

# **SUPPORTING STATEMENT**

OMB CONTROL NUMBER 2900-NEW

VA Form 22-10287  
VA Form 22-10287a  
VA Form 22-10288  
VA Form 10288a

## **EMERGENCY SUBMISSION**

**Summary of Changes from Previously Approved Collection:** This is a new collection with a new associated burden, and therefore will be submitted as an Extension.

- VA FORM 22-10287 “Application for Approval of an Institution of Higher Learning Facility”
- VA FORM 22-10287a “Institution of Higher Learning Facility – Program List”
- VA FORM 22-10288 “Application for Approval of a Non-College Degree, Vocational Flight Educational Institution, License/Certification Exam Provider, Preparatory Courses for License/Certification, Correspondence Educational Institution, Higher Educational Institution, Apprenticeship/On-the-Job Training for Multi-State Apprenticeship Facility”
- VA FORM 22-10288a “Other than Institution of Higher Learning Facility – Program List”

### **A. Justification**

**1. Explain the circumstances that make the collection of information necessary. Identify legal or administrative requirements that necessitate the collection of information.**

Public Law 117-333 Section 11, enacted January 5, 2023, amends title 38 CFR §3672, “Approval of Courses”. This provision of the law required VA to create and design two new uniform applications for approval of courses of educational programs, and for those forms to be available for use by October 1, 2023.

These forms will be completed by educational institutions, training establishments and other organizations, as applicable, seeking approval of one or more of their programs of study for the payment of VA Education benefits to eligible beneficiaries. The institutions

will submit the forms to the State Approving Agency (SAA) of jurisdiction for their review. By law, each SAA has the authority to make such approvals in their respective state. VA contracts with a SAA in each state for this work. Prior to the new legislative requirement, each SAA used their own application form making it difficult for training institutions operating in more than one state to readily complete the process as different states required different information. The new law ensures uniformity across all states.

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

These forms will be used by educational institutions interested in applying for initial approval of their programs for payment of VA benefits, for revision of existing program approvals or withdrawal of approval for programs no longer offered. The institutions will complete either the VA Form 22-10287 or the VA Form 22-10288, based on the type of training offered at their institution. Institutions of Higher Learning (IHLs) will use the VA Form 22-10287 exclusively, and all other types of educational training establishments will use the VA Form 22-10288. Each institution will use their associated "program list" for adding, revising or removing any program they offer. Some administrative revision(s) may be required that do not involve program approval related matters, will be submitted on their respective application. In these instances, the associated program list will not be required. Administrative modifications include things such as changes of address, banking information, or ownership when all program offerings remain the same.

The VA Forms 22-10287 and 22-10288 and their associated program lists will be submitted by the educational institution to the SAA of jurisdiction for review. The SAA makes an approval decision and notifies the institution accordingly. Immediately following, the SAA sends the approval package to the VA Education Liaison Representative (ELR) of jurisdiction. The approval package includes the application from the training institution, the SAA's findings and additional related information to support payment of GI Bill benefits, as well as a copy of the notification to the training institution.

The ELR reviews the approval package for completeness (or requests additional required information). Once the package is deemed complete, the ELR processes the package by entering the required information into WEAMS. Lastly, the ELR provides a report containing the final information to the training institution, with a copy to the SAA of jurisdiction. The approval data in WEAMS is used by Veterans Claims Examiners.

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

**of collection. Also describe any consideration of using information technology to reduce burden.**

Upon receipt of the SAAs approval package, the ELR processes the SAAs findings based on the educational institutions' application by entering the required information into the VA's electronic "Web Enabled Approval Management System" (WEAMS). Once complete, the ELR provides the information to the educational institution with a copy to the SAA of jurisdiction. The educational institution uses the information received from the ELR and SAA to report the students' enrollment certification information using the VA electronic reporting system known as "Enrollment Manager" (EM), where the data within is used by that system to make payments to eligible student Veterans and beneficiaries. Educational institutions no longer have to use the previous VA-ONCE electronic system to submit enrollment certifications.

