

**SUPPORTING STATEMENT
FOR PAPERWORK REDUCTION ACT SUBMISSION**

General Provisions – Financial Assistance for Students with Intellectual Disabilities

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 section¹. 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.

As provided by the Higher Education Act of 1965, as amended, (HEA) these regulations allow students with intellectual disabilities, who enroll in an eligible comprehensive transition program to receive Title IV, HEA program assistance under the Federal Pell Grant, the Federal Supplemental Educational Opportunity Grant (FSEOG), and the Federal Work Study (FWS) programs (see sections 484(s) and 760 of the HEA).

This request is for an extension of the current reporting and recordkeeping requirements contained in the regulations at 34 CFR 668.232 and 668.233. The information collection requirements are necessary to determine the eligibility to receive program benefits and to prevent fraud and abuse of the program funds. There has been no change to the regulatory requirements since the last information collection approval.

[Section 668.232 – Program eligibility](#)

The regulations identify the procedures an institution must follow to apply to the Secretary for a determination of eligibility of its comprehensive transition program for students with intellectual disabilities to receive Federal Pell Grant, FSEOG, and FWS program funds.

[Section 668.233 – Student eligibility](#)

The regulations identify how a student with intellectual disabilities could qualify for the benefit and include the general types of information that must be collected by the institution to provide evidence of the intellectual disability.

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.

The institution will obtain a record from a local education agency (LEA) or other specified documentation to determine that the student with intellectual disabilities is

¹ Please limit pasted text to no longer than 3 paragraphs.

eligible to participate in the Federal Pell Grant, FSEOG, and FWS programs. The institution must also apply to the Department for approval of its comprehensive transition program.

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.

In applying for eligibility of its comprehensive transition program for students with intellectual disabilities, institutions will use a combination of electronic applications and paper documentation.

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.

There is no duplication of data as a result of the collection of this information.

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.

The Department collects most of the required reporting information utilizing established electronic processes for adding programs using the eApp. This electronic filing capability aids in reducing the burden for institutions.

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.

Per regulation, the information must be collected whenever an institution wishes to apply to participate, or when a student with documented intellectual disabilities applies to participate in an established program.

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.

The information collection requirements require no special circumstances.

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.

The Department will request both a 60-day and a 30-day public comment period related to the burden collection connected to these regulations. There has been no change to the regulation since they were negotiated. This is the 60 day comment period request for this collection package.

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

No payments or gifts will be provided to the respondents.

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.² 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.

These requirements do not cover any confidential information. Part of this information collection is in regard to the regulations outlining the student eligibility criteria for students with intellectual disabilities who may enroll in eligible comprehensive training program courses. This does include individual student information but the information is held by the school and would be covered under the FERPA regulations. No individual student information is transmitted to the Department for these purposes.

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 nature being transmitted to the Department.

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

² Requests for this information are in accordance with the following ED and OMB policies: Privacy Act of 1974, OMB Circular A-108 – Privacy Act Implementation – Guidelines and Responsibilities, OMB Circular A-130 Appendix I – Federal Agency Responsibilities for Maintaining Records About Individuals, OMB M-03-22 – OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002, OMB M-06-15 – Safeguarding Personally Identifiable Information, OM:6-104 – Privacy Act of 1974 (Collection, Use and Protection of Personally Identifiable Information)

or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.

Current Burden for 668.232 – Program Eligibility

	# of Respondents	#of Responses		# of Hours Burden
Institutions				
Public	36	36	x .33 hours	= 12 hours
Private	9	9	x .33 hours	= 3 hours
	45	45		15 hours

As of November 2018 there are 93 institutions that have applied for and been approved to offer financial aid through comprehensive transition programs (CTP) for students with intellectual disabilities. This is an increase of 48 participating institutions from the current burden calculation.

New Burden	# of Respondents	#of Responses		# of Hours Burden
Institutions				
Public	78	78	x .33 hours	= 26 hours
Private	15	15	x .33 hours	= 5 hour
Section Subtotal	93	93		31 hours

Current Burden for 668.233 – Student Eligibility

	# of Respondents	#of Responses		# of Hours Burden
Section Subtotal	45*	140		42 hours

As of January 2019, 49 approved institutions reported that 350 eligible students have received financial aid through CTP for students with intellectual disabilities. The institutions have met the information collection to determine student eligibility through contact with the LEA or other qualified professionals.

New Burden	# of Respondents	#of Responses		# of Hours Burden
Institutions				
Public – LEA contact		283	x .25 hours	= 71 hours
Public – Other qualified professional		32	x .75 hours	= 24 hours
	78*	315		95 hours
Institutions				
Private – LEA contact		31	x .25 hours	= 8 hours
Private – Other qualified professional		4	x .75 hours	= 3 hours
	15*	35		11 hours
Section Subtotal	93*	350		106 hours

Collection TOTAL 93* 443 137 hours

*The number of institutions is repeated but is NOT summed in the section total to avoid duplication.

	# of Respondents	#of Responses	# of Hours Burden	
Current burden	45	235		74
<u>Estimated new burden</u>	<u>93</u>	<u>443</u>	<u>137</u>	
Difference (increase in burden)	48	208	63	

We estimate that the cost to the institutional respondents will be:

Institutions	# of Responses	Est. \$ per Hour	Est. \$ Burden
Public	78	x \$44.41	x 1.33 hours = \$4,607
<u>Private</u>	<u>15</u>	<u>x \$44.41</u>	<u>x 1.33 hours = \$ 886</u>
Total	93		\$5,493

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

Total Annualized Capital/Startup Cost	:	
Total Annual Costs (O&M)	:	

Total Annualized Costs Requested	:	

There are no additional costs as a result of these regulations separate from those in item 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 are no additional costs to the Federal government as a result of these regulations.

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).

The Department of Education is requesting an extension of the current collection while noting an increase in the estimated burden hours (+63) due to the increase in the number of participating institutions (+48). All increases are considered adjustments. There has been no change in the regulatory requirements of the regulations.

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 results of this collection will not be published.

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 is not seeking this approval.

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

The Department is not requesting any exceptions to the “Certification for Paperwork Reduction Act Submissions” of OMB Form 83-1.