

## TEMPLATE

Tracking and OMB Number: (04736) 1820-0624

Revised: 8/4/2023

### 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 a revision of the approved Part B State Performance Plan (Part B SPP) and Annual Performance Report (Part B APR) [Information Collection 1820-0624 / Expiration Date: 10/31/23]. In accordance with 20 U.S.C. 1416(b)(1)(A), not later than one year after the date of enactment of the Individuals with Disabilities Education Act (IDEA) Improvement Act of 2004, each State was required to have in place a Part B SPP that evaluated the State's efforts to implement the requirements and purposes of IDEA Part B and described how the State would improve such implementation. IDEA section 616(b)(1)(C) requires each State to review its SPP at least once every six years. In accordance with 20 U.S.C. 1416(b)(2)(C)(ii), each State must report annually to the public on the performance of each local educational agency located in the State on the targets in the State's performance plan. The State also must annually submit a Part B APR to the Secretary on the performance of the State under the State's performance plan. Information Collection 1820-0624 corresponds to the reporting requirements that the Office of Special Education Programs (OSEP) has identified under the monitoring priorities in 20 U.S.C. 1416(a)(3) and 34 CFR §300.600(d).

This collection is conducted in a manner that is consistent with the guidelines in 5 CFR 1320.5.

In December 2005, each State submitted its first six-year SPP, including targets for FFY 2005 through FFY 2010. In 2011, to meet the requirement set forth in IDEA section 616(b)(1)(C) that the State review its SPP every six years, and in the absence of IDEA reauthorization, the U.S. Department of Education (the Department) proposed to make no major changes to the SPP (i.e., significant revisions to indicators) and allowed States to extend their targets and improvement activities for FFY 2011 through FFY 2012. The SPP/APR information collection was revised in 2012 for the second six-year SPP covering FFY 2013 through FFY 2018. The SPP/APR information collection was revised in 2014 and 2017 to streamline data reporting, reduce burden, and align with changes to the Elementary and Secondary Education Act of 1965. States submitted a second six-year SPP in 2015, covering FFY 2013 through FFY 2018, and the Department allowed States to extend targets through FFY 2019. The SPP/APR information collection was further revised in 2020 for the third six-year SPP covering FFY 2020 through FFY 2025, and States submitted the third and current six-year SPP in 2022, covering FFY 2020 through FFY 2025.

With this request, the Department is proposing to make two revisions to the approved information collection for the FFY 2023, FFY 2024, and FFY 2025 SPP/APRs: (1) adding a separate general supervision indicator and continuing the requirement to report on the identification and correction of findings of all noncompliance related to SPP/APR compliance indicators; and (2) revising Indicators 4A and 4B to require States to report

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on elements of their existing methodology that are necessary for OSEP to analyze and determine the reasonableness of such methodology for identifying significant discrepancies in local educational agencies (LEAs). The proposed revisions to the Part B SPP/APR, which would go into effect with States' FFY 2023 SPP/APR to be submitted in February 2025, are focused on improving results and the development and learning for all children with disabilities, and aligning with the administration's priorities including, State general supervision systems and the disparities in the use of discipline for children with disabilities.

A number of factors contributed to the proposed revision to add a separate general supervision indicator, which is the need for focus on State general supervision systems under IDEA. Through its monitoring activities, OSEP has learned that virtually all monitored States have not been monitoring LEA activities outside of the SPP/APR compliance indicators. Monitoring for IDEA requirements beyond the SPP/APR compliance indicators is critical for State Educational Agencies (SEAs) as part of the State's general supervision responsibilities under IDEA sections 612(a)(11) and 34 C.F.R. § 300.149. Without monitoring, SEAs do not know whether and how children and youth with disabilities and their families are receiving needed IDEA Part B services. In addition, in key results areas such as FAPE in the LRE, child find, the use of resolution meetings, mediation, transition services, and disproportionate representation of racial and ethnic groups in special education, effective monitoring for related requirements helps the SEA examine potential causes for poor performance on outcomes. Thus, it is critical for SEAs to comprehensively monitor LEAs and identify and correct noncompliance consistent with IDEA requirements. Now, as LEAs and families continue to recover from the pandemic and OSEP is focusing on improving results and the development and learning for all children with disabilities, it is essential to ensure that SEAs are fully aware of and acting on their general supervision obligations under IDEA sections 612(a)(11) and 616(a)(3)(B) and 34 C.F.R. §§ 300.149 and 300.600(d)(2).

