

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 U.S. Department of Education (ED) is requesting a three-year extension of the ED Form 4376 – Annual Report of Children in Institutions for Neglected or Delinquent Children, Adult Correctional Institutions, and Community Day Programs for Neglected and Delinquent Children. Approval of this form is needed in order to continue the on-going collection of data used to allocate funds authorized under Title I, Part A and Title I, Part D, Subparts 1 and 2 of the Elementary and Secondary Education Act of 1965 (ESEA). Congress appropriated approximately \$18.5 billion for these programs for fiscal year 2026.

Title I, Part A provides formula grants to local educational agencies (LEAs), through State educational agencies (SEAs), to improve the teaching and learning of at-risk students in high-poverty schools. In order to calculate Title I, Part A allocations, ED must annually collect data on the number of children living in locally operated institutions for neglected or delinquent (N or D) children. ED must obtain separate counts of children in local institutions for neglected children and children in local institutions for delinquent children based on requirements under the Title I, Part D, Subpart 2 Local Agency program. Under those requirements, SEAs must retain funds generated under Title I, Part A based on children living in local delinquent institutions and adult correctional facilities in order to make subgrants to LEAs with high numbers or percentages of such children and youth. The Title I, Part D, Subpart 1 State Agency program provides formula grants to SEAs that in turn make subgrants to State agencies that operate educational programs for children in institutions for N or D children, community day programs for N or D children, and adult correctional institutions. To determine Subpart 1 allocations, ED must obtain annual counts of N or D children, aged 20 or younger, who are in (1) State-operated correctional facilities and enrolled in a regular program of instruction for at least 15 hours per week; or (2) State N or D institutions or community day programs and enrolled in a regular program of instruction for at least 20 hours per week.

The attached form and workbook are designed to collect the data needed to calculate Title I, Part A LEA grant allocations, determine the amount SEAs must retain for the Title I, Part D Subpart 2 program, and allocate funds under Title I, Part D, Subpart 2. The “LEA” worksheet of the workbook collects data by LEA on the number of children in local

institutions for neglected children and in locally operated institutions for delinquent children or adult correctional facilities. The “State N or D” worksheet of the workbook collects the data needed to allocate State agency N or D funds to SEAs.

Previously, ED provided SEAs a document form with empty tables to provide data and an optional workbook but we are proposing to revise the form to remove the tables and require the workbook so that all SEAs only use the workbook. A great majority of SEAs already have reported data using the optional workbook. For example, 47 out of the 52 submissions used the workbook to report October 2025 data and, of the 5 submissions without the workbook, 3 of those SEAs in the previous year used the workbook. The workbook lists the State’s geographic LEAs as reported to the U.S. Census Bureau and the list of State agencies included in the SEA’s submission from the prior year.

The workbook also includes data quality checks between the new data the SEA staff enters against the prior year data. Adding the data quality checks to the workbook resulted in a 76 percent reduction in our follow up emails with States about data quality checks. Specifically, prior to adding the data quality checks into the workbook, we emailed 34 SEAs to request responses to our data quality checks for October 2023 counts. After adding the data quality checks into the workbook, we only emailed 8 SEAs to request responses to our data quality checks for October 2024 counts.

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.

ED will use the data from the “LEA” worksheet of ED form 4376 to determine allocations for the Title I, Part A LEA grant program and the amount of funds an SEA must retain for purposes of the Title I, Part D, Subpart 2 Local Agency program for at-risk children. ED will use the “State N or D” worksheet of ED form 4376 to collect the adjusted count of children enrolled in the educational programs of State-operated or supported institutions for N or D children, community day programs for N or D children, or adult correctional institutions to determine State allocations for the Title I, Part D, Subpart 1 State Agency N or D program.

ED will send ED form 4376 out to each SEA. The SEA will collect the information needed to complete the report from the State and local institutions within the State in a manner it chooses and report the data to ED using this form and certify its accuracy and completeness. We expect that all 52 respondents will reply because the data collected will generate Federal funds.

