



# Elementary and Secondary Education Act: Estimated Burden Hours and Cost of Information Collections

-name redacted-

Specialist in Education Policy

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## Summary

Congress has been actively engaged in efforts to reauthorize the Elementary and Secondary Education Act (ESEA), most recently amended by the No Child Left Behind Act (NCLB; P.L. 107-110). It is anticipated that the 113<sup>th</sup> Congress may continue to work on ESEA reauthorization issues. As part of the reauthorization debate, Congress has focused on the federal role in education, particularly in the area of educational accountability, where federal efforts to hold states, local educational agencies (LEAs), and schools accountable for student achievement and teacher performance are being discussed. In these discussions, issues related to the burden that complying with the statutory and regulatory reporting requirements associated with the ESEA have put on state educational agencies (SEAs), LEAs, and schools have been considered.

While the burden hours and annualized costs (also referred to as cost burden) associated with ESEA reporting requirements have clearly increased since the enactment of NCLB, it is important to highlight that the data collected and reported play an important role in supporting core components of the federal education policies enacted through NCLB. SEAs, LEAs, and schools use such data to gauge student performance and determine the progress schools are making in enhancing student academic achievement. Parents use these data to inform choices about their child's education, and the U.S. Department of Education (ED) uses these data to inform technical assistance efforts and monitor SEA work in a number of areas in which educational accountability is expected under the provisions of NCLB.

This report was undertaken in response to concerns about state and local reporting burdens having increased in recent years since the enactment of NCLB. It examines the time and cost burden associated with complying with the ESEA statutory and regulatory reporting requirements associated with 16 information collection packages. For each information collection package, information is included on the purpose of the collection and data are provided on burden hours and cost burden as defined in the Paperwork Reduction Act. There is also a discussion of the current annualized cost to the federal government for each of the information collection packages. Finally, a more detailed analysis is provided for the information collection package that accounts for the largest number of the burden hours and largest cost burden of all the information collection packages examined. Currently, for respondents at the state and local levels, the overall annualized estimate of burden hours per information collection package ranges from 200 hours to 4.7 million hours and the estimated annualized cost associated with the information collection packages ranges from \$6,000 to \$118.1 million per information collection package.

Respondents to the 16 information collection packages include SEAs, LEAs, schools, parents, and other entities. The average number of estimated annualized burden hours and estimated annualized cost burden is generally spread across numerous respondents, and the burden placed on an individual respondent for a given information collection package varies. Within information collections there can be substantial variation in the number of underlying reporting requirements or activities that are applicable to a given type of respondent. For a given type of respondent within a single information collection package, the respondent may not have to address every item on a given information collection package, and the cost of responding to the information collection package may vary by item (e.g., the hourly cost of responding to one item may be different than the cost of responding to another item). For example, for the "State Educational Agency, Local Educational Agency, and School Data Collection and Reporting Under ESEA Title I, Part A" (accountability issues) information collection package, there are three types of activities or information that schools may need to address. On average, the annualized burden for each of

these requirements ranges from 4.8 to 960 burden hours and from \$120 to \$24,000 per school. While some schools will not need to address any of the requirements, others may need to address one or two requirements.

Of the information collection packages examined in this report, the “State Educational Agency, Local Education Agency, and School Data Collection and Reporting Under ESEA, Title I, Part A” information collection package, which focuses on Title I-A accountability requirements that are a core component of the federal education policy incorporated in NCLB, has the largest number of estimated annualized burden hours (4.7 million) and greatest estimated annualized costs (\$118.1 million). The burden associated with this information collection package has increased substantially since the enactment of NCLB. For example, the overall number of estimated annualized burden hours for the information collection package prior to the enactment of NCLB was about 564,000 hours. Following the enactment of NCLB, the number of estimated annualized burden hours increased by over 350% to about 2.6 million hours. The number of estimated annualized burden hours associated with this package peaked at 7.9 million burden hours. The most recent version of the information collection package, however, includes an expected decline of about 3.2 million (40%) burden hours from the peak level. The changes over time in the estimated annualized cost associated with this package mirror those for the changes in burden hours, peaking at an estimated \$169.4 million. The most recent version of the information collection package expects the estimated annualized cost to decrease \$51.4 million (30.3%) from the peak level. ED indicated that the decline in burden hours and cost burden is directly related to 43 SEAs having requested or indicated that they will request the ESEA flexibility package being offered to states by the Administration, which provides waivers of several of the Title I-A accountability requirements included in current law. It is unknown whether the reductions in burden hours and cost burden attributed to the ESEA flexibility package will be realized. As of August 21, 2013, ED had approved ESEA flexibility packages for 41 states and the District of Columbia, as well as for a consortium of eight LEAs in California.

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## Introduction

Congress has been actively engaged in efforts to reauthorize the Elementary and Secondary Education Act (ESEA), most recently amended by the No Child Left Behind Act (NCLB; P.L. 107-110). During the 113<sup>th</sup> Congress, both the House and Senate have considered legislation to reauthorize the ESEA. On June 12, 2013, the Senate Health, Education, Labor, and Pensions (HELP) Committee considered and ordered reported the Strengthening America's Schools Act (S. 1094) by a strictly partisan vote of 12-10. The House Education and Workforce Committee also considered and ordered reported a bill that would reauthorize the ESEA. On June 19, 2013, on a strictly partisan vote of 23-16, the Success for All Students Act (H.R. 5) was ordered reported. H.R. 5 was subsequently considered and amended on the House floor. The amended version of H.R. 5 was passed on July 19, 2013, by a vote of 221-207. It is unclear whether S. 1094 will be considered on the Senate floor.

As part of the reauthorization debate, Congress has focused on the federal role in education, particularly in the area of educational accountability, where federal efforts to hold states, local educational agencies (LEAs), and schools accountable for student achievement and teacher performance are under debate. In these discussions, issues related to the burden that complying with the statutory and regulatory reporting requirements associated with the ESEA have put on state educational agencies (SEAs), LEAs, and schools have been considered. For example, the House Subcommittee on Early Childhood, Elementary, and Secondary Education of the House Education and the Workforce Committee held a hearing in 2011 specifically focused on these issues.<sup>1</sup> In addition, in response to a congressional request, the Government Accountability Office found that states and LEAs cited data collection and reporting as being among the most burdensome of elementary and secondary education requirements.<sup>2</sup>

The NCLB included a set of accountability based reforms that are inherently reliant on testing, data collection, and data reporting. For example, without the data collection and reporting associated with Title I-A, Education for the Disadvantaged, it would not be possible to determine how well schools, LEAs, or SEAs were performing with respect to improving student achievement for all students, including minority students, English language learners, students from low-income families, and students with disabilities. In addition, it would not be possible to implement the outcome based accountability requirements that are associated with schools and LEAs failing to make adequate yearly progress for a certain number of years if various data collection and reporting requirements were not in place. As many of these accountability based requirements were either implemented for the first time or enhanced through the enactment of NCLB, it may be no surprise that the burden associated with ESEA data collection and reporting, particularly with respect to Title I-A, has increased over time. In other instances, burden is created when states and other entities must apply to receive federal funding or report on the use of federal education funds received. Without this information, however, it could be difficult for the U.S.

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<sup>1</sup> U.S. Congress, House Committee on Education and the Workforce, Subcommittee on Early Childhood, Elementary, and Secondary Education, *Education Regulations: Burying Schools in Paperwork*, 112<sup>th</sup> Cong., 1<sup>st</sup> sess., March 15, 2011, Serial No. 112-12 (Washington: GPO, 2011), <http://www.gpo.gov/fdsys/pkg/CHRG-112hhrg65010/pdf/CHRG-112hhrg65010.pdf>.

<sup>2</sup> U.S. Government Accountability Office, *K-12 Education: Selected States and School Districts Cited Numerous Federal Requirements As Burdensome, While Recognizing Some Benefits*, GAO-12-672, June 27, 2012, <http://www.gao.gov/products/GAO-12-672>.

Department of Education (ED) to award funds to grantees or for ED or Congress to perform oversight functions related to the provision of federal education funds.

This report was undertaken in response to concerns about state and local reporting burden having increased in recent years since the enactment of NCLB. It examines the hour and cost burden associated with complying with the ESEA statutory and regulatory reporting requirements associated with 16 information collection packages. In general, there are two ways to measure the burden associated with an information collection package. Federal paperwork is frequently measured in terms of burden hours, which measure in hours the estimated amount of time that would be required to complete the paperwork. Agencies also measure paperwork in terms of dollars (cost burden), which include the annualized costs associated with the hour burden.<sup>3</sup>

The first part of the report includes key findings and discusses the methodology used to conduct the analysis and the scope of the analysis. This is followed by a discussion of key findings. The second part of the report discusses the 16 information collection packages that are examined in this report. This includes general information about each information collection package and issues related to the collection of data, as well as the purpose of each information collection package. The next part of the report analyzes the number of respondents, burden hours, and cost burden associated with each of the information collection packages. This discussion is followed by an examination of the federal costs associated with each information collection package. The last part of the report provides a detailed analysis of the burden hours and cost burden associated with the “State Educational Agency, Local Education Agency, and School Data Collection and Reporting Under ESEA, Title I, Part A (accountability issues)” information collection package, including an analysis of this package both pre- and post-NCLB enactment. This information collection package currently has the largest number of annualized estimated burden hours and cost burden among all of the information collection packages examined in this report.

Three appendices are included at the end of the report. **Appendix A** provides information on the data source used to prepare this report. **Appendix B** provides a copy of the “Supporting Statement for Paperwork Reduction Act Submission,” which is submitted to the Office of Management and Budget’s (OMB’s) Office of Information and Regulatory Affairs (OIRA) when a federal agency makes an information collection request (ICR) (e.g., new collection, revision, extension, no substantial change) for OMB approval. **Appendix C** provides a description of the statutory and regulatory requirements associated with the “State Educational Agency, Local Education Agency, and School Data Collection and Reporting Under ESEA, Title I, Part A (accountability issues)” information collection package.

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<sup>3</sup> For more information on the burden associated with information collection packages, see Office of Management and Budget, *Estimating Paperwork Burden*, [http://www.whitehouse.gov/omb/fedreg\\_5cfr1320](http://www.whitehouse.gov/omb/fedreg_5cfr1320), and Q.12 of the “Supporting Statement for Paperwork Reduction Act Submission” for any of the information collection packages discussed in this report, available online at <http://www.reginfo.gov>.

## Findings in Brief

Below is a summary of key findings from the analysis of the 16 information collection packages included in this report.

- Across all respondents (i.e., SEAs, LEAs, schools, and other entities), the estimated annualized state and local aggregate annual burden hours associated with responding to each of the 16 information collection packages examined ranged from 200 hours to 4.7 million hours, while the estimated annualized cost of responding ranged from \$6,000 to \$118.1 million. One information collection package, “State Educational Agency, Local Educational Agency, and School Data Collection and Reporting Under ESEA Title I, Part A” (accountability issues), had both the highest number of estimated annualized burden hours and highest annualized cost burden.
- Respondents to the 16 information collection packages include SEAs, LEAs, schools, parents, and other entities. The average number of estimated annualized burden hours and estimated annualized cost burden is generally spread across numerous respondents, and the burden placed on an individual respondent for a given information collection package varies. Within information collections there can be substantial variation in the number of underlying reporting requirements or activities that are applicable to a given type of respondent. For a given type of respondent within a single information collection package, the respondent may not have to address every item on a given information collection package, and the cost of responding to the information collection package may vary by item (e.g., the hourly cost of responding to one item may be different than the cost of responding to another item). For example, for the “State Educational Agency, Local Educational Agency, and School Data Collection and Reporting Under ESEA Title I, Part A” (accountability issues) information collection package, there are three types of activities or information that schools may need to address. On average, the annualized burden for each of these activities ranges from 4.8 to 960 burden hours and from \$120 to \$24,000 per school. While some schools will not need to address any of the requirements, others may need to address one or two requirements.
- Federal agencies are required to provide an estimate of the annualized cost to the federal government. This estimate must include expenses that would not have been incurred without the collection of information, such as agency review of applications, peer review, monitoring and oversight, collection and analysis of data, and guidance development. Estimated annualized federal costs for each of the 16 collections ranged from \$0 to \$3.1 million.
- The information collection package with the largest estimated aggregate burden hours and cost burden is “State Educational Agency, Local Educational Agency, and School Data Collection and Reporting Under ESEA Title I, Part A” (accountability issues) with an estimated 4,710,525 burden hours and an estimated cost of \$118,075,705. The purpose of this information collection package, in part, is to meet the Title I-A requirements that SEAs, LEAs, and schools collect and disseminate information to document progress and inform parents and the public about school, LEA, and state educational performance. This information is used to hold schools, LEAs, and states accountable for



student performance in accordance with the underlying policies incorporated into the NCLB. For example, identifying achievement and graduation rate gaps between groups of students and then implementing a series of outcome based accountability requirements based on these results necessitates the collection of numerous pieces of data.

- For the information collection package with the largest estimated aggregate burden hours and cost burden, “State Educational Agency, Local Educational Agency, and School Data Collection and Reporting Under ESEA Title I, Part A” (accountability issues), a more detailed analysis was completed to examine how the burden has changed over time with the enactment of NCLB. The overall number of estimated annualized burden hours for the information collection package prior to the enactment of the NCLB<sup>4</sup> was about 564,000. Following the enactment of the NCLB, the estimated annualized burden hours associated with this information collection package peaked at 7.9 million hours<sup>5</sup> (an increase in burden hours of almost 1,300%). In the most recently approved version of the information collection package, ED estimates that the annualized burden hours will decline by about 3.2 million hours (40%) due primarily to new flexibility being offered to SEAs by the Administration with respect to Title I-A accountability requirements.
- Mirroring the increase in burden hours, the estimated annualized cost burden associated with the “State Educational Agency, Local Educational Agency, and School Data Collection and Reporting Under ESEA Title I, Part A” (accountability issues) information collection package also increased as the NCLB requirements were implemented, peaking at \$169.4 million. As with the burden hours, ED estimates<sup>6</sup> that the annualized cost burden will decline by \$51.4 million (30%) as a result of new Title I-A flexibility.

