

## **SUPPORTING STATEMENT**

### **FOR PAPERWORK REDUCTION ACT SUBMISSION**

OMB Numbers: 1810-0581

Revised 10/06/2016

RIN Number: 1810-AB27

#### **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.*

A1. Title I, Part A (Title I) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA), and its regulations contain several 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. The previous authorization of the ESEA contained information collection requirements which are currently approved by OMB under control number 1810-0581.

The Department of Education has revised the regulations implementing Title I of the ESEA, as amended by the ESSA, including changes to 34 CFR sections 200.30 through 200.37, which affect the burden estimates in this information collection.

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.*

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.

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.*

A3. The regulations do not require or preclude LEAs and SEAs from using information technology to reduce burden.

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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 Question 2 above.*

A4. There is no duplication in the regulations.

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.*

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. 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. In sum, there is minimal burden on individual LEAs.

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.*

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.

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*

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*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.*

There are no special circumstances that apply to this collection.

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.*

The Department published an invitation to comment in the Notice of Proposed Rulemaking corresponding to this information collection. The Department received one comment indicating that to comply with the established timelines, the cost and burden estimates should be higher. However, the commenter did not provide specific feedback regarding which aspects of the report card burden would increase, and we continue to believe the estimates to reflect the amount of time required to comply with the reporting requirements established in these regulations. The overall timelines do not change the number of hours that must be devoted to completing the work. We made no change as a result of this comment.

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

No payment or gifts will be provided to respondents.

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 ICRAS' Part 2 IC 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*

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*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.*

The regulations do not require an assurance 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.*

This collection does not require questions of a sensitive nature.

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 Question 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. (The table should at minimum include Respondent types, Number of Respondents 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 Question 14.*

The respondents to this collection are SEAs and LEAs. State respondents will have burden under this collection for the following activities: preparing and disseminating an accessible State report card; creating and publishing a State report card overview; requesting an extension and submitting a plan if the State is unable to update the report card in the established time frame; describing the State's accountability system in the report card, including the methodology for identifying schools for comprehensive support and improvement or targeted support and

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improvement; and adjusting the data system to report on all of the elements required under the regulations. We estimate that each of the 52 States will prepare the report card once each year, with 370 hours of burden each time. We estimate that each State will spend 80 hours creating the overview one time, and use it each year, for an annual burden of 26.66 hours. We estimate that about 15 out of the 52 States will require an extension for updating its report card, and would only require that extension once. States that require an extension will spend an estimated 50 hours on the one-time extension plan, for an annual burden of 16.66 hours. We estimate that each State will spend have to spend 30 hours creating a description of its accountability system, which can be used each year, for an annual burden of 10 hours per State. We estimate that each State will only have to update its data system once to accommodate new requirements, and each State will spend 120 hours doing that, for an annual burden of 40 hours per State. The total burden hour estimate for SEAs is 23,476.66, which comes to a total cost of \$939,066.67 assuming a per hour cost of \$40 for SEA staff time.

LEA respondents will have burden under this collection for the following activities: making publicly available any plans for comprehensive or targeted support and improvement and any amendments to these plans, including notifying parents of the identification; preparing and disseminating an accessible LEA report card; creating and publishing an LEA report card overview. We estimate that not all of the 16,970 LEAs will have schools identified for comprehensive support and improvement or targeted support and improvement, but that the number of hours spent on these plans and parental notification will average out to 30 hours per LEA over the three years, or 10 hours per LEA annually. We estimate that every LEA will spend 16 hours each year creating the LEA report card. We estimate that each LEA will create an overview once which can be re-used each year. The estimated burden for creating the LEA report card overview is 80 hours, which comes to 26.66 hours per year. The total burden hour estimate for LEAs is 893,753.33, which comes to a total cost of \$31,281,366.67 assuming a per hour cost of \$35 for LEA staff time.

Burden in Hours and Dollars (hourly rate estimated at \$40 for SEA staff and \$35 for LEA staff)

Title I Regulations Annual Burden Hours/Cost					
SEAs					
Citation	Description	# of respondents	Average # of hours per respondent	Total Hours	Total Cost (Total Hours x \$40)
Section 1111(h)(1) 200.30(a) 200.30(d)	Prepare and disseminate the State report card, and make it accessible. This includes posting the report card on the website alongside the annual report to the Secretary required in 200.30(d)(ii)(B). Except as described below, this includes all	52	370	19,240	\$769,600.00

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	requirements under 1111(h) of the ESSA and all pre-existing requirements.				
200.30(b)(2)	Create and publish a State report card overview.	52	26.67	1,386.67	\$55,466.67
200.30(e)	Request an extension.	15	16.67	250	\$1,000.00
200.32(a)	Describe the accountability system in the report card.	52	10	520	\$20,800.00
200.32(c) 200.33 200.34 200.35 200.36 200.37	Adjust the data system to report on all of the elements required under these sections of the regulations.	52	40	2,080	\$83,200.00
Total:				23,476.67	\$939,066.67

Title I Regulations Annual Burden Hours/Cost					
LEAs					
Citation	Description	# of respondents	Average # of hours per respondent	Total Hours	Total Cost (Total Hours x \$30)
§200.21(b) §200.21(d)(6) §200.22(b) §200.22(d)(2)	The proposed regulatory provisions would require LEAs with schools identified for comprehensive or targeted support and improvement to make publicly available the resulting plans and any amendments to these plans, including notifying parents of the identification	16,970	10	169,700	\$5,939,500
Section 1111(h)(2)	Prepare and	16,970	16	271,520	\$9,503,200

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200.31(a) 200.31(c)	disseminate the LEA report card, and make it accessible.				
200.31(b)(2)	Create and publish the LEA report card overview.	16,970	26.67	452,533.33	\$15,838,666.67
200.32; 200.33; 200.34; 200.35; 200.36; 200.37	Describe the accountability system and results on the LEA report card.*	16970	0	0	\$0
				893,753.33	\$31,281,366.67

\*Note: the burden for changing the system to address the LEA report card requirements is accounted for in changes to the SEA system for those same requirements.

Total burden hours: 917,230

Total cost: \$32,220,433.34

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 Questions 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

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*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 Question 12.*

*Total Annualized Capital/Startup Cost:*

*Total Annual Costs (O&M):*

*Total Annualized Costs Requested:*

This question is not applicable to this collection.

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 Questions 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 ED Facts.

Two people, GS-13, four hours, X 52 SEAs = 416 hours X 35.38 per hour=\$14,718.

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).*

The burden changes reflected in this statement are a result of revised regulations based on changes in statute following the passage of the Every Student Succeeds Act (ESSA) on December 10, 2015, which amended the ESEA.

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.*

A16. The collection of information does not require the use of complex analytical techniques. Although the report cards must be published for each SEA and LEA, the Department will not publish the aggregate results of this reporting.

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17. 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.

A17: SEAs and LEAs must publish report cards annually; beginning with the report cards based on information from the 2017-2018 school year, SEAs and LEAs must annually disseminate report cards for the preceding school year no later than December 31.

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

A18. The expiration date for OMB approval of the information collection will be displayed.

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

We do not propose any exceptions to the certification statements identified in the Certification of Paperwork Reduction Act.