

## Paperwork Burden Statement

**This package is being revised to (1) describe additional areas of burden associated only with the Paperwork Waiver Demonstration Program and the Multi-Year Individualized Education Program Demonstration Program, two priorities to be competed under the Part D, Technical Assistance and Demonstration Program authorized under P.L. 108-446; and (2) to request approval for use of EDGAR selection criteria in both these programs that differ, in part, from those approved for use in the Model Demonstration Program. The Department's Office of Special Education Programs allowed ample burden hours in the previous submission of this package to cover these unique requirements; but feels it is necessary for the public to be aware of the actual activities reflected in that burden. All narrative in the supporting statement associated with this revision is bolded below.**

### Supporting Statement for Paperwork Reduction Act Submissions

#### A. Justification

1. Circumstances that make the collection of information necessary.

The collection of information (application for grants) is necessary to ensure that potential applicants provide the information necessary for the Department of Education to ascertain the eligibility of the applicant and determine the programmatic responsiveness and technical quality of the application. The Education Department General Administrative Regulations at Part.74.12(b) stipulates that, in making competitive grant awards, applicants shall use the SF-424 series and those forms and instructions prescribed by the Secretary. The Individuals with Disabilities Education Act, which provides the programmatic authority for this collection, requires that grant awards under these programs be made through competition.

**The purpose of this revision is to 1) account for unique paperwork burden imposed on applicants to these two programs in light of the Additional Application Requirements; and 2) to request approval for use of EDGAR selection criteria in both these programs that differ, in part, from those approved for use in the Model Demonstration Program. There were ample burden hours cleared in the previous submission of this package to cover these unique requirements (see #12 below for an accounting of the burden hours); but it is necessary for the public to be aware of the actual activities that are reflected in that burden. Each program and the unique burden associated with making application to it is described in turn below. A third section (c) describes the changes in EDGAR selection criteria.**

#### a. Paperwork Waiver Demonstration Program (Paperwork Waiver Program)

**Through the Paperwork Waiver Program, established under section 609(a) of P.L. 108-446 (Individuals with Disabilities Education Improvement Act of 2004), the**

Secretary may grant waivers of certain statutory and regulatory requirements under part B of the Act. Up to 15 States (including Puerto Rico, the District of Columbia and the outlying areas) can be selected from applicants to a single, one-time only pilot program. State proposals approved under this program will create opportunities for participating States to reduce paperwork burdens and other administrative duties in order to increase time for instruction and other activities to improve educational and functional results for children with disabilities, while preserving students' civil rights and promoting academic achievement.

The majority of requirements in the NPRM that reflect paperwork burden for applicants to the Paperwork Waiver Program are covered under previous clearance packages (1820-0028, 1820-0024, and 1820-0030) or will be covered in the clearance of forms associated with the evaluation of these programs to be conducted by IES. Additionally, the evaluation of these 2 programs will be addressed in a separate collection.

Exceptions are as follows:

(e) Assurances that each parent of a child with a disability in participating LEAs will be given written notice (in the native language of the parent, unless it clearly is not feasible to do so) of any statutory, regulatory, or State requirements that will be waived and notice of the procedures that State will employ under paragraph 1(c) in easily understandable language.

(g) Assurances that the State will require any participating LEA to inform the parent in writing (and in the native language of the parents, unless it clearly is not feasible to do so) of (i) any differences between the paperwork requirements of the Act related to the provision of FAPE, such as changes related to IEPs, (ii) the parent's right to revoke consent to waive any paperwork requirements related to the provision of FAPE at any time, (iii) the LEA's responsibility to meet all paperwork requirements related to the provision of FAPE if the parent does not provide voluntary written informed consent or revokes consent, and (iv) the LEA's responsibility to conduct an IEP meeting to develop an IEP that meets all requirements of section 614(d) of the Act within 30 calendar days if the parent revokes consent to waiving paperwork requirements related to the content, development, review and revision of IEPs. ~~(f) In applying for a waiver of any paperwork requirements related to the provision of FAPE, such as changes related to IEPs, applicants must assure that they will require any participating LEA to obtain voluntary informed written consent from the parents.~~