While the hour and cost burdens associated with ESEA reporting requirements have clearly increased since the enactment of NCLB, it is important to highlight that the data collected and reported play an important role in supporting core components of the federal education policies enacted through NCLB. SEAs, LEAs, and schools use such data to gauge student performance and determine the progress schools are making in enhancing student academic achievement. Parents use these data to inform choices about their child’s education, and ED uses these data to inform technical assistance efforts and monitor SEA work in a number of areas in which educational accountability is expected under the provisions of NCLB.

## Methodology and Scope of Analysis

The information collection packages examined in this report were selected from the 305 OMB approved information collection packages administered by the Department of Education (ED) as of April 4, 2013. Federal agencies are required under the Paperwork Reduction Act (PRA)<sup>7</sup> to

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<sup>4</sup> Information collection package that expired on June 30, 1998.

<sup>5</sup> Information collection package that expired on October 31, 2011.

<sup>6</sup> Information collection package that will expire on July 31, 2015.

<sup>7</sup> 44 U.S.C. §§3501-3520

obtain approval from OMB for the collection of information<sup>8</sup> from 10 or more persons.<sup>9</sup> To obtain OMB approval, a federal agency submits an ICR to OIRA within OMB.<sup>10</sup> The ICR includes such things as a description of the collection and its planned use as well as information collection instruments (e.g., data collection form, survey, script, etc.) and other supporting documentation.<sup>11</sup> OIRA maintains an inventory of currently approved information collections.<sup>12</sup> (For more information on the inventory and the information clearance process, see **Appendix A**, “Data Source and Information Clearance Process.”)

The criteria used for selecting an information collection package to be examined in this report were the following:

- The package was related to a formula grant program authorized under ESEA that was funded in FY2012 or required information that must be provided to receive any funding under the ESEA, such as the completion by SEAs of the annual Consolidated State Performance Report (CSPR).
- If the primary grantee (i.e., the grantee to whom the federal government makes the formula grant) is required to respond to the information collection package, regardless of how subgrants were awarded, the information collection package was included.<sup>13</sup>

Studies or surveys in which participation is voluntary or not required of all grantees, as well as information collection packages related to competitive grants, are not examined in this report. While attempts were made to identify all relevant information collection packages that met the aforementioned criteria, the information contained in this report may not be fully comprehensive, especially as changes are continually made by ED with respect to information collection packages. Each of the collections included in this report is administered by the Office of Elementary and Secondary Education within ED.

**Table 1** lists the title of each of the information collection packages discussed in this report. It also includes the ESEA title under which the program or activity relevant to the package is

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<sup>8</sup> “Collection of information means, except as provided in §1320.4, the obtaining, causing to be obtained, soliciting, or requiring the disclosure to an agency, third parties or the public of information by or for an agency by means of identical questions posed to, or identical reporting, recordkeeping, or disclosure requirements imposed on, ten or more persons, whether such collection of information is mandatory, voluntary, or required to obtain or retain a benefit....” 5 C.F.R. §1320.3(c).

<sup>9</sup> “Person means an individual, partnership, association, corporation (including operations of government-owned contractor-operated facilities), business trust, or legal representative, an organized group of individuals, a State, territorial, tribal, or local government or branch thereof, or a political subdivision of a State, territory, tribal, or local government or a branch of a political subdivision” 5 C.F.R. §1320.3(k).

<sup>10</sup> There are several types of information collection requests, including new collection, revision, extension without change, and discontinue requests. For other types of requests and for an explanation of all types, see “Frequently Asked Questions,” “ICR Dashboard,” Office of Information and Regulatory Affairs, Office of Management and Budget, [Reginfo.gov](http://www.reginfo.gov/public/jsp/Utilities/faq.jsp#icr_dashboard). at [http://www.reginfo.gov/public/jsp/Utilities/faq.jsp#icr\\_dashboard](http://www.reginfo.gov/public/jsp/Utilities/faq.jsp#icr_dashboard).

<sup>11</sup> “Frequently Asked Questions: Information Clearance Process,” Office of Information and Regulatory Affairs, Office of Management and Budget, available online at [http://www.reginfo.gov/public/jsp/Utilities/faq.jsp#icr\\_info](http://www.reginfo.gov/public/jsp/Utilities/faq.jsp#icr_info).

<sup>12</sup> Approval for information collection packages lasts for up to three years, at which point the agency must submit another request.

<sup>13</sup> For example, the information collection package for the 21<sup>st</sup> Century Community Learning Centers program was included in this analysis since formula grants are made to SEAs. SEAs subsequently make competitive grants to local entities.

authorized, a synopsis of OMB’s abstract about the collection package, and the OMB control number. The table also shows the ICR reference number, which is the number of the specific version of the information collection package associated with the OMB control number that is examined in this report, and the date that the package with that reference number expires.<sup>14</sup>

For each information collection package included in this report (1) information is provided on the purpose of the collection (**Table 2**) and (2) data are provided on current time and cost burden (**Table 3** and **Table 4**).<sup>15</sup> **Table 5** examines the annualized estimated burden hours and cost burden for an individual type of respondent for one of the information collection packages examined in this report. PRA regulations define “burden” to mean:

the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency, including: (i) Reviewing instructions; (ii) Developing, acquiring, installing, and utilizing technology and systems for the purpose of collecting, validating, and verifying information; (iii) Developing, acquiring, installing, and utilizing technology and systems for the purpose of processing and maintaining information; (iv) Developing, acquiring, installing, and utilizing technology and systems for the purpose of disclosing and providing information; (v) Adjusting the existing ways to comply with any previously applicable instructions and requirements; (vi) Training personnel to be able to respond to a collection of information; (vii) Searching data sources; (viii) Completing and reviewing the collection of information; and (ix) Transmitting, or otherwise disclosing the information.<sup>16</sup>

**Table 6** provides ED’s estimate of the current annualized cost to the federal government for each information collection package. Finally, a more extensive analysis of changes in burden hours and costs is provided for the “State Educational Agency, Local Education Agency, and School Data Collection and Reporting Under ESEA, Title I, Part A,” information collection package (**Table 7** and **Table 8**). This is the largest information collection package examined in this report and the burden hours and cost associated with it have fluctuated since the enactment of NCLB.

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<sup>14</sup> A package with an OMB Control Number can have been subject to OMB review a number of times. Each time OMB is asked to take an action, a new ICR reference number is assigned to the package. By knowing the ICR reference number, one can identify the specific version of the information collection package examined in this report.

<sup>15</sup> It should be noted that for each information collection package, there is a summary page titled “View ICR-OIRA Conclusion” that describes the actions taken by OMB, the current number of burden hours associated with an information collection package, and the previously approved number of burden hours. In some cases when an agency requests a change in the number of burden hours, the agency does not also submit updated supporting documentation (e.g., Supporting Statement) that details how the change in burden hours would result in changes in cost, if applicable. Thus, in discussing the 16 information collection packages included in this report, the analysis primarily relies on the data included in the Supporting Statements that accompany an information collection package, even if the “View ICR-OIRA Conclusion” web page indicates that the approved number of burden hours for a given information collection has been changed. Otherwise, it would not be possible to analyze the respondents to a given information collection package or the associated cost burden. Where there are differences in the burden hours, they have been detailed in the table notes.

<sup>16</sup> 5 C.F.R. §1320.3(b)(1). For more information about burden, also see Office of Management and Budget, *Estimating Paperwork Burden*, [http://www.whitehouse.gov/omb/fedreg\\_5cfr1320](http://www.whitehouse.gov/omb/fedreg_5cfr1320).

**Table I. Selected Information Collection Packages**

<b>Information Collection Package Title</b>	<b>ESEA Program(s) Involved in Information Collection Package</b>	<b>Synopsis of OMB Abstracts<sup>a</sup></b>	<b>OMB Control Number</b>	<b>ICR Reference Number<sup>b</sup></b>	<b>Expiration Date</b>
Elementary and Secondary Improvement Formula Grants	School Improvement Grants (Title I, Section 1003(g))	This information collection request covers the final requirements for applications to the School Improvement Grants program.	1810-0682	201111-1810-001	9/30/2013
State Educational Agency and Local Educational Agency and School Data Collection and Reporting under ESEA, Title I, Part A (accountability issues)	Title I-A	Title I, Part A of the ESEA requires state educational agencies (SEAs), local educational agencies (LEAs), and schools to collect and disseminate information. The U.S. Department of Education (ED) has 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.	1810-0581	201204-1810-001	7/31/2015
State Educational Agency and Local Educational Agency and School Data Collection and Reporting under ESEA, Title I, Part A (formula issues)	Title I-A	Although ED determines Title I, Part A allocations for LEAs, SEAs must adjust ED-determined Title I, Part A LEA allocations to account for newly created LEAs and LEA boundary changes, to redistribute Title I, Part A funds to small LEAs (i.e., LEAs that serve communities with populations under 20,000 people) using alternative poverty data, and to reserve funds for school improvement, state administration, and the state academic achievement awards program.	1810-0622	201110-1810-005	11/30/2014
State Agency Use of an Alternative Method to Distribute Title I Funds to Local Educational Agencies with Fewer Than 20,000 Total Residents	Title I-A	Title I, Part A of the ESEA gives SEAs the flexibility to use an alternative method to distribute Title I, Part A funds to small LEAs. This data collection addresses the burden associated with the actual process an SEA must follow to obtain approval from ED to use alternative poverty data to redistribute Title I, Part A funds to small LEAs.	1810-0620	201110-1810-003	11/30/2014

<b>Information Collection Package Title</b>	<b>ESEA Program(s) Involved in Information Collection Package</b>	<b>Synopsis of OMB Abstracts<sup>a</sup></b>	<b>OMB Control Number</b>	<b>ICR Reference Number<sup>b</sup></b>	<b>Expiration Date</b>
Migrant Education Program Regulations and Certificate of Eligibility	Migrant Education Program (Title I-C)	The regulations for Title I, Part C establish minimum requirements for a SEA comprehensive needs assessment, plan for service delivery, and program evaluation. The regulations also establish minimum requirements for documenting eligibility, re-interviewing, and establishing a system of quality controls.	1810-0662	201108-1810-002	11/30/2014
Migrant Student Information Exchange (MSIX)	Migrant Education Program (Title I-C)	This collection is necessary to facilitate the electronic exchange by the SEAs of a set of minimum data elements to address the educational and related needs of migratory children.	1810-0683	201103-1810-003	1/31/2014
Migrant Student Information Exchange User Application	Migrant Education Program (Title I-C)	SEAs with Migrant Education Programs (MEPs) collect information from state and local education officials who desire access to the MSIX system.	1810-0686	201106-1810-002	9/30/2014
Annual Report of Children in State Agency and Locally Operated Institutions for Neglected and Delinquent Children	Neglected and Delinquent (Title I-D)	This annual report collects data on the number of children enrolled in educational programs of state-operated institutions for neglected or delinquent children; community day programs for neglected or delinquent children; and adult correctional institutions.	1810-0060	201109-1810-001	11/30/2014
Mathematics and Science Partnerships Grant Program: Annual Performance Report	Mathematics and Science Partnerships Grant Program (Title II-B)	The Mathematics and Science Partnerships (MSPs) program is a formula grant program to states in which states make competitive awards to projects. ESEA requires all locally funded projects to report annually to the Secretary documenting progress towards goals and objectives.	1810-0669	201301-1810-002	3/31/2016

Information Collection Package Title	ESEA Program(s) Involved in Information Collection Package	Synopsis of OMB Abstracts <sup>a</sup>	OMB Control Number	ICR Reference Number <sup>b</sup>	Expiration Date
21 <sup>st</sup> Century Community Learning Centers Annual Performance Report	21 <sup>st</sup> Century Community Learning Centers (Title IV-B)	The purpose of the 21 <sup>st</sup> Century Community Learning Centers (21 <sup>st</sup> CCLCs) program is to provide expanded academic enrichment opportunities for children attending low-performing schools. The data collected will be used to fulfill ED's requirement under the Government Performance and Results Act (GPRA) to report to Congress annually on the implementation and progress of 21 <sup>st</sup> CCLC projects and the use of state administrative and technical assistance funds allocated to the states to support the program. The data collection will also provide SEA liaisons with needed descriptive data about their grantees and allow SEA liaisons to conduct performance monitoring and identify areas of needed technical assistance.	1810-0668	201112-1810-001	2/28/2015
Application Package for the Rural Education Assistance Program (REAP) Small, Rural School Achievement Program	Small, Rural School Achievement Program (Title VI-B-1) and Rural and Low-Income School Program (Title VI-B-2)	This data collection is pursuant to the Secretary's authority under Part B of Title VI of ESEA to award funds under two grant programs designed to address the unique needs of rural school districts—the Small, Rural School Achievement Program (Section 6212) and the Rural and Low-Income School Program (Section 6221).	1810-0646	201201-1810-007	5/31/2015
Formula Grant EASIE (Electronic Application System for Indian Education)	Indian Education Formula Grant (Title VII-A-1)	The Indian Education Formula Grant requires the annual submission of the application from an LEA and/or tribe.	1810-0021	201002-1810-002	4/30/2013
Application for Assistance Section 8002 Impact Aid Program	Impact Aid: Payments for Federal Property (Title VIII, Section 8002)	This application is for a grant program known as Impact Aid Payments for Federal Property. LEAs that have lost taxable property due to federal activities request financial assistance by completing an annual application.	1810-0036	201201-1810-005	3/31/2015
Impact Aid Program Application for Section 8003 Assistance	Impact Aid: Payments for Federally Connected Children (Title VIII, Section 8003)	This application is for a grant program known as Impact Aid Basic Support Payments. LEAs whose enrollments and revenues are adversely impacted by federal activities use this form to request financial assistance.	1810-0687	201107-1810-001	9/30/2014

