

Supporting Statement for Advertising, Sales, Enrollment Materials, and
Candidate Handbooks;
38 CFR 21.4252(H)

A. Justification

1. 38 U.S.C. 3696 requires that any VA approved educational institution maintain a complete record of all advertising, sales, or enrollment materials used by or on behalf of the educational institution during the preceding 12 months. Under 38 U.S.C. 3689, the requirements of section 3696 are applicable to organizations and entities offering licensing or certification tests. For organizations and entities offering licensing or certification tests, candidate handbooks are the equivalent of enrollment materials.

2. The statute prohibits approval of the enrollment of a veteran in a course if the educational institution (which under 38 U.S.C. 3689 includes an organization or entity offering a licensing or certification test) uses advertising, sales, or enrollment practices that are erroneous, deceptive, or misleading either by actual statement, omission, or intimation. These materials are used in determining if the institution follows VA guidelines for approval.

3. The material will be examined occasionally when State approving agency (SAA) employees or Department of Veterans Affairs (VA) employees physically visit the educational institution, or the licensing or certification organization or entity. The material will not be collected in the overwhelming majority of instances, but rather viewed as a tool to check for accuracy and approval. Therefore, no electronic collections will be used.

4. VA is not aware of any duplication of this information collection.

5. Some of the certification organizations and educational institutions to which this information collection will apply are small entities. Because these institutions keep copies of the materials and handbooks in the normal course of business, there is no means to minimize the burden to the educational institutions.

6. VA is forbidden by statute from approving an enrollment at an educational institution that uses erroneous, deceptive or misleading advertising, sales, or enrollment materials. Failure to require educational institutions to keep these materials for a year, or failure to visit educational institutions occasionally to view these materials may result in erroneous approvals of enrollments, erroneous payments to those enrolled, and erroneous payment of educational assistance as reimbursement to a veteran or eligible person for taking a licensing or certification test.

7. The collection of this information does not require any special circumstances.

8. The public was informed of the right to submit comments on this information collection. The notice is contained on page 14192-14193 of the Federal Register dated March 30, 2009. No comments were received.

9. VA does not provide gifts or payments to respondents.

10. Advertising campaigns, and previously used sales and enrollment materials, including candidate handbooks, are by their nature not confidential.

11. None of the information collected, and none of the advertising, sales and enrollment materials retained by the educational institution are of a sensitive nature.

12a. The estimated annual burden is 1,125 hours. This is due to the increased number of VA approved schools. The estimate is determined as follows:

Approximately 13,493 VA approved educational institutions and licensing or certification organizations or entities maintain copies of enrollment materials or candidate handbooks. They would keep copies of the materials and handbooks in the normal course of business even if this regulation didn't exist.

Although, this information is not collected or stored explicitly for VA's use, it will take time for an employee at the school to show these materials to a VA or SAA employee. Approximately one-third (4,498) of these educational institutions and licensing and certification organizations are visited in the course of a year. We believe that it takes approximately 15 minutes for an educational institution employee or an employee of a licensing and certification organization to assemble the materials for the VA or SAA employee to review. $(4,498 \times .25 = 1,125 \text{ hours})$

b. The annual cost to the respondents is \$22,500. An employee of the educational institution with a salary of \$20 per hour would have to assemble the materials for inspection. $(1,125 \text{ hrs.} \times \$20 = \$22,500)$

13. The records required by this information collection would be kept for the educational institutions' and licensing and certification organizations' own purposes in the normal course of business. We estimate the additional recordkeeping costs as zero.

14. VA estimates that the total annual cost to the government to review the records required by § 21.4252(h) would be \$31,365. This amount is based on the examination of enrollment materials, advertising records, and candidate handbooks at 4,498 educational institutions and licensing and certification organizations annually.

a. The cost of \$31,365 is based on a compliance survey specialist, a GS 10/5 reviewing the records and materials. We estimate that this can be done in 15 minutes as a small part of a compliance survey. The salary for such an employee is \$27.88 per hour. $(4,498 \times .25 = 1,125 \times \$27.88 = \$31,365)$.

b. There are no administrative costs associated with forms for this information collection because the proposed rule does not require the use of a form.

Summary of Federal costs:

\$31,365	Cost to review materials
<u>\$ 0</u>	Administrative costs
\$31,365	

15. The change in the annual reporting burden is due to the overall increase in the number of institutions and organizations approved for VA education training.

16. VA does not publish this information or make it available for publication.

17. It is being requested to waive the expiration date being display in the regulation. If VA were to display the expiration date, we would be routinely revising the regulation just to change the date.

18. This information collection complies with the requirements of 5 CFR 1320.8(b)(3).

B. Collection of Information Employing Statistical Methods.

This collection of information does not employ statistical methods.