

## Supporting Statement

For

### Request for OMB Approval

The Department of Education Accrediting Agency, Foreign Medical and Foreign Veterinarian Program

### Comparability Database Approval

#### 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 section. 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.**

The Department of Education (Department) is requesting OMB review and approval for the revision of collection #1840-0788. Data collection and burden for this collection are related to requirements from 34 CFR §602, 34 CFR §603, 34 CFR §600.55, 34 CFR §600.56., and the criteria for state approval agencies for nurse education published in the 1969 Federal Register.

The United States (U.S.) Secretary of Education (Secretary) is required by law to publish a list of nationally-recognized accrediting agencies that have been determined to be reliable authorities regarding the quality of education or training offered by the institutions or programs they accredit. In determining whether a specific agency should be recognized, the Secretary evaluates the submission for compliance with the Criteria for Recognition contained in regulations. The collection of information is necessary for the Secretary to evaluate compliance with each of the criteria and to monitor the continued compliance with the criteria during any period of recognition granted. The collection described below is being submitted due to the approaching end of the 3 year approval period.

The authority for collecting this information is contained in the Higher Education Act of 1965, as amended (HEA), and 34 CFR § 602. The data is required to demonstrate compliance with criteria at 34 CFR § 603 for State Agencies for the Approval of Vocational Education. The data is also required to demonstrate compliance with the criteria and procedures for recognition of State Agencies for Approval of Nurse Education published in the January 16, 1969 Federal Register. The Secretary will use these criteria in determining whether a State agency is a reliable authority as to the quality of training offered by schools of nursing.

In addition, and in accordance with 34 CFR §600.55, the Secretary is also required to collect information, review and determine whether the accreditation standards used by foreign countries to accredit medical education programs are comparable to the standards used to accredit medical education programs in the U.S

The Secretary also issued regulations under the HEA related to institutional eligibility as related to Foreign Institutional Federal Student Aid Programs (final regulations published 10/1/10) to be effective 7/1/11. The collection and review of information relating to the foreign veterinary medical programs as outlined in 34 CFR § 600.56 (a)(4) became effective July 1, 2015.

**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.**

This data is required from the accrediting agency to demonstrate compliance with criteria in 34 CFR §602; State agencies for the approval of vocational education to demonstrate compliance with the criteria in 34 CFR §603; State agencies for the approval of nurse education to demonstrate compliance with the criteria published in the 1969 Federal Register; foreign medical accrediting entities in accordance with 34 CFR § 600.55; and criteria established by Department staff to evaluate foreign veterinary accrediting organizations in accordance with 34 CFR §600.56.

Approval of vocational education compliance with the regulations contained in 34 CFR §602 and §603 is a required element enabling students attending institutions accredited by recognized agencies and state agencies that participate in Title IV HEA programs and non-HEA programs. The submission of information and documentation is required in Subpart C of 34 CFR §602 (the recognition process).

For the purpose of determining eligibility for federal assistance, pursuant to the Nurse Training Act of 1964 as amended, State approval agencies for nurse education must demonstrate compliance with the criteria published in the January 15, 1969 Federal Register. Recognition of state agencies for the approval of nurse education is a required element enabling nurse education programs the ability to participate in non-HEA Federal programs. In addition, the recognition process (Subpart C of 34 CFR §602) is also applicable to State approval agencies for nurse education.

Moreover, 34 CFR 602.24 (f) specifically requires (38 of the 63 recognized) accrediting agencies to assess institutions to verify if they have made credit hour determinations for Title IV, HEA program purposes, and notify the Secretary of systematic noncompliance with the agency's policies. This information must also be included in an accrediting agency's petition for recognition which would be included in the collection of information needed for accrediting agencies to demonstrate compliance with 34 CFR §602.

Compliance by foreign medical schools with 34 CFR §600.55 is a required element enabling United States students attending foreign medical schools to establish eligibility to participate in the William D. Ford Federal Direct Student Loan Program.

In order for students enrolled in foreign veterinary medical programs to be eligible to participate in the William D. Ford Federal Direct Student Loan Program, the foreign veterinary medical program must be accrediting by an organization which has satisfied the requirements in 34 CFR §600.56.

In summary, Accreditation Group staff, members of the National Advisory Committee on Institutional Quality and Integrity, and the National Committee on Foreign Medical Education and Accreditation review the information and documentation collected to make recommendations to the Secretary.