<b>Information Collection Package Title</b>	<b>ESEA Program(s) Involved in Information Collection Package</b>	<b>Synopsis of OMB Abstracts<sup>a</sup></b>	<b>OMB Control Number</b>	<b>ICR Reference Number<sup>b</sup></b>	<b>Expiration Date</b>
Consolidated State Application	<p>Application may include the following ESEA programs:</p> <ul style="list-style-type: none"> <li>• Title I-A</li> <li>• Even Start (Title I-B-3)</li> <li>• Migrant Education Program (Title I-C)</li> <li>• Neglected and Delinquent (Title I-D)</li> <li>• Comprehensive School Reform (Title I-F)</li> <li>• Teacher and Principal Training and Recruiting Fund (Title II-A)</li> <li>• Ed Tech (Title II-D)</li> <li>• English Language Acquisition (Title III-A)</li> <li>• Safe and Drug-Free Schools and Communities State Grants (Title IV-A-I)</li> <li>• 21<sup>st</sup> Community Learning Centers (Title IV-B)</li> <li>• Innovative Programs (Title V-A)</li> <li>• Rural and Low-Income School Program (Title VI-B-2)</li> </ul>	Title IX, Part C, Sections 9301-9306, of ESEA, authorizes the Secretary of Education to provide states the option of submitting consolidated applications to obtain funds for covered programs in which the state participates.	1810-0576	201211-1810-001	11/30/2014

Information Collection Package Title	ESEA Program(s) Involved in Information Collection Package	Synopsis of OMB Abstracts <sup>a</sup>	OMB Control Number	ICR Reference Number <sup>b</sup>	Expiration Date
Consolidated State Performance Report (Part I and Part II)	<p>Data on the following ESEA programs are collected:</p> <ul style="list-style-type: none"> <li>Title I-A</li> <li>Even Start (Title I-B-3)</li> <li>Migrant Education Program (Title I-C)</li> <li>Neglected and Delinquent (Title I-D)</li> <li>Teacher and Principal Training and Recruiting Fund (Title II-A)</li> <li>English Language Acquisition (Title III-A)</li> <li>Safe and Drug-Free Schools and Communities State Grants (Title IV-A-1)</li> <li>Safe and Drug-Free Schools and Communities National Activities (Title IV-A-2)</li> <li>21<sup>st</sup> Community Learning Centers (Title IV-B)</li> <li>Innovative Programs (Title V-A)</li> <li>Grants for State Assessments and Related Activities (Title VI, Section 6111)</li> <li>Rural Education Achievement Program (Title VI-B)<sup>c</sup></li> </ul>	<p>The Consolidated State Performance Report (CSPR) is the required annual reporting tool for each state, Bureau of Indian Education, District of Columbia, and Puerto Rico as authorized under Section 9303 ESEA. The department uses the information derived from the CSPR to (1) monitor and report its progress in meeting Strategic Plan goals; (2) assess and report individual program performance, including the Government Performance and Results Act (GPRA) performance measures; (3) monitor states' implementation of the No Child Left Behind Act (NCLB) and the extent to which states are meeting programs and accountability goals; (4) identify areas for technical assistance to states and overall program improvement; and (5) inform other reporting and program evaluation requirements specific to individual programs and the Secretary's Annual State Report to Congress on NCLB.</p>	1810-0614	201212-1810-001	7/31/2015

**Source:** CRS compilation of information from the Inventory of Currently Approved OMB Information Collections available online at <http://www.reginfo.gov/public/do/PRAMain>.



**Note:** Information collection packages are listed in order by the title, part, or section of the ESEA program that is involved in the information collection package.

- a. For complete program abstracts for each information collection, see the abstract for the associated ICR number listed in the table at <http://www.reginfo.gov/public/do/PRAMain>.
- b. Each information collection is assigned an OMB Control Number. There may be one or more versions of the information collection associated with that control number over a period of time, since agencies are required to renew their ICRs every three years. There is a distinct ICR reference number associated with each version of the information collection. The number shown in this column indicates which version of the information collection was used for the analysis contained in this report.
- c. Data are also collected on the Education for Homeless Children and Youths program.

## General Issues Related to the Collection of Data

While ED administers the various information packages discussed in this report, in general, the data collections conducted by ED are required by statute. The extent to which Congress specified exactly what data ED should collect varies by information package. Thus, the burden associated with a given information package is based both on congressional action and actions taken by ED, often in response to congressionally established requirements.

For example, the CSPR data collection instruments specifically state the impetus for the data collection:

The Consolidated State Performance Report (CSPR) is the required annual reporting tool for each State, the Bureau of Indian Education, District of Columbia, and Puerto Rico as authorized under Section 9303 of the *Elementary and Secondary Education Act (ESEA)*, as amended. The CSPR consists of two parts. Part I of the CSPR collects data related to the five *ESEA* goals established in the approved June 2002 Consolidated State Application, information required for the Annual State Report to the Secretary, as described in section 1111(h)(4) of *ESEA*, and data required under McKinney-Vento Homeless Program and the Migrant Child Count. Part II of the CSPR collects information related to state activities and outcomes of specific *ESEA* programs needed for the programs' GPRA indicators or other assessment and reporting requirement.<sup>17</sup>

The burden associated with a given data collection instrument may not affect all states, schools, or other respondents equally. That is, the data required by ED may already be collected by certain states, LEAs, or schools, thus the reporting of this data would not be as burdensome to those entities as it would be for those that did not already collect the data. It is also possible that states, LEAs, or schools collect certain data; however, statutory or regulatory changes in definitional terms over time or other changes to the information collection package could lead to a change in how they must collect and report the data, thus potentially increasing burden. For example, if statutory or regulatory definitions of "race/ethnicity" changed, states, LEAs, and schools would have to change their data collection practices even if the purpose of the data collection may not have changed.

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<sup>17</sup> For more information, see <http://www2.ed.gov/admins/lead/account/consolidated/csprpart11112.pdf>, p. 1.

## Purpose of Information Collection

OIRA requires federal agencies to indicate the purpose of the information collection for any given information collection package on Form OMB 83-1.<sup>18</sup> Agencies can choose from among seven categories of purposes for collecting the data. They must indicate whether a category is a primary purpose (P) or is another purpose that applies to the information collection package (X). The seven categories as defined on the OMB form are the following:

1. Application for benefits—“the purpose is to participate in, receive, or qualify for a grant, financial assistance, etc., from a Federal agency or program.”
2. Program evaluation—“the purpose is a formal assessment, through objective measures and systematic analysis, of the manner and extent to which Federal programs achieve their objectives or produce other significant effects.”
3. General purpose statistics—“the data is collected chiefly for use by the public or for general government use without primary reference to the policy or program operations of the agency collecting the data.”
4. Audit—“the purpose is to verify the accuracy of accounts and records.”
5. Program planning or management—“the purpose relates to progress reporting, financial reporting and grants management, procurement and quality control, or other administrative information that does not fit into any other category.”
6. Research—“the purpose is to further the course of research, rather than for a specific program purpose.”
7. Regulatory or compliance purposes—“the purpose is to measure compliance with laws or regulations.”

In the 16 information collection packages examined in this report, the most common purpose (either primary or “other” purpose) of the information collection was application for benefits and program evaluation (eight each). Program planning or management was a purpose for six, and regulatory or compliance was a purpose for five. See **Table 2** for the purposes of each of the information collection packages. For none of the applications was general purpose statistics, audit, or research included as a purpose. This may be, at least in part, because no studies or surveys were included in this analysis.

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<sup>18</sup> See <http://www.whitehouse.gov/sites/default/files/omb/inforeg/83i-fill.pdf>

**Table 2. Purposes of Information Collection Packages, by Package**

Information Collection Package Title	OMB Control Number	Purposes of Data Collection as Shown on OMB Form 83-1 <sup>a</sup>
Elementary and Secondary Improvement Formula Grants	1810-0682	Not available <sup>b</sup>
State Educational Agency and Local Educational Agency and School Data Collection and Reporting under ESEA, Title I, Part A (accountability issues)	1810-0581	Program evaluation = P Program planning or management = X Regulatory or compliance = X
State Educational Agency and Local Educational Agency and School Data Collection and Reporting under ESEA, Title I, Part A (formula issues)	1810-0622	Application for benefits = P Regulatory or compliance = X
State Agency Use of an Alternative Method to Distribute Title I Funds to Local Educational Agencies with Fewer Than 20,000 Total Residents	1810-0620	Application for benefits = X
Migrant Education Program Regulations and Certificate of Eligibility	1810-0662	Program planning or management = P Program evaluation = X
Migrant Student Information Exchange (MSIX)	1810-0683	Regulatory or compliance = P Program planning or management = X Program evaluation = X
Migrant Student Information Exchange User Application	1810-0686	Program planning or management = P Program evaluation = X
Annual Report of Children in State Agency and Locally Operated Institutions for Neglected and Delinquent Children	1810-0060	Application for benefits = X
Mathematics and Science Partnerships Grant Program: Annual Performance Report	1810-0669	Regulatory or compliance = P Program evaluation = X
21st Century Community Learning Centers Annual Performance Report	1810-0668	Program evaluation = P
Application Package for the REAP, Small, Rural School Achievement Program	1810-0646	Application for benefits = P
Formula Grant EASIE (Electronic Application System for Indian Education)	1810-0021	Application for benefits = P
Application for Assistance Section 8002 impact Aid Program	1810-0036	Application for benefits = X
Impact Aid Program Application for Section 8003 Assistance	1810-0687	Application for benefits = P
Consolidated State Application	1810-0576	Application for benefits = P Program planning or management = X Program evaluation = X
Consolidated State Performance Report (Part I and Part II)	1810-0614	Regulatory or compliance = P Program planning or management = X Program evaluation = X

**Source:** CRS compilation of information obtained from the ED, Information Collection System (EDICS), "Collection Package Ad Hoc Report Generator." The Report Generator generated reports based on

information from OMB Form 83-I. Q.15 focuses on the purposes of information collection. ED stopped maintaining EDICS in fall 2012.

**Note:** For more information on the purposes for each information collection, see Q.2 and Q.7 of the “Supporting Statement for Paperwork Reduction Act Submission.” The questions in the supporting statement are in **Appendix B**. Supporting statements can be found by OMB Control Number and the ICR Reference Number for each information collection package at <http://www.reginfo.gov/public/do/PRAMain>. Information collection packages are listed in order by the title, part, or section of the ESEA program that is involved in the information collection package.

- a. “P” indicates primary purpose, and “X” indicates another purpose that applies to the information collection package.
- b. The OMB Form 83-I (Paperwork Reduction Act Submission), which would have been originally submitted to OIRA, is not available. Only OMB Form 83-C (Paperwork Reduction Act Change Worksheet) is available at <http://www.reginfo.gov/public>.

The OMB-approved data collection instruments may also provide information about the purpose of a given data collection. For example, the CSPR data collection instrument discusses the purpose of having both an ESEA Consolidated Application and the CSPR:

Sections 9302 and 9303 of the *Elementary and Secondary Education Act (ESEA)*, as amended by the *No Child Left Behind Act* of 2001 (*NCLB*) provide to States the option of applying for and reporting on multiple *ESEA* programs through a single consolidated application and report. Although a central, practical purpose of the Consolidated State Application and Report is to reduce “red tape” and burden on States, the Consolidated State Application and Report are also intended to have the important purpose of encouraging the integration of State, local, and *ESEA* programs in comprehensive planning and service delivery and enhancing the likelihood that the State will coordinate planning and service delivery across multiple State and local programs. The combined goal of all educational agencies—State, local, and Federal—is a more coherent, well-integrated educational plan that will result in improved teaching and learning.<sup>19</sup>

## Number of Respondents, Burden Hours, and Cost Burden

In the Supporting Statement that accompanies each ICR to OMB, ED estimates the number of respondents,<sup>20</sup> the annualized aggregate number of burden hours, and the annualized cost of each information collection package (**Table 3**). The estimated aggregate annual burden hours associated with responding to each of the 16 information collection packages examined range from 200 hours to 4.7 million hours, while the estimated annualized cost of responding ranges from \$6,000 to \$118.1 million. In general, information collection packages that have the largest number of respondents do not necessarily have the highest burden per respondent. This is because the time for each respondent to engage in an activity related to the package can be relatively short. However, information collection packages with the highest burden hours tend to have the highest costs.

<sup>19</sup> For more information, see, for example, <http://www2.ed.gov/admins/lead/account/consolidated/sy09-10part1/al.pdf>, p. 2.

<sup>20</sup> The number of “respondents” used to calculate total burden hours and costs is reported by ED and OMB as the number of “responses.” The term “respondents,” rather than “responses” is used in this report, since it is the factor in the time and cost burden calculations. The terms are synonymous.

