

**Supporting Statement A**  
**Recordkeeping and Reporting Requirements for**  
**Elementary-Secondary Staff Information Report (EEO-5)**  
**OMB Number 3046-0003**

**A. Justification**

1. Need for the Information Collection

In accordance with the Paperwork Reduction Act (PRA), the Equal Employment Opportunity Commission (EEOC or Commission) requests a three-year PRA approval of revisions to the currently approved Elementary-Secondary Staff Information Report (EEO-5).

Since 1973, the EEOC has required EEO-5 filers to submit workforce demographic data. Section 709(c) of Title VII requires employers to make and keep records relevant to the determination of whether unlawful employment practices have been or are being committed, to preserve such records, and to produce reports as the Commission prescribes by regulation or order.<sup>1</sup> Pursuant to this statutory authority, the EEOC issued regulations prescribing the reporting and related record retention requirements for public elementary and secondary school systems and districts.<sup>2</sup> The regulations require school systems and districts to make or keep all records necessary for completion of an EEO-5 submission and retain those records for three years, and require EEO-5 filers to retain a copy of each filed EEO-5 report for three years. Additionally, the regulations require public elementary and secondary school systems and districts to file executed copies of the EEO-5 in conformity with the directions set forth in the form and accompanying instructions. Under this authority, public elementary and secondary school systems and districts with 100 or more employees are required to report biennially<sup>3</sup> the number of individuals they employ by activity assignment classification (i.e., job category) and by sex and race or ethnicity.

On August 16, 2024, the Commission published a Notice in the *Federal Register* (“60-day Notice”) announcing its intention to submit to OMB a request for a three-year PRA approval of revisions to the currently approved EEO-5.<sup>4</sup>

On December 6, 2024, the Commission published a Notice in the *Federal Register* (“30-day Notice”) announcing its submission to OMB of a request for a three-year PRA approval of revisions to the currently approved EEO-5.<sup>5</sup>

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<sup>1</sup> 42 U.S.C. 2000e-8(c).

<sup>2</sup> The EEOC’s EEO-5 regulation is at 29 CFR Part 1602 Subparts L and M. The EEOC is responsible for obtaining OMB’s PRA approval for the EEO-5 report.

<sup>3</sup> Beginning in 1982, the EEO-5 report has been collected biennially in even-numbered years. Prior to 1982, the EEO-5 report was collected annually.

<sup>4</sup> See 89 Fed. Reg. 66716 (Aug 16, 2024) at <https://www.govinfo.gov/content/pkg/FR-2024-08-16/pdf/2024-18421.pdf>.

<sup>5</sup> See 89 Fed. Reg. 96965 (Dec 6, 2024) at <https://www.govinfo.gov/content/pkg/FR-2024-12-06/pdf/2024-28581.pdf>.

## 2. Use of Collected Information

For decades, the EEOC has effectively used EEO-5 data to help execute its mission by enhancing its enforcement efforts, generating public reports, encouraging self-assessment, and conducting outreach and training. When consistent with the confidentiality provisions of Title VII, these data are also used by federal, state, and local law enforcement agencies and, in aggregate form, by external stakeholders, including, for example, employers, researchers, advocacy groups, and the media.

### Enforcement Uses

The EEOC uses EEO-5 data to investigate charges of employment discrimination against public elementary and secondary school systems or districts and to evaluate the employment status of women and racial and ethnic groups. Specifically, as part of its enforcement efforts, the EEOC uses EEO-5 data to assess complaints of discrimination and effectively focus charge investigations. Early in the charge process, data are used to evaluate and prioritize charges under the Commission's charge handling procedures and to inform appropriate investigative approaches. For example, EEO-5 data are used, together with other information available to the Commission, to assist enforcement teams in determining if there could be a systemic sex, race, or national origin issue that the EEOC should further investigate and address and to inform what information to request from respondents. The EEOC also uses EEO-5 data during investigations to help validate analyses based on limited or flawed respondent data and to assist in assessing reasonable cause in the absence of respondent data.

