

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 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 section. Please limit pasted text to no longer than 3 pages. 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.**

On April 23, 2020 the Department was granted approval for this information collection that solicited from State educational agencies (SEAs) applications for funding under section 18003 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), the Elementary and Secondary School Emergency Relief Fund (ESSER Fund). The ESSER Fund awards grants to State educational agencies (SEAs) for the purpose of providing local educational agencies (LEAs), including charter schools that are LEAs, with emergency relief funds to address the impact that Novel Coronavirus Disease 2019 (COVID-19) has had, and continues to have, on elementary and secondary schools across the nation. LEAs must provide equitable services to students and teachers in non-public schools as required under the CARES Act. The CARES Act requires that a notice inviting applications is posted by April 26, 2020 and that funding decisions are made by May 26, 2020. On June 5, 2020, a change to the emergency collection was approved in order to allow ED to provide clarity on the reporting requirements for the ESSER Fund.

This request is to add the burden from the approved emergency collection, 1810-0744, to the 1810-0743 collection. Though not stated in the regulatory impact analysis (RIA) for the Equitable Services interim final rule, we can reasonably assume that no LEA will receive GEER funds but not ESSER funds, either as a formula grant or from the SEA Reserve. And as stated in the RIA, we assume that an LEA that receives funds under both programs will use the same method for determining the proportional share in each program (and that it will do a single collection of enrollment or poverty data that serves both). Taken together, this means the burden estimate in the RIA could be attributed in its entirety to ESSER; there is no additional burden associated with providing equitable services through GEER funds. This adds a burden of 1,900 responses from LEAs, 76,393 burden hours, and \$2,685,120 to this collection.

- 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 will be reviewed by U.S. Department of Education employees to allocate and award ESSER Funds to SEAs and ensure those funds are used in accordance with section 18003(d) of the CARES Act.

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 given to using technology to reduce burden.**

ED will encourage all State educational agencies to submit their applications electronically.

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.**

This is a unique collection; there are no other data collections which seek this information.

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.**

The collection does not impact 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.**

If this collection is not allowed to proceed, the Department will not be able to fulfill the mandates of the CARES Act, and SEAs and their students will not be able to receive the financial assistance authorized by Congress and signed into law by the President.

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.**

No such circumstances exist.

- 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 Department was granted an emergency clearance and OMB approval for this collection on April 23, 2020 in order to meet the requirements of the CARES Act and disburse funds as quickly as possible.

On June 16, 2020, a Federal Register Notice requesting public comment was published (Vol. 85, No. 116, page 36385). No comments were received during the 60-day comment period. The Department is publishing the applicable 30-day Federal Register notice to request public comment.

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

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. 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. 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). 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.

There are no assurances of confidentiality.

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.

There are 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 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.

All 50 States, as well as the District of Columbia, and the Commonwealth of Puerto Rico are eligible agencies for awards under the ESSER Fund. We estimate that one application will be received from each of these State educational agencies. As indicated in the table below, we estimate that the number of burden hours per response will be 5 hours. The total estimated number of burden hours is 260 hours for states.

Additionally, the interim final regulations related to Section 18005(a) of the CARES Act that the Department issued resulted in new burden to LEAs that is an estimated 1,900 responses, 76,392.5 burden hours, and \$2,685,120. This creates a total burden of 1952 responses, 76,653 burden hours, and \$2,685,120. The tables below detail the state and LEA burden.

Year	Estimated Number of Responses	Type of Staff	Estimated Number of Burden Hours Per Response	Total Estimated Number of Burden Hours
2020	52	Professional	5	260
Annual Average	52		5	260

We estimate the total cost per hour of the professional staff who will carry out this work to be \$62.63 per hour, the mean hourly compensation cost for State and local government workers who were in management, professional, and related occupations in December 2019.¹ The total annualized cost to respondents of the hour burdens for this collection is estimated to be \$16,283.80, as indicated in the table below.

Year	Type of Staff	Total Estimated Number of Burden Hours	Estimated Hourly Cost	Total Costs
2020	Professional	260	\$62.63	\$16,283.80

¹ *Employer Costs for Employee Compensation*, December 2019 (2020). Washington, DC: Bureau of Labor Statistics, U.S. Department of Labor. Retrieved on April 9, 2020 from: <http://www.bls.gov/news.release/pdf/ecec.pdf>

LEAs that obtain poverty counts through consultation process

For LEAs that do not already have enrollment data for one or more participating non-public schools and that cannot obtain such data from the SEA, complying with the interim final rule entails obtaining the data directly from those schools through the consultation process. The Department believes this will be minimally burdensome on these LEAs, which we estimate to include 20 percent of affected LEAs. Specifically, we estimate that an LEA will have on average two non-public schools for which enrollment data are needed and that it will take on average 0.5 total hours to obtain the data from those schools. At \$35 per hour for LEA staff, the average cost is an estimated \$18 per LEA. Assuming that 10,125 LEAs (or 75 percent of an estimated 13,500 LEAs with attendance areas) are subject to the equitable services provisions of the CARES Act and that 7,595 (or 75 percent) of these LEAs will choose to serve students and teachers in both Title I and non-Title I schools, approximately 1,520 LEAs (20 percent of 7,595 affected LEAs) would bear this cost, for a total estimated cost of \$27,360 and 760 burden hours.

