



UNITED STATES DEPARTMENT OF EDUCATION

January 13, 2021

MEMORANDUM

TO: Lindsay Abate
Office of Management and Budget Desk Officer

FROM: Hilary Malawer
Deputy General Counsel

RE: Emergency request for Paperwork Reduction Act (PRA) approval

Pursuant to the Office of Management and Budget (OMB) procedures established at 5 CFR 1320, the U.S. Department of Education (Department) requests that the following collection of information, non-public school poverty count and enrollment data to be collected by local educational agencies (LEAs that receive funds under the Governor's Emergency Education Relief Fund (GEER Fund) and the Elementary and Secondary School Emergency Relief Fund (ESSER Fund) (collectively, the CARES Act programs), be processed in accordance with section 1320.13 Emergency Processing. The Department is issuing an interim final rule, Equitable Services to Students and Teachers in Non-Public Schools, to clarify the requirement in section 18005 of Division B of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) that LEAs provide equitable services to students and teachers in non-public schools under the CARES Act programs. The Department has determined that LEAs must collect this information prior to the expiration of the time periods established under Part 1320, and that approval of this information collection is essential for LEAs to effectively implement the interim final rule. Therefore, the Department is requesting emergency approval to provide LEAs the means to carry out the CARES Act programs as intended.

If this emergency collection is not approved, LEAs will be unable to carry out the equitable services requirement of the forthcoming interim final rule. The Department is issuing this interim final rule in response to the pressing need for States and LEAs to have clear guidance on the use of funds under the CARES Act programs to serve non-public school students and teachers so that they can address the disruption created by COVID-19 and ensure that learning continues for all students, consistent with the purposes of the CARES Act.

The Department requests approval of the submission by June 30, 2020. Given the inability to seek public comment during such a short timeframe, the Department requests a waiver

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from the requirement to publish notice in the *Federal Register* seeking public comment during the period of OMB review.