

## **Accrediting Agencies Reporting Activities for Institutions and Programs**

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<sup>1</sup>. 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.

This is a revision to the previous collection because there is an adjustment in the reporting burden calculation due to correcting the number of accrediting agencies required to submit data from 64 to 53. The Secretary of Education is authorized by 34 CFR 602 to recognize accrediting agencies to ensure that these agencies are, for the purposes of the Higher Education Act of 1965, as amended (HEA), or for other Federal purposes, reliable authorities regarding the quality of education or training offered by the institutions or programs they accredit. Federal regulations (34 CFR 602.26 and 602.27) outline information that accrediting agencies must report to the Department of Education on a timely basis in order to support the Department's oversight role, including information on accreditation actions taken with regard to institutions and programs. This information collection clarifies the categories of actions taken by accreditors, the reporting required or requested on those actions, and the format for submitting the information.

### 20 U.S.C. 1099b Criteria Required:

No accrediting agency or association may be determined by the Secretary to be a reliable authority as to the quality of education or training offered for the purposes of this chapter and part C of subchapter I of chapter 34 of title 42 or for other Federal purposes, unless the agency or association meets criteria established by the Secretary pursuant to this section. The Secretary shall, after notice and opportunity for a hearing, establish criteria for such determinations. Such criteria shall include an appropriate measure or measures of student achievement. Such criteria shall require that—  
(excerpted sections 7 & 8)

(7) such agency or association shall notify the Secretary and the appropriate State licensing or authorizing agency within 30 days of the accreditation of an institution or any final denial, withdrawal, suspension, or termination of accreditation or placement on probation of an institution, together with any other adverse action taken with respect to an institution; and

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<sup>1</sup> Please limit pasted text to no longer than 3 paragraphs.

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(8) such agency or association shall make available to the public, upon request, and to the Secretary, and the State licensing or authorizing agency a summary of any review resulting in a final accrediting decision involving denial, termination, or suspension of accreditation, together with the comments of the affected institution.

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.

Under 34 CFR 602.26 and 602.27, information that accrediting agencies are required to submit to USED allows the Department to take action on deficiencies, and to notify the Secretary of systemic non-compliance by accredited institutions with regard to the agency's policies.

To determine compliance with these regulations, the Department reviews the agency's narrative describing how it complies with the criteria and supporting documentation (such as guidance it provides to institutions, an institution's self-study, and the agency's report of its on-site review).

The Department currently uses data to demonstrate compliance with 34 CFR 602 for accreditation agencies.

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.

Notifications of accreditation actions as described above are submitted to the Department by accrediting agencies via the Database of Accredited Postsecondary Institution and Programs (DAPIP), which is a web-based system. To comply with regulation 602.26 (b) (3)(d), Notification of accrediting decisions, agencies also post this information on their websites.

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.

This information collection will not duplicate any other information collection effort in the Department. No other agencies or organizations systematically report adverse actions related to accreditation in the same broad manner for the Department. The information is not available in other forms or as the result of other information collections.

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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.

Accrediting agencies may qualify as small entities. This revised information collection seeks to reduce burden and technical challenges associated with the use of an old system which required agencies to post decision memorandums on their own websites. Further, the Department is no longer requiring agencies to submit URLs. Finally, the system permits agencies to apply a single action to multiple locations which further reduces burden.

Small businesses or other small entities are not part of the target population of the information collection.

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.

By failing to collect the information or collecting the information less frequently, the Secretary is unable to obtain the information needed to determine compliance with 34 CFR Part 602, to ensure that the accrediting organization is a reliable authority regarding the quality of education offered at the institutions they accredit. Ultimately, failure to collect this information would jeopardize students' ability to receive Title IV Federal Student Aid and participate in non-HEA Federal programs. The collection requirements and necessity to review accrediting agencies every five years are statutory.

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;

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- 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 require this information collection to be conducted.

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.

