

## Title I, Part A, Grants to LEAs

### SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT RENEWAL FOR TITLE I, PART A, GRANTS TO LOCAL EDUCATIONAL AGENCIES

#### **A. Justification**

*Q1. 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.*

A1. Title I, Part A (Title I) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB), and its regulations contain several existing provisions that require State educational agencies (SEAs), local educational agencies (LEAs), and schools to collect and disseminate information. The Paperwork Reduction Act (PRA) covers these activities, which are currently approved by OMB under control number 1810-0581 through July 2015.

The information collection requirements in the statute and final regulations include: Sections 1111(h)(1) and 1111(h)(2) of the ESEA; and 34 C.F.R. §§ 200.6, 200.6, 200.11, 200.19, 200.26, 200.27, 200.29, 200.30, 200.31, 200.33, 200.34, 200.36, 200.37, 200.38, 200.39, 200.41, 200.42, 200.43, 200.45, 200.46, 200.47, 200.48, 200.49, 200.50, 200.51, 200.52, 200.53, 200.57, 200.61, 200.63, 200.70, 200.71, 200.72, 200.73, 200.74, 200.75, and 200.91. The relevant paragraphs of these regulatory provisions are specified in the table below.

In addition, in 2011 the U.S. Department of Education (ED) invited each SEA to request flexibility on behalf of itself, its LEAs, and schools, in order to better focus on improving student academic achievement and increasing the quality of instruction (ESEA flexibility). The opportunity for SEAs to request ESEA flexibility also included activities covered by the PRA. Those information collection activities consisted of the information an SEA must develop and submit to ED to request this flexibility, information that an SEA provided in an Accountability Addendum, and the information an SEA that receives ESEA flexibility must annually report to ED (reporting).

Approvals of SEA ESEA flexibility requests have occurred in several iterations: Window 1, for which SEAs submitted requests in November 2011; Window 2, for which SEAs submitted requests in February 2012; Window 3, for which SEAs submitted requests in September 2012; and Window 4, for which SEAs submitted requests in spring 2013. Generally, ED approved the requests of SEAs that requested flexibility in Windows 1 and 2 through the end of the 2013–2014 school year. ED is now inviting the 35 Window 1 and Window 2 SEAs to request a two-year extension of the waivers granted through ESEA flexibility, through the end of the 2015–2016 school year. An SEA that requests an extension of ESEA flexibility must submit an updated ESEA flexibility request describing how it will continue to meet the requirements of ESEA flexibility.

The purpose of this submission is to obtain emergency approval for the resubmission activities covered by the PRA. These activities include an SEA's addressing each of the required items described in the ESEA flexibility renewal guidance (included in this package), providing

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narrative responses within its currently approved ESEA flexibility request and attaching any new documentation or evidence where appropriate, and submitting the amended request to ED. In addition, an SEA must submit a completed ESEA flexibility renewal request form indicating where changes have been made in its ESEA flexibility request. The SEA may also choose, but is not required, to amend its request to make changes necessary to improve implementation going forward or to reflect more accurately implementation activities that have already occurred.

Copies of the relevant ESEA flexibility documents are attached.

*Q2. 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.*

A2. SEAs, LEAs, and schools collect and disseminate the information to carry out the above-referenced reporting requirements of Title I of the ESEA. The information is used to facilitate compliance with statutory and regulatory requirements and to provide information to school communities (including parents), LEAs, SEAs and ED regarding activities required under Title I of the ESEA. With respect to ESEA flexibility, peer reviewers and ED staff evaluated each SEA's flexibility request to inform the Secretary's determination of whether to approve an SEA's request. Similarly, ED will use the information obtained during the renewal process to determine whether to extend an SEA's ESEA flexibility waivers.

