

## Paperwork Reduction Act Submission Supporting Statement

# Annual Mandatory Collection of Elementary and Secondary Education Data through *EDFacts*

This elementary and secondary education data collection from State Education Agencies is the necessary first step in transforming how the Department collects, uses, and reports a large volume of education information. EDEN and *EDFacts* mark a decidedly different approach to how the Department collaborates and interacts with institutional data providers and users at the elementary and secondary education levels. It is justified by the Department's mission to “. . . promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.”

As it becomes increasingly more functional, *EDFacts* is providing to the Department and its constituents more comparable, timely, valid, and accurate information to better meet our mission. The system provides a framework for assessing multiple information collections and the network provides information for better assessing multiple education program initiatives, as well as the condition of American education. This transformation not only will result in better compliance with the Paperwork Reduction Act by limiting the quantity of information collections but also will increase the quality of information.

### A. Justification

**1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

The Department of Education (ED) currently administers a budget of about \$46.2 billion in discretionary appropriations for elementary and secondary education as well as \$81.1 billion in American Recovery and Reinvestment Act appropriations. The Department's elementary and secondary programs annually serve more than 15,700 school districts and approximately 50 million students attending more than 138,000 public schools.

The collection, use, and reporting of education information and data has been an integral component of the ED mission. Previously, many information collections were developed unilaterally responding to individual program and office determinations. The concept for the Education Data Exchange Network (EDEN), which has been renamed *EDFacts*, marks a transformation in how ED collects, uses, and reports on a large volume of education information.

The Secretary has determined that complete, accurate, and reliable data are essential for effective decision-making and for implementing the requirements of the Nation's education laws. The Department's ability to collect, store, and manage education data efficiently through electronic means allows for easier submission by States and reduces duplication of collections and burdens on states. It also facilitates the efficient use of data for analysis by program officials and other interested parties. Implementation of federal education legislation requires that educators have accurate and reliable data and the knowledge needed to assess how close the Nation is to reaching the goal of ensuring that every child achieve to high academic standards.

The Department has designed this collection to obtain the most commonly collected data elements so that states need only report these data once, through a centralized, electronic process. The Department's goal in requiring electronic submission of information is to reduce each state's reporting burden significantly and to streamline dozens of data collections currently required by the Department.

In order to facilitate the use of the Department's electronic *EDFacts* data management system for electronic submission of certain reports and allow the Department to provide more timely and accessible data for accountability and decision-making, the Secretary of Education amended the regulations in 34 CFR part 76 governing State reporting requirements. In *Final Regulations* published in the Federal Register on January 25, 2007, the Secretary required that States submit their performance reports, financial reports, and any other required reports, in the manner prescribed by the Secretary, including through electronic submission, if the Secretary has obtained approval from the Office of Management and Budget (OMB) under the *Paperwork Reduction Act of 1995 (PRA)*. The regulations provide that:

- (1) failure to submit these reports in the manner prescribed by the Secretary constitutes a failure, under section 454 of the General Education Provisions Act, 20 U.S.C. 1234c, to comply substantially with a requirement of law applicable to the funds made available under the program for which the reports are submitted; and
- (2) if the Secretary chooses to require submission of information electronically, the Secretary may establish a transition period during which a state would not be required to submit such information electronically in the format prescribed by the Secretary, if the State meets certain requirements.

The Secretary made these changes to the regulations in 34 CFR part 76 to highlight that ED may require, through the *PRA* clearance process, that states report certain information electronically; and to establish that the Department may take administrative action against a state for failure to submit reports in the manner prescribed by the Secretary. A complete copy of the final regulations published on January 25, 2007, is included in Attachment A.

As the first act under that authority and beginning with the 2006-2007 *EDFacts* data sets in this collection, the Department received OMB approval, pursuant to the *PRA*, of this information collection request including the mandatory requirement that States submit

electronically through *EDFacts* the program and demographic information that States currently are required to report under separate and overlapping collections. In time, this approval of this data collection request will eliminate the need for states to submit reports under current separate and overlapping collection instruments. The Department will discontinue all existing data collections that seek to collect the data that is required by this information collection.

