

**Family Educational Rights and Privacy (FERPA) Act E-Complaint Form****SUPPORTING STATEMENT****FOR PAPERWORK REDUCTION ACT SUBMISSION**

ICRAS ICR ID and OMB Number: (2027) 1880-NEW

Revised 08/01/2017

**A. Justification****1. Necessity of Information Collected.**

The Family Educational Rights and Privacy Act (FERPA) is codified at 20 U.S.C. § 1232g. The purpose of FERPA is to protect the privacy of students' education records. FERPA affords certain rights to parents and to eligible students (a student who has reached 18 years of age or is attending a postsecondary institution at any age) with respect to students' education records. FERPA applies to educational agencies and institutions that receive funds from any program administered by the Department of Education. The regulations are found at 34 CFR Part 99.

**2. Purpose of Use of Information Collected.**

The Family Policy Compliance Office (FPCO) is the office responsible for administering FERPA. FPCO reviews, investigates, and processes complaints of alleged violations of FERPA filed by parents and eligible students. FPCO's authority to investigate, review, and process complaints extends to allegations of violations of FERPA by any recipient of United States Department of Education (Department) funds under a program administered by the Secretary (e.g., schools, school districts, postsecondary institutions, state educational agencies, and other third parties that receive Department funds). Generally, FPCO cannot investigate complaints against private elementary and secondary schools as these schools are not subject to FERPA, unless such private schools receive federal education funds. As fully investigating complaints of alleged violations takes time, we ask parents and students filing complaints to carefully read the accompanying information prior to completing and submitting the complaint form.

**3. Consideration of Improved Information Technology.**

The more common use of computers has dramatically reduced the burden of producing information to be submitted in a complaint. Parents no longer have only the paper version of the complaint form as an option, with the majority opting to complete the e-complaint form, then submitting electronically rather than mailing or faxing the form.

In administering FERPA, FPCO will continue to make available to parents and eligible students a complaint form that can be accessed electronically via the internet or emailed link, while also offering a paper version. Since the original approval, the complaint form was posted on FPCO's [familypolicy.ed.gov](http://familypolicy.ed.gov) website. Moving forward, the complaint

form will now be more prominently posted and more readily accessible on the new Student Privacy Web site at <https://studentprivacy.ed.gov>. FPCO routinely responds to telephone and email inquiries from parents and eligible students, providing them with guidance and interpretation on FERPA. The guidance often includes information on how to file a complaint with FPCO. This electronic complaint form, with enhanced content over the original, will greatly reduce the burden on parents and eligible students in filing complaints with FPCO.

**4. Efforts to Identify Duplication.**

The provisions do not duplicate any other Federal requirements. No other agency has this information.

**5. Burden Minimization as Applied to Small Businesses.**

This data collection is consistent with the Administration's regulatory principles to minimize burden on small entities.

**6. Consequences of Less Frequent Data Collection.**

Should these collections of information under FERPA be conducted less frequently, the requirements of the Act would not be carried out.

**7. Special Circumstances Governing Data Collection.**

These information collection requirements are consistent with the guidelines in 5 CFR 1320.5(d)(2).

**8. Consultation Outside the Agency.**

A 60 day notice was published on September 15, 2017 (82 FR 43344). No public comments were received. A 30 day notice will be published.

**9. Payments or Gifts to Respondents.**

The information collection's respondents will not receive any payment or gift for submitting any information related to FERPA.

**10. Assurance of Confidentiality.**

Personally identifiable information collected in the FERPA complaint process is covered under FPCO's records system, "Family Educational Rights and Privacy Act (FERPA) Record Systems." (18-05-02) were published on 6/4/1999 FR Citation 64 30107.

**11. Questions of Sensitive Nature.**

The FERPA compliant process does not address nor call for questions of a sensitive nature.

**12. Annual Hour Burden for Respondents/Record Keepers**

There are approximately 500 parents and eligible students who are expected, based on previous yearly records at the Department, to annually respond to this data collection. We estimate that an average of 1.0 hours (60 minutes) per response is required for this data collection.

No. Complaints		500
<u>Burden Hours:</u>	x	1.0

Total Burden Hours = 500

**13. Annual Cost Burden to Respondents.**

The total for the capital and start-up cost components of both information collection requirements is zero. The information collection requirements under FERPA do not require the purchase of any capital equipment nor create any start-up costs. Computers and word processing software used to complete this information collection are part of the respondents' customary and usual business or private practices, and therefore are not included.

The total for operation and maintenance for this information collection is zero. The information collection does not create costs associated with generating, maintaining, and disclosing or providing the information that is not already identified in question 12 of this supporting statement.

**14. Estimated Annual Cost to the Federal Government.**

As part of the Office of the Chief Privacy Officer's Support Services Contract, FPCO has one dedicated full time equivalent (FTE) whose function is to process our enforcement related documents. The FTE devotes approximately 50% of his/her time processing the incoming complaints, including those submitted using the e-complaint form. Accordingly, the annual cost is estimated as follows:

1 Contracted FTE = 1820 hours/year @ 50% = 960 hours
960 hours @ \$49.61 per hour = \$47625.60
Total Cost = \$47,625.60

**15. Reasons for Changes to the Burden Hours Estimated.**

This is a revision of an existing data collection. There is no change in burden or responses.

**16. Collection of Information with Public Results.**

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

**17. Approval to Not Display Expiration Date.**

ED is not seeking this approval.

**18. Exception to Certification Statement.**

ED is not requesting any exceptions to the “Certification for Paperwork Reduction Act Submissions.”