The data collected allows the Secretary to publish and or update a list of nationally-recognized accrediting agencies that have been determined as reliable authorities regarding the quality of education or training offered by the institutions or programs they accredit. The data also allows the Secretary to publish a list of foreign countries determined to have medical education standard that are comparable to the medical education standards used to accredit medical schools in the United States. In addition, the data has also been used to determine if the accreditation standards used by foreign veterinary accrediting bodies are acceptable to the Secretary.

**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 Department has implemented a web-based, electronic information collection system that allows agencies, state agencies, and countries to submit applications and compliance reports for review of comparability or recognition. The system also allows attachments of supporting documents in PDF format as well. In some cases, the submitting organization provide a web address and inform Department staff that the supporting documentation is on a website.

**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 collected is not obtained through any other means within the Federal government. The information is collected only through the country/accrediting agency recognition process the Department administers.

**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.**

Collection of this information does not involve small businesses or other small entities.

**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.**

Consequences for not collecting the information or collecting the information less frequently would jeopardize the accreditation process. The Secretary would not be able to review recommendations and the information needed to determine compliance with 34 CFR § 602, 603; §600.55 and §600.56, and the nurse education criteria. Additional consequences would be students' inability to receive Title IV Federal Student Aid; lack of participation in non-Title IV programs; and the inability to ensure that the accrediting organization as a reliable authority regarding the quality of education offered at the institutions they accredit; and the inability to determine whether a country has medical education standards comparable to those used to accredit medical education programs in the U.S. The collection requirements and necessity to review accrediting agencies every five years are statutory. State agencies are reviewed every four years which is also a statutory requirement. Medical education programs in foreign countries are reviewed every six years in accordance with the National Committee on Foreign Medical Education and Accreditation guidelines. Foreign veterinary accrediting agencies are reviewed every six years in accordance with Department guidelines.

**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.**

There are no special circumstances that would cause an information collection to be conducted in a manner consistent with any of the examples listed above.

**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.**

Under the Administrative Procedure Act (APA) (5 U.S.C. 553), the Department is generally required to publish a notice of proposed rulemaking and provide the public with an opportunity to comment on proposed regulations prior to establishing a final rule. This notice will publish with a 60/30-day Federal Register Notice to solicit public comments. In addition, all Department regulations for programs authorized under the Title IV, HEA programs are subject to the negotiated rulemaking requirements of section 492 of the HEA. Public comment is solicited through the notice of proposed rulemaking. The data collection consists of the criteria for recognition (regulations) that result from a negotiated rulemaking process. The process takes place on an infrequent basis following a change in the governing statute or decision by Department leadership to engage in negotiations.

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

The Department does not provide any payment or gift to an accrediting agency that applies for recognition.

**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. 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.**

No assurances of confidentiality are given to the countries/accrediting agencies other than those provided under 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. 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.**

There are no questions of a sensitive or private nature in the information collected.

**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.

Data collection and burden for this collection are related to requirements from 34 CFR §602, 34 CFR §603, 34 CFR §600.55, and 34 CFR §600.56

**This is a 'Revision' request and the estimate of additional burden on accrediting agencies to collect information for the section of the regulations is as follows:**

The number of accrediting agencies (not-for-profit associations) that respond to the information collection is 65. This provision applies to all 63 agencies in this group [38 are institutional accrediting agencies that are recognized for Title IV purposes]. The four State agencies for the approval of vocation education (which are included in the count of 38 institutional accrediting agencies) also accredit for Title IV purposes. The other 25 agencies (including five State agencies for the approval of nurse education) are recognized for non HEA purposes. There are two new accrediting agencies applying for initial recognition Burden for requiring agencies to report to the Department on their compliance is part of the recognition process and includes credit hour regulatory requirements.

The count of 65 accrediting agencies includes the previous 63 agencies plus two new accrediting agencies applying for initial recognition. The annual burden hours were calculated using the total number reported by the consulted agencies, divided by the number of years the agency has to author and review information; put information in the electronic system; compile, redact and upload supporting documentation (including translation for foreign countries); and administrative support.

