

SUPPORTING STATEMENT FOR 38 U.S.C. § 21.4253(d)
Submission of School Catalog to the State Approving Agency
(2900-0568)

A. Justification.

1. The Department of Veterans Affairs (VA) is authorized to pay educational benefits to veterans, persons on active duty, reservists, and eligible persons pursuing approved programs of education under chapters 30, 32, 33 and 35, title 38, United States Code, chapters 1606 and 1607, title 10, United States Code, and sections 901 and 903 of Public Law 96-342. These programs are approved by divisions of State governments, known as State approving agencies (SAAs), pursuant to a contract with VA. Title 38 U.S.C. 3675 requires accredited educational institutions, with the exceptions of elementary and secondary schools, to submit copies of their catalog to the State approving agency when applying for approval of a new course. The SAA cannot approve such a course until the catalog is submitted. Title 38 U.S.C. 3676 requires non-accredited institutions to submit at least two copies of their catalog to the State approving agency when applying for approval of a new course. State approving agencies cannot approve such a course until the catalog is submitted. Title 38 CFR, sections 21.4253 and 21.4254, restate this statutory requirement in the Code of Federal Regulations.

2. State approving agencies use the catalogs to determine what courses can be approved for VA training. The catalogs are collected approximately once a year. Without this information, the State approving agency cannot determine what courses could be approved.

3. The statute requires that the school submit copies of the catalog to the SAA. VA must review the approval decision of the SAA before it is final. While many SAAs will accept electronic catalogs, some SAAs may require a hardcopy. VA will accept electronic school catalogs as part of an approval for all educational institutions provided such catalogs comply with individual state requirements. A school's catalog that is submitted electronically must be submitted in a format that is not alterable. We estimate that 30 percent of schools submit their catalog to the SAA using electronic means.

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

5. The schools that want the State approving agency to approve courses are the only sources for which the SAA can obtain their catalogs. This information collection will not have a significant impact on a substantial number of small entities. The burden cannot be reduced for these entities. The information must be provided for courses being considered for approval regardless of the size of the educational institution.

6. If schools do not submit their catalogs, State approving agencies will be unaware of what new courses schools are offering, and consequently, would be unable to approve

them for educational claimants receiving VA education benefits. Educational claimants may not receive VA educational assistance for pursuit of unapproved courses.

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

8. The Department notice was published in the Federal Register on October 6, 2010 at pages 61859-61860. No comments were received in response to this notice.

9. Neither VA nor any of the State approving agencies provides any payment or gifts to respondents.

10. School catalogs are kept by the State approving agencies. These catalogs do not have any confidential information. Schools develop catalogs to give students (and prospective students) knowledge of school rules, regulations and courses offered.

11. Catalogs do not contain information considered to be of a sensitive nature.

12. The estimated annual burden for the collection of this information is 2,250 hours, submitted by approximately 9000 respondents (schools). At present, we have approximately 9,000 schools approved to offer classroom training.

We continue to consider that an employee of a school will need an average of 15 minutes (one fourth of an hour) to send a catalog to a State approving agency. 9,000 respondents multiplied by .25 hours yields an estimated annual burden of 2,250 hours.

We estimate that the annual cost to the public for this information collection is \$45,000 based on 9,000 responses. Multiplying 2,250 hours by \$20 per hour yields \$45,000.

13. This submission does not involve any recordkeeping costs.

14. The estimated cost to the Federal government is NONE. State approving agencies collect this information as part of their course approval responsibilities. There are no direct costs to VA associated with this information collection. VA contracts with each State approving agency for their course approval services. The costs of this information collection are covered under those contracts.

15. The change in burden is due to the increase in the number of schools offering training approved for VA education benefits.

16. VA does not publish this information or make it available for publication. Schools publish their catalogs. Neither VA nor the State approving agencies republish these catalogs, nor do these agencies make the catalogs available for republishing.

17. The public can find the affected part of the Code of Federal Regulations by searching for the OMB information collection number (2900-0568). 38 CFR 21.4253 shows the OMB information collection number but does not contain an expiration date.

This information collection will be submitted to OMB every three years for approval. Revising and reprinting the affected pages of these regulations to show an expiration date would result in a costly waste of existing stock and would delay Department action on the benefit being sought. By requesting an exemption from displaying the expiration date in these regulations, VA can minimize the cost to itself. VA seeks a continued exemption from displaying the expiration date on the pages of 38 CFR 21.4253.

18. This information collection fully complies with the requirements of 5 Code of Federal Regulations 1320.8(b)(3), except as follows:

This regulation does not state the burden estimate of the information collection; it does not state the nature and extent of confidentiality of the information collection; and it does not state the need to display a valid OMB control number.

VA requests an exemption from providing the above information as part of the regulation for the following reasons:

To publish as part of the regulation all of the information required by 5 CFR 1320.8(b)(3) would mean that each time the information required by that rule changed, for example a new estimate of the burden hours, the affected regulation would have to go through the regulatory process all over again, even though the purpose of the rule would be unchanged. This is contrary to the purpose of the Code of Federal Regulations.

To put all this information in a regulation would make that regulation unnecessarily long. This is contrary to the President's goal, expressed in section 1(b)(12) of Executive Order 12866, that regulations be simple.

B. Collection of Information Employing Statistical Methods.

This collection of information by the Department of Veterans Affairs does not employ statistical methods.