### Use by Other Federal, State, and Local Agencies

State and Local Fair Employment Practices Agencies (FEPAs) may also rely on EEO-5 data to aid their investigations of workplace discrimination. The FEPAs may use these data to help track changes in the demographic makeup of various occupations and public elementary and secondary school system or district employees, and to evaluate racial, ethnic, and sex disparities. The EEOC shares such data with the FEPAs pursuant to section 709(d) of Title VII, which provides that the EEOC shall furnish upon request and without cost to state or local civil rights agencies information about employers in their jurisdiction on the condition that they not make it public prior to starting a proceeding under state or local law involving such information.

With respect to federal agencies with a legitimate law enforcement purpose, the EEOC gives access to information collected under Title VII only if the agencies agree, by letter or memorandum of understanding, to comply with the confidentiality provisions of Title VII. Additionally, the EEOC may also, for example, share EEO-5 reports with the U.S. Department of Justice (DOJ) Civil Rights Division. The EEOC may also periodically receive requests for EEO-5 data from members of Congress and Committee staff.

### Public Uses

Consistent with the confidentiality requirements of Title VII, the EEOC publishes public-use, aggregate EEO-5 data on its public website and through an online tool launched in December 2020 called *EEOC Explore*.<sup>6</sup> In making aggregate EEO-5 data publicly available, the EEOC, through its Office of Enterprise Data and Analytics (OEDA), applies appropriate de-identification methodology

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<sup>6</sup> See <https://www.eeoc.gov/data/eeo-5-elementary-secondary-staff-information-report-statistics>.

to produce a public release of aggregate EEO-5 data. The data is considered “de-identified” when the information released does not identify an individual or an organization, and there is no reasonable basis to believe that it can be used to identify an individual or an organization.

### Statistical Uses

The EEOC also uses EEO-5 data for statistical purposes and for developing evidence as defined by the Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act).<sup>7</sup> For purposes of the Evidence Act, *statistical purpose* means the description, estimation, or analysis of the characteristics of groups, without identifying the individuals or organizations that comprise such groups; and includes the development, implementation, or maintenance of methods, technical or administrative procedures, or information resources that support these purposes.<sup>8</sup> *Evidence* means information produced as a result of statistical activities conducted for a statistical purpose.<sup>9</sup> An example of how the data are used for a statistical purpose is the EEOC’s annual production and publication of the *EEO-5 (Elementary-Secondary Staff Information Report) Statistics* on its public website.<sup>10</sup>

### Outreach, Technical Assistance, and Training

The EEOC also uses EEO-5 data to help focus its outreach, education, technical assistance, and training to the public. Given the EEOC’s limited resources, EEO-5 data have been helpful in assisting the agency to identify the subjects or geographic regions where it should concentrate efforts to educate employers and workers about their legal rights and obligations.

## 3. Use of Information Technology

In 2020, the EEOC retained a new contractor to support the agency’s EEO data collections, including the EEO-5 data collection.<sup>11</sup> The EEOC also launched a dedicated website for all of its EEO data collections<sup>12</sup> as well as a dedicated EEO-5 data collection website.<sup>13</sup> The EEO-5 data collection website includes an embedded electronic, web-based data submission portal, referred to as the *EEO-5 Online Filing System* (OFS). Upon logging in to the OFS through the dedicated website, filers must submit and certify their data electronically through the web-based data submission portal by either manually entering their data or uploading a data file.<sup>14</sup>

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<sup>7</sup> Pub. L. No. 115-435 (2019).

<sup>8</sup> See 44 U.S.C. § 3561(12).

<sup>9</sup> See 44 U.S.C. § 3561(6).

<sup>10</sup> See <https://www.eeoc.gov/data/eo-5-elementary-secondary-staff-information-report-statistics>.

<sup>11</sup> The EEOC currently administers four separate EEO data collections. These collections include the following: (1) the EEO-1 Component 1 (Employer Information Report); (2) the EEO-3 (Local Union Report); (3) the EEO-4 (State and Local Government Information Report); and (4) the EEO-5 (Elementary and Secondary Staff Information Report). Please note that while these data collections are supported by the same contractor, each EEO collection is unique and collects workforce demographic data from different respondents (i.e., private employers, local unions, state and local governments, and public elementary and secondary school systems and districts).

