




UNITED STATES DEPARTMENT OF EDUCATION

April 20, 2021

MEMORANDUM

TO: Lindsay Abate
Office of Management and Budget Desk Officer

FROM: Ian Rosenblum 
Deputy Assistant Secretary for Policy and Programs
Delegated the Authority to Perform the
Functions and Duties of the Assistant Secretary
Office of Elementary and Secondary Education

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 activities; SEA consultation, LEA ARP ESSER plans, and the statutory requirement that LEAs receiving ARP ESSER funds develop plans for the safe return to in-person instruction and continuity of services, created by the interim final requirements for the American Rescue Plan Elementary and Secondary School Emergency Relief (“ARP ESSER”) Fund, under section 2001 of the American Rescue Plan (“ARP”) Act of 2021, Public Law 117-2 (ARP) be processed in accordance with section 1320.13 Emergency Processing.

The Department recognizes that students, schools, LEAs, and SEAs need resources as quickly as possible to address the evolving nature of the pandemic and meet the needs of students and staff. These interim final requirements, and the information collection activities within them, provide clear guidance to SEAs and LEAs on consultation and plan requirements that will allow them to fully utilize their ARP ESSER funds in compliance with the ARP. Given that SEAs have already been provided two-thirds of their ARP ESSER fund allocation, there is a pressing need for SEAs and LEAs to have clear guidance on the public consultation requirements and requirements for creation of their plans under the ARP ESSER program. These requirements and the collection activities within them will promote accountability, transparency, and the effective use of funds to ensure that SEAs and LEAs meet the statutory requirements. For these reasons, the Department is requesting emergency approval for the ARP ESSER interim final requirements information collection activities.

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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 emergency collection is not approved, the Department will not be able to carry out its oversight responsibilities of the \$122 billion while also ensuring that SEAs receive the resources they need to immediately address COVID-19-related needs, such as returning students and educators to in-person instruction and addressing the impact of interrupted education on all students and particularly those disproportionately impacted by the pandemic.

The Department requests approval of the submission by April 21, 2021. Given the inability to seek public comment during such a short timeframe, the Department requests a waiver from the requirement to publish notice in the *Federal Register* seeking public comment during the period of OMB review. The interim final requirements will post in the *Federal Register* on April 22, 2021. The interim final requirements invite comments on the requirements and associated collection activities. Commenters have 30 days to submit comments on the requirements and collection activities. The Department will review and consider any comments received during the 30-day comment period and, as appropriate, revise the collection activities.