SUPPORTING STATEMENT

FOR PAPERWORK REDUCTION ACT SUBMISSION

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a hard copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information, or you may provide a valid URL link or paste the applicable section[1]. Specify the review type of the collection (new, revision, extension, reinstatement with change, reinstatement without change). If revised, briefly specify the changes. If a rulemaking is involved, make note of the sections or changed sections, if applicable.

> This request is to extend the information collection for the requirements in the policies and procedures related to the eligibility of foreign schools to apply to participate in Title IV, HEA programs that were added by the Higher Education Opportunity Act of 2008 (HEOA). The HEOA added specific reporting requirements for foreign graduate medical schools and foreign nursing schools in relation to acceptable minimum test scores. These regulations continue the policies to ensure comparability between domestic institutions and foreign institutions regarding academic year definitions for non-degree programs and showing the method used to show that equivalency. And these regulations continue requirements to development and collection of consent forms that students in nursing and graduate medical programs will have to complete to allow the schools to request specified test scores from appropriate testing agencies and to then report those scores to their accrediting agency, and the Department as required. Also the regulations continue the additional reporting by graduate medical schools to their accrediting agencies of any material changes to the education programs offered or changes to the oversight bodies or affiliation agreements with hospitals and clinics. Foreign graduate medical schools are also required to publish all of the languages in which instruction is offered.

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.

> 34 CFR sections 600.54, 600.55, and 600.57 contain collection requirements. Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507 (d)), the Department of Education is providing the links above to these sections to the Office of Management (OMB) for its review.
>
> The information identified below is used by the Department during the initial review for eligibility certification, recertification and annual evaluations. These regulations help to

[1] Please limit pasted text to no longer than 3 paragraphs.

ensure that all foreign institutions participating in the Title IV, HEA programs are meeting the minimum participation standards.

§600.54 – Criteria for determining whether a foreign institution is eligible to apply to participate in the Direct Loan Program.

The regulation §600.54 (e)(3)(ii) requires foreign institutions receiving Title IV, HEA program funds to demonstrate to the satisfaction of the Department that their method of determining academic work in a non-degree program is equivalent to the definition of an academic year that is required for domestic schools (§668.3) in determining program eligibility. This determination is made on a program by program basis by the Department in both initial and recertification reviews.

§600.55 – Additional criteria for determining whether a foreign graduate medical school is eligible to apply to participate in the Direct Loan Program.

Regulation §600.55(c)(2) requires a foreign graduate medical school to determine the consent requirements to meet their specific country's privacy laws and require the necessary consents of all students, who are U.S. citizens, nationals, or eligible permanent residents, that have been accepted for admission to enable the foreign school to comply with the collection and submission requirements in §600.55(d) for Medical College Admission Test (MCAT) scores, residency placement, and U.S. Medical Licensing Examination (USMLE) scores.

Section 600.55(d) includes the changes to reporting requirements for foreign graduate medical schools as identified in HEOA Section 102(a)(2)(A)(i).

The regulations in §600.55(d)(1) require a foreign graduate medical school to obtain, at its own expense, and by April 30 of each year submit to its accrediting authority for all students who are U.S. citizens, nationals, or eligible permanent residents: (i) MCAT scores, for those admitted during the preceding award year and the number of times each student took the exam; (ii) the percentage of students graduating during the preceding award year who are placed in an accredited U.S. medical residency; (iii) all USMLE scores earned during the preceding award year, disaggregated by step 1, step 2-CS and step2-CK, by each student and graduate and the date each student took each test, including any failed tests and (iv) a statement of its citizenship rate for the preceding calendar year and the methodology used to obtain the rate. A school would have to submit the data on MCAT scores and placement in an U.S. residency to the Department only upon request, but would be required to submit the USMLE data to the Department by April 30, unless notified by the Department. These changes are required by statutory changes in HEOA section

Regulation §600.55(d)(2) allows for certain foreign medical schools to allow direct reporting of USMLE and/or citizenship pass rates to the Secretary by the Educational Commission for Foreign Medical Graduates (ECFMG) or another responsible third party. This will require the school to submit a written consent acceptable to the Department in which the school agrees that the pass rates calculated will be considered conclusive for purposes of compliance with the required rates. In this context, ECFMG or others will

contract with the Department, and the school's burden is based on development and submission of acceptable written consent to use the rates as calculated.

The regulations at §600.55(e)(2) require a foreign graduate medical school to notify their accrediting body within one year of any material changes in (1) the educational programs, including clinical training programs; and (2) the overseeing bodies and in the formal affiliation agreements with hospitals and clinics.

Finally, the regulations in §600.55(g)(3) require a foreign graduate medical school to publish all the languages in which instruction is offered.

§600.57 – Additional criteria for determining whether a foreign nursing school is eligible to apply to participate in the Direct Loan Program.

This section specifies regulations for foreign nursing schools as identified in HEOA Sections 102(a)(2)(A).