ED is in the process of collecting data for the 2007-08, 2008-09, and 2009-10 school years as approved by OMB (1875-0240). This proposed collection includes the 2010-11, 2011-12, and 2012-13 school years. In the current *Federal Register* notice inviting public comment (Attachment A) ED specifically requests that the public review Attachment D and provide feedback about the availability of the data in the current school year. To the extent that any of these proposed data are not available in the coming school year, ED seeks to know if those data will be available in future years. ED seeks another three-year approval for this collection. As part of this approval, it needs to be understood that ED is authorized to collect the data about these school years over whatever time is required to secure this data from each state, district, or school.

ED seeks OMB approval under the *Paperwork Reduction Act* to collect the elementary and secondary education data from schools, school districts, and States as described in Attachments B and C. In Attachment B, ED documents all of the data groups it intends to collect. In Attachment C, ED explains the differences between the data groups ED intends to collect and those data groups it collected during the past months for the most recent school years. Those persons who are familiar with the current EDEN collections may want to start by first reviewing Attachment C.

**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.**

The primary customers for these education data will be the program managers and analysts at ED. These data will be used to evaluate, in a more integrated way, the effectiveness and efficiency of federal education programs, with the intent to improve program management and focus our budget on those federal education programs that provide the best education outcomes for the nation's students and their families. State and district education agencies will also be able to use this information in evaluating their education status and progress.

**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. Also describe any consideration of using information technology to reduce burden.**

The *EDFacts* System allows each State Education Agency (SEA) to provide the *EDFacts* data in the most automated, electronic format that the technology of that specific SEA can currently support. Provisions were made to receive data in multiple formats to ensure the least possible burden on each of the participants. Additional ED contracts were established to provide the SEA with funds, expert technical assistance, and training including the identification of current best practices and knowledge sharing opportunities practiced by the states.

**4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use of the purposes described in Item 2 above.**

As states have transitioned to *EDFacts*, there has been some redundancy of data collected while the ED programs continued to use their current collections and the *EDFacts* team worked to establish the data quality and validity of these data. In order to transform the culture of information collection within ED, it is paramount to assure that current functioning collections transition to the new *EDFacts* system. Abrupt terminations would only ensure failure. ED decided to use a separate, parallel collection of these data because none of the existing, current ED program sponsored collections could be effectively modified to meet the larger multi-program requirements.

ED determined that no current program collection would be replaced or modified until a certified shared data repository could be established. Federal program managers' and analysts' requirements for data have increased under federal legislation and they must be allowed to collect the information they need. The *EDFacts* data repository that has been established is enabling ED to begin to determine what amount of required education program data can be annually collected and shared among the federal program offices. As the data quality (including completeness, timeliness, accuracy, and validity) is being established, an internal ED review of all elementary and secondary education program collections is underway to determine which collections can be reduced or eliminated. More details about the program data collections currently under review and consideration for reduction or elimination are found in Attachment B. The schedule and strategy for reviewing and amending these collections is also provided.

**5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.**

The *EDFacts* collection is a state to federal exchange of data in which the individual abilities of each state are considered in the arrangements to transfer these data. It is not the size of the state but instead it is the level of development of the state's education information systems that determines the level of sophistication to be used in the *EDFacts* data transfer. As described in #3 above, and as reflected in the questions within the attached *Federal Register* notice, ED continues to tailor each exchange to the state's abilities.

**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.**

Education in this nation is on an annual cycle where success and failure are measured and reported annually. Federal program funding is also determined annually. If ED collected this information less frequently than annually, it would greatly diminish the ability of program managers and analysts to use the information to measure education progress in support of federal legislation. Over time, the Civil Rights Data Collection will have most of its data from ED*Facts* each year and only need to collect some minimal number of required data using the ED*Facts* Survey Tool. As the survey tool is fully developed, ED program offices are expected to use the survey tool to collect necessary education information that will not be available in ED*Facts*.

**7. Explain any special circumstance 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.**

This information collection activity does not have special circumstances that would include any of the requirements listed above.

**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 describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

**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.**

A copy of the 60-day Federal Register notice is in Attachment A. There is also a copy of the electronic invitation ED sent to all of the ED*Facts* state coordinators advising them of their opportunity to provide their comments during the first comment period. There is also a copy of the January 25, 2007, *Final Regulations* that provides for federal enforcement capabilities now that submission of ED*Facts* 2006-2007 data is mandatory.

