

## SUPPORTING STATEMENT

### FOR PAPERWORK REDUCTION ACT SUBMISSION

FDMS Docket and OMB Number: ED-2013-ICCD-0001 1810-0021

#### 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. Please limit pasted text to no longer than 3 pages. 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.**

This request makes several technical changes to the information collection previously approved under clearance number 1810-0021. These technical enhancements provide greater flexibility to submitters and add no additional burden. The enhancements are identified in Attachment A: "Data Groups for the Electronic Application System for Indian Education.

The Office of Indian Education (OIE) of the Department of Education (ED) requests clearance for the Indian Education Formula Grant Application authorized under Title VII, Part A, Subpart 1 of the Elementary and Secondary Education Act, as amended (ESEA). The Indian Education Formula Grant (CFDA 84.060A), is not competitive or discretionary and requires the annual submission of the application from the local education agency and or tribe. The funds under this program assist applicants to provide Indian students with the opportunity to meet the same challenging state standards as all other students and meet the unique educational and culturally related academic needs of American Indian and Alaska Native students. The amount of the award for each applicant is determined by a formula based on the reported number of American Indian/Alaska Native students identified in the application, the state per pupil expenditure, and the total appropriation available.

The information collection is also necessary to meet the Government Performance and Results Act (GPRA) requirements.

The collection is authorized by section 7114(a) of the ESEA, 20 USC 7424(a), available at <http://www.gpo.gov/fdsys/pkg/USCODE-2011-title20/pdf/USCODE-2011-title20->

[chap70-subchapVII-partA-subpart1-sec7424.pdf](#), and by section 4 of the Government Performance and Results Act of 1993 (GPRA).

**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.**

Eligible applicants submit information to describe the project for which funding is requested. The information provided by the applicant addresses required documentation established by Title VII legislative requirements for this program. The information provided in the application includes: the Indian student count, including verification of individual student eligibility; data on the assessment of Indian student needs; the purpose of the project; a comprehensive project plan that show how the applicant will meet those needs, including the objectives, activities, and timelines for the funding period requested; qualifications of personnel and professional development provided for them; the results of the periodic assessment of all Indian students and how the LEA is responding to those findings; evidence of a public hearing; parent committee approval; and program assurances. Additionally, as needed, applicants may request a waiver of the limitation to 5 percent on the use of program funds for administrative purposes or a report on the effectiveness of a waiver granted in a previous year.

Eligible applicants for the Formula Grant program include: LEAs, consortia of LEAs, Indian tribes in lieu of LEAs, and Bureau of Indian Education funded schools.

The information collected is used to determine applicant eligibility, allocation, and whether the proposed project meets the purpose of the legislation. This application is completed in two parts with two established deadlines. The information collected from each part ensures all required documents are provided. Projects are funded annually for one budget year.

The information is also used for reporting under GPRA.

**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.**

Collection of the information through an electronic system was introduced in December 2006 for applications for FY 2007 funds as a component of *EDFacts*, the Department's data system for elementary and secondary education. *EDFacts*'s Electronic Application

System for Indian Education (EASIE) has completed six years of implementation. The system is Web-based and includes the entire applicant submission process; it features pre-population of student performance information. Response to EASIE has been overwhelmingly positive. A paper submission form is available to those applicants that request a waiver of the electronic system due to a lack of Internet access. However, in the six years of implementation of EASIE, not a single applicant has requested paper submission. As OIE has moved toward more streamlined electronic submissions of applications, the EASIE system has been enhanced to accept required documents, including the Indian Parent Committee Approval form, and consortium agreements, via upload within EASIE.

**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.**

No duplication of effort exists. This information collection requests information specifically for the Indian education formula grant program authorized under section 7111-7119 of the Elementary and Secondary Education Act. Applicants will be required to provide information that addresses the statutory purpose and program requirements. Student performance information collected by *EDFacts*, such as state assessment results, attendance statistics, and graduation rates, are pre-populated into EASIE so there is no additional burden to the applicant. Although there are other Indian education programs in the Department, they are authorized under different legislation and their purposes and requirements differ from those under this program.

**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 information collection requirement does not place a burden on small businesses, not-for-profits organizations or small government jurisdictions, which for this program, may include Indian tribes applying in lieu of an LEA.

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

If this information is not collected, the Department will be unable to make grant awards in a timely manner. Applications provide information describing the project for which funding is requested. The information collected is necessary to evaluate the applications for completeness and to identify funding levels for each of the applications.

**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;**

Only one application per fiscal year is awarded. Respondents submit the information collection annually for each new grant year.

- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**

The time period from the date of availability of the information collection, as published in the Federal Register, to the date by which respondents must respond (i.e., the closing date for Part II which is also published in the Federal Register) will not be less than 30 days.

