

# Supporting Statement A

## Sovereignty in Indian Education Grant Program

OMB Control Number 1076-XXXX

**Terms of Clearance:** None.

### Justification

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

The Department of the Interior and Department of Education developed an American Indian Education Study Group (Study Group) to diagnose the causes of too common academic failure in BIE-funded schools, which are some of the lowest performing schools in the country. The Study Group, which encompasses a combination of management, legal, education, and tribal expertise, was charged with developing and implementing recommendations to transform the BIE.

Based on the recommendations from the Study Group released on June 13, 2014, BIE developed the Sovereignty in Indian Education Grant which awards competitive grants to tribes and their Tribal Education Departments (TEDs) to promote tribal control and operation of BIE-funded schools on their reservations. The purpose of the grant is to support the TEDs capacity to manage and operate tribally-controlled schools as defined in the Tribally Controlled Schools Act of 1988 (P.L. 100-297). These funds will support the development of an implementation plan for the TEDs to review their infrastructure and determine the most efficient course of action to promote full operation of BIE-funded schools through a single grant, and begin the process of implementation of the tribally approved course of action.

By unifying a collective body of TEDs through this initiative, BIE will build a collaborative network of TEDs to support the tribal control and strengthening of partnerships with BIE funded schools. BIE will provide technical assistance to assist TEDs in understanding the control and administration of tribally controlled school processes. In addition, BIE will provide a forum for TEDs to work collaboratively to gain insight and develop strategies to problem solve and borrow strategies from BIE and other tribal governments. These efforts will encourage steps towards sovereign TEDs to increase tribal students' successful academic outcomes.

TEDs are eligible for this grant if they have three or more BIE-funded schools on their reservation. In addition, the BIE will provide intensive technical assistance in the planning and implementation of each tribe's assessment and implementation plans.

**We are seeking emergency approval** of this collection to allow us to utilize end-of-year funds, which recently became available, that would provide opportunity to improve BIE funded schools. If we are not able to conduct this information collection, the initiative will not launch on time and we will not be able to take action to address BIE-funded schools of this grant, resulting in the potential loss for tribes and TEDs to address problems surrounding their schools. Delaying the launch of these very important and transformative grants would likely mean an additional entire school year without intervention. Some children will even have graduated out of secondary school and missed the benefit of these grants. Furthermore, future funding for such a program is not guaranteed in the current budget environment. Therefore, the window of opportunity for the distribution of these grants could close entirely, never to reopen.

Although we would not be soliciting public comment via the Federal Register if this emergency request is approved, we have consulted with several stakeholder groups on the development of this information collection. We consulted with the Indian Education Study Group, which includes staff from Department of Education and Bureau of Indian Education. In addition, the Study Group, in conjunction with the BIE, held consultation sessions in April and May 2014 to discuss the framework for education reform, which lead to the development of the Sovereignty of Indian Education Grant. The broader Sovereignty in Indian Education Grant will allow opportunities for comment and input on the Initiative as it is developed, including goals and strategies for implementation.

**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 will solicit the information using a Federal Register notice as its information collection instrument. BIE will use the information provided by tribes in their application to determine whether they are eligible for the Sovereignty in Indian Education Grant. BIE will use the application information to determine whether the tribe is using the funding for the stated purpose of promoting tribal sovereignty in BIE-funded schools.

A complete application must contain the following elements:

- A formal signed resolution from the appropriate tribal governing body supporting the TED grant application – this resolution is necessary to ensure that the tribe or TED has authorized the request.
- A proposal describing the planned activities and deliverable products – BIE will use this information to ensure that the proposed project falls within the scope of what the funds are to be used for.
- A detailed budget estimate, including contracted personnel costs, travel estimates, and other expenses – BIE will use this information to ensure that the funds will be used for the authorized purposes.

The project proposal must include information about the applicant sufficient to allow BIE to

evaluate the proposal based on the following criteria:

(1) Project Narrative:

The narrative must discuss the vision of the tribe's or TED's educational goals and outcomes, the tribal education programs currently in place, the school systems on the tribe's reservations, goals for changes in the organizations that are expected, and how the tribe will fulfill the expectations of this application. The narrative should address the tribe's or TED's approach it will take in addressing the four critical areas of operations: Finance, Human Resources, School Governance, and Academic.

For the first year, the narrative should include how the tribe or TED will begin and deploy the collaborations needed to complete an implementation plan for the reform of the TED to operate tribally controlled schools located on the tribal reservation. The TED must identify a Project Director. The TED shall submit resume(s) for key personnel.