Additionally, with respect to the proposed revisions to Indicators 4A and 4B, OSEP has voiced significant concern regarding disparities in the use of discipline for children with disabilities, particularly children with disabilities of color, as noted in OSEP's Dear Colleague Letter on the Implementation of IDEA Discipline Provisions and in the accompanying guidance entitled Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions (both released July 2022). As OSEP stated in this guidance, States must select a methodology that is reasonably designed to determine whether significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities, including by race and ethnicity, among LEAs in the State or compared to the rates for nondisabled children within those LEAs.

Based on feedback received during the 60-day public comment period, the Department is proposing to nominally increase the estimate of the reporting burden for this information collection. See the Department's answer to Question 12 for additional explanation.

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.**

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As required by IDEA section 616(b)(1)(A), each State must have an SPP in place that evaluates the State's efforts to implement the requirements and purposes of Part B of the IDEA, and describes how the State will improve its implementation. IDEA section 616(b)(2) requires that the State report annually to the Secretary on its performance under the State's SPP for Part B of the IDEA. Specifically, the State must report, in its APR, on its progress in meeting the measurable and rigorous targets it established in its SPP. In the past, the Department required States to maintain a separate SPP and APR. Beginning in 2015, the Department combined the SPP/APR into one document.

IDEA section 616(d) requires that the Department review the APRs submitted by States each year. Based on the information provided in the State's APR, information obtained through monitoring visits, and any other publicly available information, each year the Department must determine if the State: "Meets requirements" and purposes of the IDEA or "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" in implementing the requirements of the 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.**

States are required to submit the SPP/APR using the Department's online SPP/APR submission tool. The online reporting system allows for prepopulation of data already submitted to the Department through other data collections, as well as preloading of the previous year's SPP/APR data. This process significantly reduces the reporting burden associated with this 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.**

Since 2005, all States have completed and submitted 17 APRs. Beginning with the FFY 2013 SPP/APR submitted in February 2015, a combined Part B SPP/APR took the place of the previous SPP and APR. This change eliminated duplicate reporting in the SPP and in the APR on the State's targets and its discussion of improvement activities completed. In addition, the Department allowed States to use data already collected for other purposes whenever possible.

As explained below, the Department has already eliminated those reporting requirements where the information in the SPP/APR would duplicate another collection, and in cases

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where the Department can perform the necessary analysis without additional information from the State. However, for the remaining indicators, the SPP/APR provides States an opportunity to analyze and explain data that the State is required to report annually under section 618 of the IDEA, *e.g.*, data on educational environments, dispute resolution, assessment, and exiting. During previous approval cycles, with stakeholder input, the Department determined that it was no longer necessary for States to report on Indicators 16 and 17 – the timeliness of State complaint and due process hearing decisions – as the Department is able to evaluate State performance on these indicators by using data collected through IDEA section 618 without having to require States to report this information through the SPP/APR collection. The Department also eliminated Indicator 20 because, as with previous Indicators 16 and 17, the Department is able to evaluate State performance in this areas (data collection) without the information provided in this indicator.

- 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 businesses or other small entities.

- 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.**

Activities described in answers A1 and A2 would not be completed, and the Department would be in violation of section 616 of the IDEA, if this collection was not conducted.

- 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;**

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- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results than can be generalized to the universe of study;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or that unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances that would cause an information collection to be conducted as described in the bulleted items.

