

**SUPPORTING STATEMENT
FOR PAPERWORK REDUCTION ACT SUBMISSION
Prison Education Program Certification Form**

- 1. Explain the circumstances that make the collection of information necessary. What is the purpose for this information collection? Identify any legal or administrative requirements that necessitate the collection. Include a citation that authorizes the collection of information. 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, list the sections with a brief description of the information collection requirement, and/or changes to sections, if applicable.**

This is a request for an OMB83 Simple Change to update this information collection following the transfer/incorporation of the majority of the Prison Education Program (PEP) application approved under 1845-0171 into the information collection 1845-0012, the electronic Application to Participate in Federal Student Financial Aid Programs (e-App). This request is to retain only the certifications for Postsecondary Institutions and Oversight Entities under this information collection. Due to the transfer of the majority of the PEP application to the e-App, there is a decrease in the total number of hours to complete the required certifications. There is an increase in the total number of respondents and responses to accurately reflect the number of institutions and oversight entities that will complete the certification.

Following the negotiated rulemaking sessions held by the U.S. Department of Education (the Department) in 2021, a Federal Register Notice of Proposed Rulemaking was published (Vol.87, No. 144, 45432) inviting public comment on the proposed rules for the Prison Education Program (PEP). On October 28, 2022 a notice was published in the Federal Register (Vol. 87, No. 208, 65426) providing the public with the Final Rule including the requirements for PEP.

PEP is authorized under section 484(t) of the Higher Education Act of 1965, as amended (HEA) with the requirements for participation outlined in 34 CFR 668, Subpart P, effective July 1, 2023. These are new regulatory requirements that are required for a school to offer a PEP to confined or incarcerated individuals. This is a request for a new information collection for the application form from institutions that wish to participate in PEP under the regulations in 668, Subpart P.

- 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 collected is used by the Department's Program Eligibility staff in Federal Student Aid (FSA) to determine the eligibility of the school's PEP for participation in the title IV student financial aid programs. Specifically, in order to determine the eligibility

of a PEP an institution is required by regulation to provide to the Department specific information about the institution, oversight entity and the proposed PEP.

The certifications collected are for both the institution and the oversight entity that grants permission for the program to be offered at the facility, the agreement with the oversight entity to provide transfer and release data, and accrediting/state agency approval documentation.

This information is collected for no other purpose than to determine the eligibility of the program and will be securely stored electronically along with all other eligibility documentation collected by the Department.

- 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. Please identify systems or websites used to electronically collect this information. Also describe any consideration given to using technology to reduce burden. If there is an increase or decrease in burden related to using technology (e.g. using an electronic form, system or website from paper), please explain in number 12.**

The form must collect the signatures of both the institutional official and the oversight entity official on paper. To minimize burden, the institution can submit the completed certification as part of the established E-App process.

- 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.**

Some of the information that is required to determine the eligibility of a PEP is already available in the Department's systems (National Student Loan Data System, and Common Origination and Disbursement system). As a result, the certification only requests the specific information that is not already collected or available in the Department's systems that is required to determine the eligibility of a PEP.

- 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.**

Only public or nonprofit institutions of higher education are eligible to apply for PEP

approval. The form is designed to minimize burden by including instructions and certifications required for approval. This reduces the likelihood that institutions will submit incomplete information. We do not anticipate burden to small businesses.

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.

Schools must submit specific information to the Department if they would like to offer a PEP. The information is collected when a school wishes to participate in the PEP, but is not required otherwise. The process is designed to reduce burden for institutions and includes required certifications needed to determine the eligibility of the PEP. Without this collection the Department could not evaluate the eligibility of a school to offer a PEP and could not ensure that only students enrolled in an eligible PEP were receiving title IV student aid.

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.**

None of the special circumstances listed apply to this data collection.

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.

Include a citation for the 60 day comment period (e.g. Vol. 84 FR ##### and the date of publication). Summarize public comments received in response to the 60 day notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden. If only non-substantive comments are provided, please provide a statement to that effect and that it did not relate or warrant any changes to this information collection request. In your comments, please also indicate the number of public comments received.

For the 30 day notice, indicate that a notice will be published.

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.