<sup>12</sup> See <https://www.eeocdata.org/>.

<sup>13</sup> See <https://www.eeocdata.org/eo5>.

<sup>14</sup> Automated features, including numerous edit checks and validations, are programmed into the OFS to reduce filer burden and improve data quality. For returning filers, these checks also compare data entries to those provided in prior year submissions to alert the filer of potential error(s). Supporting Statement B of this package discusses the features of the OFS in further detail.

To better support EEO-5 filers, the EEOC also uses the dedicated EEO-5 website and the accompanying OFS as a centralized support system (i.e., “one-stop-shop”) for filers.<sup>15</sup> In addition to communications with individual filers, the EEOC also posts instructions as well as current updates and announcements involving the EEO-5 data collection on the dedicated website. The EEOC also uses the dedicated website and the accompanying filer-accessed OFS to post supplementary resource materials, if needed by filers.

Additionally, during the 2022 EEO-5 data collection cycle, the EEOC implemented a new filer support *Message Center* application for filers with questions about the collection and requests for assistance with their filing obligations. Prior to the rollout of the *Message Center* for the 2022 EEO-5 data collection cycle, filers contacted the EEO-5 Filer Support Team (i.e., “help desk”) via email, telephone, and/or post. Unfortunately, these multiple modes of contact resulted in filers contacting the help desk multiple times through multiple modes for a single issue. This, in turn, led to an exponential increase in the number of help desk tickets that had to be processed and resolved for a single issue involving the same filer, thus slowing response times and creating a backlog of tickets. Given these delays, the EEOC worked with its data collection contractor to develop a centralized and more streamlined system for handling help desk inquiries which at the same time would result in improved customer service.

The *Message Center* was launched during the 2022 data collection cycle and made available upon log in to the OFS. Because it is available within the OFS, the *Message Center* automatically captures detailed information on the filer (e.g., point of contact information, public elementary and secondary school system or district’s name), an improvement on prior methods of filer support that did not allow for the systematic collection of filer details (e.g., filers would often forget to mention the public elementary and secondary school system or district’s name when leaving a voicemail). The *Message Center* also allows filers to use drop-down menus to identify the subject of their inquiry. Based on the topic selected, filers are immediately presented with potentially helpful responses to quickly connect them to relevant materials addressing their issues. If the presented responses are not sufficient, the filer can easily type a message to the Filer Support Team, who can use the selected topic to better triage inquiries. The *Message Center* allows filers to update requests with new information, terminate requests, and track the status of requests to the help desk. The implementation of the centralized *Message Center* reduced the number of contacts in the 2022 EEO-5 by more than two-thirds compared to the 2020 EEO-5 data collection cycle. This, in turn, significantly reduced filer response time by Filer Support Team staff while also creating a much more comprehensive history of issues encountered by filers.

#### 4. Description of Efforts to Identify Duplication

The amount of publicly available data on staff demographics in public elementary and secondary school systems and districts is limited. The Department of Education's National Center for Education Statistics (NCES) biennial Civil Rights Data Collection (CRDC)<sup>16</sup> collects the total

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<sup>15</sup> On this website as well as in all communications with individual filers and other public announcements (e.g., on the EEOC’s main public website at [www.eeoc.gov](http://www.eeoc.gov)), the EEOC routinely directs filers to the dedicated EEO-5 website (i.e., <http://www.eeocdata.org/eeo5>) as the primary source for the latest and most current information on this data collection and refers to it as the “one-stop-shop” for information on and filing of EEO-5 reports.

<sup>16</sup> See <https://civilrightsdata.ed.gov/>.

count of teachers by sex and race/ethnicity. While the CRDC is useful in ensuring the nation's public school districts and elementary and secondary schools' obligation to provide equal educational opportunity, it does not collect staff data by sex and race/ethnicity for all activity assignment classifications. As such, it cannot replace the EEO-5 data collection.