**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.**

There is some duplication of collection information found in the currently approved OMB 2900-0051 "State Approving Agency Reports and Notices" as required by 38 CFR 21.4154, 4250(b), 21.4258 and 21.4259. However, there wasn't an official uniform application available for use by all stakeholders; educational institutions, training establishments and SAAs to ensure the information collected was the same based on the type of educational institution seeking program and course approval. Therefore, as mandated by Public Law 117-333 Section 11, the creation of the two new forms will allow all entities access to the same collection of information, thus making the approval assessment and enrollment certification process more efficient.

**5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

This information collection does not impose a significant economic impact on a substantial number of small businesses or 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.**

Without the information submitted on the new uniform applications, VA would be less able to determine whether educational institutions and SAAs have met all of the requirements of Public Law 117-333 Section 11, and that they are in compliance with all applicable laws and regulations relating to the approval of programs and courses of education.

**7. Explain any special circumstances that would cause an information collection to be conducted more often than quarterly or require respondents to prepare**

**written responses to a collection of information in fewer than 30 days after receipt of it; submit more than an original and two copies of any document; 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 that can be generalized to the universe of study and require the use of a statistical data classification that has not been reviewed and approved by OMB.**

This collection of information does not require collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.5(d)(2).

**8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the sponsor's notice, 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 sponsor in responses to these comments. Specifically address comments received on cost and hour burden.**

A 60-Day Federal Register Notice (FRN) for the collection published on XXX, XXX, XX, XXXX. The 60-Day FRN citation is Volume XX, Federal Register Number XXX, Page(s) XXXX-XXXX. No comments were received during the 60-Day Comment Period.

A 30-Day Federal Register Notice (FRN) for the collection published on XXX, XXX-XX-XXXX. The 30-Day FRN citation is Volume XX, Federal Register Number XXX, Page(s) XXXX-XXXX.

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

No payments or gifts are being offered to respondents as an incentive to participate in the collection.

**10. Describe any assurance of privacy, to the extent permitted by law, provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

The quantitative data from each SAA for the approval assessment of VA Form(s) 22-10287, 22-10287a, 22-10288 and 22-10288a is shared with and concurred by the VA Education Liaison Representative of jurisdiction. Our assurance of privacy is covered by 38 U.S.C. 5701 and our System of Records, Compensation, Pension, Education and Veteran Readiness and Employment Records - VA (58VA21/22/28), which are contained in the Privacy Act Issuances, 2012 Compilation.

A Privacy Impact Assessment (PIA) is not required for this collection because PII is not being collected electronically.

**11. Provide additional justification for any questions of a sensitive nature (Information that, with a reasonable degree of medical certainty, is likely to have a serious adverse effect on an individual's mental or physical health if revealed to him or her), such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private; include 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**

No questions considered sensitive are being asked in this collection.

**12. Estimate of the hour burden of the collection of information:**

1. VA FORM 22-10287 [Application for Approval of an Institution of Higher Learning Facility]
2. VA FORM 22-10287a [Institution of Higher Learning Facility – Program List]
3. VA FORM 22-10288 [Application for Approval of a Non-College Degree, Vocational Flight Educational Institution, License/Certification Exam Provider, Preparatory Courses for License/Certification, Correspondence Educational Institution, Higher Educational Institution, Apprenticeship/On-the-Job Training for Multi-State Apprenticeship Facility]
4. VA FORM 22-10288a [Non-Institution of Higher Learning Facility – Program List]

For this new collection, VA estimates this collection to be approximately 70,400 burden hours. This figure is based on the current annual average of 8,800 approval action responses (program lists included, if applicable), that were submitted by the SAAs from fiscal year 2022 through August 2023.

