

The U.S. Department of Education (the Department) published a Notice of Proposed Rulemaking (NPRM) for the “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance” on November 29, 2018 (Vol. 83, No. 230, pages 61462- 61499). Based on comments received regarding the NPRM, the Department has made changes to those proposed regulations and these changes have adjusted the proposed burden for affected entities complying with the final regulations as noted below.

The final regulations do not include Section 106.44(b)(3) as proposed in the NPRM, which provided recipients a safe harbor with respect to supportive measures. The proposed burden has been removed from this collection.

Section 106.45(b)(2): Notice of Allegations

For the activity required under final section 34 CFR 106.45(b)(2), the Department estimates the number of affected respondents to be 16,606 LEAs, 6,766 IHEs and 600 other entities that are recipients of Federal financial assistance; each under a burden of recordkeeping and third party disclosure of the required notices of 1.5 hours; with an annual hour burden estimated at 35,958 hours in Year 1 and 0 hours in subsequent years (23,972 respondents x 1.5 hours = 35,958). The estimated costs to the respondents are a total of \$2,650,654.

Section 106.45(b)(9): Informal resolution

For the activity required under final section 34 CFR 106.45(b)(9), the Department estimates the number of affected respondents to be 16,606 LEAs, 6,766 IHEs and 600 other entities that are recipients of Federal financial assistance; each under a burden of recordkeeping and third party disclosure of the required notices of 1.5 hours ; with an annual hour burden estimated at 35,958 hours in Year 1 and 0 hours in subsequent years (23,972 respondents x 1.5 hours = 35,958). The estimated costs to the respondents are a total of \$2,650,654.

Section 106.45(b)(10): Recordkeeping

For the activity required under final section 34 CFR 106.45(b)(10), the Department estimates the number of affected respondents to be 16,606 LEAs, 6,766 IHEs and 600 other entities that are recipients of Federal financial assistance; each under a burden of recordkeeping and third party disclosure of the required notices of 12 hours for the LEAs and other entities and 104 hours for IHEs in the first year of these regulations with an annual hour burden estimated at 910,316 hours and \$39,114,530 in Year 1.

For the activity required under final section 34 CFR 106.45(b)(10), the Department estimates the number of affected respondents to be 16,606 LEAs, 6,766 IHEs and 600 other entities that are recipients of Federal financial assistance; each under a burden of recordkeeping and third party disclosure of the required notices of 6 hours for the LEAs and other entities and 52 hours for IHEs in the Years 2-3 to recognize the difference between development and maintenance. The estimated annual burden is 455,068 hours and \$15,189,260 for a total in years 2-3 of an estimated burden of 910,136 hours and \$30,378,520.

For Section 106.45(b)(10) for Years 1-3, we estimate a total of 71,916 responses for 1,820,272 hours and \$69,493,050 costs for 23,972 respondents.

Three-year calculations:

23,972 respondents
119,860 responses
1,892,188 burden hours
\$74,794,358 costs