

**SUPPORTING STATEMENT
FOR PAPERWORK REDUCTION ACT SUBMISSION
SECTION 427 GENERAL EDUCATION PROVISIONS
ACT REQUIREMENT FOR GRANT APPLICATIONS**

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 copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

On October 20, 1994, the Improving America's Schools Act, Public Law 103-382 (The Act), became law. The Act added a provision to the General Education Provisions Act (GEPA), section 427. This section requires an applicant for assistance under The Department of Education's (Department) programs to develop and describe in the grant application the steps it proposes to take to ensure equitable access to, and equitable participation in, its proposed project for students, educators, and other program beneficiaries.

Applicants have responded to the GEPA 427 requirements for approximately the last 27 years, and the [current form](#) expires in June 2023. In response to the [Agency's Equity Plan](#) resulting from the President's [Executive Order 13985](#), we now propose to update that form by expanding the number of questions from one to four.

These four questions are intended to help applicants for Department grant funds to be more intentional and specific in identifying barriers to equitable access and how they will address those barriers consistent with the requirements of section 427 of GEPA.

The form retains the existing flexibility for applicants to determine and define for themselves the barriers to "equitable access" and "equitable participation". While the GEPA 427 statute provides some examples of barriers, as does our Agency Equity Plan, these examples are not an exclusive list and applicants may identify other barriers based on the design of their proposed grant projects and the participants and community the project proposes to serve.

We believe the primary respondents to this form will be our discretionary grant program applicants, who are already required to fill out the existing form each time they apply for a Department's discretionary grant program. As has been practice in the last 27 years of the existing GEPA 427 form, the Department will not evaluate the quality of the responses to the form for our discretionary grant applicants, just ensure that the applicant submitted and responded to the form in order to meet legal sufficiency. This is the same standard for all the forms that accompany an application for Department grant funds.

While it will depend on the specific program, State-administered formula grant programs will only need to complete the form and submit it to the Department at the point of State Plan submission or resubmission or Congressional reauthorization of the State-administered formula grant program. Subgrantees of State-administered formula grant programs must comply with the GEPA 427 requirements, but they are not required to use this form.

We are hopeful that by asking more specific questions concerning equitable access and equitable participation that applicants for the Department's grant funds will be able to be more intentional and specific regarding how their applications address equity and believe the new questions on the form are more in alignment with the existing statutory text of GEPA section 427.

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.

As noted above, the Department will not evaluate the quality of the responses to the form for our discretionary grant applicants, nor can the Department reject an applicant's responses to the form unless the applicant fails to submit the form or respond to the questions.

Information collected under this form may be used by Department staff in providing technical assistance or guidance to help successful applicants in the implementation of their grant projects. As with the existing GEPA 427 grant form, the Department does not intend to systematically examine or catalogue answers or evaluate responses outside the specific context to which an applicant is applying for Department grant funds.

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 of using information technology to reduce burden.

If any program has enabled an application to be submitted electronically or in electronic form, information provided in response to the GEPA Section 427 requirement may be submitted in the same manner. Also, applicants have discretion in determining how to provide information in response to this requirement. For example, an applicant may choose to use technology available to it that would reduce burden in responding to this requirement. There are no legal obstacles to reducing burden.

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

The GEPA Section 427 requirement does not represent a duplication of information collection. The provision is not intended to duplicate the requirements in civil rights statutes, but rather to ensure that applicants for Federal funds address equity concerns in the planning and development of their proposed Federal projects that may affect the ability of certain potential beneficiaries to fully participate in a proposed project. Applicants have discretion in how to respond to this requirement and can explain if information that is responsive to this requirement is provided in their applications in response to a related topic.

5. If the collection of information impacts small businesses or other small entities (Item 8b of IC Data Part 2), describe any methods used to minimize burden.

The collection of information in response to the GEPA Section 427 requirement does not have a significant impact on a substantial number of 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.

The Department of Education would not be in compliance with the requirements of General Education Provisions Act Section 427 if the information is not collected. An applicant for new grant funds is required to provide this information in order to receive funding under any applicable program.

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 which 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.

The information will not be collected in a manner inconsistent with the general information collection guidelines in 5 CFR 1320.5(d)(2). There are no special circumstances.

