

SUPPORTING STATEMENT FOR VA FORM 20-4274  
COMPLIANCE REPORT OF PROPRIETARY INSTITUTIONS  
(2900-0180)

JUSTIFICATION

1a. VA Form 20-4274, Compliance Report of Proprietary Institutions, is required by 38 CFR 18.6(b). This provision of the regulation, in part, provides that proprietary institutions receiving Federal financial assistance shall keep records and submit to VA “timely, complete and accurate compliance reports” in a manner which will enable VA to ascertain the equal opportunity compliance status of the institutions.

1b. Executive Order 12250, Leadership and Coordination of Nondiscrimination Laws, delegates authority to the Attorney General for enforcement of Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. Title VI prohibits discrimination on the basis of race, color, and national origin in programs and activities that receive Federal financial assistance. Title IX prohibits discrimination on the basis of sex in educational programs and activities that receive Federal financial assistance. As the lead agency, the Department of Justice (DOJ) directs Federal agencies to make a determination of an applicant’s compliance with these laws (28 CFR 42.406). In order to determine a proprietary educational institution’s compliance with Title VI and Title IX, VA, through the use of VA Form 20-4274, collects and analyzes statistical information on the number of enrollees by race, color, national origin and sex.

2. Education compliance survey specialists in VA field stations in the 50 states and in Puerto Rico use the data collected on VA Form 20-4274 to identify areas that may indicate, statistically, disparate treatment of minority group members. The information collected on VA Form 20-4274 also helps field station personnel to determine whether or not proprietary schools receiving Federal financial assistance from VA and the Department of Education (ED) are in compliance with Title VI and Title IX. If this information were not collected, VA would fail to carry out the civil rights enforcement responsibilities established in DOJ guidelines and with the provisions of Title VI and Title IX.

3. The items of information submitted are not available in any other format which could be obtained through improved information technology. We are not planning to make this form available in an electronic format for submission due to its low usage.

4. No duplication of information is involved.

5. Small businesses are not involved.

6. A less frequently conducted data collection activity would severely limit the ability by agency compliance personnel to determine the compliance status of proprietary educational institutions. On the average, information on VA Form 20-4274 is updated every 10 years for each school. A less frequent collection would prevent VA from obtaining enough information to permit enforcement of Title VI and Title IX.
7. There are no special circumstances that require the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.5.
8. The Department notice was published in the Federal Register on September 25, 2007, Volume 72, Number 185, pages 54511- 54512.
9. No payments or gifts to respondents have been made in connection with this collection of information activity.
10. None of the information requested on VA form 20-4274 refers to personal identifiers (such as name or social security number) for any individual. The information collected is merely an aggregation of data.
11. There are no questions of a sensitive nature on VA Form 20-4274.
12. The estimate of the information collection burden is based on 124 responses per year, from different schools each year. Generally, an individual school will be selected to complete the form every 10 years. We estimate the respondents' average labor cost to complete the form to be \$15.00 per hour and that each respondent will spend on an average about one hour and fifteen minutes per response. On the basis of 124 respondents at a cost of \$15.00 per hour, we estimate the annualized cost to the respondents to be \$1,860 (124 hours x \$15.00 = \$1,860).
13. This submission does not involve any record keeping costs.
14. The annual cost to the government represents the labor cost of assisting respondents to complete the form and analyzing responses.
15. There is no change in burden hours.
16. Data gathered on VA Form 20-4274 is not for tabulation or publication purposes.
17. VA form 20-4274 may be reproduced and/or stocked by VA field station personnel. VA Form 20-4274 does not display an expiration date, and if required to do so would result in unnecessary waste of existing stock of this form. This form is submitted to OMB for approval every 3 years. As such, this date requirement would also result in an unnecessary burden on the respondents and

would delay Department action on the benefit being sought. VA also seeks to minimize its cost to itself of collecting, processing, and using the information by not displaying the expiration date. For the reasons stated, VA continues to seek an exemption that waives the displaying of the expiration date on VA Form 20-4274.

18. This submission does not contain any exceptions to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

#### **B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS.**

Collection of information on VA Form 20-4274 does not employ statistical methods.