**b. Multi-Year Individualized Education Program (IEP) Demonstration Program (Multi-Year IEP Program)**

The Multi-Year IEP Program was established under section 614(d)(5) of the Individuals with Disabilities Education Act, as amended by the Individuals with Disabilities Education Improvement Act. The purpose of this program is to provide

**an opportunity for States (including Puerto Rico, the District of Columbia and the outlying areas) to allow parents and LEAs the opportunity for long-term planning by offering the option of developing a comprehensive multi-year IEP, not to exceed three years, that is designed to coincide with the natural transition points for the child. The Assistant Secretary for Special Education and Rehabilitative Services will select up to 15 States from among the applicants to this single one-time only pilot program.**

**The majority of requirements in the NPRM that reflect paperwork burden for applicants to the Paperwork Waiver Program are covered under previous clearance packages (1820-0028, 1820-0024, and 1820-0030) or will be covered in the clearance of forms associated with the evaluation of these programs to be conducted by IES. Additionally, the evaluation of these 2 programs will be addressed in a separate collection.**

**Exceptions are as follows:**

**(i) any differences between the requirements relating to the content, development, review, and revision of IEPs under section 614(d) of the Act and the State’s requirements relating to the content, development, review, and revision of IEPs under the State’s approved Multi-Year IEP Program proposal; and**

**(ii) the parent’s right to revoke consent at any time during the implementation of the Multi-Year IEP Program and the LEA’s responsibility to conduct, within 30 calendar days after revocation by the parent, an IEP meeting to develop an IEP that meets the requirements of section 614(d)(1) (A) of the Act.**

**c. Changes to Selection Criteria**

**As mentioned above, the EDGAR criteria included in these programs differs somewhat from the EDGAR criteria approved for the Model Demonstrations, typically funded under the Technical Assistance and Demonstration Program:**

**The following list contains the currently approved selection criteria for Model Demonstrations—changes reflect the proposed list for both the Paperwork Waiver Program and the Multi-Year IEP Program:**

**(a) Significance (2035)**

**(1) The Secretary considers the significance of the proposed project.**

**(2) In determining the significance of the proposed project, the Secretary considers the following factors:**

~~**(i) The national significance of the proposed project;**~~

**(ii) The potential contribution of the proposed project to increased knowledge or understanding of educational problems, issues, or effective strategies;**

~~**(iii) The extent to which the proposed project is likely to yield findings that may be utilized by other appropriate agencies and organizations;**~~

(~~iv~~) The extent to which the proposed project involves the development or demonstration of promising new strategies that build on, or are alternatives to, existing strategies; and

~~(v) The likely utility of the products (such as information, materials, processes, or techniques) that will result from the proposed project, including the potential for their being used effectively in a variety of other settings;~~

~~(vi) The extent to which the results of the proposed project are to be disseminated in ways that will enable others to use the information or strategies;~~

~~(vii) The potential replicability of the proposed project or strategies, including, as appropriate, the potential for implementation in a variety of settings; and~~

~~(viii) The importance or magnitude of the results or outcomes likely to be attained by the proposed project.~~

(iii) The importance or magnitude of the results or outcomes likely to be attained by the proposed project, especially improvements in teaching and student achievement.

(75.210 (b) (xiv))

#### **(b) Quality of the project design (2545)**

(1) The Secretary considers the quality of the design of the proposed project.

(2) In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(i) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable;

(ii) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs; and

~~(iii) The extent to which there is a conceptual framework underlying the proposed research or demonstration activities and the quality of that framework;~~

~~(iv) The extent to which the design of the proposed project includes a thorough, high-quality review of the relevant literature, a high-quality plan for project implementation, and the use of appropriate methodological tools to ensure successful achievement of project objectives;~~

~~(v) The extent to which the proposed project is designed to build capacity and yield results that will extend beyond the period of Federal financial assistance;~~

~~(vi) The extent to which the design of the proposed project reflects up-to-date knowledge from research and effective practice;~~

~~(vii) The extent to which the proposed project will be coordinated with similar or related efforts, and with other appropriate community, State, and Federal resources;~~

~~(viii) The extent to which the proposed project encourages parental involvement;~~

