

SUPPORTING STATEMENT
FOR PAPERWORK REDUCTION ACT SUBMISSION
Gainful Employment Program - Subpart R - Cohort Default Rates
Program Cohort Default Rate (pCDR)

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 hard copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information, or you may provide a valid URL link or paste the applicable section¹. 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, make note of the sections or changed sections, if applicable.

The Student Assistance General Provisions regulation was amended by adding Subpart R to 34 CFR Part 668. Subpart R – Program Cohort Default Rates mirrors Subpart N – Cohort Default Rates where applicable. Subpart R established a programmatic cohort default rate (pCDR) for gainful employment (GE) programs, whereas Subpart N established an institutional cohort default rate (iCDR).

On June 16, 2017, the Department of Education (the Department) published a notice in the Federal Register announcing the intention to establish a negotiated rulemaking committee to revise the gainful employment regulations published on October 31, 2014. The Department anticipates scheduling the negotiated rulemaking sessions beginning in November or December 2017.

The Department is requesting an extension without change of burden to the currently approved information collection as any new regulations will not be finalized before the expiration of this current package. There have been no changes to the regulations since the initial collection approval.

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 program cohort default rate is a disclosure item for a GE program offered by an institution. This subpart describes how pCDRs are calculated by the Department, and how institutions may request changes to their pCDRs or appeal the rates. Under this subpart, the institution submits a “challenge” after it receives its draft program cohort default rate, and the institution requests an “adjustment” or “appeal” after its official program cohort default rate is published.

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

¹ Please limit pasted text to no longer than 3 paragraphs.

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 given to using technology to reduce burden.

Institutions use a combination of institutional systems and Departmental systems to report data electronically to the Department and receive data electronically from the Department.

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.

The current requirements avoid duplication. There is no similar information available that can be used or modified for this purpose at this time.

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.

No small businesses are affected by this information collection.

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.

Absent this data collection, institutions will not have a method to challenge, appeal, or make adjustments to the underlying data used to calculate the pCDR and as a result failing programs and the students in them would lose Title IV, HEA eligibility. Also, without this data enrolled students and prospective students will lack sufficient information to make informed decisions about whether to start or continue in a particular GE 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 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.

The collection of this information will be conducted in a manner that is consistent with the guidelines in 5 CFR 1320.6.

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. 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.

The regulations were developed through the Negotiated Rulemaking process where the public provided its input as well as in consultation with schools, and other affected entities. The Department requested a 60 day public comment period be published in the Federal Register. Two comments were received but were outside the scope of the information collection. This is the request for the 30 day public comment period to be published in the Federal Register.

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

No payments or gifts will be provided to the 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.² If the collection is subject to the Privacy Act, 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.

The Department makes no pledge of confidentiality regarding the data.

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 Department is not requesting any sensitive data.

12. Provide estimates of the hour burden of the collection of information. The statement should:
 - 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, and an explanation of how the burden was estimated, including identification of burden type: recordkeeping, reporting or third party disclosure. All narrative should be included in item 12. 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 the ROCIS IC Burden Analysis Table. (The table should at minimum include Respondent types, IC activity, Respondent and Responses, Hours/Response, and Total Hours)
 - 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 be included in Item 14.

² 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 of Personally Identifiable Information)

Section 668.504(b) – Draft cohort default rates and your ability to challenge before official program cohort default rates are issued.

An institution may challenge the accuracy of the data included on the Loan Record Detail Report (LRDR) by sending an incorrect data challenge to the relevant data manager(s) within 45 days of receipt of the LRDR from the Department. The challenge will include a description identifying the information in the LRDR that the institution believes is incorrect along with supporting documentation.

The Department continues to estimate 1,285 projected challenges for incorrect data.

We estimate that of the likely 1,285 challenge submissions, 1,182 will be from for-profit institutions. We estimate that the average institutional staff time needed to review a GE program's LRDR and to gather and prepare incorrect data challenges will be a total of 4 hours (1.5 hours for list review and 2.5 hours for documentation submission) for each of the 1,182 programs. This will increase burden by 4,728 hours (1,182 programs x 4 hours = 4,728 hours).

We estimate that out of the likely 1,285 challenge submissions, 39 will be from private non-profit institutions. We estimate that the average institutional staff time needed to review a GE program's LRDR and to gather and prepare the challenges will be a total of 4 hours (1.5 hours for list review and 2.5 hours for documentation submission) for each of these 39 programs. This will increase burden by 156 hours (39 programs x 4 hours = 156 hours).

We estimate that, out of the likely 1,285 challenge submissions, 64 will be from public institutions. We estimate that the average institutional staff time needed to review a GE program's LRDR and to gather and prepare the challenges will be a total of 4 hours (1.5 hours for list review and 2.5 hours for documentation submission) for each of these 64 programs. This will increase burden by 256 hours (64 programs x 4 hours = 256 hours).

