1Supporting Statement A

Solicitation of Nominations for the Advisory Board for Exceptional Children

OMB Control Number 1076-0179

Terms of Clearance: None.

General Instructions

A completed Supporting Statement A must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified below. If an item is not applicable, provide a brief explanation. When the question "Does this ICR contain surveys, censuses, or employ statistical methods?" is checked "Yes," then a Supporting Statement B must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

The Individuals with Disabilities Education Improvement Act (IDEIA) of 2004, (20 U.S.C. 1400 *et seq*.) requires the Bureau of Indian Education (BIE), under the Bureau of Indian Affairs (BIA), to establish an Advisory Board on Exceptional Education (Advisory Board). *See* 20 U.S.C 1411(h)(6).

Specifically, IDEIA states:

> (6) Establishment of advisory board. To meet the requirements of [20 U.S.C. § 1412(a)(21)], the Secretary of the Interior shall establish, under the BIA, an advisory board composed of individuals involved in or concerned with the education and provision of services to Indian infants, toddlers, children, and youth with disabilities, including Indians with disabilities, Indian parents or guardians of such children, teachers, service providers, State and local educational officials, representatives of tribes or tribal organizations, representatives from State Interagency Coordinating Councils under [20 U.S.C. § 1441] in States having reservations, and other members representing the various

divisions and entities of the BIA. The chairperson shall be selected by the Secretary of the Interior. The advisory board shall—

(A) assist in the coordination of services within the BIA and with other local, State, and Federal agencies in the provision of education for infants, toddlers, and children with disabilities;

(B) advise and assist the Secretary of the Interior in the performance of the Secretary of the Interior's responsibilities described in this subsection;

(C) develop and recommend policies concerning effective inter- and intra-agency collaboration, including modifications to regulations, and the elimination of barriers to inter- and intra-agency programs and activities;

(D) provide assistance and disseminate information on best practices, effective program coordination strategies, and recommendations for improved early intervention services or educational programming for Indian infants, toddlers, and children with disabilities; and

(E) provide assistance in the preparation of information required under [20 U.S.C. 1411(h)(2)(D)].

The BIE established the Board under the Federal Advisory Committee Act in accordance with the IDEIA requirements. The Advisory Board includes 15 individuals involved in or concerned with the education and provision of services to Indian infants, toddlers, children, and youth with disabilities. Advisory Board members serve staggered terms of two years or three years from the date of their appointment. This information collection will allow the BIE to standardize the way it obtains information on individuals' qualifications to serve on the Advisory Board through a Membership Nomination Form, and will facilitate review of applications to ensure that each nominee has the experience and expertise necessary to serve on the Advisory Board.

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. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.

BIE officials will use the information collected on the form to determine whether each individual has experience in education of Indian children with disabilities, whether they have an educational and professional background in disabilities education, and the extent of their expertise in such education.

The Membership Nomination Form asks the following.

Lines 1 – 4 (Name and contact information).
This information is necessary to identify the individual and to get in touch with the individual to continue the nomination process, including vetting through the White House, pursuant to the Federal Advisory Committee Act.

Lines 5 - 9 (Place of employment and contact information).

This information allows the BIE officials to identify whether the individual's current employer and title relates to education of Indian individuals with disabilities and provides further contact information.

Line 10 (Categories of representation).
For this question, the individual checks off which categories of stakeholders they represent. This allows the BIE officials to maintain a balanced membership on the Advisory Board.

Line 11 (Role recommended).
This question asks which role the individual is recommended for—member or chairperson. This question helps identify those individuals with the leadership and collaboration skills appropriate for the chairperson position.

Line 12 (Experience with Bureau-funded schools).
This question asks the individual to check off which types of Bureau-funded schools (if any) the nominee has experience with. This information allows the BIE to maintain a balanced membership.

Line 13 (Experience in education of Indian children with disabilities).
This information allows the BIE to ensure that the nominees have the professional experience appropriate to serve on the Advisory Board.

Line 14 (Membership/leadership in professional organizations).
This information allows the BIE to ensure that the nominee will help balance the interests represented on the Advisory Board.

Line 15 (Special interests/activities/rewards related to the education of Indian children with disabilities).
This question is intended to capture any other experience or expertise the nominee may have that would qualify the individual for membership on the Advisory Board.

Line 16 (Nominee Recommendation).
This question allows the BIE to determine if the application is nominated by an Indian tribe, organization, or individual, or the applicant self-nominated.

Line 17 - 22 (Contact information for person/organization recommending nominee).
This information allows the BIE to contact the person recommending the individual in case clarification is required and also allows the BIE to identify the specific organization/entity if the nominee will be representing that organization/entity on the Advisory Board.

3. **Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any**

consideration of using information technology to reduce burden and specifically how this collection meets GPEA requirements.