~~——(ix) The extent to which the proposed project encourages consumer involvement; and~~

~~(x) The extent to which performance feedback and continuous improvement are integral to the design of the proposed project.~~

(iii) The quality of the proposed project's procedures for documenting project activities and results. (75.210 (c) (ix))

#### **(c) Quality of project personnel (20)**

~~(1) The Secretary considers the quality of the personnel who will carry out the proposed project.~~

~~(2) In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.~~

~~(3) In addition, the Secretary considers the following factors:~~

~~(i) The qualifications, including relevant training and experience, of key project personnel; and~~

~~(ii) The qualifications, including relevant training and experience, of project consultants or subcontractors.~~

**~~(d) Adequacy of resources (10)~~**

~~(1) The Secretary considers the adequacy of resources for the proposed project.~~

~~(2) In determining the adequacy of resources for the proposed project, the Secretary considers the following factors:~~

~~(i) The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization or the lead applicant organization;~~

~~(ii) The relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project;~~

~~(iii) The extent to which the budget is adequate to support the proposed project; and~~

~~(iv) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.~~

**(e) Quality of the management plan (1020)**

(1) The Secretary considers the quality of the management plan for the proposed project.

(2) In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

~~(i) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks;~~

- (ii) The adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project; and

~~(iii) The adequacy of mechanisms for ensuring high-quality products and services from the proposed project;~~

~~——(iv) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project; and~~

(vii) How the applicant will ensure that a diversity of perspectives are brought to bear in the operation of the proposed project, including those of parents, teachers, the business community, a variety of disciplinary and professional fields, recipients or beneficiaries of services, or others, as appropriate.

**~~(f) Quality of the project evaluation (15)~~**

~~(1) The Secretary considers the quality of the evaluation to be conducted of the proposed project.~~

~~(2) In determining the quality of the evaluation, the Secretary considers the following factors:~~

~~(i) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project;~~

~~(ii) The extent to which the methods of evaluation are appropriate to the context within which the project operates;~~

~~(iii) The extent to which the methods of evaluation provide for examining the effectiveness of project implementation strategies;~~

~~(iv) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible; and~~

~~(v) The extent to which the evaluation will provide guidance about effective strategies suitable for replication or testing in other settings.~~

2. How, by whom, and for what purpose the information is to be used.

The information requested in the Grant Application Form will be used by Education Department program managers to determine the relative quality of grant applications. Peer reviewers will assist in this process by evaluating applications. Based on the peer review, applications are ranked and a decision is made by the recommending official as to award.

**Both the Paperwork Waiver Program and the Multi-Year IEP Program were statutory requirements under part B of the Individuals with Disabilities Education Improvement Act of 2004 (see sections 609(a) and 614(d) of the Act). The purpose for these programs was provided above. In addition to the pilot projects, Congress also mandated an evaluation of their effectiveness in achieving their purposes to be conducted by IES. It is hoped that effective models might be produced from these pilots to expand implementation under future reauthorizations of the Act.**

3. Use of automated, electronic, mechanical, or other technological collection techniques.

Applicants do have the option of submitting applications electronically.

4. Duplication.

Information requested in the application is not available from any other source. Applicants must provide substantial information that is uniquely responsive to the grant announcement.

5. Impact on small businesses.

The collection of information does not significantly impact small business or other entities. In almost all grant programs included in this announcement, small businesses

are not among the eligible applicants. In those few instances where they are eligible, the amount of information requested is not excessive, but rather is essential to determine the quality of the application.

6. Consequences of no or less frequent collection.

If the collection were not conducted, there would be no documentation for decisions to award grant funds. If the collection were conducted less frequently the Department would not have timely information on which to evaluate and rank applications. Technical and legal obstacles to reducing burden would emanate from the resulting lack of sufficient information upon which to base the award of funds, which, by statute, must be awarded through competition.

7. Special circumstance.

Applicants are reminded that current Government-wide policy requires that an original and two copies be submitted, however, applicants are requested to submit an original and five (5) copies of the application. The additional copies are required to provide sufficient copies for peer reviewers, and for administrative purposes including data entry and a copy for the project officer. If fewer copies were provided by the applicant, the Department would need to make additional copies of the application which would result not only in a delay of the peer review and grant award, but also in possible inequities in the review caused by errors on copying or collating of application materials. Experience has shown that applicants prefer to send additional applications in order to benefit from earlier decisions and ensure that all application materials reviewed by the Department are in order.