The National Teacher and Principal Survey (NTPS),<sup>17</sup> a sample survey collected intermittently by NCES, collects school-level, aggregate totals of full- and part-time staff by select job categories. However, the NTPS does not collect this information from all schools (i.e., as a sample survey) and does not collect staffing information by sex or race/ethnicity. As a result, the NTPS cannot replace the EEO-5 data collection.

#### 5. Impact on Small Business

The EEO-5 collection does not have an impact on small businesses, as it is collected from public school systems and districts.

#### 6. Consequences If Information Were Collected Less Frequently

As the primary federal agency that enforces laws against employment discrimination, the EEOC requires up-to-date data reflecting the most current information possible to investigate and resolve charges of discrimination. Collecting EEO-5 data biennially is necessary to ensure the utility of the data for enforcement purposes. A biennial collection is also more efficient for the EEOC and respondents because it minimizes the disruptions caused by workforce changes and embeds the collection into public school systems and districts' routine business practices. Workforce changes are frequent, and a delay in collecting data reflecting these changes would undermine the EEOC's ability to investigate and enforce the federal anti-discrimination statutes because the agency would be forced to rely on outdated and inaccurate data with respect to school systems and districts (i.e., filers). Moreover, EEO-5 filers frequently request a new point of contact. Collecting the data less frequently would compound the change of contact issue and would unnecessarily delay filers' submissions of EEO-5 data while the EEOC attempts to identify the new appropriate points of contact.

#### 7. Special Circumstances

This information collection does not require any special circumstances.

#### 8. Consultation Outside the Agency

The 60-day Notice was published in the Federal Register on August 16, 2024.<sup>18</sup> The EEOC received no comments during the public comment period.

#### 9. Gifts or Payments

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<sup>17</sup> See <https://nces.ed.gov/surveys/ntps/>.

<sup>18</sup> Available at <https://www.federalregister.gov/documents/2024/08/16/2024-18421/agency-information-collection-activities-existing-collection>.

No gifts or payments will be provided to respondents in connection with this information collection.

## 10. Confidentiality of Information

### Confidentiality

All EEO-5 reports and any information from individual reports are subject to the confidentiality provisions of Section 709(e) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-8(e), as amended (Title VII) and may not be made public by the EEOC prior to the institution of any proceeding under Title VII involving such information. Any EEOC employee who violates this prohibition may be found guilty of a criminal misdemeanor and could be fined or imprisoned. The confidentiality requirements allow the EEOC to publish only aggregated data, and only in a manner that does not identify any particular employer or reveal any individual employee's personal information and there is no reasonable basis to believe that it can be used to identify an individual or employer.

### Security

The EEOC's information systems (including data extracted from those systems and maintained by contractors) as overseen by the Office of Information Technology are categorized at the Federal Information Processing Standards<sup>19</sup> (i.e., FIPS 199) level of "Moderate." As defined in the Federal Information Security Modernization Act of 2014,<sup>20</sup> information systems used or operated by an agency or by a contractor of an agency are required by statute to provide information security protections commensurate with the risk and magnitude of the harm resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of the information.

The confidentiality provisions of Title VII prohibit disclosure of any charge, charge-related information, or EEO data collection information, except under the conditions outlined in the "Confidentiality of Information" section above. Both EEOC staff and the EEO-5 data collection contractor staff who have access to the EEOC records will not disclose any confidential information and will only use such information in the performance of their project responsibilities and duties. The data collection contractor is bound by contract and law to prevent the unauthorized release of information obtained by employees in the performance of work required by the EEO-5 data collection project. All EEOC staff receive training, as necessary, on all regulations and laws that restrict the release of information. The EEOC administrative and control files are the property of the EEOC, and the information contained therein is protected under the Privacy Act of 1974.<sup>21</sup>

## 11. Questions of a Sensitive Nature

The EEO-5 collection does not solicit any information of a sensitive nature from respondents. The EEO-5 data collection tallies data by activity assignment classification (i.e., job category) and sex and race or ethnicity. All information utilized for statistical purposes will be reported in a

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<sup>19</sup> See <https://csrc.nist.gov/csrc/media/publications/fips/199/final/documents/fips-pub-199-final.pdf>.