The regulations specify additional Title IV, HEA eligibility criteria for foreign nursing schools. The foreign nursing school eligibility includes, among other items §600.57(a)(6)(i), where the school must determine the consent requirements to meet their specific country's privacy laws for, and require the necessary consents of, all students accepted for admission who are U.S. citizens, nationals, or eligible permanent residents, to enable the school to comply with the requirements for collection and submission requirements identified in §600.57(a)(6)(ii).

The foreign nursing school eligibility also includes §600.57(a)(6)(ii) where annually, (A) at its own expense, obtain all results on the NCLEX-RN achieved by students and graduates who are U.S. citizens, nationals, or eligible permanent residents, together with the dates the student has taken the examination (including any failed examinations) and provide the results to the Department; or (B) as an alternative to obtaining the NCLEX results individually, the school may obtain a report or reports from the National Council of State Boards of Nursing (NCSB), or an NCSB affiliate or NCSB contractor, reflecting the percentage of the school's students and graduates taking the NCLEX-RN in the preceding year who passed the examination, or the data from which the percentage could be derived, and provide the report to the Department.

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

Institutions may use computer and Internet technology to image, transmit, and receive the supporting documents. Institutions are encouraged to make available on their Internet sites documents that need to be completed by students, if possible.

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.

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

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden. A small entity may be (1) a small business which is deemed to be one that is independently owned and operated and that is not dominant in its field of operation; (2) a small organization that is any not-for-profit enterprise that is independently owned and operated and is not dominant in its field; or (3) a small government jurisdiction, which is a government of a city, county, town, township, school district, or special district with a population of less than 50,000.

No small businesses are impacted by this collection.

6. Describe the consequences 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.

Report submission and information change requirements are required to assure accountability of program participants for proper program administration and less frequent collection could impair accountability of program participants. Additionally, the receipt of proper consent forms helps to ensure that funds being disbursed to students at these institutions meet eligibility requirements.

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;
- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- requiring respondents to submit more than an 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;
- in connection with a statistical survey, that is not designed to produce valid and reliable results than can be generalized to the universe of study;
- requiring the use of a statistical data classification that has not been reviewed and 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 that 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.

The information collection requirements do not require special circumstances. This application is consistent with all of the guidelines in 5 CFR 1320.5(d)(2).

8. As applicable, state that the Department has published the 60 and 30 Federal Register notices as 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 describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

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

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 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.

The Department of Education (Department) developed these regulations using negotiated rulemaking committees with members of the community during 2010. There has been no change to the underlying statute or regulations affected. There was no public comment received on this 60 day filing. There will be a 30-day notice in the Federal Register seeking public comment on the burden calculations.

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

No payments or gifts will be provided to the respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If personally identifiable information (PII) is being collected, a Privacy Act statement should be included on the instrument. Please provide a citation for the Systems of Record Notice and the date a Privacy Impact Assessment was completed as indicated on the IC Data Form. A confidentiality statement with a legal citation that authorizes the pledge of confidentiality should be provided.[2] If the collection is subject to the Privacy Act, the Privacy Act statement is deemed sufficient with respect to confidentiality. If there is no expectation of confidentiality, simply state that the Department makes no pledge about the confidentially of the data.

[2] Requests for this information are in accordance with the following ED and OMB policies: Privacy Act of 1974, OMB Circular A-108 – Privacy Act Implementation – Guidelines and Responsibilities, OMB Circular A-130 Appendix I – Federal Agency Responsibilities for Maintaining Records About Individuals, OMB M-03-22 – OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002, OMB M-06-15 – Safeguarding Personally Identifiable Information, OM:6-104 – Privacy Act of 1974 (Collection, Use and Protection of Personally Identifiable Information)

There is no assurance of confidentiality provided to institutions for the submission of this information.

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. The 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 Department is not requesting any sensitive data.

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

- Indicate the number of respondents by affected public type (federal government, individuals or households, private sector – businesses or other for-profit, private sector – not-for-profit institutions, farms, state, local or tribal governments), frequency of response, annual hour burden, and an explanation of how the burden was estimated, including identification of burden type: recordkeeping, reporting or third party disclosure. All narrative should be included in item 12. 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 in the ROCIS IC Burden Analysis Table. (The table should at minimum include Respondent types, IC activity, Respondent and Responses, Hours/Response, and Total Hours)
- Provide estimates of annualized cost to respondents of 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. Instead, this cost should be included in Item 14.

The burden hours calculated below include time for reviewing the regulations; for determining the method and means to incorporate any changes; develop or update systems and forms and formats for gathering the required information; and to prepare any required reports. The burden is all related to reporting. The Department is identifying a net overall decrease in the amount of burden related to these regulations due to a change in the number of institutions participating in the foreign school graduate medical and foreign nursing programs.

<u>Section 600.54 – Criteria for determining whether a foreign institution is eligible to apply to participate in the Direct Loan programs.</u>

§600.54 (e)(3) – Demonstration of academic year equivalency in non-degree programs.

# of Respondents	# of Responses	Hrs/Response	# of Burden Hours
Private institutions			
28	28	X .17	5
Public institutions			
102	102	X .17	17
Total			
130	**130**		**22**
Previous burden total			
126	126		22
Net change for §600.54 from previous burden calculation			
+2	**+2**		**No Change**

Section 600.55 – Additional criteria for determining whether a foreign graduate medical school is eligible to apply to participate in the Title IV, HEA programs.