- a. Number of Respondents: 8,800 (17,600 / 2 years).
- b. Frequency of Response: Once.
- c. Annual Burden Hours: 70,400 [8,800 X 8 hours or 480 minutes / 60 minutes = 70,400].
- d. Estimated Completion Time: 8 hours or 480 minutes.
- e. The respondent population for these two new forms and two program lists are educational institutions that work coordinately with third-party SAAs. The educational institutions work in coordination with SAAs seeking approval of their educational programs and courses. The annual net cost to the public for this collection is ZERO. The SAAs are reimbursed by VA under a contract for work performed and expenses incurred based on their review and approval determinations as authorized by 38 USC 3674. The VBA cannot make further

assumptions about the population of respondents because of the variability of factors such as the educational background and wage potential of respondents. Therefore, VBA used general wage data to estimate the respondents' costs associated with completing the information collection.

The Bureau of Labor Statistics (BLS) gathers information on full-time wage and salary workers. According to the latest available BLS data, the mean weekly earnings of full-time wage and salary workers are \$1,190.40. Assuming a forty (40) hour work week, the **mean hourly wage is \$29.76 based on the BLS wage code – “00-0000 All Occupations.” (\$29.76 X 40 hours)**. This information was taken from the following website: [https://www.bls.gov/oes/current/oes\\_nat.htm](https://www.bls.gov/oes/current/oes_nat.htm) May 2022.

Legally, respondents may not pay a person or business for assistance in completing the information collection and a person or business may not accept payment for assisting a respondent in completing the information collection. Therefore, there are no expected overhead costs for completing the information collection. VBA estimates the total cost to all respondents to be \$2,095,104 (70,400 burden hours x \$29.76 per hour).

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

The VA reimburses SAAs for the work performed and expenses incurred as authorized by 38 USC 3674. This submission does not involve any recordkeeping costs.

**14. Provide estimates of annual cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operation 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.**

**Estimated Costs to the Federal Government: \$1,321,056.**

1. [Application for Approval of an Institution of Higher Learning Facility] VA FORM 22-10287
2. [Institution of Higher Learning Facility – Program List] VA FORM 22-10287a
3. [Application for Approval of a Non-College Degree, Vocational Flight Educational Institution, License/Certification Exam Provider, Preparatory Courses for License/Certification, Correspondence Educational Institution, Higher Educational Institution, Apprenticeship/On-the-Job Training for Multi-State Apprenticeship Facility] VA FORM 22-10288

4. [Non-Institution of Higher Learning Facility – Program List] VA FORM 22-10288a

Grade-GS	Step	Burden Time Employee	Hourly Wage Rate	Cost per Response	Total Responses	Gov. Cost
(ELR) 11	05	4 hours or 240 minutes	\$37.53	\$150.12	8,800	\$1,321,056 (8,800 X \$37.53 X 240 / 60)
Overhead at 100%. Overhead costs are 100% of salary and are also the same as the wage listed above; and the amount is included in the total.						\$1,321,056
Processing / Analyzing Cost						-0-
Printing and Production Cost						-0-
<b>Total Cost to Government</b>						<b>\$1,321,056</b>

**Note:** The hourly wage information above is based on the hourly 2023 General Schedule (Base) Pay. [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2023/RUS\\_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2023/RUS_h.pdf)

This rate does not include any locality adjustment as applicable.

The processing time estimates above are based on the actual amount of time employees of the grade level spend to process to completion a claim received on the forms. The within-grade step (5) of each employee represents the average experience of employees within each grade.

**15. Explain the reason for any burden hour changes since the last submission.**

This is a new collection with a new associated burden and will therefore be submitted as an Extension.

**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 approval to omit the display of the expiration date of the OMB approval on the collection instrument.

**18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB 83-I.**

We are not requesting any exemptions to the provisions stated in 5 CFR 1320.9.

**B. Collection of Information Employing Statistical Methods.**

This collection of information by the Veterans Benefits Administration does not employ statistical methods.