In order to ensure the best possible information and the least possible paperwork burden on the State Education Agencies, the ED team visited every state, Puerto Rico, and the District of Columbia in 2003 and again in 2004. The prospective ED*Facts* data elements were shared with the information and program managers in each state to determine the availability of each specific data element from each specific state agency for the first phase of this collection. Documentation of these discussions provided evidence that some of the original list of data elements would not be available from a significant number of the States at this time. Some of those data elements were dropped from the ED*Facts* data collection.

There will be no "free pass" given to the states on any obtainable education data required to manage federal programs. On the other hand, ED does not intend to try to collect data that does not exist. The ED position on whether any particular data element will be collected in future annual submissions is that each data element will be evaluated for its "practical utility" to the government and its availability in the real world. ED will avoid asking for data that is not in current data systems since that data is more likely to be a "best guess" than it is to be an auditable fact. It is ED's intention to identify the best possible data that is available for use at the time the data is to be provided.

ED also recognizes that some of these data may be available from the school districts or schools even if they are not available from the SEAs. ED reserves the right to ask for additional useful data from the states and, as needed, from the school districts and schools

in future *EDFacts* collections. All of these additional data elements will be subject to intense internal ED evaluation through the *EDFacts* and RIMS transformation process and also will undergo the established OMB review and approval process that includes two opportunities for public review and comment.

The *EDFacts* team has maintained close contact and strong communication links with its state partners through regular messages, a full-time Partner Support Center, and regular conference/training sessions.

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

There is no current remuneration for any state. In the past ED has committed funds for subcontracts with each of the fifty states, the District of Columbia, and Puerto Rico under the Cooperative Systems contract administered by the National Center for Education Statistics. This was the same contract that has provided staff support for the National Assessment of Education Progress (NAEP) in the states. Our discussions with the state data authorities suggest that some states have used those funds for overtime work, some for temporary or part time staff work, and some used it for system changes.

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

There has been no assurance of confidentiality provided to the respondents beyond the agreement to protect individual student information under the Federal Educational Rights and Privacy Act. This issue is specific to the amount of data found in a “cell” that might make the identification of an individual student or staff member possible. ED is committed to protect individual privacy by not making public any data in rows or columns where a single cell is below a certain threshold of size. ED will continue to review the submitted data for any other security requirements.

**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 sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. The education data collected and stored in *EDFacts* will be data about schools, school districts, and states.

**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 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 in Item 13 of OMB Form 83-I.**
- **Provide estimates of annualized cost to respondents of 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. Instead, this cost should be included in Item 14.**

Fifty-two State Education Agencies will supply *EDFacts* data annually. The other seven territories also submit a limited amount of data. Based on some conversations with the states, ED believes that a reasonable estimate of the average additional burden per state for the transmission of the general education data will be almost the equivalent of one full time person for a year in the 52 SEAs. Although there is a large amount of data to be provided, ED has initiated a number of provisions to minimize the burden on the states. One of the main provisions of this initiative has been to establish what data is already being produced and maintained by each state and minimize the collection of data that is not currently available. As states continue to automate and improve their education data systems and establish standard data processing procedures for providing the *EDFacts* data, this burden will decrease and become part of their standard operating processes.

ED is counting this paperwork burden as a revision to a currently approved collection with no change to the total ED paperwork burden budget for the basic data submitted to *EDFacts*. ED believes that is the best estimate of *EDFacts* paperwork burden hours for this next year.

|                          | Respondents  | Hours/Response | Total Hours      |
|--------------------------|--------------|----------------|------------------|
| Civil Rights Data Burden | 7,000        | 143.6          | 1,005,200        |
| EDEN Data Burden         | 59           | 1,827.7        | 107,834          |
| <b>Total Burden</b>      | <b>7,059</b> |                | <b>1,113,034</b> |

Over the next few years, as RIMS implements its transformation of the current system, RIMS expects to ask OMB to adjust the burden hours on some ED information collection activities that collect elementary and secondary education data.

