




## UNITED STATES DEPARTMENT OF EDUCATION

July 8, 2021

### MEMORANDUM

TO: Lindsay Abate  
Office of Management and Budget Desk Officer

FROM: Ian Rosenblum   
Acting Assistant Secretary  
Office of Elementary and Secondary Education Information

RE: Change Request for the Emergency Assistance to Non-Public  
Schools Application (1810-0741)

On March 10, 2021, the Congress passed the American Rescue Plan (ARP Act), Pub. L. No. 117-2. The ARP Act provides \$2.75 billion for supplemental awards to Governors to provide services or assistance to eligible non-public elementary and secondary schools under the Emergency Assistance to Non-Public Schools (EANS) program. The EANS program was originally authorized and funded under Section 312(d)(1)(B) of the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA Act) and requires that the Secretary award EANS funds to each Governor who has an approved application. The Department of Education (Department) requests that the Office of Management and Budget (OMB) consider emergency processing for the CRRSA EANS program application that will allow us to collect applications in accordance with the ARP Act and allow for the release of the collection requirement within the ARP EANS notice of final requirements. If this application is not collected, the Department will not be able to award funds for the ARP EANS program as required by the ARP Act.

On January 8, 2021, the OMB granted the Department a change request approval for the CRRSA EANS program application. Previous to that time, the Department published 60-day and 30-day notices seeking public comment on the collection and on November 9, 2020, was granted a three-year approval for the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) collection. The changes that the Department is proposing to the CRRSA EANS program application for the ARP EANS program application are limited to those required by Section 2002 of the ARP Act. An example of a proposed change is an application requirement that the Governor provide information on how the State proposes “to provide services and assistance to non-public schools that enroll a significant percentage of low-income students and are most impacted by the qualifying emergency,” as described under Section 2002 (a) of the ARP Act. We estimate the proposed changes to the CRRSA EANS application will result in an increase of burden hours from .5 hours per

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respondent to 2 hours per respondent. Additionally, the eligible applicants for the CRRSA 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 than it might otherwise be and increase the quality of applications submitted to the Department. 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. We estimate that the transparency requirement in the forthcoming final requirements will result in 2 burden hours for each SEA.

If this emergency collection is not approved, the Department will be unable to make an application available to States and thus will be unable to issue these awards in a timely manner. These awards are particularly needed by non-public schools that have experienced the economic and educational disruptions caused by the pandemic. The funds will support the recovery of the non-public schools. The Department is requesting an emergency clearance from OMB in alignment with the posting of the ARP EANS final requirements and release of the application, to meet the agency's goal of publishing an application shortly after OMB approval. The notice for final requirements includes language regarding the emergency and the 60-day comment period as required by 5 CFR 1320.8(d) to solicit public comments on the regular information collection.