



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, ED requests that clearance of a data collection under the Nita M. Lowey 21st Century Community Learning Centers (21st CCLC) program be processed in accordance with section 1320.13 Emergency Processing. The U.S. Department of Education (ED) has determined that this information must be collected as close to the beginning of school year 2020-2021 as possible to provide flexibility to State educational agencies (SEAs) to help them address the unprecedented obstacles posed by the novel Coronavirus disease 2019 (COVID-19) that schools, teachers, students, and their families are facing as the 2020-2021 school year begins.

ED intends to invite SEAs to request a waiver of section 4201(b)(1)(A) of the Elementary and Secondary Education Act of 1965 (ESEA), which requires a 21st CCLC program to operate “during nonschool hours or periods when school is not in session (such as before and after school or during summer recess).” Given the hybrid approach some local educational agencies (LEAs) are considering in opening the school year in which students are in school part of the week and participating in remote learning during other times, we recognize that students may benefit from dedicated personnel and enhanced technological resources to help them better engage with remote lessons, independent work that is assigned, and other academic enrichment activities during the portion of the week when they are not physically present in school but school is in session remotely for some portion of the day. All other requirements for a 21st CCLC program in Title IV, Part B of the ESEA continue to apply.

This information collection will allow SEAs to request a waiver of section 4201(b)(1)(A). ED is requesting an emergency clearance because schools are already opening or will be opening very soon, and the flexibility offered through a waiver will enable SEAs and subgrantees to better meet the needs of students through more nimble 21st CCLC programs.

400 MARYLAND AVE. SW, WASHINGTON, DC 20202
www.ed.gov

The Department of Education’s mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

If this collection is not allowed to proceed, ED will be unable to collect waiver requests, resulting in delays in providing support for SEAs, LEAs, and schools. It has been our experience that often an SEA seeking a waiver does not complete the necessary statutory requirements in section 8401 of the ESEA.

Given the short timeframe, ED is unable to consult with the public prior to issuing the forms. This information collection is voluntary; an SEA need not use ED's template and need not request a waiver of section 4201(b)(1)(A) at all. In addition, an SEA is required to provide LEAs and the public an opportunity to comment on the waiver before submitting the document to ED. (See - 21st CCLC Waiver Template). We estimate that the template will take on average 3 hours to complete.

ED requests approval of the submission by September 4, 2020. Given the inability to seek public comment during such a short timeframe for the emergency ICR, ED will include 60-day comment period language as part of the notice for the regular ICR to allow the public the opportunity to comment for the full clearance process.