On September 26, 2019, a Federal Register Notice was published (Vol. 84, No.187, page 508210), requesting a 60-day public comment period. Two comments were received during the comment period. The comments are relevant; however, current regulations

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and the interpretation of the regulations prevent the Department from adopting suggestions provided in the comments. In addition, the burden hours are specifically related to entering information into the DAPIP system. There are no expected burden changes based on the two comments received.

A Notice soliciting comments from parties outside the Department will be published through a 30-day Federal Register notice, with public comments considered in finalizing the information collection.

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

No payments will be made to 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.<sup>2</sup> 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.

Accreditation is a matter of public record in all states and jurisdictions. Therefore, the information requested from accreditation agencies is required, not voluntary and is considered public information. No PII is collected and the Department makes no pledge about the confidentiality of the data.

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.

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<sup>2</sup> 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)

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Neither the data collection nor the information items in the adverse action reports include questions of sensitive nature.

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. This burden is primarily due to accreditation agencies being required to report information about institutions to the Department.

The estimate of the burden on accrediting agencies to collect information for the section of the regulations is as follows:

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The number of accrediting agencies (not-for-profit associations) required to respond to the information collection is 53.

Burden for requiring accrediting agencies to report to the Department

<b>Estimation of Agency Annual Burden</b>	
Number of Agencies	53
Complete Online Form(s)	5 min./action
Number of Actions	6,654
<b>Annual burden hours<sup>†</sup></b>	<b>554.5</b>
<b>Annual burden hour per agency</b>	<b>10.5</b>

The rationale used in determining the burden:

The estimate of the burden on agencies to report the required information was provided by a small sample of accrediting agencies and then applied to all accrediting agencies. The Department believes this estimate is reasonable.

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 Bureau of Labor Statistics (BLS) June 2019 total private education and health services average hourly earnings of \$27.47 was used as the hourly rate to monetize the burden of these provisions.

<b>Reporting Burden Calculation</b>	
Hourly Rate	\$27.47
Number of Actions	6,654
Hours	554.5

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<b>Annualized Burden</b>	<b>\$15,232</b>
<b>Cost per agency</b>	<b>\$287.40</b>

Annualized Burden = Hours × Hourly Rate

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.



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- 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 : 0  
Total Annual Costs (O&M) : \_\_\_\_\_  
Total Annualized Costs Requested :

**There is no startup cost.**

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.

<b>Annualized Federal Burden</b>	
System Contract Cost	\$387,300

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

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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).

There is an adjustment in the reporting burden calculation due to a correction in the number of accrediting agencies required to submit data according to 34 CFR 602. In the previous burden calculation, the number of agencies used in the calculations was 64. However, that count of agencies was incorrect and included entities that were not required to submit the requested information and documentation in accordance with 34 Code of Federal Regulations (CFR) §602. Nine of the agencies included in that total were not required to submit the requested information as those agencies are not governed by 34 CFR § 602. Currently, there are 53 accrediting agencies that are required to submit the requested information in accordance with 34 CFR § 602. Therefore, the total number of accrediting agencies should reflect 53.

There is an adjustment in agency burden hours calculated. They were reduced from 2,689 to 555 hours; there is an adjustment change of eleven agencies required to report from 64 to 53 agencies and a decrease of 560 burden hours, in addition, there is a program change decrease of 1,574 burden hours resulting from improvements to the system, eliminating Federal staff burden and further reduced agency burden. Federal staff burden decreased because of system improvements that do not require inputs from federal staff. Agency burden was reduced because of changes in agency data input process. Also, from September 1, 2018 to August 31, 2019 there were 6,654 actions submitted into the system. Federal government burden hours decreased from 670 to zero.

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 makes information it collects from accrediting agencies available on DAPIP at <https://ope.ed.gov/dapip/#/home> . No additional tabulation or modifications are applied. No complex analytical techniques are used in this process.

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.

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The Office of Postsecondary Education is not seeking this approval.

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

There are no exceptions to the statement.