(2) Work Plan: The work plan must describe the goals, objectives, tasks, responsible parties, timelines, and expected outcomes. We highly recommend the inclusion of timelines that factor in tribal grant award processes, if awarded, that may include, tribal grant award acceptance, tribal human resource hiring, and/or consultant hiring.

During the course of the grant, BIE requires that Project Directors participate in monthly TED collaboration meetings, submit quarterly budget updates, and ensure an annual report is submitted at the end of the project year. BIE requires this information to ensure the project is progressing and the funds are being used for appropriate purposes.

**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.**

BIE accepts applications by regular mail and electronically (e-mail), and will also accept documents sent by delivery services such as FedEx and UPS.

**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 that BIE is requesting is not available from any other source. The information collected is unique to each tribe's plan.

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

Indian tribes are not considered small entities. Therefore, this information collected will not impact small businesses or other small entities.

**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 is unable to conduct this information collection, the applicants would be deprived of funding that will provide them the opportunity to improve management of their education programs at BIE-funded schools. As a consequence, tribes or TEDs that would otherwise be recipients of this funding would not be able to exercise their sovereignty as tribal nations in the area or education or build the capacity of their TEDs.

**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 that 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 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.**

There are no circumstances that require BIE to collect the information in a manner inconsistent with OMB guidelines.

**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.**

**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.**

**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.**

The information collection was formulated through the Study Group, whom in conjunction with BIE, consulted with nearly 400 individuals and received nearly 200 comments that helped them prepare the framework for educational reform that became the subject of four tribal consultation sessions held in April and May 2014. The Study Group incorporated feedback and recommendations from tribal leaders and other BIE stakeholders which ultimately lead to the development of the Sovereignty of Indian Education Grant.

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

We do not provide gifts or payments to respondents.

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

We do not provide any assurance of confidentiality. The information that we collect is subject to the requirements of the Freedom of Information Act.

**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.**

We do not ask questions 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. Instead, this cost should be included under “Annual Cost to Federal Government.”

We anticipate getting responses from eleven TEDs, totaling 682 annual burden hours for this information collection or the amount equivalent to \$20,965. (Rounded)

Task	No. Respondents	No. of Responses per Year	Total Responses	Burden Hours per Response	Annual Burden Hours	Cost to Respondents*
Preparing and submitting the Proposal	11	1	11	40 hours	440	\$ 13,525.60
Monthly Meeting	11	12	132	1 hour	132	\$ 4,057.68
Budget Reports (Quarterly Submission)	11	4	44	2 hours	88	\$ 2,705.12
Annual Reports	11	1	11	2 hours	22	\$ 676.28
<b>Totals</b>			<b>198</b>		<b>682</b>	<b>\$ 20,964.68</b>

\*To obtain the hourly rate for tribal government employees, we used **\$21.96**, the wages and salaries figure for all workers from BLS Release USDL 14-1075, *Employer Costs for Employee Compensation—March 2014 (released June 11, 2014)* Table 1, *Employer costs per hour worked for employee compensation and costs as a percent of total compensation: Civilian workers, by major occupational and industry group*. To account for benefits, we then multiplied this rate by 1.4, to obtain a total rate of **\$30.74**.

**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.

We have not identified any non-hour costs associated with this information collection.

**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.**

We estimate the annual cost to the Federal Government to implement this information collection to be \$14,881. (Rounded)

Task	No. Respondents	No. of Responses per Year	Total Annual Responses	Federal Burden Hours per Response	Annual Burden Hours	Cost to Respondents*
Reviewing Proposals	11	1	11	5 hours	55	\$ 3,381.95
Monthly Meeting	11	12	132	1 hour	132	\$ 8,116.68
Budget Reports (Quarterly Submission)	11	4	44	1 hour	44	\$ 2,705.56
Annual	11	1	11	1 hour	11	\$ 676.39

Reports						
<b>Totals</b>			<b>198</b>		<b>242</b>	<b>\$ 14,880.58</b>

\*We used an average salary of **\$61.49** per hour (\$40.99 x 1.5 for benefits), based on the Salary Table 2014-GS, Incorporating the 1% General Schedule Increase (See [http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2014/GS\\_h.pdf](http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2014/GS_h.pdf)). The 1.5 multiplier for benefits is based on the Bureau of Labor Statistics, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION – March 2014 (released June 11, 2014), USDL-14-1075. 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.**

This is a new collection.

**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.**

We will not publish the results of this information collection.

**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.**

We will display the OMB control number and expiration date on the solicitation for proposals as well as on other appropriate materials.

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

There are no exceptions to the certification statement.