- 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**

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**circumstances that may preclude consultation in a specific situation. These circumstances should be explained.**

OSEP consulted with the field during the development of this revision. Additionally, Information Collection 1820-0624 was placed in the Federal Register for a 60-day comment period as a part of this approval of the revision to an approved collection. 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.**

This collection does not require gifts or payments to be made 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.<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 respondent States. However, under 20 U.S.C. 1416(b)(2)(C)(iii), a State must not report to the public or the Secretary any information on performance that would result in the disclosure of personally-identifiable information about individual children or where the available data is insufficient to yield statistically reliable information. All data required to be reported in the SPP/APR are aggregated at the State level.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are**

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<sup>1</sup> Requests for this information collection are in accordance with the following ED and OMB policies: Privacy Act of 1974; Paperwork Reduction Act (PRA) of 1995, as amended (44 U.S.C. chapter 35; and 5 CFR Part 1320); OMB Circular A-108 – Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act; OMB Circular A-130 Managing Federal Information as a Strategic Resource; 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; and Departmental Directive ACSD-OPEPD-001 (Information Collection Activities and Burden Control) (8/22/2021)

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**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 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.**

Based on feedback received during the 60-day public comment period, the Department is proposing to nominally increase the estimate of the reporting burden for this information collection. The Department believes that any burden associated with this information collection is outweighed by transparency and efforts to improve outcomes for children with disabilities gained by the focus on State general supervision systems under IDEA. It is estimated that it will take an average of 5 hours, i.e., approximately the equivalent of a half-day meeting, to run reports or obtain relevant information from State staff regarding the correction of findings of noncompliance related to SPP/APR compliance indicators,

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analyze data, and complete data entry. Therefore, OSEP is revising the burden estimate to reflect an additional five hours in burden per response.

Total burden hours for the combined SPP/APR (submitted annually) will be 60 respondents times 1,795 hours (or an average<sup>2</sup> of 100 hours per indicator), which equals 107,700 hours. Of the total 1,795 hours, it is estimated that 1,710 hours will be spent planning the report, 43 hours will be spent writing the report, and 42 hours will be spent completing data entry and compiling the report.

The estimated cost burden to public agencies of preparing the SPP/APR is \$3,338,700 annually. The estimated total cost burden is reached by multiplying the hours of response (1,795) by the number of responses (60) and then multiplying the newly-obtained product by the average hourly pay rate (\$31) of the staff preparing the report.

**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)
Part B SPP/APR			60	60	1795	107,700	\$31	\$3,338,700
Annualized Totals			60	60	1795	107,700	\$55,645	\$3,338,700

***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**

<sup>2</sup> OSEP bases its average on the staff hours associated with collecting and analyzing data, and reporting in the SPP/APR for each indicator. Some indicators may require more staff time than the average, e.g., Indicator 7, while others may require far less than average, e.g., Indicators 15 and 16.



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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 : \_\_\_\_\_

States have been preparing their SPP/APRs for the past 17 years. Therefore, there are no start-up costs. There are no anticipated costs for operation, maintenance, or purchase of services that are imposed on States by these requirements, other than those noted above.

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 estimated cost to the Federal Government includes the staff time to review and analyze the reports. It is estimated that it will take 10 hours of staff time to review each of the 60 responses, which equals 600 hours. The 600 hours is multiplied by the average

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hourly rate of pay for each reviewer (\$45), to equal an estimated cost to the Federal Government of \$27,000.00.

- 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).**

The Department is making revisions to the approved information collection. The program changes and subsequent revisions to the Part B SPP/APR, which would go into effect with States' FFY 2023 SPP/APR to be submitted in February 2025, are focused on improving results and the development and learning for all children with disabilities, and aligning with the administration's priorities, including State general supervision systems and the disparities in the use of discipline for children with disabilities. The burden is increased by five hours per response due to program changes due to agency discretion.

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

	<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>300</b>	
<b>Total Responses</b>			
<b>Total Costs (if applicable)</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.**

The collection of information does not require publication of the information or use of complex analytical techniques.

- 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.**

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There is no request to ask for an approval not to display the expiration date.

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

There are no proposed exceptions to the certifications.