The annualized cost is estimated to be \$ 4,852,530 (107,834 hours multiplied by an average wage of \$45 per hour). There is a wide range of hourly salaries associated with the professionals that will provide this data.

**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 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.**

The collection of *EDFacts* data for the foreseeable future will require no additional systems development efforts by the states. The states are currently seriously involved in the development of state education information systems for their own use and for reports in response to education legislation. The guidance, standards, and “best practices” developed by *EDFacts* has been noted by the state agencies as helping them reduce the total costs associated with those systems development activities by providing cost effective common education information management solutions to the states and districts. Some of this work is being done under the Institute of Education Sciences (IES) discretionary grants made available to help states develop longitudinal state education data systems.

**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 current budgets to support the collection of *EDFacts* data for FY 2010 and FY 2011 are, respectively \$9.575 million and \$9.2 million.

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

The Civil Rights Data Collection received OMB approval under the Paperwork Reduction Act. The burden associated with that part of the 1875-0240 collection is 1,005,200 hours. That will be part of the burden hours during the first year of this three-year clearance. The Department will submit an OMB 83 C (change worksheet) to document changes in the burden hours for *EDFacts* (1875-0240) over the course of this collection clearance. For example, the CRDC is planning to collect 2011-12 data from all school districts.

This is a request for clearance for a currently approved collection with changes. The total *EDFacts* burden estimate remains at 107,834 hours annually. Of the 94 *EDFacts* data files, 80 remained unchanged which means that the burden associated with creating the procedures to build the files does not need to be done this year and thus reduces a significant part of the annual burden. There are 15 files that have been changed and will require the burden of changing or creating file building procedures. There are also nine new files and four files from the past collection that have been eliminated. On the whole the total burden for submitting this data remains unchanged. The additional burdens of the changed and new files are offset by the reduced burden for the constant and deleted files. As many of the states have noted, the mapping of data from state files to the *EDFacts* files creates the largest part of the burden associated with this data collection. As more and more data files become stable and new mapping is not required, the total burden for submitting this data decreases. This decrease is offset by the new burden this year.

**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.**

*EDFacts* data are currently published through legacy collections, ED Data Express and state/district profiles. In addition, *EDFacts* data are used in studies and evaluations

conducted by ED. At this time, there are no plans to publish the *EDFacts* data set in its entirety.

*EDFacts* data are used in legacy collections. The legacy collections are published in formats and on schedules similar to those used prior to *EDFacts*. For example, NCES continues to publish the Common Core of Data Nonfiscal Survey of Public Elementary and Secondary Education using *EDFacts* data. The Office of Elementary and Secondary Education posts the Consolidated State Performance Reports (CPRS) for each state. The Office of Special Education Programs posts the Section 618 tables.

ED Data Express was recently launched. It provides an interactive website that contains data already published in other formats. For example, it contains the data from the CSPR which are also posted as pdf documents. ED Data Express allows access to the data in a table format making data more available to users.

*EDFacts* data are used in state and district profiles. These profiles contain an array of data never previously reported in a single venue. State and district profiles are published annually.

*EDFacts* data are being used in studies and evaluation conducted by ED. At this time, it is unknown which studies and evaluations will use data from *EDFacts*. Each study will explain how the data are used.

The warehouse as a whole is not published primarily because of concerns about privacy. ED is working on uniform data privacy policies and quality control procedures that will allow data to be published in a manner that meets the standards of each ED program. In addition, ED is exploring ways to use data exploration tools like those recent launched at [data.ed.gov](http://data.ed.gov) to make small sets of data from *EDFacts* available, where appropriate.

ED is continuing to explore the most appropriate ways to make quality data available in a manner consistent with privacy concerns. ED will continue to discuss approaches with OMB.

**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.**

This collection has displayed the OMB approval date in the transmittal documents requesting the information from the State agencies and in any written discussion or representation of the collection. There will be no paper *EDFacts* “form” for the general collection upon which to display the OMB number. The OMB number will be properly displayed on any Web form used by *EDFacts*.

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

ED is requesting no exemptions from the Certification.

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

**The agency should be prepared to justify its decision not to use statistical methods in any case where such methods might reduce burden or improve accuracy of results.**

Part B is in a separate document and describes the requirements of the Civil Rights Data Collection which is part of this clearance package.