

**SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT  
SUBMISSION FOR  
REPORTING OF RIGOROUS SECONDARY SCHOOL PROGRAMS OF STUDY**

**A. Justification**

**1. Circumstances Making Collection of Information Necessary**

Collection of the information is necessary so that the Secretary of Education can carry out the Academic Competitiveness Grant (ACG) program to implement provisions of the Higher Education Act of 1965 (HEA), as amended by the Higher Education Opportunity Act of 2008 (HEOA). The information will be used to determine as rigorous, secondary school programs of study reported by a State Educational Agency (SEA) or, if legally authorized by the State to establish a separate secondary school program of study, a Local Educational Agency (LEA). On or after July 1, 2009, entities within a State, including private secondary schools and home-schools that are recognized as such by the official designated for such recognition, consistent with State law may report rigorous secondary programs of study that prepare a student for college to the Department. Participation in a rigorous secondary school program of study may qualify a postsecondary student to receive an ACG Grant, if otherwise eligible. These interim final regulations are needed to implement provisions of the Higher Education Act of 1965 (HEA), as amended by the Ensuring Continued Access to Student Loans Act of 2008 (ECASLA) and the Higher Education Opportunity Act of 2008 (HEOA). We expect that these interim final regulations be published in late Spring, 2009.

Section 402(b) of the HEOA waived the Master Calendar and negotiated rulemaking requirements (Sections 482 and 492 of the HEA) for changes made to the ACG and National SMART Grant Programs in both the Ensuring Continued Access to Student Loans Act of 2008 (ECASLA) and in the HEOA.

**2. Use of Information**

The information reported to the Department is used to recognize as rigorous, secondary school programs of study submitted by respondents. The respondents under this collection are States, (SEAs) or, if legally authorized by the State to establish a separate secondary school program of study, an LEA, private secondary schools and home schools. Information from the SEAs and LEAs may be submitted to the Department electronically, or by fax or hard-copy. Documentation of the successful completion of a rigorous high school program by the cognizant authority at a private high school or the cognizant authority from a home-school for a student successfully completing a secondary program of study is sent to the financial aid office where the student attends his or her postsecondary program of study. The cognizant authority at a private high school and the cognizant authority at a home-school may report rigorous secondary programs of study that prepares a student for college to the Department. Currently, there are 56 SEAs/LEAs reporting to the Department, additionally we anticipate approximately 600 respondents from private high schools cognizant authorities and we anticipate approximately 30,000 respondents from home-schooled cognizant authorities. The format to electronically report information from SEAs/LEAs will be developed in the future, however, we expect that private high schools and home-schools

will fax their report of a rigorous high school program to the Department, thus the vast majority of the total responses will be transmitted via fax and only about 1% transmitted to the Department via the Internet.

### **3. Use of Technology**

Respondents at SEAs or LEAS may submit information electronically, or by fax or hard-copy. Respondents from private high schools and home-schools will submit their documentation that the student successfully completed a rigorous high school program to the financial aid office where the student will attend his or her postsecondary program of study. Respondents from private high schools and home-schools may submit their report of a rigorous high school programs of study to the Department.

### **4. Efforts to Identify Duplication**

The information is unique to each respondent.

### **5. Methods to Minimize Burden on Small Entities**

Not applicable – small businesses or other small entities would not be impacted by this collection. Entities that would be affected by this information collection are States, SEAs, LEAs, private high schools and home-schools. States, SEAs, LEAs, private high schools and home-schools are not defined as "small entities" in the Regulatory Flexibility Act.

### **6. Consequences If Information Is Not Collected**

The information will be used to list rigorous, secondary school programs of study proposed by an individual SEA or, if legally authorized by the State to establish a separate secondary school program of study, an LEA.

Failure to collect this information would prevent the awarding of appropriated funds because essential information would not be available to determine whether a student had completed a rigorous secondary school program of study in order to determine student eligibility for the ACG.