**65 agencies x 50 hours**

**3,250 hours**

The estimate of the additional burden on foreign countries relative to medical education and accreditation in accordance with 34 CFR §600.55 are as follows:

Burden for requiring agencies to report to the Department on their comparability with the CFR §600.55

10 agencies x 12 hours	120 hours
14 agencies x 38 hours (includes translation)	532 hours

Burden for requiring foreign veterinary programs to report to the Department on their compliance with CFR §600.56 are as follows:

4 agencies x 12 hours	48 hours
1 agency x 38 hours (includes translation)	38 hours

**The rationale used in determining the burden:**

The estimate of the burden on accrediting agencies to report to the Department on their compliance with the credit hour regulation is a standard part of the application process and to demonstrate compliance with the applicable regulations. This estimate is based upon information provided by a small sample of accrediting agencies that recently submitted renewal petitions and the average number of hours to respond to review criteria was then applied to all accrediting agencies/countries. The Department believes this estimate is reasonable.

**Summary for the current and proposed burden:**

Current approved burden: 1,254 hours  
Proposed burden hours for this collection: 3,988 hours  
Proposed burden increase: 2,734 hours

Current approved responses: 89 responses  
Proposed responses for this collection: 94 responses  
Proposed overall increase in responses: 5 responses

**The estimated costs to accrediting agencies and institutions:**

To estimate the cost to respondents, the Department used wage information from the Bureau of Labor Statistics. The Sep 7, 2018 total private education and health services average hourly earnings of 27.12 was used as the hourly rate to monetize the burden of these provisions.

**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.

There are \$0 startup costs associated with this collection. Any other costs associated with burden related to this collection are discussed in section 12.

**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 is no direct cost to the Federal government to collect the information agencies must submit.

**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).**

As noted previously, the data collection and burden for this collection are related to requirements of 34 CFR §602, 34 CFR §603, 34 CFR §600.55, and 34 CFR §600.56. The burden hours for this revised collection have increased and are now determined to be 3,988. There are several significant factors which contributed to the increase in burden hours which requires an adjustment in agency estimate.

First, the number of accrediting agencies/organizations submitting documentation increased. Two additional accrediting agencies submitted initial petitions for recognition and supporting documentation (we expect others to do so as well) in accordance with 34 CFR §602. One additional foreign veterinary accrediting agency submitted an initial application and supporting documentation in accordance with 34 CFR §600.56. There are two additional accrediting organizations that communicated intent to submit an initial applications in accordance with the requirements of 34 CFR §600.55 during this collection period. Department staff believes that, to be as accurate as possible, these accrediting organizations must be included in the burden calculations. This brings the total number of accrediting organizations to 93, an increase of five accrediting organizations.

Second, after consulting with a small sample (seven) of accrediting agencies and organizations, Department staff determined that a new evaluation of burden hours was necessary because the amount of documentation needed to thoroughly demonstrate compliance with regulations increased during the collection period. In addition to the additional documentation and in accordance with 34 CFR §602.31(f), accrediting agencies must also redact Personally Identifiable Information (PII) prior to submitting documentation. It was also noted during our consultation with accrediting agencies that redaction of PII has and/or will significantly increase the amount of hours spent preparing a petition for recognition.

Third, there was a miscalculation of burden hours in the previous collection. For the previous collection period, the number of proposed hours at 828 is significantly less than the prior period count at 4,885. This drastic reduction in burden hours does not accurately reflect the re-estimate based on information provided by the agencies consulted by Department staff. However, the proposed number of hours at 3,988 is more aligned with estimates from previous years and is considered appropriate and reasonable.

Lastly, no consideration was given for the time required to translate supporting documentation from an accrediting organization's or country's official language to English as required in Department guidelines for determining if a foreign country's medical school is comparable to standards applied to medical schools in the United States. An estimate of burden hours to translate documents from a foreign language to English is now calculated in the number of proposed hours.

All of these factors combined have contributed to the increase proposed and is a more accurate estimate of burden hours.

**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 department does not formally publish any of the information it collects from accrediting agencies. However, Department staff does prepare an analysis of an agency's compliance with the criteria for recognition based, in part, on the information that the agency submits in its application. An analysis is presented to the National Advisory Committee on Institutional Quality and Integrity and the National Committee on Foreign Medical Education and Accreditation, as appropriate, when the body meets to review the agency's application and are available to the public electronically via the web.

**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 seeks approval to not display the expiration date for OMB approval of the information collection because the Department does not use a form to collect the information. The Office of Postsecondary Education/Accreditation division currently displays and will continue to display on the website the OMB Control Number for this collection used by accrediting agencies to submit recognition petitions.

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

No exception is requested.

#### **B. Collections of Information Employing Statistical Methods**

The collection of information does not employ statistical methods.