EDICS Tracking and OMB Number: (XXXX) XXXX-XXXX

Revised: XX/XX/XXXX

RIN Number: XXXX-XXXX (if applicable)

SUPPORTING STATEMENT

FOR PAPERWORK REDUCTION ACT SUBMISSION

Annual Mandatory Collection of Elementary and Secondary Education Data through ED*Facts*

EDICS Tracking and OMB Number: (XXXX) XXXX-XXXX

Revised XX/XX/XXXX

RIN Number: XXXX-XXXX (if applicable)

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 hard copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information, or you may provide a valid URL link or paste the applicable section. 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, make note of the sections or changed sections, if applicable.**

   The collection, use, and reporting of education data is an integral component of the mission of the U.S. Department of Education (ED). ED*Facts*, an ED initiative to put performance data at the center of ED's policy, management, and budget decision-making processes for all K-12 educational programs, has transformed the way in which ED collects and uses data. ED*Facts* provides an electronic submission system for SEAs, and centralizes within ED the availability of the performance data supplied by state education agencies (SEAs) to enable better analysis and use in policy development, planning, and management. ED 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. ED's goal in requiring electronic submission of information is to reduce SEA reporting burden and streamline and consolidate data collections required by ED.

   In order to facilitate the use of ED's electronic ED*Facts* data management system for submission of certain data and allow ED 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 ED may take administrative action against a state for failure to submit reports in the manner prescribed by the Secretary.

ED is currently in the process of collecting data for the 2010-11, 2011-12, and 2012-13 school years as approved by OMB (1875-0240). ED seeks another three-year approval for this collection. This proposed collection includes the 2013-14, 2014-15, and 2015-16 school years. ED encourages the public to review, at a minimum, all proposed changes outlined in Attachment C. 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. 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 these data from each state, district, or school.

ED seeks OMB approval under the *Paperwork Reduction Act* to collect the elementary and secondary education data on schools, school districts, and SEAs as described in the five sections of Attachment B. In this attachment, ED documents all of the data groups it intends to collect. In Attachment C, ED explains the changes between the data groups ED intends to collect and those data groups currently cleared for collection in 1875-0240. Those persons who are familiar with the current ED*Facts* 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 policy analysts at ED. These data will be used to evaluate in an 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 educational outcomes for the nation’s students and their families. We believe these data may also be useful in future reauthorizations of the Elementary and Secondary Education Act. We believe that SEAs and districts use many of the data collected through ED*Facts* in managing education programs at those levels.

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 given to using technology to reduce burden.**

   SEAs will submit the data electronically through the ED*Facts* Submission System, which is an established submission system that SEAs have been using for several years. The ED*Facts* Submission System allows each SEA to provide the ED*Facts* data in the non-proprietary, electronic formats that could be generated through automated processes within the SEA. Provisions were made to receive data in multiple formats to ensure the least possible burden on each of the respondents. Over the years covered by this clearance ED will be working to clarify data requirements and possibly streamline technical reporting process by linking ED*Facts* data groups to elements within the Common Education Data Standards (CEDS). Earlier in 2012 ED published version 2.0 of CEDS enabling states to now incorporate these standards into their data systems.

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.**

   ED*Facts* continues to reduce duplication in data collection efforts within ED. Attachment B1 explains how legacy data collections have been discontinued or transformed with the increasing use of ED*Facts* data and/or the ED*Facts* submissions systems. The new data groups proposed for collection are not currently collected within ED. The ED*Facts* Data Governance Board, consisting of representatives from each K-12 program office, reviews new and existing data requests from all program office data stewards to prevent duplicative collections.

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.**

   This collection will not impact small businesses or other small entities as defined above.

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.**

Public education accountability is on an annual cycle where success and failure are measured and reported 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.

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.**

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

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. 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 60-day and 30-day comment period will be provided for this collection. The majority of the data included in Attachments B1, B3, B4, and B5 reflect data that have been collected through ED*Facts* for several years. New items proposed for collection are outlined in Attachment C. Extensive discussions were held with the U.S. Department of Agriculture about available data for Free and Reduced-Price Lunch. ED, as well as the education research community, has long used Free and Reduced-Price Lunch eligibility data as a proxy for poverty. With changes in the National School Lunch Program, additional data groups are needed to better understand the eligibility data currently being collected.