*Q3. 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.*

A3. The regulations do not require or preclude LEAs and SEAs from using information technology to reduce burden. In addition, as was the case with ESEA flexibility requests, ESEA flexibility renewal requests may be submitted to ED electronically or in hard copy. In an effort to reduce administrative burdens, ED indicates in the ESEA flexibility renewal guidance that electronic submission is the strongly preferred method.

*Q4. 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.*

A4. There is no duplication in the regulations or as a result of ESEA flexibility.

*Q5. If the collection of information impacts small businesses or other small entities (Item 8b of IC Data Part 2), describe any methods used to minimize burden.*

A5. Small businesses have not been impacted by this data collection nor will the changes impact them. The only small entities affected by the regulations are small LEAs. Moreover, because SEAs are responsible for ensuring that the LEAs follow the statute and regulations, small LEAs will receive instructions and guidance from their SEA on exactly how to implement the requirements. This important SEA responsibility helps to minimize the burden on small LEAs. Concerning ESEA flexibility, all LEAs that receive Title I, Part A funds, including small LEAs,

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have the opportunity to benefit from their SEA's applying for this flexibility. In sum, there is minimal burden on individual LEAs.

*Q6. 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.*

A6. If the information collection is not continued, SEAs, LEAs, and schools will not have information necessary to carry out the applicable requirements of Title I of the ESEA. Moreover, many of the innovations and reforms currently underway in many States and districts were not anticipated when NCLB was enacted. While NCLB helped SEAs and LEAs shine a bright light on the achievement gap and increased accountability for groups of high-need students, it inadvertently encouraged some States to set low academic standards, failed to recognize or reward growth in student learning, and did little to elevate the teaching profession or recognize the most effective teachers. Instead of fostering progress and accelerating academic improvement, many NCLB requirements have unintentionally become barriers to State and local implementation of forward-looking reforms designed to raise academic achievement. Consequently, many States have petitioned ED for relief from the requirements of current law. One of the Secretary's highest priorities is to help ensure that Federal laws and policies can support these reforms and not hinder State and local innovation aimed at increasing the quality of instruction and improving student academic achievement.

For these reasons, ED offered each SEA the opportunity to request flexibility on behalf of itself, its LEAs, and its schools, in order to better focus on improving student learning and increasing the quality of instruction, and is now offering SEAs the opportunity to extend this flexibility. ED needs regular clearance of this information collection package to continue this important process.

*Q7. 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.*

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A7. This collection is consistent with 5 CFR 1320(d)(2).

*Q8. 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 those 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 preclude consultation in a specific situation. These circumstances should be explained.*

A8. ED is providing a public comment period through the emergency notice. In addition, as ED will be seeking regular approval of the information collection activities associated with the ESEA flexibility extension requests, the public will have the opportunity to comment during the 60-day period for the regular approval. This information collection is consistent with the statutory requirements that govern the waiver of a statutory or regulatory requirement under Title I, Part A of the ESEA.

*Q9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.*

A9. Neither the regulations nor ESEA flexibility require gifts or payments to be made to respondents.

*Q10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulations, or agency policy.*

A10. Neither the regulations nor ESEA flexibility require an assurance of confidentiality.

*Q11. 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.*

A11. Neither the regulations nor ESEA flexibility require questions of sensitive nature in this collection of information.

*Q12. Provide estimates of the hour burden of the collection of information. The statement should:*

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- *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 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 Item 16 of IC Data Part 1*
- *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.*

### A12. Estimated hour burden for the collection of information.

The ESEA flexibility renewal process will change ED's burden hour estimates for this collection that was approved in 2012. To estimate the revised burden, ED factored the ESEA flexibility renewal process for the Window 1 and Window 2 SEAs into the currently approved burden, which ED expects to be less burdensome than the initial request process. The estimated burden is reduced from 4,712,193 hours in the currently approved collection to 4,707,785 hours. At this time ED is not proposing to modify any other estimates in this collection, except to account for the 40 SEAs that already have approved requests. The following tabular summaries provide details on the updated estimated burden for SEAs, LEAs, and schools.

