

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 section¹. 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 for an extension of the current approval of the policies and procedures for determining satisfactory academic progress (SAP) as required in Section 484 of the Higher Education Act of 1965, as amended (HEA). A link to the Satisfactory Academic Progress regulations is provided at [34 CFR 668.34](#).

These regulations identify the policies and procedures to ensure that students are making satisfactory academic progress in their program at a pace and a level to receive or continue to receive Title IV, HEA program funds. If there is lapse in progress, the policy must identify how the student will be notified and what steps are available to a student not making satisfactory academic progress toward the completion of their program, and under what conditions a student who is not making satisfactory academic progress may continue to receive Title IV, HEA program funds.

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.

Institutions are required to confirm satisfactory academic progress by a student in order to make initial or continuing disbursements of federal student financial aid. The institutions collect documentation to confirm the information provided on the Free Application for Federal Student Aid based on the requirements the Department issues in an annual Federal Register. The information is held in the institutions files and is made available to the Department during program reviews.

Section 668.34(a) – Satisfactory academic progress policy.

This section of the regulations requires an institution to establish a reasonable satisfactory academic progress policy to determine a student's eligibility for Title IV, HEA program funds. The policy must identify requirements specifying –

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

- it is at least as strict as it is for students who do not receive Title IV, HEA program funds
- it has a consistent application of standards to all students
- the timeframe for the review of when a student's academic progress is evaluated
- the pace that a student must progress to ensure completion of their academic program within the maximum timeframe
- how transferred credits affect the pace and maximum timeframe for program completion
- how "financial aid warning" and "financial aid probation" statuses are used in progress calculations
- a description of the appeal process and how it can be used to reestablish Title IV aid eligibility and if a school doesn't have an appeal process how a student may regain eligibility for assistance
- a notification of the results of a student's evaluation that impact their eligibility for Title IV, HEA funds.

Section 668.34(c) – Institutions that evaluate satisfactory academic progress at the end of each payment period.

This section of the regulations identifies the process that is followed for institutions that evaluate a student's SAP at the end of a payment period. This section specifies that an institution's policy may provide for disbursement of Title IV aid to a student not meeting SAP under certain circumstances. This includes policies that automatically place a student who is not meeting SAP on "financial aid warning".

Section 668.34(d) – Institutions that evaluate satisfactory academic progress annually or less frequently than at the end of each payment period.

This section of the regulations identifies the process that is followed for institutions that evaluate a student's SAP on an annual basis. This section specifies that an institution's policy may provide for disbursement of Title IV aid to a student not meeting SAP under certain circumstances. This includes policies that require a student to file an appeal and either having a determination made by the school that the student should meet SAP standards after the subsequent payment period or if the school develops, with the student, an academic plan which if successfully completed will ensure the student meets the institution's SAP standards at a specific time.

Section 600.55(g)(1) & (2) – Other Criteria.

This regulation requires foreign graduate medical schools to apply existing regulations in SAP for establishing maximum timeframes in which a student must complete their educational program and requires that a student complete their educational program in 150 percent of the published length of the program. The regulations require foreign graduate medical schools to document the educational remediation it provides to assist students in making SAP.

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.

The institution may provide their policy and procedure information to students via an Internet or Intranet Web site as an efficient method to provide the SAP requirements.

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.

The statute requires that the student's academic progress be evaluated at least at the end of each academic year or the equivalent. Evaluation at any longer interval could risk funds being disbursed to ineligible students.

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 require no special circumstances.

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.

No public comments were received during the 60 day Federal Register notice. There will be a 30-day Federal Register notice published seeking public comment. This is the 60-day notice.

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 confidentiality 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.

Annual Hour Burden for Respondents/Recordkeepers

The burden hours calculated below include time for reviewing the changes in regulations; for determining the method and means to incorporate changes; and for developing or updating systems, forms and formats for gathering the required information. The burden is all related to recordkeeping.

Section 668.34 (a) – Satisfactory academic progress policy

We anticipate that it will take the 5,838 institutions 3 hours to review and update, as needed, their institutional policies, processes, and notifications.

# of Respondents	# of Responses	Hrs/Response	Burden Hours
For-profit institutions			
2,199	2,199	X 3 hrs	6,597
Private institutions			
1,743	1,743	X 3 hrs	5,229
Public institutions			
1,896	1,896	X 3 hrs	5,688
TOTAL			
5,838	5,838		17,514
Previous totals			
5,709	5,709		17,127
A net change from previous burden calculation			
+129	+129		+387

Section 668.34(c) – Institutions that evaluate satisfactory academic progress at the end of each payment period.