<sup>20</sup> 44 U.S.C. § 3541 et seq.

<sup>21</sup> 5 U.S.C. § 552a.

summarized manner, and no information will be reported that would allow the identification of an individual employee or employer.

## 12. Information Collection Burden

The estimated burden for the prior EEO-5 Information Collection Review (ICR) for reporting year 2022 was 120,901.07 hours.<sup>22</sup> The EEOC's Office of Enterprise Data and Analytics (OEDA) administers the agency's data collections, including the EEO-5 data collection. OEDA has undertaken measures to enhance the agency's EEO-5 data frame of potentially eligible filers. Additionally, OEDA has identified changes that make the EEO-5 filing process more user-friendly and less burdensome. By comparing the EEOC's 2022 EEO-5 frame to the U.S. Department of Education's publicly available Common Core of Data (CCD) database,<sup>23</sup> OEDA identified approximately 4,000 additional public elementary and secondary school systems and districts that may be eligible to file during the next biennial data collection. With the addition of these filers to the EEO-5 frame and considering response rates during the 2022 EEO-5 data collection, OEDA now estimates 10,500 potential respondents (a 47% increase) to the agency's next EEO-5 data collection.<sup>24</sup>

The EEOC has also updated its methodology for calculating the biennial burden of the EEO-5 to better reflect the types of personnel responsible for preparing and filing these reports on behalf of their employers. Based upon job titles provided during the 2022 EEO-5 data collection by individuals completing the report within the *EEO-5 OFS*, the EEOC has identified six specific job categories which account for the largest amount of time spent biennially on EEO-5 reporting. These job categories include: (1) Human Resource Specialists; (2) Executive-Level Staff; (3) Secretaries and Administrative Assistants; (4) Bookkeeping, Accounting, and Auditing Clerks; (5) Administrative Services and Facilities Managers; and (6) Database Administrators and Architects.<sup>25</sup>

Additionally, the *EEO-5 OFS* captures detailed information on when each filer starts and certifies its report. The EEOC used this information from the most recent EEO-5 data collection to calculate

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<sup>22</sup> See Notice of Information Collection 85 FR 73701 (Nov. 19, 2020) at <https://www.govinfo.gov/content/pkg/FR-2020-11-19/pdf/2020-25564.pdf> and Notice of Information Collection 86 FR 13897 (March 11, 2021) at <https://www.govinfo.gov/content/pkg/FR-2021-03-11/pdf/2021-05059.pdf>.

<sup>23</sup> According to the U.S. Department of Education, the CCD is the department's primary database on public elementary and secondary education in the United States. The CCD serves as a "comprehensive, annual, national database" of all public elementary and secondary schools and school districts. See <https://nces.ed.gov/ccd/>.

<sup>24</sup> This estimate covers public elementary and secondary school systems or districts with 100 or more employees within the 50 United States and the District of Columbia as well as the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and the U.S. Possessions of American Samoa, Guam, Northern Mariana Islands, and Wake Island. Please note that 10,500 respondents may ultimately turn out to be an overestimate. Following the initial enhancement of the EEO-5 frame, collection data may yield an unknown number of ineligible filers.

<sup>25</sup> Hourly wage rates for these six job categories were obtained from the U.S. Department of Labor's Bureau of Labor Statistics (BLS) Occupational Outlook Handbook. See <https://www.bls.gov/ooh/>. Please note that the actual job titles reported during the 2022 EEO-5 data collection were collapsed into these six BLS occupational categories.

more precise burden hour estimates.<sup>26</sup> In Table 1 below, the estimated average hour burden per report is 1.7 hours. The total estimated biennial respondent burden for all filers is 17,927 hours.