The total burden for §668.504(b) remains 5,140 hours under OMB Control Number 1845-0121.

Section 668.509 - Uncorrected data adjustments.

An institution may request an uncorrected data adjustment for the most recent cohort of borrowers used to calculate a GE program's most recent official pCDR, if in response to the institution's incorrect data challenge, a data manager agreed to change data but the changes were not reflected in the official pCDR.

The Department continues to estimate 217 projected uncorrected data adjustments. We estimate that the average institutional staff time needed is 1 hour for list review and 0.5 hours for documentation submission, for a total of 1.5 hours.

We estimate that 200 of the 217 projected uncorrected data adjustments will be from for-profit institutions with a burden of 300 hours (200 adjustments x 1.5 hours) under OMB Control Number 1845-0121.

We estimate that 6 of the 217 projected uncorrected data adjustments will be from private non-profit institutions with a burden of 9 hours (6 adjustments x 1.5 hours) under OMB Control Number 1845-0121.

We estimate that 11 of the 217 projected uncorrected data adjustments will be from public institutions with a burden of 17 hours (11 adjustments x 1.5 hours) under OMB Control Number 1845-0121.

The total burden for §668.509 remains 326 hours under OMB Control Number 1845-0121.

Section 668.510 – New data adjustments.

An institution may request a new data adjustment for the most recent cohort of borrowers used to calculate the most recent official pCDR for a GE program, if a comparison of the LRDR for the draft rates and the LRDR for the official rates show that data have been newly included, excluded, or otherwise changed and the errors are confirmed by the data manager.

The Department continues to estimate 19 projected data adjustments. We estimate that the average institutional staff time needed is 3 hours for list review and 1 hour for documentation submission, for a total of 4 hours.

We estimate that 17 of the 19 projected new data adjustments will be from for-profit institutions with a burden of 68 hours (17 adjustments x 4 hours) under OMB Control Number 1845-0121.

We estimate that 1 of the 19 projected new data adjustments will be from private non-profit institutions with a burden of 4 hours (1 adjustment x 4 hours) under OMB Control Number 1845-0121.

We estimate that 1 of the 19 projected new data adjustments will be from public institutions with a burden of 4 hours under (1 adjustment x 4 hours) OMB Control Number 1845-0121.

The total burden for §668.510 remains 76 hours under OMB Control Number 1845-0121.

Section 668.512 - Loan Servicing appeals.

An institution may appeal the calculation of a pCDR on the basis of improper loan servicing or collection.

The Department continues to estimate 38 loan servicing appeals. We estimate that, on average, to gather, analyze, and submit the necessary documentation, each appeal will take 3 hours.

We estimate that 35 of the 38 projected loan servicing appeals will be from for-profit institutions with a burden of 105 hours (35 servicing appeals x 3 hours) under OMB Control Number 1845-0121.

We estimate that 1 of the 38 projected loan servicing appeals will be from private non-profit institutions with a burden of 3 hours (1 servicing appeal x 3 hours) under OMB Control Number 1845-0121.

We estimate that 2 of the 38 projected loan servicing appeals will be from public institutions with a burden of 6 hours (2 servicing appeals x 3 hours) under OMB Control Number 1845-0121.

The total burden for §668.512 remains 114 hours under OMB Control Number 1845-0121.

Section 668.504 - Burden:

# of Respondents	# of Responses	Hours/Response	Burden Hours
1,285	1,285	4	5,140

Section 668.509 - Burden:

# of Respondents	# of Responses	Hours/Response	Burden Hours
217	217	1.5	326

Section 668.510 - Burden:

# of Respondents	# of Responses	Hours/Response	Burden Hours
19	19	4	76

Section 668.512 - Burden:

# of Respondents	# of Responses	Hours/Response	Burden Hours
38	38	3	114

Continuation of Total Currently Approved:

# of Respondents	# of Responses	Burden Hours
1,559	1,559	5,656

Institutional staff costs at \$36.55 per hour calculate to an estimated \$206,727 to research, record and report various regulatory requirements.

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 :
Total Annual Costs (O&M) : _____
Total Annualized Costs Requested :

There are no capital/startup costs to respondents. The institutional staffing costs are identified 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 cost to Federal Student Aid for the contractor support for all of the Gainful Employment regulatory implementation is estimated at \$23,099,946.

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).

The Department anticipates scheduling the negotiated rulemaking sessions beginning in November or December 2017. As any new regulations will not be available before the expiration of this current package, the Department is requesting an extension without change of burden to the currently approved information collection of 5656 burden hours in 1845-0121 for Subpart R of 34 CFR Part 668. There is no change in the current burden hours.

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 collection of information 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.

The Department is not seeking this approval.

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

The Department is not requesting any exceptions to the "Certification for Paperwork Reduction Act Submissions" of OMB Form 83-1.