

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSION
OMB No.1810-0686
MIGRANT EDUCATION PROGRAM (MEP)
MIGRANT STUDENT INFORMATION EXCHANGE**

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. While, the U.S. Department of Education (ED) is proposing new regulations to implement the Migrant Student Information Exchange (MSIX), a nationwide, electronic records exchange mechanism mandated under Title I, Part C of the Elementary and Secondary Education Act (ESEA), as amended by the No Child left Behind Act; pursuant to the Paperwork Reduction Act, ED is extending the non-regulatory data collection for extension and approval. As a condition of receiving a grant of funds under the Migrant Education Program (MEP), each State educational agency (SEA) would be required to collect, maintain, and submit minimum health and education-related data to MSIX within established timeframes. The proposed regulations would facilitate timely school enrollment, placement, and accrual of secondary course credits for migratory children and help us determine accurate migratory child counts and meet other MEP reporting requirements. The MEP is authorized under sections 1301-1309 in Title I, Part C of the ESEA. MSIX and the minimum data elements (MDEs) are authorized specifically under section 1308(b) of the ESEA.

ED is requesting approval to extend the 1810-0686 information collection that supports statutory requirements for data collection under Title I, Part C MEP. The purpose of the MSIX user application is to collect data to verify the identity of users in order to grant them access to the MSIX system for the purpose of transferring migrant student data. The application collects information on an MSIX user's identity, title/position, work address, work telephone, email, and role.

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. The information that would be collected and maintained in MSIX consists of information about individual users in the State that are granted access to MSIX in order to enter, review, and download migrant student data. The information will be used to verify a potential MSIX user's identity and the appropriate level of access to MSIX information. The State does not have to use the application form provided to them by the Department of Education - it is simply a suggested application to verify a user's identity and role. However, each State that provides access to MSIX is required under its separate MSIX Interconnection Agreement (IA) with the Department to ensure that only authorized individuals have access to the MSIX system. The MSIX user application can be used to help fulfill this requirement and document that the State met its obligation as stated in its MSIX IA.

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 State User Administrator can download the form provided in the MSIX User Access Guide and Application from the MSIX system at <https://msix.ed.gov/msix/contactUs.html> or create their own System User Access form. If the States use their own system access form, the fields must be the same as those contained in the MSIX User Access Guide.

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. The MSIX information collection will not duplicate (or otherwise include) the burden of other information collections. The users of MSIX are a uniquely State-identified set of users for each State. There is currently no collection of the names and work addresses for individuals that have been identified as needing access to MSIX for the purposes of enrollment, placement and accrual of credits for the migrant children in each state. In addition, no other authorized Department collection contains the names of these individuals.

Q5. If the collection of information impacts small businesses or other small entities.

A5. Small business and/or small entities are not impacted by this data collection.

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 . Consequences are as follows:

- (1) There would be no record of authorized participants in the MSIX;
- (2) There is no way to be assured that only approved personnel in the States are participating in MSIX;
- (3) There would be no way to assure all authorized personnel have been granted the correct level of access.

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.*

A7. There are no special circumstances.

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 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.

A8. ED published both a 60-and 30-day FRN seeking comments, there were no comments received during the 60-day comment period.

Also, under rulemaking requirements ED published a proposed rule notice in the Federal Register on 12/27/2013 under 78 FR 79222 requesting comments. Comments will be summarized and used to finalize the data collection with the Final Regulations. The user application form was developed by the MSIX Team in collaboration with eight States.

Q9. Explain any decisions to provide any payment or gifts to respondents, other than remuneration of contractors or grantees.

A9. No gifts or payments will be provided to respondents.

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

A10. That part of the users' access form defined as "directory information" is public information. Directory information is defined as a user's name, work address, work telephone, email address, and access level, which is used only to grant that person access to MSIX. All persons who access MSIX must accept and sign the MSIX Rules of Behavior, which is a detailed description of the safeguards that each system user must comply with in order to protect the privacy and security of the information. The privacy notice included on the application states that without the respondent's consent, the Department may disclose information provided to entities under a published "routine use." Under such a routine use, we may disclose information:

- 1) To a third party contractor that we have hired to perform any function that requires disclosure of records in this system to employees of the contractor;
- 2) To a researcher if an appropriate official of the Department determines that the researcher or relevant organization is qualified to carry out specific research related to the MSIX system;
- 3) To the U.S. Department of Justice (DOJ) or the Office of Management and Budget (OMB) if the Department concludes that disclosure is desirable or necessary to determine whether particular records are required to be disclosed under Freedom of Information Act or the Privacy Act; or
- 4) To appropriate agencies, entities, and persons when:
 - a. It is suspected or confirmed that the security or confidentiality of information in MSIX User Application Form has been compromised;
 - b. The Department has determined that as a result of the suspected or confirmed compromise, there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of MSIX User Application Form or other systems or programs (whether maintained by the Department or by another agency or entity) that rely upon the compromised information; and,

c. The disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist the Department in responding to the suspected or confirmed compromise and in helping the Department prevent, minimize, or remedy such harm.

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. There are no questions of a sensitive nature.

Q12. Provide estimates of the hour burden of the collection of information

A12. The 47 SEA/LEA User Administrators will be responsible for recording data collected on each form in the MSIX system. It is estimated that it will take 10 minutes per application to establish an account. An estimated 52 users will apply for entry into the MSIX system on an annual basis resulting in an estimated 10,452 responses. We estimate that it will take 30 minutes to complete each user application form. This includes providing the user's work-related and personal information as well as acquiring signatures from the approving officials.

Total Burden Hours

Respondent Type	Obligation to Respond	Hours/Response	No. of Responses	Total Burden
MSIX Users	Required	30 minutes	10,452	3,476 hours

The initial cost of burden for an estimated at 30 minutes per entry at \$31.34 an hour, equals a projected annual cost of **\$25,040.66**

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).

A13. There are no costs to respondents.

Q14. Provide estimated annualized cost to the Federal government.

A14. There are no annualized costs to the Federal government. The collection and review effort is performed by 47 SEA participating in the Migrant Education Program (MEP).

Q15. Explain the reasons for any program changes or adjustments reported.

A15. This is an extension of an approved information collection request; there are no program changes or adjustments to burden or respondents. Cost adjustments are based on the GSA median price (\$31.34) for an entry level Administration/clerical (101G-1). Once the regulation becomes final if there are program changes, the changes will be reported to OMB for change.

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 or report, publication dates, and other actions.

A16. The collection of information does not require publication of the information or use of complex analytical techniques. Summary information may be reported by the Secretary in tabular form to the States, Congress and the public.

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. ED is not seeking this approval.

Q18. Explain each exception to the certification statement identified in the “Certification for Paperwork Reduction Act Submissions.”

A18. There are no proposed exemptions to the certifications.

B. Collections of Information Employing Statistical Methods

The data collection does not require that statistical methodology be employed.