The information collection package with the largest number of respondents is “Impact Aid Program Application for Section 8003 Assistance” with an estimated 501,839 respondents including 500,000 parents. However, the estimated annualized total burden hours and cost associated with this information collection package are 142,942 hours and \$1.5 million, respectively. The purpose of this information collection package is to determine eligibility for the grants to LEAs and the amount of grant payment under the statutory formula.

The information collection package with the smallest number of respondents and estimated annualized aggregate burden hours and cost is “State Agency Use of Alternative Method to Distribute Title I Funds to Local Educational Agencies with Fewer Than 20,000 Total Residents” with an estimated 200 hours and an estimated cost of \$6,000. This information collection package addresses the process an SEA must follow to obtain approval from ED to use alternative poverty data to redistribute Title I, Part A funds to small LEAs.<sup>21</sup> As shown in **Table 4**, below, only SEAs provide the data for this collection effort.

The information collection package with the largest estimated aggregate burden hours and cost is “State Educational Agency, Local Educational Agency, and School Data Collection and Reporting Under ESEA Title I, Part A” (accountability issues) with an estimated annualized 4,710,525 burden hours and an estimated annualized cost burden of \$118,075,705. There are about 54,000 respondents to this information collection package. The purpose of this information collection package, in part, is to meet the Title I requirement that SEAs, LEAs, and schools collect and disseminate information to document progress and inform parents and the public about school, LEA, and state educational performance. As shown in **Table 4**, below, SEAs, LEAs, and schools provide the data for this collection effort.

It should be noted that the estimated annualized burden hours and cost burden are not necessarily calculated by ED in the same way for each collection. For example, burden hours placed on parents are included in the aggregate burden hours for three collections (“Migrant Education Program Regulations and Certificate of Eligibility,” “Impact Aid Program Application for Section 8003 Assistance,” and “Formula Grant EASIE”), but in calculating the burden cost, parent burden hours have no cost associated with them in one of the collections (Migrant Education), have a cost of \$5.15 an hour in another (Formula Grant EASIE), and have a cost of \$10.00 an hour associated with them in a third collection (Impact Aid). The aggregate burden hours for the Migrant Education package also includes contractor hours, but the costs associated with these hours are apparently included in the federal costs for the information collection (see **Table 6**). Burden hours do not include the hours of federal staff associated with the information collection, so it is not clear why contractor hours would be included in aggregate burden hours for the information collection.

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<sup>21</sup> Not all SEAs choose to use alternative poverty data to redistribute Title I-A funds. It was included in this analysis as it is an information collection package associated with a formula grant program that received funding in FY2012.

**Table 3. Estimated Annualized Aggregate Number of Respondents, Burden Hours, and Cost by Current Information Collection Package**

Information Collection Package Title	OMB Control Number	Aggregate Estimate of Number Annual of Respondents	Aggregate Estimate of Annualized Burden Hours	Aggregate Estimate of Annualized Cost Burden
Elementary and Secondary Improvement Formula Grants	1810-0682	3,102	229,800	\$5,979,000
State Educational Agency and Local Educational Agency and School Data Collection and Reporting under ESEA, Title I, Part A (accountability issues) <sup>a</sup>	1810-0581	53,918	4,710,525	\$118,075,705
State Educational Agency and Local Educational Agency and School Data Collection and Reporting under ESEA, Title I, Part A (formula issues)	1810-0622	52	2,080	\$62,400
State Agency Use of an Alternative Method to Distribute Title I Funds to Local Educational Agencies with Fewer Than 20,000 Total Residents	1810-0620	25	200	\$6,000
Migrant Education Program Regulations and Certificate of Eligibility	1810-0662	230,633	408,633	\$4,052,434
Migrant Student Information Exchange (MSIX)	1810-0683	17,520	360,491	\$9,488,123
Migrant Student Information Exchange User Application <sup>b</sup>	1810-0686	10,452	3,476	\$91,488
Annual Report of Children in State Agency and Locally Operated Institutions for Neglected and Delinquent Children	1810-0060	3,552	4,564	\$125,020
Mathematics and Science Partnerships Grant Program: Annual Performance Report	1810-0669	600	7,800	\$335,400
21st Century Community Learning Centers Annual Performance Report	1810-0668	1,400	36,400	\$621,600
Application Package for the REAP, Small, Rural School Achievement Program <sup>c</sup>	1810-0646	5,049	3,279	\$59,230
Formula Grant EASIE (Electronic Application System for Indian Education)	1810-0021	11,270	9,440	\$124,927
Application for Assistance Section 8002 Impact Aid Program	1810-0036	250	1,625	\$48,750
Impact Aid Program Application for Section 8003 Assistance	1810-0687	501,839	142,942	\$1,465,304
Consolidated State Application	1810-0576	30	2,400	\$80,925
Consolidated State Performance Report (Part I and Part II) <sup>d</sup>	1810-0614	14,653	11,811	\$283,464

**Source:** CRS compilation and/or calculation of collective hours and cost from U.S. Department of Education (ED) estimates appearing in Q.12 and Q.13 of the “Supporting Statement for Paperwork Reduction Act Submission” for each information collection package.

**Notes:** Percentages are rounded to the nearest tenth of a percent. Respondents (e.g., SEA or LEA) are included in the counts for each information collection package for which they provide responses. The specific respondents (e.g., LEAs, parents) vary across information collection packages. The methodology used by the U.S. Department of Education in calculating burden hours and cost burden may differ across information collection packages. Q.12 is “Provide estimates of the hour burden of the collection of information.” Q.13 is “Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information.” Information collection packages are listed in order by the title, part, or section of the ESEA program that is involved in the information collection package.

The estimated annualized number of respondent hours is taken from ED’s calculation of respondent cost (Q.13) when the number of hours calculated for Q.12 is not the same as the number of hours used to calculate cost (Q.13).

Numbers may not add to 100% due to rounding.

- a. The hours are taken from ED’s Supporting statement updated April 24, 2012. Please note that these hours are 2,388 hours less than the 4,712,193 hours shown on the “View ICR-OIRA Conclusion” web page. The numbers on the web page were approved by OIRA on July 9, 2012, and therefore may be more accurate. However, to calculate costs in the succeeding table, CRS used the hours from the Supporting Statement, since they are broken down by type of respondent. There is no way to ascertain from which entities the additional 2,388 hours are attributed to, which is essential for determining costs.
- b. ED in its Supporting Statement calculates cost at \$137,548 which is \$46,100 more than the CRS estimate of \$91,488 (Q.12). In calculating costs, ED estimates the time per response at 30 minutes although no response is estimated at 30 minutes; rather 99.5% of responses are estimated at 20 minutes and 0.5% of responses are estimated at 10 minutes. CRS used the specified response times to estimate the cost.
- c. In its Supporting Statement, ED shows that an estimated 5,000 LEAs and 49 states respond to this package. The number of responses reported on the “View ICR-OIRA Conclusion” web page for this information collection package is 549 instead of 5,049. CRS shows 5,049 respondents since this is the number ED uses in calculating costs. In addition, in its Supporting Statement, ED shows the respondent hours for SEA as 40 hours for each of 49 SEAs. The cost calculations, however, are based on 38 hours for each of 49 SEAs. The respondent hours have been adjusted here to 38 hours per SEA. Consequently, aggregate hours are shown as 3,279, which is 98 hours less than 3,377 shown for this information collection. For more information, see <http://www.reginfo.gov>.
- d. The hours are taken from ED’s Supporting Statement updated December 20, 2012. Please note that the hours are 18 more than the 11,793 hours shown on the “View ICR-OIRA Conclusion” web page. The numbers on the web page were approved by OIRA on January 13, 2013, and therefore may be more accurate. However, to calculate costs, CRS used the hours from the Supporting Statement since they are broken down by type of respondent.

**Table 4** shows the estimated number of respondent burden hours and estimated respondent cost for each of the 16 collections by the type of respondent: SEA, LEA, or “other entity.”<sup>22</sup> The other entities, identified in the table, include schools, parents, programs, partnerships, grantees, and local tax officials. Not all types of respondents participate in each collection. Of the 16 information packages, SEAs are respondents to 11, LEAs are respondents to 7, and other entities to 8. While SEAs are respondents to the most packages, the burden placed on them in the aggregate is not as great as the burden placed on LEAs or other entities, particularly schools, the “other entity” for the Title I accountability issues collection. However, on an average per respondent basis, SEAs may have higher estimated annualized burden hours and cost burden than other types of respondents to the same information collection package. This is due to the fact that there are generally only 52 LEAs (or fewer) responding to a given information collection package, while there may be thousands of other entities (e.g., schools, LEAs, parents) also responding, so the larger overall estimates of annualized burden hours and cost burden for these respondents are divided among a larger group of respondents.

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<sup>22</sup> The number of respondents is not shown in this table because ED’s Supporting Statements submitted to OMB did not consistently show the number of respondents by types (e.g. SEA, LEA, or another entity).



**Table 4. Estimated Annualized Aggregate Number of Burden Hours and Aggregate Cost by Types of Respondents by Information Collection Package**

Information Collection Package Title	OMB Control Number	SEA		LEA		Other Entity <sup>a</sup>		
		Estimated Annualized Hours	Estimated Annualized Cost	Estimated Annualized hours	Estimated Annualized Cost	Estimated Annualized Hours	Estimated Annualized Cost	Other Entity Specified <sup>a</sup>
Elementary and Secondary Improvement Formula Grants	1810-0682	46,800	\$1,404,000	183,000	\$4,575,000	0	0	–
State Educational Agency and Local Educational Agency and School Data Collection and Reporting under ESEA, Title I, Part A (accountability issues)	1810-0581	62,516	\$1,875,480	1,679,823	\$41,995,575	2,968,186	\$74,204,650	Schools
State Educational Agency and Local Educational Agency and School Data Collection and Reporting under ESEA, Title I, Part A (formula issues)	1810-0622	2,080	\$62,400	0	0	0	0	–
State Agency Use of an Alternative Method to Distribute Title I Funds to Local Educational Agencies with Fewer Than 20,000 Total Residents	1810-0620	200	\$6,000	0	0	0	0	–
Migrant Education Program Regulations and Certificate of Eligibility	1810-0662	274,772	\$4,052,434	0	0	133,861 <sup>b</sup>	0	Migrant parents and contractor <sup>b</sup>
Migrant Student Information Exchange (MSIX)	1810-0683	360,491	\$9,488,123	0	0	0	0	–
Migrant Student Information Exchange User Application	1810-0686	3,476	\$91,488 <sup>c</sup>	0	0	0	0	–
Annual Report of Children in State Agency and Locally Operated Institutions for Neglected and Delinquent Children	1810-0060	2,184	\$65,520	0	0	2,380 <sup>d</sup>	\$59,500	Programs <sup>d</sup>
Mathematics and Science Partnerships Grant Program: Annual Performance Report	1810-0669	0	0	0	0	7,800 <sup>e</sup>	\$335,400	Partnerships <sup>e</sup>
21st Century Community Learning Centers Annual Performance Report	1810-0668	0	0	0	0	36,400 <sup>f</sup>	\$621,600	Grantees <sup>f</sup>

Information Collection Package Title	OMB Control Number	SEA		LEA		Other Entity <sup>a</sup>		
		Estimated Annualized Hours	Estimated Annualized Cost	Estimated Annualized hours	Estimated Annualized Cost	Estimated Annualized Hours	Estimated Annualized Cost	Other Entity Specified <sup>a</sup>
Application Package for the REAP, Small, Rural School Achievement Program	1810-0646	1,862	\$45,080	1,417	\$14,150	0	0	–
Formula Grant EASIE (Electronic Application System for Indian Education)	1810-0021	0	0	6,350	\$109,013 <sup>g</sup>	3,090	\$15,914	Parents
Application for Assistance Section 8002 impact Aid Program	1810-0036	0	0	250	\$7,500	1,375	\$41,250	Local tax officials
Impact Aid Program Application for Section 8003 Assistance	1810-0687	0	0	17,942	\$215,304	125,000	\$1,250,000	Parents
Consolidated State Application	1810-0576	2,400	\$80,925	0	0	0	0	–
Consolidated State Performance Report (Part I and Part II)	1810-0614	1,767	\$42,408	10,044	\$241,056	0	0	–

**Source:** CRS compilation and/or calculation of collective hours and cost from U.S. Department of Education (ED) estimates appearing in Q.12 and Q.13 of the “Supporting Statement for Paperwork Reduction Act Submission” for each information collection package.

**Notes:** Hours may not add to aggregate hours shown in **Table 3** due to rounding. Details may not add to totals due to rounding. Information collection packages are listed in order by the title, part, or section of the ESEA program that is involved in the information collection package.

Q12 is “Provide estimates of the hour burden of the collection of information.” Q13 is “Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information.”

The estimated annualized number of respondent hours has been calculated by CRS based on ED’s calculation of respondent cost (Q13) when the number of hours calculated by ED for Q12 is not the same as the number of hours used to calculate cost (Q13).

- The other entity is specified in the table. When more than one entity is a respondent, the table notes provide information regarding the burden faced by each entity.
- The other entity is migrant parents at 116,650 respondent hours and a contractor at 17,211 respondent hours. No costs are attributed to migrant parents; contractor costs are apparently shown as annualized costs to the federal government in **Table 6**.
- ED in its Supporting Statement calculates cost at 30 minutes per 10,452 responses at \$26.32 an hour for a total cost of \$137,548. This methodology appears to overestimate the cost by approximately \$46,100. No response is estimated at 30 minutes; 99.5% are estimated at 20 minutes and 0.5% are estimated at 10 minutes.
- The other entity is programs. Programs providing services to neglected and delinquent children are required to respond to the information collection.
- The other entity is partnerships. Each partnership of high-need LEAs and an engineering, mathematics, or science department of an institution of higher education is required to respond to the annual performance report.