8. If applicable, provide a copy and identify the date and page number of publications in the Federal Register of the agency'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 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.

Notices for the 60 day and 30-day comment period will be published.

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

There will be no payment or gift to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

No assurance of confidentiality is provided specifically for the information collected for compliance with the GEPA Section 427 provision. Consistent with agency practice, statements may be publicly released, for example, as part of successful discretionary grant applications.

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 GEPA Section 427 provision does not require the respondent to provide information of a sensitive nature.

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

- Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. 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 item 16 of IC Data Part 1.
- 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 not be included in Item 14.

The estimated burden of this information collection is an average of 3 hours (H). The previous estimated burden ranged from 1-3 hours with an average of 1.5 hours for a narrative response to one question. The estimated burden hour increase is attributed to adding the three new narrative questions.

The previous respondent number from FY 2019 included approximately 5,976 new discretionary grant respondents and 7,503 new formula grant respondents for a total of 13,479 new grant respondents. This calculated to $13,479 \times 1.5 \text{ Hours} = 20,219 \text{ (H)}$. The total number of respondents for FY 2021 was estimated at 8,357 new discretionary grant respondents and 7,657 new formula grant respondents, for a total of 16,014 new grant respondents.

As shown in the below table, we expect a decrease for FY 2022-2025. Due to the revisions of the form and the exclusion of a few large Department-administered formula grant programs that have their own information collection to address GEPA Section 427 provision, it is estimated that the total annualized number of respondents will be 12,816 and the total annualized burden hours will be 38,448.

Estimated Annual Burden and Respondent Costs Table

Information Activity Year	Number of Respondents	Average Burden Hours per Response	Total Annual Burden Hours	Estimated Respondent Average Hourly Wage (3% yearly increase)	Total Annual Costs (hourly wage x total burden hours)
FY2022-23	11,548	3	34,644	\$34.86	\$1,207,690
FY2023-24	12,816	3	38,448	\$35.90	\$1,380,283
FY2024-25	14,084	3	42,252	\$37.00	\$1,563,324
Annualized Totals	12,816	3	38,448	\$35.90	\$1,380,283

Similarly, the annualized cost to respondents would be minimal because the information collected in response to this requirement concerns participation data that should be readily accessible to the respondent. Due to an applicant having discretion in determining how to respond to the requirement, the amount of time necessary to prepare the response will vary from applicant to applicant.

We estimate that, on average, each response will require a local educational agency program specialist or agency grant specialist at \$35.90 /hour, 3 hours to complete. ($\$35.90 \text{ an hour} \times 3 \text{ Hours} = \107.70).

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 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.

Total Annualized Capital/Startup Cost : \$.00

Total Annual Costs (O&M) : .00

Total Annualized Costs Requested : \$.00

There are no costs to respondents beyond those described under number 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 will be minimal and will vary from program to program. An applicant has discretion in determining which barriers to access to, and participation in, its project need be addressed in response to the GEPA Section 427 requirements. Thus, the grade level of the Department employee reviewing the response will vary and the number of hours it would take for the review will vary. We estimate that, on average, for each response a GS-11 will review the information collected for .5 hours. We estimate the annualized cost to the Federal Government of responding to this requirement as \$230,047 (\$35.90 an hour X .5-hour X 12,816 (estimated number of new discretionary and formula applications).

15. Explain the reasons for any program changes or adjustments to #16f of the IC Data Part 1 Form.

The total number of respondents has decreased from FY2019 –FY2021 to FY2022 - FY2025. This decrease accounts for the adjustment of 681 respondents due to removing a few programs that have their own information collections related to the GEPA Section 427 provisions. Due to the annual growth rate in discretionary and formula grant respondents received by the Department and the increase in hours with the changes to the form that would require respondents' completion of 3 hours, there is a program change increase in burden hours of 18,229.

	Program Change Due to New Statute	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate
Total Burden		18,229 Hours	
Total Responses			-681
Total Costs (if applicable)			

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.

No plans exist to publish the results of this information collection.

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 expiration date on the GEPA Section 427 document.

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

There are no exceptions to the certification statement.