- **requiring respondents to submit more than an original and two copies of any document;**

Respondents are required to submit applications electronically through the web-based EASIE system unless they have no Internet connection or inadequate Web access. Applicants that meet the exception to submitting an application via EASIE are not required 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;**

Respondents will not be required to retain 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;**

The information collection is not connected with a statistical survey.

- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**

The information collection is not connected with a statistical survey or statistical data classification.

- **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**

The information collection does not request data that is confidential.

- **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.**

The information collection does not request data that is of a proprietary nature or confidential.

- 8. As applicable, state that the Department has published the 60 and 30 – day 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.**

OIE published a 60-and 30-day Federal Register Notice to solicit public comment on this collection. Because the changes to this collection are minor and technical in nature, we did not expect significant comments, and received none. However, we plan to provide a copy of the information collection to the Department's National Advisory Council on Indian Education prior to their next meeting, for review and comment, in accordance with the requirement to consult with representatives of those affected every three years.

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

No payments or gifts to respondents will be provided.

- 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 confidentiality of the data.**

Confidential information is not requested, there are no assurances of confidentiality.

- 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.**

Information of a sensitive nature is not requested.

- 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.

**Estimate of Burden Summary:**

	Respondents	Hours/ response	Total Hours	Total Cost	Cost calculation
EASIE Part I Student Form (ED 506)	10,000 Type: Individuals	0.309	3,090	\$16,284	$10000 \times 0.309 \times \$5.27/\text{hr} = \$16,284.$  Note that only Indian students who were NOT previously in the applicant's LEA need to fill out this form. Additionally, ED 506 forms are not submitted to the Department, but must be maintained on file by the applicant.
EASIE Part I Student Count and Part II Project and Budget Information	1,300 Type: Individuals	5	6,500	\$114,032	$1300 \times 4.66 \text{ hours} \times 16.34/\text{hr} = \$98,987$ $1270 \times .33 \text{ hours} \times 35.90/\text{hour} = \$15,045.$  Total = \$114,032

<b>TOTAL BURDEN</b>	<b>11,300</b>	<b>5.309</b>	<b>9,590</b>	<b>\$130,316</b>	
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**Burden Hours**

Estimates are based on the following:

During any given grant cycle, approximately 10,000 new ED 506 forms are filled out annually and maintained by LEAs. Since ED 506 forms only need to be filled out once during a child’s K-12 career these forms reflect the entry of new students into any Indian formula grant program minus graduating students. The burden hours associated with each new form is .309 hours x 10,000 new forms annually for a total 3,090 burden hours.

On an annual basis, approximately 1,300 applications are submitted. The increase in the projected number of applicants from 1,264 to 1,302 is based on the increase in participating LEAs that has occurred since the electronic system was implemented. Applicants submit once per year which includes both Part I and Part II. The burden hours for EASIE Part I and II is based on an average 1,300 yearly applications at 5 hours per submission for a total of 6,500 burden hours.

**Respondent Costs**

The respondent cost estimates are computed using the hourly rates of a GS 5/1 and GS 12/1. These hourly rates are comparable to salaries of staff that will perform these functions for the respondent (data entry and review and certification).

The cost to respondents for compilation of the information and completion of the application is based on the estimated average per year for each type of respondent. Of this time, review of instructions, data compilation and entry, and review are included at an average of 4 hours 40 minutes (= 4.66 hours) and 20 minutes (= .33 hours) for review and certification. See the following calculations.

Student forms: (10,000 x .309 hrs) x \$5.27/hr =	16,284
Data entry for Part I & II (1300 x 4.66 hrs) x \$16.34/hr =	98,987
Review and certification for Part II (1300 x .33 hrs) x \$35.90/hr =	<u>15,045</u>
	\$ 130,316

**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.)**

There is no additional annual cost burden to respondents and record keepers from this collection of information.

- **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.**

There are no capital, start up costs, maintenance or purchase of services under this collection.

- **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.**

There are no information collection services to be contracted out.

- **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.**

There are no purchases of equipment or services, or portions thereof under this collection.

**Total Annualized Capital/Startup Cost:**

**Total Annual Costs (O&M):**

**Total Annualized Costs Requested:**

- 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 EASIE software that collects the applications for the Title VII Indian Education Formula Grants is operated and supported under a contract that is a task order under the master *EDFacts* contract. The estimated annual cost of support for the EASIE software is \$390,000. This includes operations and maintenance and a partner support center that assists applicants in the process of submitting.

- 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).**

An adjustment of +150 annual burden hours is requested due to the increase in average number of applicants, likely because of the ease of the current application process. There is no additional burden on each applicant.

- 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.**

Results of the individual information collected will not be published.

- 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.**

Such approval is not being requested.

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

There are no exceptions to the certifications.