

## SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION

### A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a hard copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information, or you may provide a valid URL link or paste the applicable section. Please limit pasted text to no longer than 3 pages. Specify the review type of the collection (new, revision, extension, reinstatement with change, reinstatement without change). If revised, briefly specify the changes. If a rulemaking is involved, make note of the sections or changed sections, if applicable.**

This is a request for an emergency approval for a revision to the OMB approved 1810-0741 information collection. The Department was granted approval for this information collection on April 13, 2020, that solicits from State educational agencies (SEAs) applications for funding under section 18002(a) of the CARES Act, the Governor's Emergency Education Relief Fund (GEER Fund). Subsequently, on June 5, 2020 OMB approved a change request so that the Department could use the 1810-0741 collection for the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 Emergency Assistance to Non-Public Schools (CRRSA EANS) program as part of the Governor's Emergency Education Relief (GEER II) Fund to provide emergency services or assistance to non-public schools in the wake of the Coronavirus Disease 2019 (COVID-19). The American Rescue Plan Act of 2021 (ARP Act), Pub. L. No. 117-2 (March 11, 2021), authorized a second round of funding (ARP EANS) to provide services or assistance to non-public schools. The Department is requesting this revision in order for the application to meet the requirements of the ARP EANS programs. With two exceptions, the requirements of ARP EANS are the same as those in section 312(d) of the CRRSA Act. The two exceptions are: (1) a State educational agency (SEA) may only provide services or assistance under ARP EANS to non-public schools that enroll a significant percentage of students from low-income families and are most impacted by COVID-19 and (2) an SEA may not use ARP EANS funds to reimburse a non-public school for costs the school incurred to address the impact of COVID-19. In addition, the forthcoming final requirements for the ARP EANS program create an information collection requirement for SEAs. This regulatory action establishes a requirement that an SEA must provide transparency in program administration by publishing on the SEA website the minimum percentage used to determine whether a non-public school enrolls a significant percentage of students from low-income families and the factors to be used to determine whether a school is most impacted by COVID-19.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

The information will be reviewed by U.S. Department of Education employees to allocate and award EANS Funds to SEAs and ensure those funds are used in accordance with section 2002 of the American Rescue Plan Act of 2021 (ARP Act), Pub. L. No. 117-2.

For the transparency requirement, the Department will not collect this information. However, following approval of the Governor's ARP EANS application by the Secretary, an SEA must publish on its website, on or before the date it makes applications for services or assistance available to non-public schools, the State's approved (1) minimum percentage to determine whether a non-public school enrolls a significant percentage of students from low-income families; and (2) factors to determine whether a non-public school is most impacted by COVID-19. This requirement for transparency in SEA administration of the program will ensure that all stakeholders are aware of the specific criteria each State plans to apply in determining which non-public schools receive services or assistance under the ARP EANS program.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision of adopting this means of collection. Also describe any consideration given to using technology to reduce burden.**

ED will encourage all State educational agencies to submit their applications electronically.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

This is a unique collection; there are no other data collections which seek this information.

SEAs are required to post the information to their websites. This will be the easiest method of sharing the information for the SEAs and will ensure the widest possible distribution for stakeholders.

- 5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden. A small entity may be (1) a small business which is deemed to be one that is independently owned and operated and that is not dominant in its field of operation; (2) a small organization that is any not-for-profit enterprise that is independently owned and operated and is not dominant in its field; or (3) a small government jurisdiction, which is a government of a city, county, town, township, school district, or special district with a population of less than 50,000.**

The collection does not impact small businesses or other small entities.

- 6. Describe the consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

This collection is the result of the final requirements for the ARP EANS program. If the Department is unable to release the final requirements and the information collection activity within them, SEAs will lack clear guidance requirements applicable to the ARP EANS program, including the requirement to provide services or assistance to non-public schools that enroll a significant percentage of students from low-income families and are

most impacted by the novel Coronavirus Disease 2019 (COVID-19). In response to the pressing need for SEAs to have clear guidance on the requirements applicable to the ARP EANS program information collection activities related to them. In addition, the transparency requirement will ensure that all stakeholders are aware of the specific criteria each State plans to apply in determining which non-public schools receive services or assistance under the ARP EANS program.

If this collection is not allowed to proceed, the Department will not be able to fulfill the mandates of the American Rescue Plan Act, and SEAs and their students will not be able to receive the financial assistance authorized by Congress and signed into law by the President.

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results than can be generalized to the universe of study;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or that unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

No such circumstances exist.

**8. As applicable, state that the Department has published the 60 and 30 Federal Register notices as required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

**Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instruction and record keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

**Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years – even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.**

The Department is seeking emergency processing for this ICR to align with the Notice of Final Requirements. Since there is not sufficient time for comments on the emergency ICR, the Department is providing a 60-day comment period for the regular ICR within the notice of Final Requirements. The Department will address any comments associated with the ICR upon the submittal to OMB.

**9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees with meaningful justification.**

There are no payments or gifts to respondents.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If personally identifiable information (PII) is being collected, a Privacy Act statement should be included on the instrument. Please provide a citation for the Systems of Record Notice and the date a Privacy Impact Assessment was completed as indicated on the IC Data Form. A confidentiality statement with a legal citation that authorizes the pledge of confidentiality should be provided. Requests for this information are in accordance with the following ED and OMB policies: Privacy Act of 1974, OMB Circular A-108 – Privacy Act Implementation – Guidelines and Responsibilities, OMB Circular A-130 Appendix I – Federal Agency Responsibilities for Maintaining Records About Individuals, OMB M-03-22 – OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002, OMB M-06-15 – Safeguarding Personally Identifiable Information, OM:6-104 – Privacy Act of 1974 (Collection, Use and Protection of Personally Identifiable Information). If the collection is subject to the Privacy Act, the Privacy Act statement is deemed sufficient with respect to confidentiality. If there is no expectation of confidentiality, simply state that the Department makes no pledge about the confidentiality of the data.**

There are no assurances of confidentiality.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. The justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

There are no questions of a sensitive nature.

