

# Supporting Statement A

## Tribal Education Department Grant Program

OMB Control Number 1076-XXXX

**Terms of Clearance:** None.

**\*\*\*This is a request for an emergency clearance \*\*\***

### Justification

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

The Secretary of the Interior, through the Bureau of Indian Education (BIE), may solicit grant proposals from federally-recognized tribes and their Tribal Education Departments (TEDs) for projects defined under 25 U.S.C. 2020. These funds are necessary to assist TEDs to improve educational outcomes for students and improve efficiencies and effectiveness by planning and coordinating all educational programs for BIE-funded schools.

Specifically, the funds will support the program goals for the following areas that promote tribal education capacity building:

- Development and enforcement of tribal educational codes, including tribal education policies and tribal standards applicable to curriculum, personnel, students, facilities, and support programs;
- Facilitate tribal control in all matters relating to the education of Indian children on reservations (and on former Indian reservations in Oklahoma);
- Provide development of coordinated educational programs (including all preschool, elementary, secondary, and higher or vocational educational programs) on reservations (and on former Indian reservations in Oklahoma) by encouraging tribal administrative support of all Bureau-funded educational programs, as well as encouraging tribal cooperation and coordination with entities carrying out all educational programs receiving financial support from other Federal agencies, State agencies, or private entities.

TEDs are eligible for this grant if they have at least one Bureau-funded school, but priority will be given to TEDs if they have three or more BIE-funded schools on their reservation.

**We are seeking emergency approval** of this collection to allow us to solicit for grant proposals by May 15, 2015 and award grants by July 1, 2015 for the upcoming school year (2015/16). We are unable to obtain approval under the normal clearance procedures because the grant funds

were recently appropriated to BIE in December 2014 (see “Consolidated and Further Continuing Appropriations Act, 2015”) and considered to be “forward funded” and available for a limited time. If we are not able to conduct this information collection, the grants will not be awarded in 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 and higher or vocational schools and missed the benefit of these grants.

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 Tribal Education Department National Assembly (TEDNA) and several tribes to discuss the grant proposal process, as well as the evaluation process. Furthermore, BIE will conduct three training sessions and provide technical assistance to tribes wishing to submit a proposal, and developed a “Frequently Asked Questions” for additional guidance.

**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 proposal to determine whether they are eligible for the Tribal Education Department Grant. BIE will use the proposal information to determine whether the tribe is using the funding for the stated purpose of planning and coordinating educational programs of the tribe.

A complete proposal must contain the following elements:

- A formal signed resolution from the appropriate tribal governing body supporting the TED grant proposal – 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 to

strengthen tribal engagement and participation in coordinating assistance and support to BIE-funded schools. The narrative will include the expected outcome for student success and how the proposed project will increase student competency. The narrative should describe how the tribe will develop and implement on or more of the following projects identified under 25 U.S.C. 2020:

- o Tribal Education Code Development
- o Tribal Education Control
- o Tribal Administrative Support

(2) Budget Narrative: This narrative includes, in detail, the amount of grant funds that will be allocated to each budget category, which will include salary costs, travel estimates, and other expenses.

(3) 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.

Once the grants have been awarded, those participating TEDs will need to submit the following items for the duration of their grant:

- (1) Quarterly Financial Reports (using SF-425) - BIE will use this information to ensure the funds are used for the authorized purposes;
- (2) Annual Reports – BIE will use this information to stay apprised of the TEDs progress and accomplishments.

**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 proposals 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 improve 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.**

BIE consulted various stakeholder groups, such as the Tribal Education Department National Assembly (TEDNA) and several tribes to discuss the grant proposal process and the overall need to build and improve tribal capacity for TEDs. The proposal process and the evaluation process were formulated based on feedback and recommendations from these consultations.

**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 64 TEDs and estimate 40 recipients, totaling 2,000 annual burden hours for this information collection or the amount equivalent to **\$63,420**.

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	64	1	64	20 hours	1,280	\$ 40,588.80
Quarterly Reports	40	4	160	1 hour	160	\$ 5,073.60
Monthly Meetings	40	12	480	1 hour	480	\$ 15,220.80
Annual Reports	40	1	40	2 hours	80	\$ 2,536.80
<b>Totals</b>					<b>2,000</b>	<b>\$ 63,420.00</b>

\*To obtain the hourly rate for tribal government employees, we used **\$22.65**, the wages and salaries figure for all workers from BLS Release USDL 15-0386, *Employer Costs for Employee Compensation—December 2014 (released March 11, 2015)* 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 **\$31.71**. 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.

BIE will conduct three pre-proposal training sessions, one of which is a webinar and considered to be free. For the other two sessions, we estimate the cost to travel and attend the sessions will average approximately \$233 per person, with an estimate of 21 TEDs representatives for each session, totaling \$9,786.

BIE will conduct one post-award training session in Washington DC. We estimate awarding 40 grants and approximately the cost of \$771 per TED representative, totaling \$30,840.

Therefore, the estimated total annual non-hour cost to respondents is **\$40,626** (Pre-proposal - \$9,786 + Post-award Training \$30,840).

**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 **\$27,139** (Rounded). This includes \$25,409 in salary costs (see table below), plus \$1,730 in traveling costs to conduct pre-proposal training.

Task	No. Respondents	No. of Responses per Year	Total Annual Responses	Federal Burden Hours per Response	Annual Burden Hours	Total Cost*
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Reviewing Proposals	64	1	64	5 hours	320	\$22,150.40
Quarterly Reports	40	4	160	15 minutes	40	\$2,102.00
Monthly Meetings	40	12	12	1 hour	12	\$ 630.60
Annual Reports	40	1	40	15 minutes	10	\$525.50
<b>Totals</b>			<b>276</b>		<b>382</b>	<b>\$25,408.5</b>

\* Salary is based on a mix of personnel including, Program Analysts, Solicitors, and Project Managers (includes GS-15/4, GS-14/10, GS-14/5, GS-14/1, and GS-13/1). BIE has averaged the hourly rate required based on the mix of personnel required for each task, using the Office of Personnel Management Salary Table 2015-GS ([http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2015/GS\\_h.pdf](http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2015/GS_h.pdf).) Both of these estimated average salary costs include a multiplier to account for benefits.

- The average hourly salary based on the mix of personnel required for review of the initial proposals to be **\$69.22** per hour; and
- The average salary based on the mix of personnel required for review of each other tasks to be **\$52.55** per hour.

Both of these estimated average salary costs include the 1.5 multiplier for benefits is based on the Bureau of Labor Statistics, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION – December 2014 (released March 11, 2015), USDL-15-0386. 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.