### **7. Special Circumstances**

There are no special circumstances that would cause this information collection to be conducted in a manner which: requires the respondents to report information to this agency more often than quarterly; requires the respondents to prepare a written response fewer than 30 days after receipt of it; requires the respondents to submit more than an original and two copies of any document; requires the 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 the study; requires the use of statistical data classification that has not been reviewed and approved by OMB; 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 the 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.

**8. Federal Register Comments and Persons Consulted Outside the Agency**

These requirements will be publishing in the Federal Register as an interim final regulation anticipated in late Spring 2009. The public will have the customary 30-day period to provide comments.

**9. Respondent Payment of Gifts**

No gifts or payments will be provided to respondents.

**10. Assurances of Confidentiality**

No assurances of confidentiality are provided to the respondents, except as provided by the Privacy Act. There are no statutory or regulatory requirements for assurances of confidentiality.

**11. Questions of Sensitive Nature**

The requested information from the States does not include questions about sexual behavior and attitudes, religious beliefs, or other items that are commonly considered sensitive and private.

**12. Estimate of Hour Burden**

Estimated hour burden of this collection of information for SEAs reporting for the State (and/or on behalf of the state’s LEAs) is 5 hours per respondent. We estimate 56 respondents from SEAs. Reporting of rigorous high school programs of study by SEAs will be submitted annually, on or after July 1, 2009 by the deadline established in the Federal Register. The total annual hour burden estimate is 280 hours.

	# of Respondents	# of Responses	Hours/Response	Burden Hours
SEAs	56	56	5	280
Private High School Seniors & Home-schooled Seniors	30,600	36,000	0.5	18,000
<b>TOTAL:</b>	<b>30,656</b>	<b>36,056</b>		<b>18,280</b>

Students who have successfully completed a rigorous high school program of study will obtain documentation of their completion from a cognizant authority at their private high school or their home-school. We estimate that the burden for reporting the successful completion of a rigorous high school program of study by the cognizant authority at a private high school or home school and for the institution of higher

education to maintain a copy of the documentation, consistent with the requirements of 34 CFR 691.82 to be 18,000 hours. The total burden hours for all respondents is 18,280.

Affected Entities:

Individuals:	# of Respondents	# of Responses	Hours/Response	Burden Hours
	30,000	30,000	0.5	15,000
For-profit:	300	3,000	0.5	1,500
Not-for-profit:	300	3,000	0.5	1,500
State, local or Tribal Gov't	56	56	5	280
<b>TOTAL:</b>	<b>30,656</b>	<b>36,056</b>		<b>18,280</b>

Estimated cost to respondents: SEAs

Professionals (56 personnel X 4 hours X \$50 per hour)	\$11,200
Clerical (56 personnel X 1 hours X \$15 per hour)	\$ 840
<b>Estimated costs to respondents: SEAs</b>	<b>\$12,040</b>

Estimated cost to respondents:

Private High School Seniors & Home Schooled Seniors 36,000 qualifying seniors X 0.5 hours X \$15 per hour	<b>\$270,000</b>
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**TOTAL Estimated Cost to Respondents: \$282,040**

**13. Estimate of Cost Burden**

No other respondent costs will be generated.

**14. Estimated annual cost to the Federal Government:**

Recognition Process (14 staff X 40 hours X \$65 per hour)	\$ 36,400
Mailing (56 letters @\$1.00 per copy)	\$ 56
World Wide Web Preparation for Posting (10 hours X 1 staff X \$50 per hour)	\$ 500
<b>Total estimated cost to the Federal Government</b>	<b>\$ 36,956</b>

**15. Program Changes or Adjustments**

This request is for a new information collection, therefore, there are no changes.

**16. Plans for Tabulation and Publication of Results**

Results of the collected information will be published on a Departmental website.

**17. Approval to Not Display OMB Expiration Date**

This report will display the expiration date for the OMB approval of the information collection.

**18. Explanation of Exceptions**

There are no exceptions to the certification statement.