

**SUPPORTING STATEMENT
FOR PAPERWORK REDUCTION ACT SUBMISSION**

Indian Education Demonstration Grant Program Application

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, 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.**

The Office of Indian Education (OIE) of the Department of Education (ED) requests clearance for the Indian Education Demonstration Grant Application authorized under Title VI, Part A, of the Elementary and Secondary Education Act of 1965, as amended (ESEA). The Demonstration (CFDA 84.299A) program is a competitive discretionary grant program. The grant applications submitted for this program are evaluated on the basis of how well an applicant addresses the selection criteria and are used to determine applicant eligibility and amount of award for projects selected for funding.

The selection criteria used for the Demonstration Grant program include general selection criteria from 34 CFR 75.210 and selection criteria based on regulatory requirements in 34 CFR part 263, in accordance with 34 CFR 75.209(a). The selection criteria from 34 CFR part 263 are from section 263.24, as published in a Notice of Proposed Rulemaking on March 31, 2020 and which will be finalized in a Notice of Final Rulemaking, expected approximately June 15, 2020. Those regulations also contain application requirements in section 263.22, which contain information collection requirements.

- 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 type of information provided in the application includes: the purpose of the project; the objectives, activities, and timelines for the funding period requested, qualifications of key personnel; the evaluation procedures to be used to measure progress and effectiveness of the project; and a detailed budget and description of resources.

Eligible applicants submit the information to describe the project for which funding is requested. The information provided by the applicant addresses the selection criteria for the

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

program. The application is evaluated through a peer review process and an application's score is used to determine its ranking and selection for funding.

The information collected reflects the specific components of the selection criteria and program services that are to be provided.

Eligible applicants for the Demonstration program include:

- (1) a State educational agency,
- (2) a local educational agency,
- (3) an Indian tribe,
- (4) an Indian organization,
- (5) a Bureau of Indian Education (BIE)-funded school,
- (6) a tribal college or university, or
- (7) a consortium of such entities.

- 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 for adopting this means of collection. Also describe any consideration of information technology to reduce burden.**

This grant program will require electronic submission of applications through the grants.gov system. For those applicants that do not have the capability for on-line submissions through the Internet, the application may also be submitted in hard copy format if an exception is requested in writing at least two weeks prior to the closing date. All performance reports for this grant program must be submitted through the Department's e-reports system enabling on-line administration and review of the projects.

- 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.**

No duplication of effort exists. This information collection requests information specifically for discretionary Indian education programs authorized under section 6121 of the ESEA. Applicants will be required to provide information that addresses the statutory purpose and requirements, as well as the selection criteria. Although the Department operates other Indian education grant programs, they are authorized under different legislation and their purposes and requirements differ from those under this program.

- 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.

This information collection requirement impacts small entities, but the Department will limit the collection to only that information necessary to make grant awards, in order to minimize the burden on small entities. Small entities may also propose a planning period, in which they will be able to submit information that needs to be collected once the planning period is over.

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.

If this information is not collected, the Department will be unable to make grant awards in a timely manner. Applications provide information describing the project for which funding is requested. The information collected is necessary to evaluate the applications and select projects for funding annually.

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;**

Only one grant competition for new awards is held annually. Respondents submit the information collection for each new grant they desire.

- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**

The time period from the date of availability of the information collection, as published in the Federal Register, to the date by which respondents must respond (i.e., the closing date which is also published in the Federal Register) is not less than 30 days.

- **requiring respondents to submit more than an original and two copies of any document;**

Respondents are required to submit applications electronically (grants.gov) and annual performance reports (e-reports). Respondents that meet the exception to submitting an application via the grants.gov system are not required 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;**

Respondents will not be required to retain records for more than three years.

- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of the study;**

The information collection is not connected with a statistical survey.

- **requiring the use of statistical data classification that has not been reviewed and approved by OMB;**

The information collection is not connected with a statistical survey or statistical data classification.

- **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**

The information collection does not request data that is confidential.