§600.55(c)(2) – Admission criteria

# of Respondents	# of Responses	Hrs/Response	# of Burden Hours
Individual			
2,500	2,500	X.08	200
For-profit institutions			
4	4	X .50	2
Private institutions			
5	5	X .50	3
Public institutions			
18	18	X .50	9
TOTAL			
2,527	**2,527**		**214**
Previous burden total			

2,866	2,866	258

Net change for §600.55(c)(2) from previous burden calculation

-339	**-339**	**-44**

§600.55(d)(1) – Collection and submission of data.

# of Respondents	# of Responses	Hrs/Response	# of Burden Hours
For-profit institutions			
4	4	X 1.41	6
Private institutions			
3	3	X 1.41	4
Public institutions			
11	11	X 1.41	16
TOTAL			
18	**18**		**26**
Previous burden total			
46	46		65
Net change for §600.55(d)(1) from previous burden calculation			
-28	**-28**		**-39**

§600.55(d)(2) – Alternate submission of data.

# of Respondents	# of Responses	Hrs/Response	# of Burden Hours
Private institutions			
2	2	X .75	2
Public institutions			
7	7	X .75	5
TOTAL			
9	**9**		**7**
Previous burden total			

25	25	19

Net change for §600.55(d)(2) from previous burden calculation

-16	-16	-12

§600.55(e) – Requirements for clinical training.

# of Respondents	# of Responses	Hrs/Response	# of Burden Hours
For-profit institutions			
1	1	X .82	1
Private institutions			
1	1	X .82	1
Public institutions			
5	5	X .82	4
TOTAL			
7	**7**		**6**
Previous burden total			
19	19		16

Net change for §600.55(e) from previous burden calculation

-12	-12	-10

§600.55(g) – Other criteria.

# of Respondents	# of Responses	Hrs/Response	# of Burden Hours
For-profit institutions			
4	4	X .33	2
Private institutions			
5	5	X .33	2
Public institutions			
18	18	X .33	6
TOTAL			

27	**27**	**10**

Previous burden total

71	71	23

Net change for §600.55(e) from previous burden calculation

-44	-44	13

Section 600.57 – Additional criteria for determining whether a foreign nursing school is eligible to apply to participate in the Title IV, HEA programs.

§600.57(a)(6)(i) – Consent forms

# of Respondents	# of Responses	Hrs/Response	# of Burden Hours
Individual			
0	0	X.08	0
For-profit institutions			
0	0	X .50	0
TOTAL			
0	**0**		**0**

Previous burden total

1,203	1,203	97.5

Net change for §600.57(a)(6)(i) from previous burden calculation

-1,203	-1,203	-97.5

§600.57(a)(6)(ii) – Reporting requirements

# of Respondents	# of Responses	Hrs/Response	# of Burden Hours
For-profit institutions			
0	0	X 1.50	0
TOTAL			
0	**0**		**0**

Previous burden total

3	3	4.5

Net change for §600.57(a)(6)(ii) from previous burden calculation

-3	-3	-4.5

# of Respondents	***# of Responses***	***# of Burden Hours***
Grand Total of Current Burden		
2,718	***2,718***	***285***
Previous Burden Total		
4,359	***4,359***	***505***
Net change from previous burden calculation		
-1,641	*-1,641*	*-220*

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14.)

- 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. 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 acquiring and maintaining 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 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. Also, these estimates should not include the hourly costs (i.e., the monetization of the hours) captured above in Item 12

Total Annualized Capital/Startup Cost :
Total Annual Costs (O&M) :

Total Annualized Costs Requested :

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

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. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

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

15. Explain the reasons for any program changes or adjustments. Generally, adjustments in burden result from re-estimating burden and/or from economic phenomenon outside of an agency's control (e.g., correcting a burden estimate or an organic increase in the size of the reporting universe). Program changes result from a deliberate action that materially changes a collection of information and generally are result of new statute or an agency action (e.g., changing a form, revising regulations, redefining the respondent universe, etc.). Burden changes should be disaggregated by type of change (i.e., adjustment, program change due to new statute, and/or program change due to agency discretion), type of collection (new, revision, extension, reinstatement with change, reinstatement without change) and include totals for changes in burden hours, responses and costs (if applicable).

This information collection filing is an adjustment to the current burden assessment. Since the initial filing of this information collection package in 2010 there has been no change to the statute or regulations that created this information collection. The reduction in the burden hours identified here is due to the decrease in the number of eligible certified foreign medical schools. Additionally, there are no eligible certified foreign nursing schools at the time of this filing which further decreases the burden hours. In total there are 220 hours removed from the previously identified burden.

	Current	Proposed	Difference
Annual Number of Responses	4,359	2,718	-1,641
Annual Hour Burden	505	285	-220
Annual Cost Burden	0	0	0

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.

The results of the collection of information will not be published.

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.

The Department is not seeking this approval.

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

The Department is not requesting any exceptions to the "Certification of Paperwork Reduction Act Submissions."