ED has used the information collected through ED Form 4376 to determine LEA allocations for the Title I, Part A program, State allocations for the Title I, Part D, Subpart 1 State Agency N or D program, and the amount SEAs must retain for the Title I, Part D, Subpart 2 Local Agency program for at-risk children.

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.**

As in the past, ED will continue to make the attached report form available electronically to each SEA. To help SEAs complete the “LEA” worksheet of ED form 4376, which asks for the local N or D information on an LEA basis, we will continue to provide electronically to each SEA a workbook that contains the names of the LEAs in that State and a space to enter the data. We will also provide SEAs with an electronic version of the “State N or D” worksheet of ED form 4376, which they can use to provide information needed for the State Agency N or D program. SEAs only need to submit the report information electronically, including a signed certification page.

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 ESEA requires ED to use specific data on the number of N or D children in State and locally operated institutions to calculate Title I, Part A and Part D, allocations. There are no similar data on children in institutions for N or D children available from other sources that could be modified to meet the requirements of the Title I, Part A and Part D, statutory formulas.

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 impact on small businesses. Of the 1,171 LEAs in which counts of N or D children were reported for fiscal year 2025 allocations, 667 would be considered small LEAs because they have a total population of less than 50,000. The impact with regard to burden on these LEAs, however, is minimal because the SEA works directly with the institution(s) located within the LEA to obtain the information needed for this report.

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 ED did not collect this information annually, it could not calculate the Title I, Part A and Part D, formulas as required by the ESEA.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results than can be generalized to the universe of study;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or that unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances that would cause this collection to be collected in such a manner.

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.

One comment, which was not applicable to the proposed extension of this information collection, was received during the 60-day public comment period. No changes have been made to the collection or information collection request.

The Department plans to publish 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.

ED will not provide any payments or gifts 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

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)

ensure that your response per respondent matches the estimate provided in number 12.

None. The data collected are not considered confidential. These are summary data aggregated at either the State or LEA level and have no names or means of identification associated with them. ED makes no pledge about the confidentiality of the data.

- 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 purpose of the collection is to gather information for purposes of determining formula allocations, and it does not ask questions of a sensitive nature or that are considered private.

- 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 total time needed for the 52 SEAs to collect and process these data for approximately 2,760 LEA programs (a total of 2,812 respondents) operated for neglected and delinquent children would total 4,061 hours. We estimate that a burden of 42 hours for each SEA to respond and about 41 minutes per LEA.

Nationally, the total burden hours of 4,061 hours divided by 2,812 respondents supports the average burden for each respondent of 1.44 hours. This takes into consideration the time required by the institution to collect its count and complete its submission to the SEA, for the SEA to collect the information from all the institutions within the State, and for the SEA to prepare ED form 4376 to submit to ED. The estimate also incorporates any additional time States may need to input LEA data that is submitted to ED. The estimated annual cost to the respondents is \$124,628.

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)
State	NA	NA	52	1	42	2,184	\$33	\$72,072
Local	NA	NA	2,760	1	0.68	1,877	\$28	\$52,556
Annualized Totals	NA	NA	2,812	1	1.44	4,061	NA	\$124,628

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 costs that (a) meet the criteria for inclusion under this item and (b) have not been addressed in either item #12 or #14.

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 annual cost to the Federal government is estimated to be \$7,200. This assumes a GS-13 and GS-14 working for about 120 hours to distribute ED form 4376, review and enter the data received for purposes of the Title I, Part A and Part D, allocations, and contact States concerning questions about the data submitted prior to calculating the allocations.

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			
Total Responses			
Total Costs (if applicable)			

This is an existing data collection for which ED is requesting an extension without change.

- 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 will be no publication of these data in a report.

- 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.**

ED will display on the form the expiration date for the OMB approval as required.

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

There are no exceptions to the certification statement.