- **requiring respondents to submit proprietary trade secrets, or other confidential information the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

The information collection does not request data that is of a proprietary nature or confidential.

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 any 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.**

The NPRM was posted on March 31st with a 30 day comment period ending April 30th. We identified the following sections of the regulations as involving information collection requirements (ICR) for the program application package: Proposed §§ 263.22 (Application Requirements) and 263.24 (Selection Criteria). We stated that “As a result of the proposed revisions to these sections, we would transfer the grant application package information collection burden from 1810-0722 to 1894-0006, resulting in discontinuation of 1810-0722.” We requested comment on cost and burden hours. No comments were received on these paperwork sections. However, because we failed to submit the Information Collection Request documentation, we are submitting this now for approval of this paperwork collection.

- **Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, 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.**

This is a discretionary grant application and the Department will publish a 30 day Federal Register Notice inviting comment on the application 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 to respondents will be provided.

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.**

Confidential information is not requested. However, some applicants may include information within an application that is personally identifiable. Such information, which may include resumes of staff with home addresses, home telephone numbers, or similar personal information, is not released under the exemptions of 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. This 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.**

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)

Information of a sensitive nature is not requested.

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.**

The estimated total number of applications anticipated is based on past experience with these programs. It is estimated that a total of 100 applications will be received annually for the grant competition. The estimated burden includes reporting (development and typing) for all applicants, and recordkeeping and maintenance of evaluation information by actual grantees.

Respondent Type	Number of Responses	Estimated Burden Hours per Respondent	Total Hours
New Applicants	100	30	3,000 hours
		Total:	3,000 hours

- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate 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)**

The application can be addressed by one information collection. The information to be provided for the program is in the program selection criteria that must be addressed by the applicant based on the type of services to be provided, and in the regulatory application requirements.

- **Provide estimates of annualized costs to respondents for 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 the cost should be included in Item 14.**

The cost per applicant for compilation of the information and completion of the application is estimated to take 30 hours. Estimates are based on the basic hourly rate of a GS 13/1 for development of the application and the basic hourly salary of a GS 4/1 for clerical support. This makes for a total cost burden of \$122,500 for applicants.

Annual Cost to Respondents for the hour burden associated with the collection of information:

Estimated GS Level	Number of Hours	Pay/Hour	Cost/Application	Total Cost for all 100 applications
13/1	25	46	1,150	115,000
4/1	5	15	75	7,500

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers 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: 0

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

There is no additional annual cost burden to respondents and record keepers from this collection of information.

- 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.**

We estimate it will take 4 staff at the GS 13 level 70 hours to review applications for eligibility. This will result in a total cost to the federal government of 4 Staff at \$46/hour X 70 hours each staff person must work = \$12,880. In addition, the Department has contractor support to conduct the peer review process. The Department can use up to 1 percent of the discretionary budget for Special Programs for peer review costs; the total appropriation for Special Programs for Indian Children and Youth for FY 2020 is \$67,993,000 so the total available for peer review is \$679,930. We estimate funding for new awards in FY 2020 will be \$15,000,000. The total cost to the Department for this collection is estimated to be \$692,810.

- 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).**

This is a reinstatement with change of a previously approved information collection request. There is a new absolute priority replacing the previous absolute priority; we do not expect a material change in burden hours from this new priority compared to the previous one. In previous years, we received about 100 applications. The adjustment reflects a decrease for the hours spent on the application due to the new option for applicants to include a planning period of up to 12 months. We expect at least 75 percent of grantees to include a planning period. Four of the application requirements do not need to be addressed until after an application is selected for funding and the planning period has ended, reducing the time applicants spend on the initial application. We clarify in the application which application

requirements can be omitted for those applicants proposing a planning period. We anticipate this will decrease the total hours of burden on applicants. The total estimated burden and responses are 3,000 hours and 100 responses respectively.

- 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.**

Results of the individual information collected 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.**

Such approval is not being requested.

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

There are no exceptions to the certifications.