LEAs that obtain poverty counts from non-public schools to implement the proportionality method

LEAs have the option to determine the proportional share for equitable services using data on the number of students from low-income families who attend participating Title I schools and participating non-public elementary and secondary schools in the LEA. Under this alternative, an LEA may choose to obtain poverty counts for students in non-public schools that wish to participate. We estimate that 12.5 percent of affected LEAs will implement this alternative by obtaining poverty counts and that it will take an LEA on average 240 hours to obtain those counts. At \$35 per hour for LEA staff, the average cost is an estimated \$8,400 per LEA. Assuming that 2,530 LEAs (or 25 percent of the estimated 10,125 LEAs subject to the equitable services provisions of the CARES Act) will choose to serve students and teachers in Title I schools only, approximately 315 LEAs (12.5 percent of 2,530 affected LEAs) would bear this cost, for a total estimated cost of \$2,646,000 and 75,600 burden hours.

LEAs that obtain enrollment data of non-public schools to implement proportionality method

LEAs may also implement this poverty alternative using a proportionality method, wherein the LEA applies the average poverty rate of its Title I schools to the enrollment in non-public schools that will participate in a CARES Act program to generate poverty estimates for those schools. LEAs that choose to implement this alternative using a proportionality method would accordingly need to have enrollment data from participating non-public schools, but not poverty data--that is, the same enrollment data required of LEAs serving students and teachers in both Title I and non-Title I schools to determine the proportional share. With respect to those LEAs, enrollment data are generally already available. We estimate that only 20 percent of affected LEAs would

need to obtain those data from one or more participating non-public schools, and that it would take on average 0.5 hours to obtain the data. At \$35 per hour for LEA staff, the average cost is an estimated \$18 per LEA. Assuming that 315 LEAs (or 12.5 percent of the estimated 2,530 LEAs that will choose to serve students and teachers in Title I schools only) will choose to implement this poverty alternative using a proportionality method or, as permitted, use enrollment data to determine the proportional share, approximately 65 LEAs (20 percent of 315 affected LEAs) would bear this cost, for a total estimated cost of \$1,170 and 32.5 burden hours.

Estimated Annual Burden and Respondent Costs Table

LEA Activity/ Requirements	# of Respondents	# of Responses	Hours/ Response	Burden hours (annualized)	Costs @\$35 per hour
LEAs that obtain poverty counts through consultation process	1,520 LEAs	1,520	0.5	760	\$27,360
LEAs that obtain poverty counts from non-public schools to implement the proportionality method	315 LEAs	315	240	75,600	\$2,646,000
LEAs that obtain enrollment data of non-public schools to implement proportionality method	65 LEAs	65	0.5	32.5	\$1,170
TOTAL	1,900 LEAs	1,900		76,392.5 hours	\$2,685,120

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:

The total for the capital and start-up cost components for this information collection is zero. The information collection will not require the purchase of any capital equipment nor create any start-up costs. Computers and software used to complete this information collection are part of the respondents' customary and usual business or private practices, and therefore is not included in this estimate. The total operation and maintenance and purchase of service components for this collection is zero. The information collection will not create costs associated with generating, maintaining, and disclosing or providing the information that is not already identified in question 12 of this supporting statement.

- 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.**

As indicated in the table below, the estimated annualized cost to the Federal government is \$4,566.12. This includes the salaries of the employees who will review the applications.

Year	Number of Employees	Employee Grade	Estimated Number of Hours Per Employee	Total Number of Estimated Hours	Estimated Hourly Cost	Total Annualized Costs
2020	2	GS-14	39	78	\$58.54	\$4,566.12

- 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).**

This request is to add the burden from the approved emergency collection, 1810-0744, to the 1810-0743 collection. Though not stated in the regulatory impact analysis (RIA) for the Equitable Services interim final rule, we can reasonably assume that no LEA will receive GEER funds but not ESSER funds, either as a formula grant or from the SEA Reserve. And as stated in the RIA, we assume that an LEA that receives funds under both programs will use the same method for determining the proportional share in each program (and that it will do a single collection of enrollment or poverty data that serves both). Taken together, this means the burden estimate in the RIA could be attributed in its entirety to ESSER; there is no additional burden associated with providing equitable services through GEER funds. This adds a burden of 1,900 responses from LEAs, 76,393 burden hours, and \$2,685,120 to this collection for a new total burden of 1952 responses, 76,653 burden hours, and \$2,685,120.

- 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 information collection 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.

We are not seeking this approval.

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

There are no exceptions to the certification statement identified in the Certification of Paperwork Reduction Act.