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

These data are collected from grantee SEAs. No remuneration, outside of grant funds allocated to the SEAs by formula, is made.

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. 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). 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 confidentially of the data.**

There has been no assurance of confidentiality provided to the respondents beyond the agreement to protect personally identifiable information in students' education records under the *Federal Educational Rights and Privacy Act* (FERPA). The data collected are aggregate, and not at a level that contains direct PII about individual students or teachers. ED is committed to protecting individual student privacy and will apply disclosure avoidance techniques prior to publishing any data, in accordance with FERPA.

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.

There are no questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **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, and an explanation of how the burden was estimated, including identification of burden type: recordkeeping, reporting or third party disclosure. All narrative should be included in item 12. 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 estimated hour 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 the ROCIS IC Burden Analysis Table. (The table should at minimum include Respondent types, IC activity, Respondent and Responses, Hours/Response, and Total Hours)**
- **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 (SEAs) will submit ED*Facts* data annually over the three-year clearance period. In addition, seven outlying areas and freely associated states submit a limited amount of data through ED*Facts*. Based on conversations with SEAs through the years that ED*Facts* has been utilized as a collection system for ED, we believe that a reasonable estimate of the average burden for SEAs is the equivalent of one FTE for the equivalent of 55 SEAs (the additional three SEAs represents the cumulative relative effort of the seven outlying areas and freely associated states). The initial year may pose more burden for data submitters, as they will need to program new routines for submission of the new data groups. Thereafter, the burden should be slightly less. Thus, the estimated burden on SEAs for the first year of reporting would be an average of 2180 hours per respondent to develop routines for preparing the necessary files and data groups that would apply to their SEAs, as well as submitting the files. For subsequent years of reporting, ED expects the average to be reduced to 2080 hours per respondent. The annualized response time over three years is 2115 hours.

	Respondents	Hours/ Response	Total Hours
EDFacts Annual Data Collection	55	2115	116,325

The annualized cost is estimated to be $5,816,250 (116,325 hours multiplied by an average wage of $50 per hour). There is a wide range of hourly salaries associated with the professionals that will provide the data, making this estimation approximate.

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

The collection of ED*Facts* data for the foreseeable future will require no additional systems development efforts by SEAs. SEAs 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 ED*Facts* have been noted by the SEAs as helping them reduce the total costs associated with those systems development activities by providing cost effective common education information management solutions to SEAs and LEAs. Some of this work is being done under the Institute of Education Sciences (IES) discretionary grants made available to help SEAs develop longitudinal statewide 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.**

    ED*Facts* collects data through the use of either the ED*Facts* Submission System or the ED*Facts* Metadata and Process System, and is made available to licensed users through the ED*Facts* Reporting System. The current budget to support the collection of ED*Facts* data for FY 2013 is $10.543 million.

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).**

    This is a request for clearance for a currently approved collection with revisions. We are proposing for collection 11 new data groups, and eliminating 10 previously cleared data groups. SY 2013-14 will be the second year in which ED*Facts* will be collecting for the Office of Special Education Programs the IDEA, Part B, Section 618 Table 8 through E*MAPS*. One new data item and one new metadata item are proposed in that table (See Attachment B-5). It should be noted that the Civil Rights Data Collection (CRDC) is no longer a part of the ED*Facts* clearance (this collection will be cleared separately). Therefore, the burden hours directly associated with ED*Facts* reporting are significantly reduced.

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.**

    Data collected through ED*Facts* are published in a number of places, including various reports to Congress, the Consolidated Annual Performance Report, the Annual Report to Congress on the Implementation of IDEA, the Common Core of Data (non-fiscal), and EDDataExpress.ed.gov. Performance data are generally published at the SEA level. Beginning in 2012 ED is preparing to publish school and district level data files on data.gov. This work will begin with data about student achievement results on statewide assessments in reading/language arts and mathematics. ED is planning to expand to publish information sets of additional data groups from ED*Facts* after that. Prior to publishing any data, ED will apply disclosure avoidance techniques approved by ED's Disclosure Review Board and in accordance with FERPA.

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.**

    There will be no paper ED*Facts* 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 ED*Facts*.

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

    ED is requesting no exemptions from the Certification.