

**Family Educational Rights and Privacy (FERPA) Act & Protection of Pupil Rights
Amendment (PPRA) E-Complaint Forms**

SUPPORTING STATEMENT

FOR PAPERWORK REDUCTION ACT SUBMISSION

OMB Number: 1880-0544

Revised 11/15/2018

A. Justification

1. Necessity of Information Collected.

The Family Educational Rights and Privacy Act (FERPA) is codified at 20 U.S.C. § 1232g with the regulations found at 34 CFR Part 99. 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.

In addition, the Protection of Pupil Rights Amendment (PPRA) is codified at 20 U.S.C. § 1232h, with regulations at found at 34 CFR Part 98. PPRA affords certain rights to parents of minor students with regard to surveys that ask questions of a personal nature. Briefly, the law requires that schools obtain written consent from parents before minor students are required to participate in any U.S. Department of Education funded survey, analysis, or evaluation that reveals information concerning the following areas:

1. Political affiliations;
2. Mental and psychological problems potentially embarrassing to the student and his/her family;
3. Sex behavior and attitudes;
4. Illegal, anti-social, self-incriminating and demeaning behavior;
5. Critical appraisals of other individuals with whom respondents have close family relationships;
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
7. Religious practices, affiliations, or beliefs of the student or student's parent*; or
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

This approved ICR is revised to add the PPRA form. It is estimated that more than 10 individuals will complete the form.

2. Purpose of Use of Information Collected.

The Family Policy Compliance Office (FPCO) reviews, investigates, and processes complaints of alleged violations of FERPA and PPRA filed by parents and eligible students. FPCO's authority to investigate, review, and process complaints extends to allegations of violations of FERPA and PPRA 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 or PPRA, 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 submit it electronically in lieu of mailing or faxing the paper form.

In supporting this electronic submission preference, FPCO will continue to make available to parents and eligible students a complaint form that can be accessed via the internet or emailed link. Since the original approval, the e-complaint form has been posted on FPCO's familypolicy.ed.gov website. Moving forward, the e-complaint forms will be more prominently posted, and more readily accessible, on the new Student Privacy Web site at <https://studentprivacy.ed.gov>. This revised e-complaint forms, will include improved directions on how to complete and submit the form and additional prompts in the section headings that will provide more clarity and ultimately reduce the burden on parents and eligible students 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 and PPRA 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.

The 60-day notice was published in the Federal Register on 09/11/2018 (83 FR 45916). No public comments were received. A 30-day notice for public comment 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 hour (30 minutes for the FERPA Complaint Form and 30 minutes for the PPRA Complaint Form) per response is required for this data collection.

Approximate No. of Complaints: 500

Burden Hours: x 1.0

Total Burden Hours = 500

No change in burden is estimated since the original approved amount covers the minimal burden of the PPRA form.

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 and/or PPRA 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 the 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 a previous approved request. The PPRA Complaint Form requires OMB approval. No change in burden is estimated since the original approved amount covers the minimal burden of the PPRA form.

The total burden and responses for this request is 500 hours and 500 responses respectively.

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."