request. The changes due to adjustment in agency estimate result from a reduction in total nationwide count of eligible migratory children, which has been adjusted to reflect verified numbers from 2020-2021 reporting period. The estimates are based on continuing existing procedures with the MDE additions. These changes were made in consultation with the States that administer MEPs and are in the best interest of students because they will allow the States to better achieve their mission of helping migratory students and their families.

- 16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

The collection of information does not require publication of the information or use of complex analytical techniques. Summary information may be reported by the Secretary in tabular form to the SEAs, Congress and the public.

- 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 approval number will be displayed on the forms.

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

There are no proposed exceptions to the certifications.