<b>TABLE 1: PROJECTED BURDEN FOR EACH EEO-5 BIENNIAL REPORTING YEAR (N=10,500)</b>						
<b>Staff Job Category</b>	<b>Percent in Job Category</b>	<b>Median Hourly Wage Rate</b>	<b>Hours Per Report</b>	<b>Total Burden Hours</b>	<b>Cost Per Report</b>	<b>Total Burden Hour Cost</b>
<b>Human Resource Specialists</b>	39.1%	\$30.88	1.9	7,807	\$58.67	\$241,078.65
<b>Executive-Level Staff</b>	15.9%	\$48.12	1.7	2,829	\$81.80	\$136,153.91
<b>Secretaries and Administrative Assistants</b>	14.1%	\$21.19	1.8	2,674	\$38.14	\$56,659.49
<b>Bookkeeping, Accounting, and Auditing Clerks</b>	14.0%	\$22.05	1.3	1,904	\$28.67	\$41,993.03
<b>Administrative Services and Facilities Managers</b>	7.7%	\$48.98	1.4	1,137	\$68.57	\$55,707.84
<b>Database Administrators and Architects</b>	3.0%	\$53.91	1.3	414	\$70.08	\$22,301.40
<b>Other<sup>a</sup></b>	6.1%	\$37.52	1.8	1,161	\$67.54	\$43,577.97
<b>AVERAGE</b>	.....	.....	1.7	.....	\$56.90	.....
<b>TOTAL<sup>b</sup></b>	100.0%	.....	.....	17,927	.....	\$597,472.29

<sup>a</sup> The average hourly wage rate for the “Other” category was derived by taking the weighted mean average of the hourly wage rates of the six BLS job categories listed in the above table.

<sup>b</sup> These estimates are based upon filers’ use of the *EEO-5 OFS* to submit reports electronically because paper submissions are no longer accepted. Electronic filing remains the most efficient, accurate, and secure means of reporting for respondents required to submit EEO-5 data.

### 13. Information Collection Cost Burden

The EEOC estimates that it will cost EEO-5 filers \$597,472.29 to submit approximately 10,500 reports. The estimated average burden hour cost per report is \$56.90. The EEOC further estimates that it will take filers a total of 17,927 hours to complete this submission. Using the most recent median pay data from the U.S. Bureau of Labor Statistics, the EEOC estimates a total hourly wage of \$56.90 using the percentage of various job categories shown in Table 1.<sup>27</sup>

<sup>26</sup> The time estimates are based on the average time elapsed among filers who completed their reports during the same calendar day within the *EEO-5 OFS*. This methodology was chosen because a single-session submission would also approximate the completion time over several, multi-day sessions.

<sup>27</sup> See U.S. Dept. of Labor, Bureau of Labor Statistics, *Occupational Outlook Handbook*, <https://www.bls.gov/ooh>. Wages cited are median hourly wages.



#### 14. Cost to Federal Government

The EEOC estimates that the biennial federal cost will be \$492,635. These estimated costs break down to the following:

Cost of the Data Collection Contract:	\$361,105
Federal Staffing Costs:	\$131,530

The federal staffing costs are estimated by assuming a 12-member team from the EEOC’s Office of Enterprise Data and Analytics, which administers the EEO-5 data collection. This team includes a mix of GS-13 through GS-15 staff, as well as the two SES (Senior Executive Service) members. The estimate assumes that no staff will spend 100% of their time on the EEO-5 data collection. Time devoted to the annual EEO-5 data collection by staff on this 12-member team ranges from a low of 1% to a high of 40% with 8.5% being the average.

#### 15. Program Changes or Burden Adjustments

The EEOC’s Office of Enterprise Data and Analytics administers the agency’s data collections, including the EEO-5 data collection. Since OEDA’s creation in 2018, the EEOC has undertaken several efforts to modernize the agency’s data collections and improve the quality of data collected. OEDA also has streamlined functions, such as providing additional self-service options, resource materials, and an online support message center.

