



UNITED STATES DEPARTMENT OF EDUCATION

September 11, 2020

MEMORANDUM

TO: Lindsay Abate  
Office of Management and Budget Desk Officer

FROM: Ruth E. Ryder *Ruth E. Ryder*  
Deputy Assistant Secretary

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 Student Support and Academic Enrichment (Title IV, Part A) 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, for the 2020-2021 school year, of one or more of the following requirements in Title IV, Part A:

- Section 4106(d) of Title IV, Part A of the ESEA, related to LEA needs assessments.
- Section 4106(e)(2)(C), (D), and (E) of Title IV, Part A of the ESEA, with respect to content-area spending requirements for Title IV, Part A funds.
- Section 4109(b) of Title IV, Part A of the ESEA, with respect to the fifteen percent spending limitation for technology infrastructure for Title IV, Part A funds.

All other requirements in Title IV, Part A of the ESEA continue to apply.

This information collection provides a template to simplify the process for an SEA wishing to pursue a waiver of these requirements. ED is requesting an emergency clearance because schools are now opening, and the flexibility provided through these waivers will enable SEAs and subgrantees to better meet the needs of students.

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If this collection is not approved ED will be unable to waive some of the Title IV, Part A requirements, 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 adequately 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 any of these requirements. Additionally, an SEA is required to provide LEAs and the public an opportunity to comment on the waiver before submitting the document to ED. We estimate that the template will take on average 3 hours to complete.

ED requests approval of the submission by September 30, 2020. Given the inability to seek public comment during such a short timeframe, ED requests a waiver from the requirement to publish a notice in the *Federal Register* seeking public comment during the period of OMB review.