- f. The other entity is grantees. ED does not include SEA hours to review and monitor the submission made by their states' grantees prior to final submission to ED in its estimate of burden hours, presumably because SEAs have requested the ability to perform these tasks. (See Q12 of the "Supporting Statement for Paperwork Reduction Act Submission" in **Appendix B**.)
- g. Estimated LEA hours and costs include the hours and cost for all eligible applicants, who include LEAs, Indian tribes in lieu of LEAs, consortia of LEAs and/or Indian tribes, and Bureau of Indian Education funded schools.

In general, in depth analyses of burden per respondent groups are not provided in this report because within information collections there can be substantial variation in the number of underlying reporting requirements that are applicable to a given type of respondent. For a given type of respondent within a single information collection package, the respondent may not have to address every item on a given information collection package, and the cost of responding to the information collection package may vary by item (e.g., the hourly cost of responding to one item may be different than the cost of responding to another item). For example, for the “State Educational Agency, Local Educational Agency, and School Data Collection and Reporting Under ESEA Title I, Part A” (accountability issues) information collection package, there are three types of activities or information that schools may need to address. First, a school may need to conduct a needs assessment or develop a comprehensive schoolwide plan. Second, a school operating a schoolwide program must maintain records demonstrating that it addresses the intent and purpose of each federal program for which funds have been consolidated under a schoolwide program.<sup>23</sup> Third, schools newly identified for school improvement under current law requirements must develop a school improvement plan, and schools identified as focus or priority schools (that were not previously identified for school improvement under current law) under a new ESEA flexibility package provided by the Administration must plan for appropriate interventions.<sup>24</sup> **Table 5** indicates the average estimated annualized hour burden and cost burden for schools that need to respond to each of these requirements. On average, the annualized burden for each of these requirements ranges from 4.8 to 960 burden hours and from \$120 to \$24,000. Some schools will not need to address any of the requirements, while others may need to address one or two requirements.

**Table 5. Estimated Annualized Burden Hours and Cost Burden for Schools:  
ESEA Title I-A Information Collection Package (Accountability Issues)**

Regulatory Requirement	Description	Number of Respondents	Estimated Total Hours	Estimated Average Hours per Respondent	Estimated Total Cost	Estimated Average Cost per Respondent
200.26 and 200.27	Conduct needs assessment/develop comprehensive schoolwide plan	680	544,000	800 <sup>a</sup>	\$13,600,000	\$20,000
200.29(d)(2)	Maintain records demonstrating that it addresses the intents and purposes of each federal program included <sup>b</sup>	37,039	177,786	4.8 <sup>c</sup>	\$4,444,650	\$120

<sup>23</sup> A schoolwide program is one of two types of programs that a Title I-A school may operate. Schoolwide programs are authorized if the percentage of low-income students served by a school is 40% or higher. In schoolwide programs, Title I-A funds may be used to improve the performance of all students in a school, and schools may consolidate funds received from various federal education programs.

<sup>24</sup> The ESEA flexibility package is discussed in a subsequent section of this report, “State Educational Agency, Local Educational Agency, and School Data Collection and Reporting Under ESEA Title I, Part A: Accountability Issues.”

Regulatory Requirement	Description	Number of Respondents	Estimated Total Hours	Estimated Average Hours per Respondent	Estimated Total Cost	Estimated Average Cost per Respondent
200.30, 200.41, 200.42 and ESEA flexibility	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	2,246,400	960	\$56,160,000	\$24,000

**Source:** CRS compilation and/or calculation of collective hours and cost from U.S. Department of Education (ED) estimates appearing in Q.12 of the “Supporting Statement for Paperwork Reduction Act Submission” for each information collection package.

**Notes:** Details may not add to totals due to rounding. Q12 is “Provide estimates of the hour burden of the collection of information.”

The estimated annualized number of respondent hours per school has been calculated by CRS based on ED’s calculation of total estimated cost and total estimated hours when the average number of hours per respondent determined by ED does not align with the total estimated hours and cost.

- ED indicated that the estimated average number of hours per respondent is 1,000 hours. However, ED’s calculations of total estimated hours and total estimated cost are based on an average number of hours per respondent of 800 hours. The latter figure was used in the table.
- These are requirements that apply to schools operating schoolwide programs under Title I-A.
- ED indicated that the estimated average number of hours per respondent is 6 hours. However, ED’s calculations of total estimated hours and total estimated cost are based on an average number of hours per respondent of 4.8 hours. The latter figure was used in the table.

## Federal Cost of Information Collection Packages

In Q.14 of the Supporting Statement, the agency must provide an estimate of the annualized cost to the federal government. This estimate must include expenses that would not have been incurred without this collection of information.<sup>25</sup> Examples of the types of activities that have costs to the federal government include agency review of applications, peer reviewers, monitoring and oversight, collection and analysis of data, and guidance development. It is somewhat unclear when a particular activity is considered a normal or routine staff activity versus carrying an additional cost to the federal government.

<sup>25</sup> The estimate of federal cost for each information collection can be found both in the Supporting Statement submitted to OMB and on the “View ICR-OIRA Conclusion” web page. Both the supporting statement and the “View ICR-OIRA Conclusion” web page can be found by the ICR number of the information collection’s OMB control number. See <http://www.reginfo.gov/public/do/PRAMain>. An explanation of the federal cost can only be found in the Supporting Statement; the cost itself without an explanation can be found on the “View ICR-OIRA Conclusion” web page.

**Table 6** shows the estimated annualized federal cost for each of the information packages examined in this report and ED’s explanation of the cost. The estimated annualized federal cost for each of the 16 collections ranges from \$0 to \$3.2 million. The three information collection packages with the estimated annualized federal costs are (1) the “Migrant Education Program (MEP) Migrant Student Information Exchange (MSIX) and Minimum Data Elements” collection package (\$3.2 million), (2) the “Impact Aid Program Application for Section 8003 Assistance” (\$1.7 million), and (3) “State Educational Agency, Local Educational Agency, and School Data Collection and Reporting Under ESEA Title I, Part A” (accountability issues) (\$1.2 million).

**Table 6. Estimated Annualized Federal Costs by Information Collection Package**

Information Collection Package Title	OMB Control Number	Estimated Annualized Federal Cost	Summary of ED Explanation of the Federal Cost
Elementary and Secondary Improvement Formula Grants	1810-0682	\$253,910	The federal costs related to the collections will primarily involve reviewing the SEA applications.
State Educational Agency and Local Educational Agency and School Data Collection and Reporting under ESEA, Title I, Part A (accountability issues)	1810-0581	\$1,214,285	The cost to the federal government, beyond the efforts normally associated with department staff conducting program monitoring, would be to review selected data related to Title I that each state submits to EDFacts for an estimate of \$14,285. For ESEA flexibility, there are costs for peer reviewers and ED staff to review state requests for this flexibility and for ED staff to review reported data on the implementation of these waivers and key principles for an estimate of \$1.2 million.
State Educational Agency and Local Educational Agency and School Data Collection and Reporting under ESEA, Title I, Part A (formula issues)	1810-0622	\$18,000	There is no additional cost to the federal government. The time and effort required to monitor and develop guidance concerning the implementation of §§200.70-200.75 and §200.100 of the regulations are part of normal staff functions within ED. However, an estimate of the staff hours and cost involved with implementation of these provisions in regulations would be \$18,000.
State Agency Use of an Alternative Method to Distribute Title I Funds to Local Educational Agencies with Fewer Than 20,000 Total Residents	1810-0620	\$1,200	This estimate is based on the possible need to develop and send out additional guidance and process requests from states seeking approval from ED for use of alternative poverty data.
Migrant Education Program Regulations and Certificate of Eligibility	1810-0662	\$525,951	Federal costs associated with this collection of information include (1) staff time to monitor SEAs [\$16,074], (2) contractual costs to operate a MEP [\$489,033] in three states, and (3) staff time for contract oversight [\$20,484].
Migrant Student Information Exchange (MSIX)	1810-0683	\$3,173,373	ED staff time (\$297,716) and MSIX Contract time (\$2,875,667) to collect, maintain, and transmit the MDEs through the MSIX system.
Migrant Student Information Exchange User Application	1810-0686	\$0	There are no annualized costs to the federal government.
Annual Report of Children in State Agency and Locally Operated Institutions for Neglected and Delinquent Children	1810-0060	\$3,600	The annual cost to the federal government assumes one person working for about 120 hours to mail ED form 4376 and process the data received for purposes of the Title I formula and follow-up with states concerning questions about the data submitted.
Mathematics and Science Partnerships Grant Program: Annual Performance Report	1810-0669	\$361,146	The annualized cost to the federal government is the cost to collect online APR data (\$204,486), maintain web-based system (\$39,607), and analyze APR data and prepare reports (\$117,053).

Information Collection Package Title	OMB Control Number	Estimated Annualized Federal Cost	Summary of ED Explanation of the Federal Cost
21st Century Community Learning Centers Annual Performance Report	1810-0668	\$147,556	The 21st CCLC Profile and Performance Information Collection System (PPICS) data is currently an existing system in ED. There are some additional cost estimates for maintenance, technical assistance (\$30,000), and report review (\$117,556).
Application Package for the REAP, Small, Rural School Achievement Program	1810-0646	\$19,094	For form 1 (the REAP Spreadsheet), program costs entail reviewing completed spreadsheets for completeness; downloading data submitted electronically; calculating allocations; and notifying states of allocations for the state and districts (\$6,174). For form 2 (the REAP Small Rural School Achievement Program Application Package), program costs entail screening applications for eligibility; downloading allocation data into GAPS; making grant awards; and mailing award notifications (\$12,920).
Formula Grant EASIE (Electronic Application System for Indian Education)	1810-0021	\$350,000	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 \$350,000. This includes operations and maintenance and a partner support center that assists applicants in the process of submitting.
Application for Assistance Section 8002 impact Aid Program	1810-0036	\$282,083	Federal costs associated with this collection of information are generally those normally associated with department staff conducting program monitoring.
Impact Aid Program Application for Section 8003 Assistance	1810-0687	\$1,723,921	Federal costs associated with this collection of information are generally those normally associated with department staff conducting program monitoring.
Consolidated State Application	1810-0576	\$0	There are no additional estimated annual federal costs associated with this collection. Review of amendments to the consolidated state application is part of routine operations.
Consolidated State Performance Report (Part I and Part II)	1810-0614	\$45,220	The cost to the federal government, beyond the efforts normally associated with ED staff conducting program monitoring, would be to review the submitted data that each state submits to complete its Consolidated State Performance Report.

**Source:** CRS compilation of explanatory statements and calculations where needed of federal costs from Q14 of the Supporting Statement submitted to OIRA as part of the OMB review process for each information package. For more information, see the Supporting Statements for each information collection packages at <http://www.reginfo.gov/public/do/PRAMain>, "State Educational Agency, Local Education Agency, and School Data Collection and Reporting under ESEA, Title I, Part A."

**Note:** Information collection packages are listed in order by the title, part, or section of the ESEA program that is involved in the information collection package.



## **State Educational Agency, Local Education Agency, and School Data Collection and Reporting Under ESEA Title I, Part A: Accountability Issues**

Of the 16 information collection packages examined in this report, the “State Educational Agency, Local Education Agency, and School Data Collection and Reporting Under ESEA, Title I, Part A” (accountability issues) information collection package has the largest estimated number of annualized burden hours (4.7 million) and cost burden (\$118.1 million). This part of the report examines this information collection package in greater detail. Among other issues, it discusses the underlying requirements that necessitate the information collection and examines how the burden hours and costs associated with the information data collection have varied over time. In particular, it compares differences in the burden associated with this information data collection prior to the enactment of NCLB and post-enactment of NCLB, as well as recent changes in burden estimates that coincide with the availability of an ESEA flexibility package being offered to states by the Administration.<sup>26</sup>

The first part of this discussion provides a general overview of the accountability requirements included in Title I-A, as the information collection package discussed in this part of the report was designed to collect data related to these requirements. This is followed by an examination of how hour and cost burden have changed over time for this information collection package. This part of the report concludes with information on how the data from this information collection package are used and the consequences of not collecting these data according to ED.

### **Title I-A and Accountability Requirements<sup>27</sup>**

The need for the aforementioned information collection package stems from numerous educational accountability requirements included in Title I-A of the ESEA and associated regulations. Title I-A authorizes federal grants to LEAs to provide supplementary educational and related services to low-achieving children attending schools with concentrations of students from low-income families. Title I-A is currently the largest federal elementary and secondary education program; it was funded at \$13.8 billion and accounted for over half of the \$22 billion appropriated for ESEA overall in FY2013. The estimated annualized cost burden associated with the “State Educational Agency, Local Education Agency, and School Data Collection and Reporting Under ESEA, Title I, Part A” (accountability issues) information collection package is equivalent to about 1% of the FY2013 appropriation for Title I-A.

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<sup>26</sup> For more information about the ESEA flexibility package, see CRS Report R42328, *Educational Accountability and Secretarial Waiver Authority Under Section 9401 of the Elementary and Secondary Education Act*, by (name redacted) and (name redacted).

<sup>27</sup> For a more detailed discussion of ESEA accountability requirements, see CRS Report R41533, *Accountability Issues and Reauthorization of the Elementary and Secondary Education Act*, by (name redacted) and CRS Report R42328, *Educational Accountability and Secretarial Waiver Authority Under Section 9401 of the Elementary and Secondary Education Act*, by (name redacted) and (name redacted).