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**Burden in Hours and Dollars**

<b>Title I Regulations Burden Hours/Cost for SEAs</b>					
<b>Citation</b>	<b>Description</b>	<b># of respondents</b>	<b>Average # of Hours per Respondent</b>	<b>Total Hours</b>	<b>Total Cost (Total Hours x \$30.00)</b>
Section 1111(h) (1)	Prepare and disseminate State report card	52	370	19,240	\$577,200
200.6(b)(4)(i)(C)	Report number of recently arrived LEP students who are not assessed on the State's reading/language arts assessment	52	1	52	\$1,560
200.6(a)(4)	Report number and percentage of students with disabilities taking assessments described in the regulations	52	1	52	\$1,560
200.45	SEA must notify LEA of its decision within 30 days of receiving a request to waive the supplemental service requirement	9	10	90	\$2,700
200.47(a)(1) (ii)	Annual notice to potential supplemental services providers	9	16	144	\$4,320
200.47 (a)(3)	Maintain updated list of approved providers	9	100	900	\$27,000
200.47(a)(4)	Develop, implement and publicly report on standards and techniques for monitoring the quality and effectiveness of the services offered by each approved provider	9	240	2,160	\$64,800

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<b>Title I Regulations Burden Hours/Cost for SEAs</b>					
200.57	Revise, as appropriate, plan to ensure that all teachers of core academic subjects are highly qualified.	9	80	720	\$21,600
200.11(c)	Add NAEP data to SEA report cards and developing tool for parents to compare NAEP and State assessment data	52	24	1,248	\$37,440
200.19 (b)(1)	Beginning with report cards providing assessment results for SY 2010-11, calculate the four-year adjusted cohort graduation rate, and, if option is selected by the State, the extended-year adjusted cohort graduation rate	52	286	14,872	\$446,160
200.39(c)(2)	Post the information listed in §200.39(c)(1) for LEAs that do not operate their own Web site	9	5	45	\$1,350
200.47(a)(1)(ii)(B)	Posting on the SEA's Web site an amount equal to 20 percent of each LEA's Part A allocation and the per-pupil amount available for SES	9	2	18	\$540
200.47(a)(3)(ii)	Indicate on the list those providers able to serve students with disabilities or limited English proficient students	9	2	18	\$540
200.47(a)(4)(iii)	Develop,	9	40	360	\$10,800

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<b>Title I Regulations Burden Hours/Cost for SEAs</b>					
	implement and publicly report on standards and techniques for monitoring LEAs' implementation of the SES requirements				
200.48(d)(3)	Review of LEAs' records	9	33	297	\$8,910
200.48(d)(4)	Review LEA request to use unexpended funds	9	28	252	\$7,560
ESEA flexibility	Obtain and submit LEA comments	52	24	1,248	\$37,440
ESEA flexibility	Develop and submit initial flexibility request and respond to ED's questions about request	12	240	2,880	\$86,400
ESEA flexibility	Update ESEA flexibility request and respond to ED's questions during renewal process	35	180	6,300	\$189,000
ESEA flexibility	Submit ESEA flexibility renewal form	35	16	560	\$16,800
ESEA flexibility	Amend Accountability Workbook and submit amendments to approved flexibility request, as appropriate	52	80	4,160	\$124,800
ESEA flexibility	Reporting	52	80	4,160	\$124,800

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Title I Regulations Burden Hours/Cost for SEAs						
				<b>Total</b>	<b>59,776</b>	<b>\$1,793,280</b>

