

SUPPORTING STATEMENT FOR
VA FORMS 20-8734 AND 20-8734A, EQUAL OPPORTUNITY COMPLIANCE
REVIEW REPORT, AND SUPPLEMENT TO EQUAL OPPORTUNITY
COMPLIANCE REVIEW REPORT
(2900-0455)

A. JUSTIFICATION

1a. The Attorney General, under Executive Order 12250, Leadership and Coordination of Nondiscrimination Laws, is delegated authority to coordinate the implementation and enforcement by Executive agencies of various equal opportunity laws that prohibit discrimination in programs and activities that receive Federal financial assistance. The U.S. Department of Justice issued Government-wide guidelines (29 CFR 42.406) instructing funding agencies to “provide for the collection of data and information from applicants for and recipients of Federal assistance sufficient to permit effective enforcement of Title VI.” Executive Order 12250 extended the delegation to cover Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973, as amended.

1b. The Department of Veterans Affairs (VA) regulation that effectuates external civil rights requirements is contained in 38 C.F.R. part 18. The regulation provides that the responsible agency official or designee shall, from time to time, review the practices of recipients to determine if they are complying with equal opportunity provisions. VA Form 20-8734 is used to gather information from post-secondary proprietary schools below college level. The information is used to assure that VA-funded programs are in compliance with equal opportunity laws. VA form 20-8734a is used to gather information from students and instructors at post-secondary proprietary schools below college level. The information is used to assure that participants have equal access to equal treatment in VA-funded programs.

2. VA Forms 20-8734 and 20-8734a are used by Education Compliance Survey Specialists in VA field stations during regularly scheduled educational compliance survey visits, as well as during investigations of equal opportunity complaints, to identify areas where there may be disparate treatment of members of protected groups. The information obtained on these forms is analyzed and maintained on file at the regional office. If this information were not collected, VA would be unable to carry out the civil rights enforcement responsibilities established in DOJ’s guidelines and in VA’s regulations.

3. VA forms 20-8734 and 20-8734a will be made available to VA education specialists in an electronic format on the VA intranet website.

4a. VA and the Department of Education (ED) signed a delegation agreement to eliminate duplication of effort in equal opportunity compliance and enforcement activities under Title VI for various types of educational institutions in which veterans and other eligible participants are enrolled.

4b. Recipients who already have information similar to that required for equal opportunity compliance reviews are permitted to use or modify that information to meet information collection requirements. However, when information from recipients does not meet agency data collection requirements, recipients are required to gather the information and make it available to agency compliance personnel.

5. The information collected during onsite reviews and complaint investigations does not have a significant economic impact on a substantial number of small entities. In order to minimize the burden on small businesses and other small entities, VA conducts equal opportunity compliance reviews annually at only 10 percent of the proprietary schools where a veteran or other beneficiary is enrolled.

6. The most important consequence of a less frequently conducted data collection activity would be a severely impaired ability by VA personnel to determine the compliance status of proprietary educational institutions receiving Federal assistance. On average, an equal opportunity review is conducted every 10 years at each school receiving Federal financial assistance. A less frequent equal opportunity onsite review would prevent VA from obtaining enough information to determine if Federally-funded programs are in compliance with equal opportunity laws.

7. There are no special circumstances that require the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.

8. The Department notice was published in the Federal Register on January 5, 2011 at pages 623-624. There were no comments were received in response to this notice.

9. No payments or gifts to respondents have been made under this collection of information.

10. The confidentiality of respondents who are interviewed during onsite reviews and investigations is not assured, since in most instances the principal school official knows who the students and instructors are when they are asked to be interviewed. If one respondent gives testimony which alleges a discriminatory practice, additional respondents are interviewed to either support or refute the allegation. VA personnel who conduct onsite reviews and investigations try to avoid revealing the names of respondents who make allegations of discrimination, unless the respondents have no interest in maintaining their confidentiality.

11. No sensitive questions appear on the form.

12. Estimate of Information Collection Burden

- a. The estimate of the information collection burden is based on an average of 76 equal opportunity reviews at different schools per year. Generally, one school will be selected for a review every 10 years. Therefore, the annual burden per response is minimal. Based on past experience, we estimate that 76 interviews will be conducted. With recipients using VA Form 20-8734 at an average of 1 hour and 45 minutes per interview (133 hours). This includes one hour for an

interview with the principal facility official, plus 45 minutes for reviewing records and reports and touring the facility. It is also estimated that 76 interviews will be conducted with students using VA Form 20-8734a at an average of 30 minutes per interview (38 hours) and with instructors at an average of 30 minutes per interview (38 hours) with a total of 76 hours. Interviews are also conducted with 76 students without instructors at an average time of 30 minutes (38 hours).

- b. Estimated total cost to respondents is \$6,175. The \$25.00 represents the estimated hourly salary of a school official who provides the information required on the forms. (247 burden hours x \$25.00) There is no cost to the 152 student who will be interviewed on their school time.

13. This submission does not involve any recordkeeping cost.

14. Estimated Cost to the Federal Government is \$6,642.

- (1) Cost for VA Form 20-8734 is \$4,227 (76 responses x 1.75 hours X 31.78(*) per hour)
- (2) Cost for VA Form 20-8734a is \$2,415 (152 responses x 30 minutes x \$31.78 per hour)

(*) The \$31.78 represents the average hourly salary of an Education Compliance Survey Specialist (GS-10, Step 6) who conducts equal opportunity onsite reviews.

The annual cost to the government represents the labor cost of obtaining information, completing the forms, and analyzing the responses from principal facility officials, instructors, students and other individuals. Because of the relative insignificant number of onsite reviews per year, the cost to complete these forms is minimal.

15. There is no change in the reporting burden.

16. The information collection is not for publication or tabulation purposes.

17. The collection instrument, VA Forms 20-8734 and 20-8734a are available on the VA intranet forms website. These VA forms do not display an expiration date, and if required to do so it would result in an unnecessary waste of existing stocks of this form. These forms are 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 Forms 20-8734 and 8734a.

18. This submission does not contain any exceptions to the certification statement.

B. STATISTICAL METHODS

The Veterans Benefits Administration does not collect information employing statistical methods.