As part of these ongoing modernization efforts, OEDA has undertaken measures to enhance the agency’s EEO-5 frame (i.e., file roster or master list) of potentially eligible filers. By comparing the EEOC’s 2022 EEO-5 frame to the U.S. Department of Education’s publicly available Common Core of Data (CCD) database,<sup>28</sup> OEDA identified approximately 4,000 additional public elementary and secondary school systems and districts that may be eligible to file during the next biennial data collection. With the addition of these filers to the EEO-5 frame and considering response rates during the 2022 EEO-5 data collection, OEDA now estimates 10,500 potential respondents (a 47% increase) to the agency’s next EEO-5 data collection.<sup>29</sup>

The EEOC has also updated its methodology for calculating the biennial burden of the EEO-5 to better reflect the types of personnel responsible for preparing and filing these reports on behalf of their employers. Additionally, the *OFS* captures detailed information on when each filer starts and

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<sup>28</sup> According to the U.S. Department of Education, the CCD is the department’s primary database on public elementary and secondary education in the United States. The CCD serves as a “comprehensive, annual, national database” of all public elementary and secondary schools and school districts. See <https://nces.ed.gov/ccd/>.

<sup>29</sup> This estimate covers public elementary and secondary school systems or districts with 100 or more employees within the 50 United States and the District of Columbia as well as the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and the U.S. Possessions of American Samoa, Guam, Northern Mariana Islands, and Wake Island. Please note that 10,500 respondents may ultimately turn out to be an overestimate. Following the initial enhancement of the EEO-5 frame, collection data may yield an unknown number of ineligible filers.

certifies its report. The EEOC used this information from the most recent EEO-5 data collection (i.e., 2022) to calculate more precise burden hour estimates.<sup>30</sup>

## 16. Publication of Data for Statistical Use

For each biennial data collection, the EEOC publishes public-use, aggregate EEO-5 data on its public website and through an online tool launched in December 2020 called *EEOC Explore*.<sup>31</sup> In making aggregate EEO-5 data publicly available, the EEOC, through its Office of Enterprise Data and Analytics, applies appropriate de-identification methodology to allow for a public release of aggregate EEO-5 data. The data is considered “de-identified” when the information released does not identify an individual or an organization, and there is no reasonable basis to believe that it can be used to identify an individual or an organization.

### Proposed Time Schedule for Information Collection and Publication<sup>32</sup>

Opening of Data Collection	<i>Day 1</i>
Published Filing Deadline	<i>5 Weeks after Opening of Data Collection</i>
First Failure to File Notification (via email)	<i>1 Day after Published Filing Deadline</i>
Second Failure to File Notification (via U.S. Postal Service)	<i>1 Week after Published Filing Deadline</i>
Third and Final Failure to File Notification (via email)	<i>3 Weeks after Published Filing Deadline</i>
No Additional Reports Accepted	<i>5 Weeks after Published Filing Deadline</i>
Closure of Data Collection	<i>2 Weeks after No Additional Reports Accepted</i>
Contractor Delivery of Preliminary Data File	<i>No Later than 3 Months after Closure of Data Collection</i>
Final Delivery of Data File	<i>No Later than 4 Months after Closure of Data Collection</i>

<sup>30</sup> The time estimates are based on the average time elapsed among filers who completed their reports during the same calendar day within the *EEO-5 OFS*. This methodology was chosen because a single-session submission would also approximate the completion time over several, multi-day sessions.

<sup>31</sup> See <https://www.eeoc.gov/data/eo-5-elementary-secondary-staff-information-report-statistics>. Public Use Files (PUFs) are also available at the same website.

<sup>32</sup> This “Proposed Time Schedule for Information Collection and Publication” will be implemented for each of the EEO-5 data collections covered by this PRA renewal request.

Publication of Aggregate Data  
on EEOC.gov website

*No Later than 6 Months after  
Closure of Data Collection*

17. Approval Not to Display the Expiration Date

The EEOC is not seeking such approval. The EEOC will display the expiration date.

18. Exceptions to the Certification Statement

The EEOC is not seeking any exceptions to the certification statement under this information collection request.