



This document is scheduled to be published in the Federal Register on 01/16/2013 and available online at <http://federalregister.gov/a/2013-00776>, and on FDsys.gov

[Docket No.: ED-2012-ICCD-0049]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and approval; Comment Request; Form for Maintenance of Effort Waiver Requests under the Elementary and Secondary Education Act of 1965, as amended

AGENCY: Department of Education (ED), Office of Elementary and Secondary Education (OESE)

ACTION: Notice

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before [insert the 30th day after publication of this notice].

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting Docket ID number ED-2012-ICCD-0049 or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or e-mail and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue, SW, LBJ, Room 2E117, Washington, D.C. 20202-4537.

FOR FURTHER INFORMATION CONTACT: Electronically mail ICDocketMgr@ed.gov. **Please do not send comments here.**

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Form for Maintenance of Effort Waiver Requests under the Elementary and Secondary Education Act of 1965, as amended

OMB Control Number: 1810-0693

Type of Review: Revision of an existing collection of information

Respondents / Affected Public: State, Local or Tribal Governments

Total Estimated Number of Annual Responses: 202

Total Estimated Number of Annual Burden Hours: 5,360

Abstract: Section 9521(a) of the Elementary and Secondary Education Act of 1965, as amended (ESEA) provides that a local educational agency (LEA) may receive funds under Title I, Part A and other ESEA covered programs for any fiscal year only if the State educational agency (SEA) finds that either the combined fiscal effort per student or the aggregate expenditures of the LEA with respect to the provision of free public education by the LEA for the preceding fiscal year was not less than 90 percent of the combined fiscal effort or aggregate expenditures for the second preceding fiscal year. This provision is the maintenance of effort (MOE) requirement for LEAs under the ESEA.

If an LEA fails to meet the MOE requirement, under section 9521(b) of the ESEA, the SEA must reduce the amount of funds allocated under the programs covered by the MOE requirement in any fiscal year in the exact proportion by which the LEA fails to maintain effort by falling below 90 percent of either the combined fiscal effort per student or aggregate expenditures. In reducing an LEA's allocation because it failed to meet the MOE requirement, the SEA uses the measure most favorable to the LEA.

Section 9521(c) gives the U.S. Department of Education (ED) the authority to waive the ESEA's MOE requirement for an LEA if it would be equitable to grant the waiver due to an exceptional or uncontrollable circumstance such as a natural disaster or a precipitous decline in the LEA's financial resources. Once an MOE waiver is granted, the reduction required by section 9521(b) does not occur for that year.

To review MOE waiver requests, ED relies primarily on expenditure, revenue, and other data relevant to an LEA's request provided by the SEA. To assist SEAs with submitting this information, ED developed an MOE waiver form as part of the 2009 Title I, Part A Waiver Guidance, which covered a range of waivers that ED invited at that time.

The purpose of this collection is to renew approval for the MOE waiver form. ED believes that the proposed form, which is slightly modified from the currently approved version, will enable an SEA to provide the information needed in an efficient manner.

Dated: January 9, 2013

Tomakie Washington, Acting Director
Information Collection Clearance Division
Privacy, Information and Records Management Services
Office of Management

[BILLING CODE 4000-01-P]

[FR Doc. 2013-00776 Filed 01/15/2013 at 8:45 am; Publication Date: 01/16/2013]