

## **SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION**

Information Collections under the Final Regulations Governing the Student Assistance General Provisions – Financial Assistance for Students with Intellectual Disabilities.

### **A. Justification**

#### **1. Necessity of Information Collected**

As provided by the Higher Education Opportunity Act, the final regulations would allow students with an intellectual disability, who enroll in an eligible comprehensive transition and postsecondary program, to receive Title IV, HEA program assistance under the Federal Pell Grant, FSEOG, and FWS programs (see sections 484(s) and 760 of the HEA).

The final regulations are a result of regulatory review of the program regulations to provide benefits to students, and protect the taxpayer's interest. This request is for approval of the recordkeeping requirements contained in the attached final regulations related to the administrative requirements of the financial assistance for students with intellectual disabilities program. The information collection requirements in these final regulations are necessary to determine eligibility to receive program benefits and to prevent fraud and abuse of the program funds.

#### **General Provisions:** (OMB control number 1845-NEW4)

Section 668.232 and 668.233 contain information collection requirements. Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the Department of Education is submitting a copy of this section to the Office of Management (OMB) for its review. We are making the following changes to these sections:

#### **Section 668.232 – Program eligibility**

The final regulations create a procedure outlining how to apply to the Secretary for, and determine the eligibility of, an institution's comprehensive transition and postsecondary program for students with intellectual disabilities be added to the list of eligible programs offered.

#### **Section 668.233 – Student eligibility**

The final regulations identify how a student with intellectual disabilities could qualify for the benefit and includes the general types of information that must be collected to evidence the intellectual disability.

#### **2. Purpose and Use of Information Collected**

The institution will obtain a record from a local education agency or other specified documentation to determine that the student with intellectual disabilities is eligible to participate in the Federal Pell Grant, FSEOG, and FWS programs. The institution will also have to apply to

the Department for approval of, or a waiver, for its comprehensive transition and postsecondary program which will be a combination of electronic application and other documentation from the school.

### **3. Consideration of Improved Information Technology**

In applying for eligibility of its comprehensive transition and postsecondary program for students with intellectual disabilities, institutions will use a combination of electronic applications and paper documentation.

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

There is no duplication of data as a result of the collection of this information.

### **5. Burden Minimization as Applied to Small Business**

No small businesses are impacted by this collection.

### **6. Consequences of Less Frequent Data Collection**

Per regulation the information must be collected whenever an institution wishes to apply to participate.

### **7. Special Circumstances Governing Data Collection**

The information collection requirements require no special circumstances.

### **8. Consultation Outside the Agency**

These regulations were discussed with members of the higher education community and other interested parties in a series of Negotiated Rulemaking sessions in March, April and May of 2009. Additionally, we published 60 and 30-day *Federal Register* notices allowing the public to provide their comments.

### **9. Payment or Gift to Respondents**

No payments or gifts will be provided to the respondents.

### **10. Assurance of Confidentiality**

The final requirements do not cover any confidential information.

### **11. Questions of a Sensitive Nature**

ED is not requesting any sensitive data.

### **12. Annual Hour Burden for Respondents/Recordkeepers**

We estimate that approximately 200 institutions will apply to participate and 20 minutes will be required for institutions to apply for their program’s eligibility.

Affected Entities and Burden:

New 668.232 – Program Eligibility

	<u># of Respondents</u>	<u># of Responses</u>	<u># of Hours Burden</u>
Institutions:			
Public	100	100 X .33 hours = 33 hours	
Private	100	100 X .33 hours = 33 hours	
Subtotal	200	200	66 hours of recordkeeping

New 668.233 – Student Eligibility

	<u># of Respondents</u>	<u># of Responses</u>	<u># of Hours Burden</u>
Institutions:			
Public - LEA contact		1,003 X .25 hours = 251hours	
Public – Other qualified professional		177 X .75 hours = 133hours	
Subtotal-Public	100	1,180	384 hours
Institutions:			
Private - LEA contact		1,003 X .25 hours = 251hours	
Private - Other qualified professional		177 X .75 hours = 133hours	
Subtotal-Private	100	1,180	384 hours
Subtotal	200	2,360	768 hours of recordkeeping
TOTAL	400	2,560	834 hours

**Annual Cost of Burden to Respondents**

We estimate that the cost to the institutional respondents will be:

	<u># of Responses</u>		<u>Est. \$ per Response</u>	<u>Est. \$ Burden</u>
Institutions:				
Public	1,280	X	\$15	X 1.33 hours = \$25,536
Private	1,280	X	\$15	X 1.33 hours = \$25,536
TOTAL	2,560			\$51,072

**13. Start-up Cost Burden to the Respondent**

There is no new system start-up costs associated with these final regulations.

**14. Estimated of Annual Cost to the Federal Government**

There are no additional costs to the Federal government as a result of the final regulation.

**15. Reasons for Changes to Burden Hour Estimated**

The changes to the burden hour estimates are a result of regulatory changes to implement the statutory changes made by the Higher Education Opportunity Act (HEOA) (Pub. L. 110-315) to the Higher Education Act of 1965, as amended (HEA). A summary is provided below:

Respondents, Responses and Burden Hours:

	<u># of Respondents</u>	<u># of Responses</u>	<u># of Hours Burden</u>
New Inventory	400	2,560	834 hours

**16. Collection of Information with Published Results**

The results of this collection will not be published.

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

ED is not seeking this approval.

**18. Exception to the Certification Statement**

ED is not requesting any exceptions to the “Certification for Paperwork Reduction Act Submissions” of OMB Form 83-1.