Title I Regulations Burden Hours/Cost for LEAs					
Citation	Description	# of respondents	Average # of Hours per Respondent	Total Hours	Total Cost (Total Hours x \$25.00)
Section 1111(h)(2)	Prepare and disseminate LEA report card	13087	16	209,392	\$5,234,800
200.34, 200.43	Prepare, and make arrangements to implement, a restructuring plan for schools that do not meet AYP after one full year in corrective action	179	800	143,200	\$3,580,000
200.36, 200.37, 200.38 and 200.46	Notify parents when schools are identified for improvement, corrective action, or restructuring; publish and disseminate information on any action taken by the school and LEA to address the problems that lead to such identification.	983	8	7,864	\$196,600
200.52	Develop or revise improvement plan if identified for improvement.	79	800	63,200	\$1,580,000
200.61(a)	Notify parents that they can request information about the professional qualifications of their child's classroom teacher.	13087	10	130,870	\$3,271,750
200.63(c)(1)	Maintain records on consultation with private school officials.	13087	6	78,522	\$1,963,050
200.11(c)	Adding NAEP data to LEA report cards	13628	24	327,072	\$8,176,800
200.19(b)(1)(ii)(B)(1)	Documentation that a student has transferred out – that the student has	13628	50	681,400	\$17,035,000

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<b>Title I Regulations Burden Hours/Cost for LEAs</b>					
	enrolled in another school or other educational program that culminates in the award of a regular high school diploma				
200.37(b)(5)(ii)(C)	Providing notice to parents that their children are eligible for SES and describing the benefits of SES	379	12	4,548	\$113,700
200.39(c)(1)	Provide information on public school choice and SES	983	25	24,575	\$614,375
200.48(d)(3)	Maintain records that the criteria are met and meet requirements for informing SEA	737	12	8,844	\$221,100
200.48(d)(4)	Apply to SEA to use unexpended funds	28	12	336	\$8,400
			<b>Total</b>	<b>1,679,823</b>	<b>\$41,995,575</b>

<b>Title I Regulations Burden Hours/Cost for Schools</b>					
<b>Citation</b>	<b>Description</b>	<b># of respondents</b>	<b>Average # of Hours per Respondent</b>	<b>Total Hours</b>	<b>Total Cost (Total Hours x \$25.00)</b>
200.26, 200.27	Conduct needs assessment/Develop comprehensive schoolwide plan	680	1,000	544,000	\$13,600,000
200.29(d)(2)	Maintain records demonstrating that it addresses the intents and purposes of each Federal program included.	37,039	6	177,786	\$4,444,650
200.39, 200.41, 200.42/ESEA flexibility, as appropriate	Newly identified schools develop school improvement plan; or, as appropriate, focus and priority schools not previously identified for improvement under section 1116 of ESEA plan for interventions consistent with ESEA flexibility.	2,340	960	2,246,400	\$56,160,000
			<b>Total</b>	<b>2,968,186</b>	<b>\$74,204,650</b>

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Q13. *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.*

A13. Not applicable.

Q14. *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.*

A14. Estimated annualized Federal cost:

- The cost to the Federal government would be to review selected data related to Title I that each State submits to EDFacts.

Two people, GS-13, four hours, X 52 SEAs = 416 hours X 34.34 per hour=\$14,285.

- For ESEA flexibility, there are costs for peer reviewers and ED staff to review State

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requests for this flexibility and for ED staff to review reported data on the implementation of these waivers and key principles. We estimate a cost of \$1.2 million for those activities.

Total cost = \$1,214,285

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*Q15. Explain the reasons for any program changes or adjustments to #16f of the IC Data Part 1 Form.*

A15. This is a program change, with a reduction in burden hours. The change in burden hours is due primarily to the upcoming ESEA flexibility renewal process.

*Q16. 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.*

A16. The collection of information does not require publication of the information or use of complex analytical techniques. The needs assessment and service delivery plan need to be implemented at least once during the current period of authorization for ESEA. The program evaluation needs to be implemented biennially during the current period of authorization for ESEA.

*Q17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.*

A17. No request is being made to not display the expiration date for OMB approval of the information collection.

*Q18. Explain each exception to the certification statement identified in the Certification of Paperwork Reduction Act.*

A18. There were no proposed exceptions to the certifications.

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

The regulations do not require that statistical methodology be employed.