We estimate that 55% of eligible institutions review for SAP at the end of each payment period. 55% of the 21,026,924 non-rejected FAFSA applications completed for the 2012-2013 award year equals 11,564,808 x 2 institutional reviews per year = 23,129,616 evaluations. Additionally, we estimate that 7% of these 11,564,808 FAFSA filers (809,537 x 2 reviews per year = 1,619,074 evaluations) will not meet the SAP requirements at the institution and will require additional evaluation and consultation with the student by the institution.

# of Respondents	# of Responses	Hrs/Response	Burden Hours
For-profit institutions – Evaluation of all students for SAP			
*	8,789,254	X .02	175,785
Private institutions – Evaluation of all students for SAP			
*	6,938,885	X .02	138,778
Public institutions – Evaluation of all students for SAP			
*	7,401,477	X .02	148,030
Individuals not meeting SAP requirements			
809,537 x 2=	1,619,074	X .17	275,243
For-profit institutions – Working with students not meeting SAP			
*	615,248	X .25	153,812
Private institutions – Working with students not meeting SAP			
*	485,722	X .25	121,431
Public institutions – Working with students not making SAP			
*	518,104	X .25	129,526
TOTAL			
809,537	26,367,764		1,142,605
Previous total			
371,991	11,930,328		516,981

A net change from previous burden calculation		
+437,546	+14,437,436	+625,624

*-To avoid double counting the number of respondents when developing these tables the number of institutions is only included in the totals for section 668.34(a).

Section 668.34(d) – Institutions that evaluate satisfactory academic progress annually or less frequently than at the end of each payment period.

We estimate that 45% of eligible institutions review for SAP annually. 45% of the 21,026,924 non-rejected FAFSA applications completed for the 2012-2013 award year equals 9,462,116 evaluations. Additionally, we estimate that 7% of these 9,462,116 FAFSA filers will not meet the SAP requirements at the institution and will require additional evaluation and consultation with the student by the institution.

<u># of Respondents</u>	<u># of Responses</u>	<u>Hrs/Response</u>	<u>Burden Hours</u>
For-profit institutions – Evaluation of all students for SAP			
*	3,595,604	X .02	71,912
Private institutions – Evaluation of all students for SAP			
*	2,838,635	X .02	56,773
Public institutions – Evaluation of all students for SAP			
*	3,027,877	X .02	60,558
Individuals not meeting SAP requirements			
662,348	662,348	X .17	112,599
For-profit institutions – Working with students not meeting SAP			
*	251,692	X .25	62,923
Private institutions – Working with students not meeting SAP			
*	198,705	X .25	49,676
Public institutions – Working with students not making SAP			
*	211,951	X .25	52,988
TOTAL			
662,348	10,786,812		467,429
Previous total			
603,327	9,732,636		412,748
A net change from previous burden calculation			
+59,021	+1,054,176		+54,681

*-To avoid double counting the number of respondents when developing these tables the number of institutions is only included in the totals for section 668.34(a).

Subpart E of Section 600 - Eligibility of Foreign Institutions
Section 600.55 – Other criteria.

<u># of Respondents</u>	<u># of Responses</u>	<u>Hrs/Response</u>	<u># of Burden Hours</u>
For-profit institutions			
4	4	X 2.5	10

Private institutions			
5	5	X 2.5	13
Public institutions			
18	18	X 2.5	45
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TOTAL			
27	27		68
Previous total			
71	71		178
A net change from previous burden calculation			
-44	-44		-110
<i>GRAND TOTAL</i>			
1,477,750	37,160,441		1,627,616
Current Burden			
984,598	21,672,244		977,032
A net change from previous burden calculation			
+493,152	+15,488,197		+650,584

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 new system start-up costs associated with these final 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).

Reasons for Changes to Burden Hour Estimated

This collection extension is an adjustment in burden based on the increase of 650,584 burden hours. This increase is caused by an increase in the number of students for whom a determination of satisfactory academic progress must be made on an annual or semi-annual basis and a slight increase in the number of eligible institutions that must perform these determinations.

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 approval to not display an expiration date. ED will publish a Notice in the Federal Register announcing the OMB number and expiration date once approved.

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.”