**12. Provide estimates of the hour burden of the collection of information. The statement should:**

- **Indicate the number of respondents by affected public type (federal government, individuals or households, private sector – businesses or other for-profit, private sector – not-for-profit institutions, farms, state, local or tribal governments), frequency of response, annual hour burden, and an explanation of how the burden was estimated, including identification of burden type: recordkeeping, reporting or third party disclosure. All narrative should be included in item 12. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in the ROCIS IC Burden Analysis Table. (The table should at minimum include Respondent types, IC activity, Respondent and Responses, Hours/Response, and Total Hours)**
- **Provide estimates of annualized cost to respondents of the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

SEA ARP EANS Application

All 50 States, as well as the District of Columbia, and the Commonwealth of Puerto Rico are eligible agencies for awards under the ARP EANS program. We estimate that one application will be received from each of these State educational agencies. As indicated in the table below, we estimate that the number of burden hours per response will be 2 hours. The total estimated number of burden hours is 104 hours. At \$97.28 per hour, the total estimated cost for 52 SEAs to complete the ARP EANS application (including the District of Columbia and the Commonwealth of Puerto Rico) is approximately \$10,100.

SEA Program Administration Transparency

For the final requirement to provide transparency in program administration by publishing on the SEA website the minimum percentage used to determine whether a non-public school enrolls a significant percentage of students from low-income families and the factors to be used to determine whether a school is most impacted by COVID-19, we estimate that each SEA will need two hours to comply with the website posting requirement. At \$97.28 per hour, the total estimated cost for 52 SEAs for the transparency requirement (including the District of Columbia and the Commonwealth of Puerto Rico) is approximately \$10,100, and the total estimated burden is 104 hours.

**Estimated Annual Burden and Respondent Costs Table**

Information Activity or IC (with type of respondent)	Number of Respondents	Number of Responses	Average Burden Hours per Response	Total Annual Burden Hours	Estimated Respondent Average Hourly Wage	Total Annual Costs (hourly wage x total burden hours)
SEA Program Administration Transparency	52	1	2	104	\$97.28	\$10,100
SEA ARP EANS Application	52	1	2	104	\$97.28	\$10,100
Annualized Totals	52		4	208		\$20,200

We estimate the total cost per hour of the professional staff who will carry out this work to be \$97.28 per hour including salary and benefits. The total estimated cost for 52 SEAs (including the District of Columbia and the Commonwealth of Puerto Rico) is approximately \$20,200, and the total estimated burden is 208 hours.

**13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14.)**

- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and acquiring and maintaining record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public**

**comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**

- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government or (4) as part of customary and usual business or private practices. Also, these estimates should not include the hourly costs (i.e., the monetization of the hours) captured above in Item 12**

**Total Annualized Capital/Startup Cost:**

**Total Annual Costs (O&M):**

**Total Annualized Costs Requested:**

The total for the capital and start-up cost components for this information collection is zero. The information collection will not require the purchase of any capital equipment nor create any start-up costs. Computers and software used to complete this information collection are part of the respondents' customary and usual business or private practices, and therefore is not included in this estimate. The total operation and maintenance and purchase of service components for this collection is zero. The information collection will not create costs associated with generating, maintaining, and disclosing or providing the information that is not already identified in question 12 of this supporting statement.

**14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.**

As indicated in the table below, the estimated annualized cost to the Federal government is \$4,566.12. This includes the salaries of the employees who will review the applications.

Year	Number of Employees	Employee Grade	Estimated Number of Hours Per Employee	Total Number of Estimated Hours	Estimated Hourly Cost	Total Annualized Costs
2020	2	GS-14	39	78	\$58.54	\$4,566.12

**15. Explain the reasons for any program changes or adjustments. Generally, adjustments in burden result from re-estimating burden and/or from economic phenomenon outside of an agency’s control (e.g., correcting a burden estimate or an organic increase in the size of the reporting universe). Program changes result from a deliberate action that materially changes a collection of information and generally are result of new statute or an agency action (e.g., changing a form, revising regulations, redefining the respondent universe, etc.). Burden changes should be disaggregated by type of change (i.e., adjustment, program change due to new statute, and/or program change due to agency discretion), type of collection (new, revision, extension, reinstatement with change, reinstatement without change) and include totals for changes in burden hours, responses and costs (if applicable).**

We estimate the proposed changes to the CRRSSA EANS program application for the ARP EANS application and collection requirement within the ARP EANS program notice of Final Requirements will result in an increase of burden hours from 2.5 hours per respondent to 4 hour per respondent. The eligible applicants for the CRRSSA EANS program and the ARP EANS program are the same; the Governor of each of the 50 States and the Commonwealth of Puerto Rico, as well as the Mayor of the District of Columbia. The applicants will be familiar with the application, which will make it less burdensome for applicants and increase the quality of applications submitted to ED. This is a total increase of 78 burden hours for the public, and a total increase in the cost to the public of \$20,200.

	<b>Program Change Due to New Statute</b>	<b>Program Change Due to Agency Discretion</b>	<b>Change Due to Adjustment in Agency Estimate</b>
<b>Total Burden</b>	<b>78</b>		
<b>Total Responses</b>	<b>0</b>		
<b>Total Costs (if applicable)</b>	<b>\$20,200</b>		

**16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

The results of this information collection will not be published.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

We are not seeking this approval.



**18. Explain each exception to the certification statement identified in the Certification of Paperwork Reduction Act.**

There are no exceptions to the certification statement identified in the Certification of Paperwork Reduction Act.