This is an update to this information collection. The Department has consulted with interested parties through the Negotiated Rulemaking process to develop these regulations. Because this request is to update the PEP (1845-0171) following the merging of most of the application into the e-App (1845-0012) under the OMB83 Change request there is no requirement for public comment. The approved information collection 1845-0171 has gone through periods of public comment prior to the approval by OMB.

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

The Department has not authorized any payment 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.¹ If the collection is subject to the Privacy Act,

¹ 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

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. If no PII will be collected, state that no assurance of confidentiality is provided to respondents. If the Paperwork Burden Statement is not included physically on a form, you may include it here. Please ensure that your response per respondent matches the estimate provided in number 12.

The form does not collect PII and the Department makes no pledge about the confidentiality of data. There is no requirement for such an assurance in statute. The Paperwork Burden Statement is included on the form.

- 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.**

The application does not include questions of a sensitive nature.

- 12. Provide estimates of the hour burden for this current information collection request. The statement should:**

- **Provide an explanation of how the burden was estimated, including identification of burden type: recordkeeping, reporting or third party disclosure. Address changes in burden due to the use of technology (if applicable). Generally, estimates should not include burden hours for customary and usual business practices.**
- **Please do not include increases in burden and respondents numerically in this table. Explain these changes in number 15.**
- **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. 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 this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burden in the table below.**
- **Provide estimates of annualized cost to respondents of the hour burdens for collections of information, identifying and using appropriate wage rate categories. [Use this site](#) to research the appropriate wage rate. 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. If there is no cost to respondents, indicate by entering 0 in the chart below and/or provide a statement.

Each of the estimated 400 postsecondary educational institutions expected to apply for a PEP must submit the certification as part of the application for approval. Additionally, the 400 corresponding oversight entities for each of the correctional facilities must also submit the required certification through the institution. The estimated total hour burden for the data collection effort is 800 hours or an average of 1 hour per respondent. See information below. The original number of respondents and responses of 600 increased to 800 due to a correction in the number of filers; however there is an overall decrease in hours due to the previous application portion of this information collection being transferred to OMB control number 1845-0012 minus the certification which remains in this information collection.

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)
Individual	N/A	N/A	N/A	N/A	N/A	N/A
For-Profit Institutions*	N/A	N/A	N/A	N/A	N/A	N/A
Private Institutions	200	200	1	200	\$35.00	\$7,000
Public Institutions	600	600	1	600	\$35.00	\$21,000
Annualized Totals	800	800		800		\$28,000

*For-Profit institutions are not eligible to apply

Please ensure the annual total burden, respondents and response match those entered in IC Data Parts 1 and 2, and the response per respondent matches the Paperwork Burden Statement that must be included on all forms.

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 : \$0
 Total Annual Costs (O&M) : \$0
 Total Annualized Costs Requested : \$0

There are no additional respondent costs associated with this data collection other than the hour burden estimated in item 12.

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.

The annualized cost to the Federal Government is \$150,000.00. This cost estimate was derived in the following manner:

<i>Federal Government Cost Estimates</i>			
RESOURCE	HOURS/RATE	NUMBER	MONETARY COST
Eligibility Specialists, GS-13	1 hour/\$50	400 Schools	\$20,000

TOTAL	\$20,000
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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).**

Provide a descriptive narrative for the reasons of any change in addition to completing the table with the burden hour change(s) here.

	Program Change Due to New Statute	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate
Total Burden		-5,200	
Total Responses			+200
Total Costs (if applicable)			

This is a request for an OMB 83C Simple Change to this information collection. We anticipate 800 respondents at 1 hour per response for a total of 800 hours. This collection initially was approved with 600 respondents and responses and 6,000 burden hours. With the transfer of the majority of the Prison Education Program application from this standalone collection to information collection 1845-0012, the electronic Application to Participate in Federal Student Financial Aid Programs (e-App) approved on September 25, 2024, we are now requesting the corresponding adjustment to identify only the certification burden requirements which remain in 1845-0171. For this Simple Change the original number of respondents and responses increased from 600 to 800 due to a correction in the number of filers; however there is an overall decrease in hours due to the previous application portion of this information collection 6,000 hours minus the certification burden of 800 hours which remains in this information collection.

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.

Information collected on the form is used only to determine the eligibility of a PEP. The Information collected on the form is not 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.**

The Department will display the OMB approval expiration date on the form.

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

There are no exceptions to the Certification of the Paperwork Reduction Act on the form.