Beginning with the 1994 reauthorization of the ESEA, the Improving America's Schools Act (IASA; P.L. 103-382), the ESEA included broad accountability requirements. These requirements were enhanced under NCLB. Below is a brief description of the accountability requirements of IASA and NCLB. This is followed by a discussion of the ESEA flexibility package that has been granted by the Secretary to 39 states and the District of Columbia, as of July 31, 2013. As discussed in greater detail in a subsequent section of this report (see "Changes in Burden over Time"), ED anticipates that state implementation of the ESEA flexibility package will substantially reduce the hour and cost burden associated with this information collection package.

## **IASA**

As a condition of the receipt of Title I-A funds under IASA, states were required to develop or adopt content and performance standards, as well as assessments aligned with the standards. More specifically, states were required to adopt standards and assessments in the subjects of reading/language arts (hereinafter referred to as reading) and mathematics at three grade levels—at least once in each of the grade ranges of 3-5, 6-9, and 10-12. The performance standards were required to establish three performance levels for all students—advanced, proficient, and partially proficient. States were also required to develop assessment systems that included all students in the grades being assessed who had attended schools in the LEA for at least one year. The assessment system had to be capable of producing results for each state, LEA, and school that could be disaggregated by gender, major racial and ethnic groups, English proficiency status, migrant status, disability status, and economically disadvantaged status. These data were to be included in annual school profiles. Effectiveness was based on whether schools and LEAs were making "adequate yearly progress" (AYP) toward meeting the content and performance standards. The results on these assessments were also used as the basis for implementing program improvement requirements, including financial rewards to "distinguished" schools and LEAs and corrective actions for "unsuccessful" ones.

Each school and LEA participating in ESEA Title I was to be reviewed annually. When standards and assessment systems were fully implemented, "individual performance profiles" were to be prepared and disseminated by LEAs for each participating school. "Statistically sound" achievement data, disaggregated by student gender, race or ethnicity, as well as LEP, migrant, disability, and low-income status, were to be reported for each school, LEA, and the state overall.

## **NCLB<sup>28</sup>**

Many of the underpinnings of the accountability requirements included in Title I-A of the ESEA, as amended by the NCLB, are evident in the accountability requirements included in the IASA; in some cases, the requirements were substantially expanded. For example, participating states<sup>29</sup> must administer annual, standards-based assessments in reading/language arts and mathematics to students in each of grades 3-8, plus at least once in grades 10-12. Beginning with the 2007-2008 school year, such assessments were also required to be administered to students in each of three grade levels (3-5, 6-9, and 10-12) in science. The results of the required reading and math

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<sup>28</sup> For a discussion of how proposed ESEA reauthorization legislation considered during the 113<sup>th</sup> Congress would alter the provisions of current law, see CRS Report R43146, *ESEA Reauthorization Proposals in the 113<sup>th</sup> Congress: Comparison of Major Features*, by (name redacted) et al.

<sup>29</sup> Currently, all states participate in ESEA Title I-A.

assessments are used to make annual AYP determinations. AYP standards must be applied to all public schools, LEAs, and to states overall and reported on annual public report cards.<sup>30</sup> AYP is defined primarily on the basis of the percentage of students scoring at a proficient or higher level of achievement. AYP standards must also include at least one additional academic indicator; in the case of high schools, this must be the graduation rate.<sup>31</sup> AYP calculations must be disaggregated—that is, determined separately for several demographic groups, as well as for an “all students” group. The specified groups include economically disadvantaged students, LEP students, students with disabilities, and students in major racial and ethnic groups.<sup>32</sup>

Title I-A schools that fail to meet AYP standards for two consecutive years must be identified for program improvement. When Title I-A schools do not make AYP for two or more consecutive years, they become subject to a range of increasingly severe performance-based accountability requirements, which are coupled with technical assistance provided by the LEA. For example, the ESEA requires states to identify LEAs and schools that fail to meet AYP standards for two consecutive years for improvement. Students attending these schools must be provided with options to attend other public schools that make AYP. If a Title I-A school fails to meet AYP standards for a third year, students from low-income families must be offered the opportunity to receive instruction from a supplemental educational services (SES)<sup>33</sup> provider of their choice.<sup>34</sup> Title I-A schools that fail to meet AYP for a fourth year must take one or more additional “corrective actions,” such as implementing a new curriculum. Those that fail to meet AYP standards for a fifth year must develop a “restructuring” plan, involving such actions as reopening as a charter school. If a school fails to make AYP for a sixth year, the school must implement its restructuring plan. Procedures analogous to those for schools apply to LEAs that receive Title I-A grants and fail to meet AYP requirements. As part of these outcome accountability requirements, states, LEAs, and schools must take various actions, such as developing school improvement plans, identifying and evaluating SES providers, notifying families regarding their eligibility for public school choice and SES, and developing restructuring plans.

States participating in Title I-A are required to provide that all public school teachers in core subjects are “highly qualified.”<sup>35</sup> In order to be deemed a highly qualified teacher (HQT), all such public school teachers must hold at least a bachelor’s degree, have obtained full state certification or passed the state teacher licensing examination, and must hold a license to teach. In addition, teachers who are new to the profession must demonstrate subject area knowledge, including (if teaching at a secondary level) passing a state academic test or completing an academic major,

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<sup>30</sup> ESEA Section 111(h) specifies the accountability-related information that SEAs and LEAs must report on annual report cards.

<sup>31</sup> For elementary and middle schools, the additional academic indicator is often the attendance rate.

<sup>32</sup> Under certain circumstances, data do not need to be disaggregated. For more information, see CRS Report R41533, *Accountability Issues and Reauthorization of the Elementary and Secondary Education Act*, by (name redacted).

<sup>33</sup> SES are educational activities, such as tutoring, that are provided outside of normal school hours and which are designed to augment or enhance the educational services provided during regular periods of instruction.

<sup>34</sup> With respect to the provision of public school choice and SES, there are numerous actions that SEAs and LEAs are required to take to comply with statutory and regulatory requirements. For example, SEAs must post on their websites an amount equal to each LEA’s Title I-A grant and per-pupil amount available for SES. They must approve SES providers and post information about them on their website. At the LEA level, LEAs are responsible for notifying parents that their children are eligible for SES or public school choice and providing information about SES and public school choice.

<sup>35</sup> For a more detailed discussion of the highly qualified teacher requirements, see CRS Report R41267, *Elementary and Secondary School Teachers: Policy Context, Federal Programs, and ESEA Reauthorization Issues*, by (name redacted).

graduate degree, or advanced certification in each subject taught. A public school teacher who is *not* new to the profession may also be deemed to be “highly qualified” by demonstrating competence in all subjects taught “based on a high objective uniform State standard of evaluation.”

Student assessment results and certain other data for individual public schools, LEAs, and states overall must be reported to parents and the public. Report cards must generally include information on student performance disaggregated by race, ethnicity, and gender, as well as disability, migrant, English proficiency, and economic disadvantage status. The report cards must also include information on student progress toward meeting any other educational indicators included in the state’s AYP standards, plus secondary school student graduation rates, the number and identity of any schools failing to meet AYP standards, and aggregate information on the qualifications of teachers. The report cards may include additional information, such as average class size or the incidence of school violence. LEA and school report cards are to be disseminated to parents of public school students and to the public at large.

## **ESEA Flexibility Package**

While Congress has not enacted legislation to reauthorize the ESEA, on September 23, 2011, President Obama and the Secretary announced the availability of an ESEA flexibility package for states and described the principles that states must meet to obtain the included waivers. The waivers apply to school years 2011-2012, 2012-2013, and 2013-2014. States have the option to apply for a one-year waiver extension for the 2014-2015 school year.

The waivers exempt states from various Title I-A academic accountability requirements, teacher qualification-related requirements, and funding flexibility requirements that were enacted through NCLB.<sup>36</sup> However, in order to receive the waivers, SEAs must agree to meet four principles established by ED for “improving student academic achievement and increasing the quality of instruction.” The four principles, as stated by ED, are as follows: (1) college- and career-ready expectations for all students; (2) state-developed differentiated recognition, accountability, and support; (3) supporting effective instruction and leadership; and (4) reducing duplication and unnecessary burden.

Taken collectively, the waivers and principles included in the ESEA flexibility package amount to a fundamental redesign by the Administration of many of the accountability and teacher-related requirements included in Title I-A of current law. As of August 21, 2013, ED had approved ESEA flexibility package applications for 41 states and the District of Columbia as well as for a consortium of eight LEAs in California, and was reviewing applications from several other states.<sup>37</sup> If Congress continues to work on ESEA reauthorization during the 113<sup>th</sup> Congress, it is possible that provisions included in any final bill may be similar to or override the waivers and principles established by the Administration.

In the meantime, however, the provisions waived by the ESEA flexibility package include the determination of AYP and the consequences related to failing to meet AYP for two or more

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<sup>36</sup> There are also optional waivers for which an SEA may apply. For more information, see CRS Report R42328, *Educational Accountability and Secretarial Waiver Authority Under Section 9401 of the Elementary and Secondary Education Act*, by (name redacted) and (name redacted).

<sup>37</sup> Approved state applications and pending applications are available at <http://www.ed.gov/esea/flexibility/requests>.

consecutive years. That is, schools in states with approved applications for the ESEA flexibility package no longer have to determine whether a school should be identified for improvement, corrective action, or restructuring, and they are no longer required to implement the specific actions that are associated with each of these levels of identification. Thus, for example, schools are no longer identified for improvement and, therefore, do not have to write school improvement plans, states no longer have to identify SES providers, and parents no longer need to be notified whether their child is eligible for SES or public school choice.

However, in return for receiving the waivers of existing accountability requirements, states are required to comply with the aforementioned principles established by ED. For example, states, LEAs, and schools must comply with prescribed interventions for the lowest performing 5% of schools (referred to as “priority schools” for the purposes of the ESEA flexibility package) and must implement some type of intervention in the next lowest performing 10% of schools (referred to as “focus schools” for purposes of the ESEA flexibility package). The outcome accountability requirements that currently apply to all Title I-A schools that fail to meet AYP are replaced by more prescriptive requirements for priority schools and a requirement for non-specified interventions to be implemented in focus schools. The ESEA flexibility package also substantially alters accountability requirements applicable to educators. While current law focuses on having highly qualified teachers, the ESEA flexibility package alters existing teacher requirements to focus on teacher (and school leader) effectiveness, determined, in part, based on student achievement.

In response to the allowable changes to state accountability systems and requirements related to the four principles that SEAs must meet in order to receive the ESEA flexibility package, states that have received the flexibility package and LEAs in those states must implement new accountability systems and include additional information on report cards while continuing to include most of the information they were required to provide prior to the ESEA flexibility package. For example, data must still be reported on the achievement of student subgroups. However, if an SEA created a “super subgroup” (e.g., a subgroup comprised of the 25% lowest performing students in a school),<sup>38</sup> data on that subgroup must also be reported on SEA and LEA report cards, unless the number of students in the subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student. In addition, SEAs that receive the ESEA flexibility package must also report data on college-going (e.g., number of students who enroll in an institution of higher education within 16 months of earning a regular high school diploma) and college credit accumulation data. In some instances, data that must be reported under current law, such as whether a school has been identified for improvement, corrective action, or restructuring, has been replaced in states that received the ESEA flexibility package with reporting on the schools that have been identified as priority, focus, or reward schools.<sup>39</sup>

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<sup>38</sup> “A “super subgroup” is not a required subgroup under current law. It is a concept that states chose to include in their ESEA flexibility package applications.

<sup>39</sup> For more information on data that must be included on state and local report cards, see U.S. Department of Education, *State and Local Report Cards Title I, Part A of the Elementary and Secondary Education Act, As Amended Non-Regulatory Guidance*, February 8, 2013, available online at [http://www2.ed.gov/programs/titleiparta/state\\_local\\_report\\_card\\_guidance\\_2-08-2013.pdf](http://www2.ed.gov/programs/titleiparta/state_local_report_card_guidance_2-08-2013.pdf).

## Changes in Burden over Time

Changes in the estimated annualized burden hours and cost burden associated with the “State Educational Agency, Local Education Agency, and School Data Collection and Reporting Under ESEA, Title I, Part A” information collection package have been examined over time, beginning prior to the enactment of NCLB and continuing through the implementation of the ESEA flexibility package. In general, there was a substantial increase in both the estimated annualized burden hours and cost burden following the enactment of NCLB. These burdens continued to increase for several years but are now expected to decline, according to ED, with the implementation of the ESEA flexibility package. **Appendix C** provides a list of the statutory and regulatory requirements associated with the current information collection package and ED’s description of each of these requirements.

This section examines the changes over time in both the estimated annualized burden hours and cost burden for the information collection package. It should be noted that limited information about the information collection package is available prior to the enactment of NCLB and detailed information about reasons for changes in burden are not available prior to the information collection package that expired on December 31, 2009.

## Changes in Burden Hours

When the estimate of burden hours from an information collection package changes, ED is required to identify one or more of four causes for the change in burden.