Individuals may submit their nominations via email to the Designated Federal Officer (DFO), Jennifer Davis, jennifer.davis@bie.edu. Within the published *Federal Register* notice, the BIE will direct individuals to the BIE website at https://www.bie.edu/sites/default/files/inline-files/Advisory-Board-Membership-Nomination-Form%20%28Expires%206-30-24%29.pdf.

Notice	Citation	Published
Request for Nominations	88 FR 84165	12/4/2023
Request for Nominations	88 FR 14387	3/8/2023
Request for Nominations	87 FR 67485	11/8/2022
Request for Nominations	87 FR 8284	2/14/2022
Request for Nominations	85 FR 59325	9/21/2020
Request for Nominations	84 FR 26438	6/6/2019
Request for Nominations	83 FR 27795	6/14/2018
Request for Nominations	82 FR 61581	12/28/2017
Request for Nominations	81 FR 37208	6/9/2016
Request for Nominations	81 FR 6289	2/5/2016
Request for Nominations	80 FR 1935	1/14/2015
Request for Nominations	78 FR 62650	10/22/2013
Request for Nominations	77 FR 52347	8/29/2012
Request for Nominations	76 FR 63654	10/13/2011
Request for Nominations	75 FR 41887	7/19/2010
Request for Nominations	74 FR 17686	4/16/2009
Request for Nominations	72 FR 26145	5/8/2007
Request for Nominations	70 FR 2417	1/13/2005

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.

Because established qualifications for membership on the Advisory Board are unique, there is no opportunity to obtain this information from other sources.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

This information collection does not impact small businesses or other small entities.

6. Describe the consequence 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.

Without this information collection, the BIE could not ensure that the Advisory Board composition meets statutory requirements for a balanced membership.

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 that 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 which 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 circumstances that would cause this information collection to be conducted in a manner that would require exceptions to 5 CFR 1320.5(d)(2).

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, 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 in response to the PRA statement associated with the collection over the past three years, and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

A 60-day notice for public comments was published in the *Federal Register* on January 5, 2023 (88 FR 879). There were no comments received in response to this notice.

Describe efforts to consult with persons outside the agency to obtain their views on the

availability of data, frequency of collection, the clarity of instructions and recordkeeping, 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 three 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.

BIE requested feedback from 9 individuals. Respondents indicated the form was effective and not burdensome to complete.

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

No payments or gifts are provided to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

There is no assurance of confidentiality provided to respondents concerning this information collection.

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. This 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 of a sensitive nature in this information collection.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. 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.**
* **Provide estimates of annualized cost to respondents for 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.**

The BIE anticipates receiving approximately 20 responses at 1 hours per response, totaling **20** annual burden hours, or the amount equivalent to **$908** for this information collection.

To obtain the hourly rate, BIE used $45.42, the wages and salaries including benefits figure for civilian workers from BLS Release USDL-24-0485, Employer Costs for Employee Compensation—December 2023, Table 2. Civilian workers, at https://www.bls.gov/news.release/pdf/ecec.pdf.

IC element	Respondents (Annually)	Frequency of Response (Annually)	Time per Response (Hours)	Total Burden (Hours)	Hourly Rate (Dollars)	Sub Total
Membership Nomination Form	20	1	20	20	$45.42	$908
TOTAL	**20**			**20**		**$908**

13. **Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)**
    * **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 (including filing fees paid for form processing). 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 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 purchasing or 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.

There is no non-hour cost burden associated with this information collection.

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.

We estimate the annual cost to the Federal Government to administer this information collection to be **$369,085**.

Salary estimates were based on the General Schedule 2024, located at https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/24Tables/html/DCB_h.aspx.

- *DOI Staff*: The estimated average salary for Federal government performing duties at the GS-14, Step 6 level. The salary associated with this grade and step is $77.92/hour. This salary was further multiplied by 1.6 to cover benefits, for a total loaded rate of $124.67/hour.
- *BIE Staff*: The estimated average salary for Federal government employees performing these duties is at the GS-13, Step 9 ($71.60/hour) level. This salary was further multiplied by 1.6 to cover benefits, for a total loaded rate of $114.56/hour.

Program	Grade, Step	Loaded Rate	Total Annual Responses	Completion Time per Response (Hours)	Total Annual Burden (Hours)	Value of Annual Burden Hours
Information Collection Clearance						
DOI staff	GS-14, Step 6	$124.67	N/A	N/A	20	$2,493
BIE Administration of Information Collection						
BIE Staff – board applications	GS-13, Step 9	$114.56	20	10	800	$91,648
BIE Staff – board coordination & services	GS-13, Step 9	$114.56	N/A	N/A	2,400	$274,944
TOTAL					**3,220**	**$369,085**

15. Explain the reasons for any program changes or adjustments in hour or cost burden.

Updates were made to the Bureau of Labor Statistics (BLS) and Office of Personnel Management (OPM) compensation data contained in Sections 12 and 14.

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 is no intention to publish this 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.

We intend to display the expiration date with the OMB Control Number on the application form and all other materials related to this collection.

18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

We are not seeking any exceptions.