Supporting Statement A

Tribal Colleges and Universities Annual Report Form, 25 CFR 41.9

OMB Control Number 1076-0105

Terms of Clearance: None.

General Instructions

A completed Supporting Statement A must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified below. If an item is not applicable, provide a brief explanation. When the question "Does this ICR contain surveys, censuses, or employ statistical methods?" is checked "Yes," then a Supporting Statement B must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

Justification

1. **Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.**

The annual collection of information is required by the Tribally Controlled Community College Assistance Act of 1978 (Public Law 95-471), which provides for grants to tribally controlled community colleges for the purpose of ensuring continued and expanded educational opportunities for Indian students. The implementing regulations, at 25 CFR 41.9, require tribally controlled community colleges that receive grants under Public Law 95-471 to submit an annual report to the Bureau of Indian Education (BIE). Specifically, section 41.9 states that such annual reports shall include:

- An accounting of the amounts and purposes for which the grant money was expended during the preceding academic year;
- The annual cost of education programs of the Community Colleges from all sources for such academic year;
- A final report of the performance based upon the criteria set forth in the Community College's stated goals, philosophy or plan of operation; and
- The Community College's full-time equivalent (FTE) Indian student enrollment for each academic term of the academic year.

2. **Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information**

received from the current collection. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.

BIE requires tribal colleges and universities to submit the information listed on the form each year, in order to provide accountability by ensuring the colleges and universities are using the grant funding as prescribed by Public Law 95-471.

The form used to collect information has 5 pages, and 3 pages of instruction:

- The first page of the form (Section 1) requires information that identifies the institution and its accreditation, relationship to the tribe, and how the institution is governed. It also requires a report on the institution's progress in meeting the goals established for the academic year in relation to what actually transpired.
- Page 2, Section 2, asks for data on the number and kinds of degrees the institution conferred and whether the recipients were Indian or non-Indian. Section 3 asks for a head count of students for each term by sex and Indian identity (e.g., male Indian, female non-Indian). Section 4 asks for the student costs per academic year (i.e., tuition, room and board, transportation, text books, supplies, personal expenses, miscellaneous expenses, and fees).
- Page 3, Section 5, requires the revenue sources of current funds.
- Page 4, Section 5.1, requires an explanation of how Public Law 95-471 grant expenditures are spent.
- Page 5, Section 6, requires certification of the data by the college/university president and an authorized college/university board member.
- Pages 6 – 8 contain instructions for completing the form.

The Application Form (see 1076-0018) requires that the respondent provide the head count of students who attended the institution and the number and type of degrees conferred. The Annual Report Form asks the institution to account for the number of Indian and non-Indian students in each category (attendees and graduates). BIE uses these numbers to identify the demographics of the population the institution served using grant funds and whether those grant funds are furthering the goals of expanding educational opportunities for Indian students, as set out in the Tribally Controlled Community College Assistance Act of 1978. The December 1 deadline for the Annual Report Form (as opposed to the June 1 Application Form deadline) provides the institution with additional time to provide these more specific figures. The Annual Report form also packages the information with other information that allows BIE to determine whether the goals of the Act are being met.

3. **Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden and specifically how this collection meets GPEA requirements.**

The form can be retrieved from the BIE's website at:

http://www.bie.edu/Schools/Colleges/index.htm. The form may be submitted through e-mail, fax, and regular mail.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

The information collected is not similar to other data because the data is updated each year a grant is awarded and usage is reported. Updating this information provides a trend when compared with previous years.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

Tribes are not considered to be small entities for purposes of applicable laws and executive orders; however, BIE has attempted to minimize the burden on the tribally controlled community colleges and universities by collecting the information only once a year, rather than on a semester-by-semester basis.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If BIE could not collect this information, it would have no means for determining whether the institute is using the grant funds in accordance with Public Law 95-471.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **requiring respondents to report information to the agency more often than quarterly;**

Respondents are not required to report information to the agency more than annually.

- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**

Respondents are not required to prepare a written response to a collection of information in fewer than 30 days after receipt.

- **requiring respondents to submit more than an original and two copies of any document;**

Respondents are not required to submit more than one original and two copies of any document.

- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**

Respondents are required to retain records relevant to their grants only for the length of time required by laws and regulations.

- **in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study;**

Respondents are not required to report in a statistical format other than the arithmetic culmination of graduation rates, revenue, education costs, and a numerical description of enrollment students.

- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**

Respondents are not required to use a statistical data classification that is not approved by OMB.

- **that 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 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.**

BIE does not include a pledge of confidentiality or collect proprietary trade secrets or other such information that is protected by law.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and in response to the PRA statement associated with the collection over the past three years, and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

A 60-day notice for public comments was published in the Federal Register on May 11, 2012 (77 FR 27793). There were no comments received in response to the Federal Register Notice.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

BIE reached out to three individuals working at three separate tribal colleges and universities who are responsible for completing the forms. We provided the staff with questions encompassing the elements noted above.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

BIE contacted the following individuals to obtain their views:

- Rose Atkinson, Business Manager, Fort Peck Community College, (406) 768-6317;
- Tracy Azure, Acting Comptroller, Turtle Mountain Community College, (701) 477-7809;
- Dennis Stugelmeyer, CFO, Sisseton Wahpeton College, (605) 698-3966 ext. 1108.

These individuals indicated that the frequency in which this information is collected is adequate on an annual basis; the form is readily available on the BIE website; and concurred with the burden hours to complete the form. However, it was expressed that the instructions were not clear. BIE has updated the instructions to provide more guidance.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

There are no gifts or payments provided to respondents for reporting this information.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

Any personal identifying information is kept confidential as required by the Privacy Act and as detailed in 25 CFR 276.5(Recordkeeping).

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

The information collection request does not require submission or disclosure of any information of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base**

hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

* **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
* **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here.**

Only those tribally controlled colleges and universities that receive grant funds are required to submit annual reports. BIE estimates that it awards grant funds to 26 tribal colleges and universities annually. It is estimated that it will take 3 hours to collect and report the information and 3 hours for recordkeeping; therefore, it is estimated that each report requires a total of 6 hours to complete.

26 respondents x 6 hours = 156 burden hours*

*78 reporting hours and 78 recordkeeping hours.

The estimated salary for respondents is $32.11, based on the March 2012 U.S. Bureau of Labor Statistics Employer Cost of Employee Compensation, Table 2, for civilian category "junior colleges, colleges and universities." Including a multiplier of 1.4* for benefits results in an hourly salary of $44.95.

$32.11/hour x 1.4 benefits = $44.95

The total salary cost at $44.95/hour for the estimated 156 burden hours is $7,012.

$44.95/hour x 156 burden hours = $7,012

* BLS news release USDL-12-1124, June 7, 2012. See http://www.bls.gov/news.release/pdf/ecec.pdf.

13. Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)

* **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information (including filing fees paid for form processing). Include descriptions of methods used to estimate major cost factors**

including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

* **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
* **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

No capital or start up costs associated with this collection. The grants operating under contract for BIE are provided administrative cost funds. The provisions of 25 CFR 276.5 allow the tribes to store necessary data in a manner that is best for them.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

It is estimated that a GS-12/1 will be reviewing the grant applications at an hourly salary of $28.88, under the January 2012 GS Salary Schedule. Including a multiplier of 1.5* for benefits results in a salary cost of

$28.88/hour x 1.5 benefits = $43.32/hour

It is also estimated that approximately 16 hours are needed for BIE to collect and analyze data from each respondent.

$43.32/hour x 16 hours = $693

With 26 respondents, the total estimated cost to the Federal government is estimated to be $18,018.

$693 x 26 = $18,018

* BLS news release USDL-12-1124, June 7, 2012. See

http://www.bls.gov/news.release/pdf/ecec.pdf.

15. Explain the reasons for any program changes or adjustments in hour or cost burden.

Adjustments were made to reflect the number of respondents submitting the annual report, from 25 to 26.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

There are no plans to publish the information unless a summary becomes part of a budget justification, which would not identify individual respondents.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

No waiver is being sought concerning display of the OMB Control number and the expiration date.

18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

No exceptions are being requested to the certification statement.