There are four causes of paperwork burden change: (1) adjustments to agency burden estimates; (2) new statutory requirements; (3) discretionary agency actions; and (4) lapses in OMB approval. Burden changes from adjustments to agency burden estimates and new statutory requirements are to a significant degree outside of agencies’ direct control, while burden changes resulting from discretionary agency actions and lapses in OMB approval are generally within agencies’ direct control. OMB considers these last two categories—discretionary agency actions and lapses in OMB approval—to be the best measure of agencies’ effectiveness in managing their paperwork burden, because they are within direct control of the agency.<sup>40</sup>

As shown in **Table 7**, the estimated overall number of annualized burden hours for the information collection package prior to the enactment of NCLB was about 564,000 hours (information collection package expiring 6/30/1998).<sup>41</sup> Following the enactment of NCLB, the estimated number of annualized burden hours increased by over 350% to about 2.6 million hours. The change from the initial information collection package to the information collection package that expired on October 31, 2003, was attributed to a change due to agency discretion. ED submitted this information collection package for emergency OMB approval. It is clearly stated in the “View ICR-OIRA Conclusion” web page that it was impossible for OMB and ED to predict

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<sup>40</sup> Office of Management and Budget, *Information Collection Budget of the United States Government*, December 2011, pp. 2-3, [http://www.whitehouse.gov/sites/default/files/omb/infoereg/icb/2011\\_icb.pdf](http://www.whitehouse.gov/sites/default/files/omb/infoereg/icb/2011_icb.pdf).

<sup>41</sup> As previously discussed, OIRA approval of information collection packages lasts for up to three years, at which point the agency must submit another request. The expiration date for each package is included in **Table 7** to distinguish whether the package was active prior to the enactment of NCLB; after the enactment of NCLB but prior to the availability of the ESEA flexibility package; or after the ESEA flexibility was made available to states.

the burden that would be associated with a number of statutory and regulatory provisions. There was no change in burden hours for the information collection package expiring October 31, 2006.

According to ED, the change in the estimated annualized burden hours associated with the information collection package expiring on December 31, 2009, was attributed to agency discretion, as hours from another collection related to Title I-A and students with disabilities were included in this information collection package, and to a change due to adjustment in estimate. The latter change was due primarily to updated estimates of the time needed for the implementation of statutory requirements related to school improvement and notification of public school choice and SES, as well as to comply with regulatory requirements related to limited English proficient students and requirements related to the preparation of SEA and LEA report cards. For the information collection expiring October 31, 2011, the increase in burden hours was attributed to agency discretion. It was estimated that SEAs and LEAs would need more time to address amended regulations, which included additional data for report cards and cohort documentation related to high school graduation rates. The last increase in estimated annualized burden hours (information collection package expiring April 30, 2012) was also attributed to agency discretion to move hours attributed to a different data collection focused on flexibility to this information collection package.

Overall, from the initial information collection package through the information collection package that expired on April 30, 2012, there was an increase in overall estimated annualized burden hours from the pre-NCLB burden hour level of almost 1,300%. Estimated annualized burden hours peaked at 7.9 million hours for the latter.

The most recent version of the information collection package includes an estimated decline of about 3.2 million (40%) annualized burden hours due to an adjustment in estimate. In the relevant information collection package, ED indicates that this decline is directly related to 43 SEAs having requested or indicated that they will request ESEA flexibility. As previously discussed, under the ESEA flexibility package, LEAs and schools no longer have to be identified for improvement, corrective action, or restructuring. Thus, fewer SEAs, LEAs, and schools will be required to implement the outcome accountability actions that correspond to each of these levels of identification. For example, LEAs in states that receive the ESEA flexibility package will no longer have to notify parents about the opportunity for public school choice or SES, and SEAs will no longer have to identify and evaluate SES providers (unless the SEA opted to continue these practices). More specifically, based on a detailed analysis of the burden hour changes included in the Supporting Statement of the current information collection package, ED anticipates that the greatest decreases in burden hours will occur with respect to compliance with the following regulatory provisions:

- LEAs planning for school restructuring (34 C.F.R. 200.34 and 200.43),
- LEAs developing or revising improvement plans (34 C.F.R. 200.52), and
- schools newly identified for improvement having to develop improvement plans (34 C.F.R. 200.30, 200.41, and 200.42).

As previously discussed, the implementation of new state accountability systems in response to the ESEA flexibility package will continue to result in some schools being identified as low performing and being required to take various actions. In addition, the changes to state accountability systems made as a result of the ESEA flexibility package will result in changes to SEA and LEA report cards. Thus, while ED continues to include burden hours related to various accountability activities in its Supporting Statement for the current version of the information

collection package, it is unclear whether the reductions in burden hours will be realized as stated, as SEAs, LEAs, and schools are at the early stages of implementing the measures they included in their ESEA flexibility package applications.

In addition, ED based its burden hour estimates on 43 states receiving the ESEA flexibility package. As of August 21, 2013, 41 states and the District of Columbia, as well as a consortium of eight LEAs in California, have had their applications for the ESEA flexibility package approved. Depending on how many states ultimately apply for and have ESEA flexibility packages approved, the actual reduction in burden hours may deviate from the estimates included in the Supporting Statement.



**Table 7. Estimated Change in Annualized Burden Hours over Time: ESEA Title I-A Information Collection Package (Accountability Issues)**

Expiration Date	6/30/98	10/31/03	% Change: 6/30/98 to 10/31/03	10/31/06	% Change: 10/31/03 to 10/31/06	12/31/09 <sup>a</sup>	% Change: 10/31/06 to 12/31/09	10/31/11 <sup>b</sup>	% Change: 12/31/09 to 10/31/11	4/30/12 <sup>c</sup>	% Change: 10/31/11 to 4/30/12	7/31/15 <sup>d</sup>	% Change: 4/30/12 to 7/31/15	% Change: 10/31/03 to 7/31/15
ICR Reference Number for Information Collection Package	199505-1810-001	200211-1810-002	—	200303-1810-001	—	200709-1810-002	—	200810-1810-007	—	201202-1810-002	—	201204-1810-001	—	—
SEAs	N/A	55,952	N/A	55,952	0.0%	71,386	27.6%	93,205	30.6%	110,677	18.7%	62,516	-43.5%	11.7%
LEAs	N/A	1,119,500	N/A	1,119,500	0.0%	1,920,238	71.5%	3,057,516	59.2%	3,057,516	0.0%	1,679,823	-45.1%	50.1%
Schools	N/A	1,410,976	N/A	1,410,976	0.0%	4,697,762	232.9%	4,697,762	0.0%	4,697,762	0.0%	2,968,186	-38.8%	110.4%
<b>Total</b>	564,440	2,586,428	358.2%	2,586,428	0.0%	6,689,387	158.6%	7,848,483	17.3%	7,865,955	0.2%	4,710,525	-40.1%	82.1%

**Source:** CRS analysis of the U.S. Department of Education (ED) estimates in Supporting Statements and other available OIRA documentation to various versions of the “State Educational Agency, Local Educational Agency, and School Data Collection and Reporting under ESEA, Title I, Part A” (accountability issues) information collection package, OMB Control Number 1810-0581. The versions are indicated by the ICR Reference Number in the table.

**Notes:** Hours may not add to totals due to rounding. Specific information regarding change in burden hours is not available prior to the information collection that expired December 31, 2009. The increase in estimated total burden hours from the information collection package expiring on June 30, 1998, to the currently approved information collection package is 734.5%.

- According to the short statement included on the “View ICR-OIRA Conclusion” web page regarding burden hour changes: “The change in burden hours is primarily due to updated estimates of the time needed for SEA, LEA, and school implementation of statutory district and school improvement planning requirements and the statutory requirement that local educational agencies notify parents of eligible students in schools in improvement of their public school choice and supplemental educational services option. The estimate also reflects hours for new final regulation 200.6(b)(4)(i)(c) and hours for the preparation of SEA and LEA report cards.”
- According to the short statement included on the “View ICR-OIRA Conclusion” web page regarding burden hour changes, the majority of the change in burden hours “... is due to the estimated time that will be required for state and local educational agencies to implement the amended regulations; including, among other changes, 335,688 hours for the addition of data to ‘report cards’ and 699,350 for cohort documentation.”

- c. According to the short statement included on the “View ICR-OIRA Conclusion” web page regarding burden hour changes, the increase in burden hours was due to a new requirement for SEAs. More specifically, the additional hours (17,472 SEA hours) in the information collection package were moved to this information collection package at the rate of \$30 an hour when the information collection package titled “Elementary and Secondary Education Act Flexibility” (OMB control number 1810-0708), which was related to the ESEA flexibility package provided to SEAs, was merged with the “State Educational Agency, Local Education Agency, and School Data Collection and Reporting Under ESEA, Title I, Part A” (accountability issues) information collection package.
- d. According to the short statement included on the “View ICR-OIRA Conclusion” web page regarding burden hour changes, “There is an adjustment of -3,153,762 in burden hours primarily due to 43 SEAs having either requested or indicated that they will request ESEA flexibility. In regards to ESEA flexibility, ED considered the likelihood that during the next several years fewer schools will be newly identified for improvement, corrective action or restructuring due to the opportunity for SEAs to request ESEA flexibility and that certain information collections by LEAs would no longer be required. ED also anticipates that there will generally be fewer focus and priority schools in States that receive ESEA flexibility than there would be schools identified for improvement, corrective action or restructuring in those States. ED also used updated data on the number of LEAs that were eligible for Title I, Part A, which had some impact on the burden.” With respect to the current information collection package, the hours are taken from ED’s Supporting Statement updated April 24, 2012. Please note that these hours are 2,388 hours less than the 4,712,193 hours shown on the “View ICR-OIRA Conclusion” web page. The numbers on the web page were approved by OIRA on January 9, 2012, and therefore may be more accurate. However, to calculate costs in the succeeding table, CRS used the hours from the Supporting Statement, since they are broken down by type of respondent. There is no way to ascertain from which entities the additional 2,388 hours are attributed to, which is essential for determining costs.

## **Change in Cost Burden**

In general, as the estimated annualized burden hours associated with an information collection package increase so does the estimated associated annualized cost, since estimates of costs are based on burden hours as well as other financial costs such as employee benefits and overhead. With respect to the “State Educational Agency, Local Education Agency, and School Data Collection and Reporting Under ESEA, Title I, Part A” information collection package, the substantial increases and decreases in estimated annualized burden hours over time have been accompanied by commensurate changes in estimated annualized cost burden.<sup>42</sup>

Mirroring the increase in estimated annualized burden hours, the estimated annualized cost burden associated with the information collection package increased by almost 160% from the version of the information collection package that expired on October 31, 2006, to the version of the information collection package that expired on December 31, 2009 (**Table 8**). The estimated annualized cost burden continued to increase, peaking at \$169.4 million for the version of the information collection package that expired on April 30, 2012. Under the current information collection package, when ED takes into account the ESEA flexibility package, the estimated annualized cost burden decreases by \$51.4 million (30.3%). (For a discussion of the reasons for the changes in cost burden, see the discussion of changes in burden hours.) As with the estimated annualized changes in burden hours, however, it is unknown whether the projected reduction in cost burden attributed to the ESEA flexibility package will be realized.

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<sup>42</sup> Data related to cost burden is not available for versions of the information collection package prior to the enactment of the NCLB.

**Table 8. Estimated Change in Annualized Cost Burden Over Time: ESEA Title I-A Information Collection Package (Accountability Issues)**

Expiration Date	10/31/03	% Change	10/31/06	% Change: 10/31/03 to 10/31/06	12/31/09	% Change: 10/31/06 to 12/31/09	10/31/11	% Change: 12/31/09 to 10/31/11	4/30/12	% Change: 10/31/11 to 4/30/12	7/31/15	% Change: 4/30/12 to 7/31/15	% Change: 10/31/03 to 7/31/15
ICR Reference Number for Information Collection Package 1810-0581	200211-1810-002	—	200303-1810-001	—	200709-1810-002	—	200810-1810-007	—	201202-1810-002	—	201204-1810-001	—	
SEAs	\$1,454,752	N/A	\$1,454,752	0.0%	\$1,856,036 <sup>a</sup>	27.6%	\$2,510,606	35.3%	\$3,034,766	20.9%	\$1,875,480	-38.2%	28.9%
LEAs	\$23,509,500	N/A	\$23,509,500	0.0%	\$40,326,888	71.5%	\$68,756,958	70.5%	\$68,756,958	0.0%	\$41,965,575	-38.9%	78.6%
Schools	\$29,630,496	N/A	\$29,630,496	0.0%	\$98,653,002	232.9%	\$98,653,002	0.0%	\$98,653,002	0.0%	\$74,204,650	-24.8%	150.4%
<b>Total</b>	\$54,594,748	N/A	\$54,594,748	0.0%	\$140,835,926	158.0%	\$169,920,566	20.7%	\$170,444,726	0.3%	\$118,075,705	-30.7%	116.3%

**Source:** CRS analysis of the U.S. Department of Education (ED) estimates in Supporting Statements and other available OIRA documentation to various versions of the “State Educational Agency, Local Educational Agency, and School Data Collection and Reporting under ESEA, Title I, Part A” (accountability issues) information collection package, OMB Control Number 1810-0581. The versions of OMB Control Number 1810-0581 that were examined were those with the following ICR Reference Numbers respectively: 199505-1810-001, 200211-1810-002, 20709-1810-002, 200810-1810-002, 201202-1810-002, and 201204-1810-001.

**Note:** Estimates of cost burden were not available prior to the information collection package that expired on October 31, 2003.

N/A: Not available.

- a. ED’s Supporting Statement shows the slightly lower figure of \$1,854,736 for this version of the collection, although they indicate that the cost is calculated by multiplying 71,386 times \$26 an hour. The number shown here is the CRS calculated product of the same calculation.

## Uses of Data and Consequences of Not Collecting Data

With respect to the current version of the information collection package, ED identified the primary purpose of the data collection as program evaluation and other purposes as program management and regulatory. In its Supporting Statement (Q.2), ED provided more detailed information on how the data from the current information collection package will be used:<sup>43</sup>

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 will evaluate each SEA's flexibility request to inform the Secretary's determination of whether to approve an SEA's request. ED staff will review the reported information to determine whether an SEA's waivers will continue, be extended, or be terminated.

