

Supporting Statement A

Solicitation of Nominations for the Advisory Board for Exceptional Children

OMB Control Number 1076-NEW

Terms of Clearance: None.

Justification

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

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

Specifically, IDEIA states:

(6) Establishment of advisory board. To meet the requirements of [20 USCS § 1412(a)(21)], the Secretary of the Interior shall establish, under the BIA, an advisory board composed of individuals involved in or concerned with the education and provision of services to Indian infants, toddlers, children, and youth with disabilities, including Indians with disabilities, Indian parents or guardians of such children, teachers, service providers, State and local educational officials, representatives of tribes or tribal organizations, representatives from State Interagency Coordinating Councils under section 641 [20 USCS § 1441] in States having reservations, and other members representing the various divisions and entities of the BIA. The chairperson shall be selected by the Secretary of the Interior. The advisory board shall--

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

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

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

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

(E) provide assistance in the preparation of information required under paragraph (2)(D).

BIE established the Board under the Federal Advisory Committee Act in accordance with the IDEIA requirements. The Advisory Board includes 15 individuals involved in or concerned with the education and provision of services to Indian infants, toddlers, children, and youth with disabilities. Advisory Board members serve staggered terms of 2 years or 3 years from the date of their appointment. This information collection will allow BIE to standardize the way it obtains information on individuals' qualifications to serve on the Advisory Board through a Membership Nomination Form, and will facilitate review of applications to ensure that each nominee has the experience and expertise necessary to serve on the Board.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.

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

The Membership Nomination Form asks the following.

Lines 1 – 7 (Name and contact information).

This information is necessary to identify the individual and to get in touch with the individual to continue the nomination process, including vetting through the White House, pursuant to the Federal Advisory Committee Act.

Lines 8-15 (Place of employment and contact information).

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

Line 16 (Categories of representation).

For this question, the individual checks off which categories of stakeholders they represent. This allows the BIE officials to maintain a balanced membership on the committee.

Line 17 (Role recommended).

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

Line 18 (Experience with Bureau-funded schools).

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

Line 19 (Experience in education of Indian children with disabilities).

This information allows BIE to ensure that the nominees have the professional experience appropriate to serve on the Board.

Line 20 (Membership/leadership in professional organizations).

This information allows BIE to ensure that the nominee will help balance the interests represented on the Board.

Line 21 (Special interests/activities/rewards related to the education of Indian children with disabilities).

This question is intended to capture any other experience or expertise the nominee may have that would qualify the individual for membership on the Board.

Line 22 (Contact information for person/organization recommending nominee).

This information allows BIE to contact the person recommending the individual in case clarification is required and also allows BIE to identify the specific organization/entity if the nominee will be representing that organization/entity on the Board.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden and specifically how this collection meets GPEA requirements.**

Individuals may submit their nominations via email. We will be publishing the form in the Federal Register with the solicitation, but will direct individuals to a website where an MS Word version of the form will be available for them to fill in electronically and email. We expect approximately 90 percent of applicants to fill in and submit the application electronically.

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

Because established qualifications for membership on the Board are unique, there is

no opportunity to obtain this information from other sources.

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

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

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

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

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

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

There are no circumstances that would cause this information collection to be conducted in a manner that would require exceptions to 5 CFR 1320.5(d)(2).

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR

1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and in response to the PRA statement associated with the collection over the past three years, and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

A notice requesting comment on renewal of this information collection was published on February 18, 2011 (76 FR 9593). BIE did not receive any comments in response to this notice.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

BIE contacted two individuals who are representative of potential applicants as professionals in the education field: Marilyn Johnson at Marilyn.Johnson@bie.edu and a non-Federal employee “Jonathan,” who preferred not to provide his contact information. Jonathan found the application form “easy” and appreciated the “click and type” format. Marilyn had some suggestions, including limiting the time period for which experiences must be provided to 10 years (no. 19 on the form), and narrowing the question on organizational affiliations (no. 20 on the form) to request only current membership. We incorporated those suggestions.

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

The respondents will not receive payments or gifts.

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

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

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be

made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature in this information collection.

12. Provide estimates of the hour burden of the collection of information.

We estimate that, each year:

- Approximately 30 people will submit applications;
- It will take each person approximately 1 hour to complete the application, including gathering the necessary documentation and filling in the application;
- Each person will submit only one application.

Therefore, the total annual burden hours are estimated to be 30, with a cost burden of \$ 878.*

*We are estimating salary using Bureau of Labor Statistics, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION— March 2011 (released June 8, 2011), USDL 11-0849, Table 1, All Workers category (\$20.91/hour x 1.4 for benefits for individuals or \$29.27/hour). The 1.4 multiplier is derived from the Bureau of Labor Statistics, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION— March 2011 (released June 8, 2011), USDL 11-0849. See www.bls.gov/news.release/pdf/ecec.pdf.

13. Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information.

The information collection will not require the purchase of any capital equipment nor create any start-up costs because no equipment purchase is contemplated. Any computers and software used to complete this information collection are part of the respondent's customary and usual business practices.

14. Provide estimates of annualized cost to the Federal government.

We estimate it will take two Federal employees 40 hours each to review the applications. These employees are generally at a General Schedule (GS) of 14, Step 5.

Salary Costs - \$ 5,519 (\$68.99* x 40 hours x 2 employees)

*These hourly salary figures are based on the *Salary Table 2011-GS Rates Frozen at 2010 Levels* for GS14/5, at \$45.99, incorporating a 1.5 multiplier for benefits for a total of \$68.99. See, 2010 General Schedule (Base) http://www.opm.gov/oca/11tables/pdf/gs_h.pdf. The 1.5 multiplier for benefits is based on the Bureau of Labor Statistics, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—March 2011 (released June 8, 2011), USDL 11-0849. See www.bls.gov/news.release/pdf/ecec.pdf.

There are no mailing or other costs associated with this information collection.

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

This is a new information collection.

16. For collections of information whose results will be published, outline plans for tabulation and publication.

There is no intention to publish this information.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

We intend to display the expiration date with the OMB Control Number.

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

We are not seeking any exceptions.