

**SUPPORTING STATEMENT
FOR PAPERWORK REDUCTION ACT SUBMISSION
SECTION 427 GENERAL EDUCATION PROVISIONS
ACT REQUIREMENT FOR GRANT APPLICATIONS**

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 copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

On October 20, 1994, the Improving America's Schools Act, Public Law 103-382 (The Act), became law. The Act added a provision to the General Education Provisions Act (GEPA). Section 427 of GEPA requires an applicant for assistance under Department programs to develop and describe in the grant application the steps it proposes to take to ensure equitable access to, and equitable participation in, its proposed project for students, teachers, and other program beneficiaries with special needs. The current GEPA Section 427 guidance for discretionary grant applications and formula grant applications has approval through April 30, 2020. We are requesting an extension of this approval.

This is an extension of a previously approved information collection request.

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 information collected under this provision will be used by Department staff in awarding new grants and in providing technical assistance to grantees in the implementation of their grant programs. In reviewing applications for new grants, Department staff will look to see whether applicants have provided a description of barriers that impede access to the Department-funded programs and steps they would take to overcome these barriers. Department staff will also use the information during the grant period in providing technical assistance to applicants in the implementation of their projects. In addition, as part of the review, Department staff will also evaluate the information gathered to determine whether further guidance or technical assistance is needed by applicants concerning this requirement.

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 of using information technology to reduce burden.

If any program has enabled an application to be submitted electronically or in electronic form, information provided in response to the GEPA Section 427 requirement may be submitted in the same manner. Also, applicants have discretion in determining how to provide information in response to this requirement. For example, an applicant may choose to use technology available to it that would reduce burden in responding to this requirement. There are no legal obstacles to reducing burden.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use of the purposes described in Item 2 above.

The GEPA Section 427 requirement does not represent a duplication of information collection. The provision is not intended to duplicate the requirements in civil rights statutes, but rather to ensure that applicants for Federal funds address equity concerns in the planning and development of their proposed Federal projects that may affect the ability of certain potential beneficiaries to fully participate in a proposed project. Applicants have discretion in how to respond to this requirement and can explain if information that is responsive to this requirement is provided in their applications in response to a related topic.

5. If the collection of information impacts small businesses or other small entities (Item 8b of IC Data Part 2), describe any methods used to minimize burden.

The collection of information in response to the GEPA Section 427 requirement does not have a significant impact on a substantial number of 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.

The Department of Education would not be in compliance with the requirements of Public Law 103-382 if the information is not collected. An applicant for new grant funds is required to provide this information in order to receive funding under any applicable 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 which 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 will not be collected in a manner inconsistent with the general information collection guidelines in 5 CFR 1320.5(d)(2). There are no special circumstances.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, 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 60 day notice was published in the Federal Register on December 6, 2019 (84 FR 66888) Two public comments were received but were not substantive. A 30 day public notice will be published.

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

There will be no payment or gift to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

No assurance of confidentiality is provided specifically for the information collected for compliance with the GEPA Section 427 provision.

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.

The GEPA Section 427 provision does not require the respondent to provide information of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should :

- Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. 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 item 16 of IC Data Part 1.

- 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 not be included in Item 14.

The estimated burden of this collection of information will range from 1-3 hours with an average of 1.5 hours. The respondents have been given broad guidelines in fulfilling this information collection and some applicants may not have to collect any information to respond to this requirement.

The previous respondent number from 2013 included approximately 5,373 new discretionary grant respondents and 7,023 formula grant respondents for 12,396. In FY 2018, the number of new grant respondents was 14,647 respondents. The total number of respondents for FY 2019 is estimated at 5,976 new discretionary grant respondents and 7,503 for new formula grant respondents for a total of 13,479 new grant respondents. This calculates to 13,479 x 1.5 Hours = 20,219. We expect this number to remain the same or increase FY 2020-2023.

Similarly, the annualized cost to respondents would be minimal because the information collected in response to this requirement concerns participation data that should be readily accessible to the respondent. In addition, because an applicant has discretion in determining how to respond to the requirement, the amount of time necessary to prepare the response will vary from applicant to applicant. We estimate that, on average, each response will require a local education agency program specialist or agency grant specialist at \$30.38/hour 1.5 hours to complete. ($\$38.30 \text{ an hour} \times 1.5 \text{ Hours} = \45.57).

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 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.

Total Annualized Capital/Startup Cost : \$.00
Total Annual Costs (O&M) : .00

Total Annualized Costs Requested : \$.00

There are no costs to respondents beyond those described under number 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.

The annualized cost to the Federal Government will be minimal and will vary from program to program. An applicant has discretion in determining which barriers to access to, and participation in, its project need be addressed in response to the GEPA Section 427 requirements. Thus, the grade level of the Department employee reviewing the response will vary and the number of hours it would take for the review will vary. We estimate that, on average, for each response a GS-11 will review the information collected for .5 hours. We estimate the annualized cost to the Federal Government of responding to this requirement as \$224,694.93 (\$33.34 an hour X .5 hour X 13,479 (estimated number of new discretionary and formula applications).

15. Explain the reasons for any program changes or adjustments to #16f of the IC Data Part 1 Form.

The total number of responses has increased from 12,396 to 13,479 accounting for an adjustment of 1,101 responses. There is an adjustment of an increase of 1,625 Burden Hours to 20,219 hours. The adjustment is due to an increase in discretionary and formula grant respondents received by the Department.

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.

No plans exist to publish the results of this information collection.

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 will display the expiration date on the GEPA Section 427 document.

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

There are no exceptions to the certification statement.