Prior to ED making the ESEA flexibility package available to SEAs, ED responded to the question regarding the use of data in the version of the information collection package that expired April 30, 2012, as follows:

School communities (most prominently parents), LEAs, SEAs, and ED have used the information from the various data collections in multiple ways in order to help all students meet and surpass the challenging State academic achievement standards in each State and to ensure that the statute is followed. Parents and other community members have used the information obtained from the annual LEA review of schools combined with information about any schools identified for school improvement or subject to corrective action or restructuring to make decisions about their child's education and to ensure public accountability for school performance.

LEAs have used the list of approved SES providers to carry out the requirement to provide SES to eligible children attending schools that are in their second year of improvement, corrective action, or restructuring under section 1116 of ESEA. Also related to this requirement, parents have used information provided by the SEA and LEAs to select an SES provider for their children.

SEAs have used the data on student performance to determine whether their schools have made adequate yearly progress, enforce sanctions on LEAs and schools, and prepared their State reports cards, which are on their web sites. In addition, SEAs have used the information provided by potential SES providers in their SES provider approval processes. Concerning private schools, SEAs have used LEAs' records of written affirmations that the required consultation with private school officials has occurred to ensure that statutory requirements are being met.

At the national level ED has used the information on student academic achievement, the data on school choice and SES, equitable services to eligible private school students, and parent notification of school performance to inform its technical assistance efforts to SEAs and to support its crucial monitoring of SEAs in the areas of Standards and Assessments, Program

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<sup>43</sup> ED was required to respond to the following question: "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."

Improvement, Parental Involvement, and Options, and Fiduciary. ED has also used these data to conduct analyses for performance measures used in the Program Assessment Rating Tool (PART), to respond to questions about Title I from the Congress and the public, and to run the program effectively and efficiently in order to maximize student achievement.

Also as part of its Supporting Statement (Q.6), ED was required to describe the consequences of not conducting the data collection. For the most recent version of the information collection package that takes into account the ESEA flexibility provisions, ED responded as follows:

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 nearly a decade ago. 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 is offering 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. ED needs regular clearance of this information collection package to continue this important process.

For the prior version of the information collection package, ED indicated that if the collection was not conducted, data needed to evaluate student progress toward reaching proficiency in reading and mathematics by the end of the 2013-2014 school year would not be available; parents would have less information about their child's education and their options for improving their child's education; and ED, SEAs, LEAs, and schools would not have the information needed to comply with statutory requirements.<sup>44</sup>

## Conclusion

This report focused on the estimated annualized burden hours and cost burden of 16 information collection packages associated with ESEA statutory and regulatory requirements. Based on this analysis, it is clear that both estimated annualized burden hours and cost burden have increased since the enactment of NCLB in response to the accountability based reforms included in the law; however, it also appears that ED is currently taking steps to reduce both annualized burden hours and cost burden. Although, it remains to be seen whether expected decreases in annualized burden hours and cost burden for the information collection package with the highest number of

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<sup>44</sup> See Supporting Statement A, A6 at [http://www.reginfo.gov/public/do/PRAViewDocument?ref\\_nbr=201202-1810-002](http://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=201202-1810-002).

annualized burden hours and cost burden will be realized as a result of states being approved for an ESEA flexibility package.

It was beyond the scope of this report to evaluate the specific purposes for which data are being collected, the specific data elements that are being reported, or whether the burden hours and cost burden associated with current information collection packages are appropriate. For example, the report did not evaluate the value of the tradeoff between the burden hours and cost burden versus the value that has been derived from the collection of these data. It also did not examine whether some data being collected are redundant, whether there are additional steps that could be taken to reduce burden while continuing to collect and report data, or whether there are additional data that should be collected, despite a possible increase in burden hours or cost burden.

It is possible that ED may consider other ways to reduce burden hours and cost burden. As part of these efforts, ED may consider whether there is any duplication in the information collection packages, how the requirements of information collection packages interact with data reporting requirements at the state and local levels, and whether data collection efficiency could be improved. According to GAO, ED is in the process of compiling an inventory of its data collections. This inventory is expected to be made publicly available by November 2013 and will provide descriptive information about each of the data collections, as well as the specific data elements that are reported through each data collection.<sup>45</sup>

If Congress continues to work on ESEA reauthorization, issues related to burden hours and cost burden may continue to surface and may be taken into account in legislation to reauthorize the ESEA. However, it is unknown whether any changes made to the ESEA by Congress in the future would reduce or increase burden hours and cost burden for the information collection packages included in this report.

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<sup>45</sup> U.S. Government Accountability Office, *Status of the Department of Education's Inventory of Its Data Collections*, GAO-13-596R, June 28, 2013, <http://www.gao.gov/products/GAO-13-596R>.

## Appendix A. Data Source and Information Clearance Process

In compiling and analyzing information for this report, the main data source used was the Office of Information and Regulatory Affairs' (OIRA's)<sup>46</sup> Inventory of Currently Approved Information Collections (Inventory).<sup>47</sup> The Inventory includes

- the OMB control number,
- the principal office requesting the information collection,
- an abstract,
- the expiration date for each information collection,
- burden hours,
- the number of annual responses,
- data collection forms, and
- a supporting statement submitted by the federal agency to OMB.<sup>48</sup>

The Inventory also has an “OMB Control Number History” for each information collection. The history contains information on each version of the package for which the federal agency has made an information collection request (ICR) (e.g., new collection, revision, extension, no substantial change) for OMB approval.

The information clearance process generally begins when an agency publishes a *Federal Register* notice about the information collection and ends when OIRA takes action regarding the ICR. After the agency develops an information collection that it wishes to implement, it publishes a *Federal Register* notice about the proposed information collection and provides the public with 60 days to provide comment on the proposed collection.<sup>49</sup> The agency then considers the public's comments, makes changes as appropriate to address concerns raised by the public, submits the ICR to OMB for review, and publishes a second *Federal Register* notice announcing the start of OMB's review. The second notice provides the public with an additional 30 days to provide comments. After reviewing the ICR and considering public comments, OIRA concludes its review by approving the collection or taking other actions. The designations that OIRA can assign to a collection are approval, improperly submitted, withdrawn, and disapproval. Once an information collection is approved, OIRA assigns it an OMB Control Number. Using the OMB

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<sup>46</sup> OIRA is in the Office of Management and Budget (OMB).

<sup>47</sup> The Inventory of Currently Approved Information Collections is available online at <http://www.reginfo.gov/public/do/PRAMain>.

<sup>48</sup> Some information was not collected or not collected electronically prior to July 2006.

<sup>49</sup> An agency can also request “non-material” or “no-substantive” changed to currently approved information collections. If OMB deems the changes to be technical or “ministerial,” even though they could result in changes in burden, the agency is not required to seek public comment. “Frequently Asked Questions,” “ICR Dashboard,” Office of Information and Regulatory Affairs, Office of Management and Budget, Reginfo.gov. at [http://www.reginfo.gov/public/jsp/Utilities/faq.jsp#icr\\_dashboard](http://www.reginfo.gov/public/jsp/Utilities/faq.jsp#icr_dashboard).



Control Number, one can locate and examine information collection packages in OIRA's Inventory of Currently Approved Collections.<sup>50</sup>

It should be noted that for each information collection package, there is a summary page titled "View ICR-OIRA Conclusion" that describes the actions taken by OMB, the current number of burden hours associated with an information collection package, and the previously approved number of burden hours. In some cases when an agency requests a change in the number of burden hours, the agency does not also submit updated supporting documentation (e.g., Supporting Statement) that details how the change in burden hours would result in changes in cost, if applicable. Thus, in discussing the 16 information collection packages included in this report, the analysis primarily relies on the data included in the Supporting Statements that accompany an information collection package, even if the "View ICR-OIRA Conclusion" web page indicates that the approved number of burden hours for a given information collection has been changed. Otherwise, it would not be possible to analyze the respondents to a given information collection package or the associated cost burden. Where there are differences in the burden hours, they have been detailed in the relevant table notes.

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<sup>50</sup> For more information, see "Information Collection Review," Office of Information and Regulatory Affairs, Office of Management and Budget, <http://www.reginfo.gov/public/do/PRAMain>.

## Appendix B. Supporting Statement for Paperwork Reduction Act Submission

This statement is submitted to the Office of Management and Budget's (OMB) Office of Information and Regulatory Affairs (OIRA) when a federal agency makes an information collection request (ICR) (e.g., new collection, revision, extension, no substantial change) for OMB approval. In the Supporting Statement, the agencies are asked to provide the following information.<sup>51</sup>

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.

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.

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.

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.

Q5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

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.

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;

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<sup>51</sup> Supporting Statements are available online at <http://www.reginfo.gov>.

- 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.

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.

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

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

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.

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

- 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 13 of OMB Form 83-I.

- 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.

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.

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.

Q15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

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.

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.

Q18. Explain each exception to the certification statement identified in Item 20, “Certification for Paperwork Reduction Act Submissions,” of OMB Form 83-I.

## Appendix C. Description of Statutory and Regulatory Requirements Associated with the Title I-A Accountability Issues Information Collection Package

In the Supporting Statement accompanying the State Educational Agency and Local Educational Agency and School Data Collection and Reporting under ESEA, Title I, Part A (accountability issues) information collection package, the U.S. Department of Education (ED) provides an accounting of the statutory and regulatory requirements associated with the information collection package and the related burden on state educational agencies (SEAs), local educational agencies (LEAs), and schools. The specific statutory and regulatory requirements and ED's description of these requirements is included in **Table C-1**.

**Table C-1. Statutory and Regulatory Requirements Associated with the State Educational Agency and Local Educational Agency and School Data Collection and Reporting Under ESEA, Title I, Part A Information Collection Package (Accountability Issues)**

Statutory or Regulatory Requirement	Description of Requirement
<b>Requirements Pertaining to State Educational Agencies</b>	
Section 1111(h)(1)	Prepare and disseminate state report card
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
200.6(a)(4)	Report number and percentage of students with disabilities taking assessments described in the regulations
200.45	SEA must notify LEA of its decision within 30 days of receiving a request to waive the supplemental service requirements
200.47(a)(1)(ii)	Annual notice to potential supplemental service providers
200.47(a)(3)	Maintain updated list of approved providers
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
200.57	Revise, as appropriate, plan to ensure that all teachers of core academic subjects are highly qualified
200.11(c)	Add NAEP data to SEA report cards and develop tool for parents to compare NAEP and state assessment data
200.19(b)(1)	Beginning with report cards providing assessment results for SY2010-11, calculate the four-year adjusted cohort graduation rate, and, if option is selected by the state, the extended-year adjusted cohort rate
200.39(c)(2)	Post the information listed in Section 200.39(c)(1)—public school choice and SES information—for LEAs that do not operate their own website

Statutory or Regulatory Requirement	Description of Requirement
200.47(a)(1)(ii)(B)	Posting on the SEA's website an amount equal to 20% of each LEA's Title I-A allocation and the per-pupil amount available for SES
200.47(a)(3)(ii)	Indicate on the list those providers able to serve students with disabilities or limited English proficient students
200.47(a)(4)(iii)	Develop, implement, and publicly report on standards and techniques for monitoring LEAs' implementation of SES requirements
200.48(d)(3)	Review of LEAs' records
200.48(d)(4)	Review LEA request to use unexpended funds
ESEA flexibility	Obtain and submit LEA comments
ESEA flexibility	Develop and submit flexibility request
ESEA flexibility	Amend Accountability Workbook, as appropriate
ESEA flexibility	Reporting
<b>Requirements Pertaining to Local Educational Agencies</b>	
Section 1111(h)(2)	Prepare and disseminate LEA report card
200.34 and 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
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
200.52	Develop or revise improvement plan if identified for improvement
200.61(a)	Notify parents that they can request information about the professional qualifications of their child's classroom teacher
200.63(c)(1)	Maintain records on consultation with private school officials
200.11(c)	Add NAEP data to LEA report cards
200.19(b)(1)(ii)(B)(1)	Documentation that a student has transferred out—that the student has enrolled in another school or other educational program that culminates in the award of a regular high school diploma
200.37(b)(5)(iii)(C)	Provide notice to parents that their children are eligible for SES and describe the benefits of SES
200.39(c)(1)	Provide information on public school choice and SES
200.48((d)(3)	Maintain records that the criteria are met and meet requirements for informing SEA
200.48(d)(4)	Apply to SEA to use unexpended funds
<b>Requirements Pertaining to Schools</b>	
200.26 and 200.27	Conduct needs assessment/develop comprehensive schoolwide plan
200.29(d)(2)	Maintain records demonstrating that it addresses the intents and purposes of each federal program included
200.30, 200.41, 200.42 and ESEA flexibility	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

**Source:** Table prepared by CRS based on CRS analysis of the Supporting Statement the current version of the “State Educational Agency, Local Educational Agency, and School Data Collection and Reporting Under ESEA Title I, Part A.” information Collection, OMB Control Number 1810-0581. The relevant ICR Reference Number is 201204-1810-001.

**Notes:** Identification of statutory and regulatory requirements and all descriptions of relevant requirements were completed by the U.S. Department of Education in the Supporting Statement accompanying the information collection package.

AYP: adequate yearly progress

ESEA: Elementary and Secondary Education Act

LEA: local educational agency

LEP: limited English proficient

NAEP: National Assessment of Educational Progress

SEA: state educational agency

SES: supplemental educational services

## Author Contact Information

(name redacted)  
Specialist in Education Policy  
#redacted#@crs.loc.gov, 7-....

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(name redacted), former CRS Specialist in Social Policy, co-authored this report.



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