8. Consultation outside agency.

Consultation was not sought on the **[total part D]** application package since it includes only necessary information for applicants and standard forms that are required for all application packages issued by the Department.

**OSERS published a notice of proposed requirements and selection criteria for both the Paperwork Waiver and the Multi-Year IEP Programs in the Federal Register on December 19, 2005 (70 FR 75158) (December 2005 Notice). After consideration of the public comments received on this notice, OSERS will establish final additional requirements and selection criteria for this program and will publish the notice of final additional requirements and selection criteria in a future issue of the Federal Register. A 30-day notice will also be published as part of this clearance process to enable the public to comment on the unique burden requirements for applicants and on the proposed selection criteria changes for both programs.**

9. Payment or gift.

Not applicable.

10. Assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulations, or agency policy.

No assurance of confidentiality is provided to applicants. After awards are made, applications may be made available to all interested parties

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.

Not applicable.

12. Hour burden of the collection .

Number of respondents: Estimated 1,200

Frequency of response: Once per year.

Annual hour burden: Average 25 hours per respondent; range from 20 to 50. The application package includes other OMB- approved forms that have their own data burden associated with them. The estimate of data burden provided above does NOT include the burden associated with these other forms: OMB Form 1875-0106 "Application for Federal Educational Assistance"; OMB Form 1875-0102 "Budget Information"; OMB Form 0345-0045 "Disclosure of Lobbying Activities".

How the burden was estimated: Estimates provided by agency staff who have previous work experience in State and local education agencies and universities, the primary eligible applicants under these programs.

**Total burden: 1,200 respondents x 25 hours = \$30,000 burden hours.**

Annualized cost to respondents: Average 25 hours x \$40 per hour + \$ 1,000 per respondent. (Assume average salary plus overhead and fringe benefit of \$80,000)

Total for all respondents: 1,200 applications x \$1,000 per respondent = \$1,200,000.

**Explanation of burden hour calculation for resubmission:**

**For 2007, OSEP cleared 30,000 burden hours under the Part D application package (# 1820-0028, previous submission).**

The estimate for this package assumed that OSEP would receive approximately 1,200 applications under all of its Part D programs in 2007 at an average data burden of 25 hours. This figure included the Part B Pilot Projects (Pilot Projects) that are using Part D grant funds under the Technical Assistance Program. Now that some 2007 competitions have been completed, OSEP estimates it will receive only about 775 applications; which leaves considerable excess burden hours (10,625, specifically) cleared and available for the remaining 2007 competitions under Part D.

Regarding the Pilot Project competitions in particular, the Technical Assistance Program accounts for 12 percent of the projected applications. Thus, approximately 93 applications were projected for this program and their burden cleared with this package, including 30 applications each for the two pilot project competitions. While 30 applications each for these programs are possible, it is highly unlikely that we will receive more than 10 for each program. Given the overall reduction in applications across Part D programs discussed above, there are ample hours cleared previously in package #1820-0028 for these two competitions even if 1) there are 30 applicants to each and 2) the average burden for applications to each program is tripled to 75 hours—that would only be an additional 1,500 hours [30x50] with 10, 625 additional hours available.

13. Annual cost burden to respondents or record keepers.

Capital and start-up cost: None.

Operation and maintenance and purchase of services: None.

14. Annualized cost to the Federal government

Federal staff costs: \$135,000. (Assumes 1.5 FTE at GS 12)

Contractor support costs: \$350,000

Peer review costs: \$1,380,000. (Assumes 600 at \$ 2,300 each)

Supplies: \$4,000

**Total: \$1,869,000**

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

**The total burden hour figure is not changing from the previous package submission.**

16. Plans for tabulation and publication.

None.

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.

Expiration date will be displayed.

18. Explain each exception to the certification statement identified in Item 20, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

No exceptions requested.

**B. Collections of Information Employing Statistical Methods**

Not applicable