

## **SUPPORTING STATEMENT**

### **FOR PAPERWORK REDUCTION ACT SUBMISSION**

#### **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.

The purpose of this submission is to extend previously approved emergency collection for the Equity in Athletics Disclosure Act (EADA) regulations (34 CFR 668.41, 668.47). Regarding the terms of clearance, the August 14, 2008 Higher Education Opportunity Act (HEOA) reauthorized the Higher Education Act (HEA) of 1965, as amended and required that this information with respect to EADA continue to be collected.

The EADA requires an institution that participates in Title IV HEA federal student financial assistance program and has an intercollegiate athletic program to annually prepare a report on athletic participation, staffing, revenue and expenditures by gender, and by men's and women's teams. An institution must make the report available to students, potential students and the public upon request. An institution reports the information to the Department of Education and the Department makes the information publicly available on its website.

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 is used by prospective student-athletes to help them choose a postsecondary institution. Prospective and current students, and the public also use the information to assess an institution's commitment to and progress toward gender equity in intercollegiate athletics.

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.

Institutions are encouraged to use appropriate information technologies to reduce their burden. For example, the preamble to the final rules explicitly allowed institutions to make the information available electronically to current students (60 Fed Reg 61426 (1995)).

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.

There is some overlap between these requirements and those with which an institution must comply pursuant to its Program Participation Agreement (PPA) (334 CFR 668.14) Wherever possible, the requirements are identical.

The Higher Education Amendments of 1998 moved some of the PPA's athletic reporting requirements to the EADA, and amended the EADA (including by requiring institutions to submit EADA information to the Department)

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

These requirements have no impact on small businesses or other 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.

Per statute, the information must be collected and disclosed annually.

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 tht it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

The information collection requirements require no special circumstances.

8. If applicable, provide a copy and identify the date and page number of publication 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.

The appropriate Federal Register notice will be published soliciting public comments.

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.

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

There are no payments 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.

The EADA and regulations require an institution to disclose the average salaries of head and assistant coaches of men and women's teams. There are a very small number of co-ed teams. Requiring institutions to report separate averages for

coaches of co-ed teams might effectively require the institution to disclose an individual's salary, so the Department allows institutions to include the average salaries of coaches of co-ed teams as a pro-rated portion of the average salaries of coaches of men's and women's teams (60 Fed Reg 61432 (1995)).

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.

These requirements contain no questions 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 13 of OMB Form 83-I.

- 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.

These requirements apply to institutions that participate in a title IV, HEA program AND have an intercollegiate athletic program. There are approximately 2000 such institutions.

The annual reporting burden is 5.5 hours per respondent.

Therefore, the total overall burden is 5.5 hours per respondent (total of 11,000 hours).

The annual cost per respondent is \$110.00 (5.5 hours X \$20.00 per hour). The annual cost for all respondents is \$220,000 (2000 X \$110.00)

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
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Total Annualized Costs Requested	:	\$ .00

There are no costs associated with responding to these requirements other than those detailed in response to Question No. 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.

Estimated annual cost to the Federal government:

Salaried staff	960 hours	\$31,285
Hourly staff	1400 hours	\$22,568
Contractor database support		\$84,000
Other direct costs		\$ 6,110
Overhead/G&A/Fee		\$71,040

Estimated total costs to the Federal Government \$215,003

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

There are no changes in burden.

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.

This information collection is available via the Departments web site if the public wishes to view the information.

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 is not seeking to not display the expiration date for OMB approval.

18. Explain each exception to the certification statement identified in Item 20, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

There are no exceptions to the certification statement.