



ADMINISTRATIVE COMMUNICATIONS SYSTEM U.S. DEPARTMENT OF EDUCATION

DEPARTMENTAL DIRECTIVE

OM: 6-102

Page 1 of 27 (04/28/2015)

Distribution:
All Department of Education
Employees

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Assistant Secretary for Management

Information Collection Activities and Burden Control

Table of Contents

I. Purpose	2
II. Policy	2
III. Authorization	2
IV. Applicability	4
V. Definitions and Exclusions	6
VI. Responsibilities	10
VII. Requirements and Procedures	16
Appendix A: Acronyms	27

For technical questions regarding this directive, please contact Kate Mullan via email or on 202-401-0563.

Supersedes OM: 6-102 Information Collection Activities and Burden Control, dated 08/30/2006. More information on the information collection process can be found in "A Guide to the Information Collection Process: Version 7.0."

I. Purpose

This Directive defines the policies, responsibilities, and procedures for employees of the U.S. Department of Education (ED) in managing information collection activities, controlling and reducing the paperwork burden imposed on the public, and more effectively utilizing the information collected by ED, to comply with the Paperwork Reduction Act (PRA) of 1995, as amended (44 U.S. C § chapter 35; see 5 CFR Part 1320). This Directive does not give any rights to members of the public regarding ED's administration of the PRA that do not already exist under the PRA and other relevant statutes.

II. Policy

ED will comply with the PRA primary goals to minimize the government paperwork burden on the public, maximize the utility of information, improve the quality and use of Federal information, and minimize the cost to the government to create, store, process, manage, protect, and dispose of information in the most efficient and effective manner possible. Collection, storage, and use of information are limited to only that required by law or needed to manage ED programs.

It is the policy of ED that:

- A. ED information collection activities and regulatory requirements do not authorize collection of information that does not have practical utility to Department administration or programs;
- B. ED does not collect the same information through more than one information collection instrument unless required by law;
- C. Information collection submissions under the PRA are consistent with the requirements of Title 5 of the CFR, Part 1320 (5 CFR Part 1320) and applicable to the Office of Management and Budget policy and guidance;
- D. ED information collection documents are written in clear, simple terms that are understandable to the general public; and
- E. ED regularly and systematically evaluates information collection for ways to streamline information collection requirements and reduce reporting burdens.

III. Authorization

- A. The requirements of this Directive are authorized under the provisions of the [PRA contained in 44 U.S. C. Chapter 35](#).

As relevant to this Directive's requirements, the PRA:

1. Gives the OMB the authority to approve all ED information collection activities;
 2. Notwithstanding any other provision of law, generally restricts a Federal agency from collecting information from the public without first obtaining OMB approval;
 3. Establishes the Federal responsibility to manage information as a valuable resource and to effectively coordinate the management of Federal information policy; and
 4. Requires each Federal agency to designate a single senior official responsible for meeting the law's requirements. The Secretary has designated the Assistant Secretary for Management (ASM) as the Department's senior PRA official.
- B. The PRA establishes the following process for the review and approval of information collection from the public:
1. Minimize the paperwork burden for individuals, small businesses, educational and nonprofit institutions, federal contractors, state, local and tribal governments, and other persons resulting from the collection of information by or for the federal government;
 2. Ensure the greatest possible public benefit from and maximize the utility of information created, collected, maintained, used, shared and disseminated by or for the federal government;
 3. Improve the quality and use of federal information to strengthen decision making, accountability, and openness in government and society;
 4. Minimize the cost to the federal government of the creation, collection, maintenance, use, dissemination, and disposition of information; and
 5. Ensure the integrity, quality, and utility of the federal statistical system.
- The PRA also requires each that agency to prepare and submit an annual Information Collection Budget (ICB) to OMB.
- The PRA also specifies OMB Information Collection Request (ICR) submission requirements, and establish clearance procedures and approval timeframes.
- C. OMB regulations on information collections are available at the [Electronic Code of Federal Regulations](#). The regulations provide greater detail

regarding the statutory requirements and implement OMB's discretion under the PRA. See 5 CFR 1320. "Controlling Paperwork Burdens on the Public."

- D. OMB Circular A-130 provides guidance to agencies regarding management of information resources. Section 9 of Circular A-130 assigns responsibility for managing an agency's information resources to the head of each agency and requires the head of each agency to designate a Senior Official to carry out the responsibilities of the agency under the PRA.

IV. Applicability and Exclusions

- A. Unless otherwise exempt by statute or regulation, this Directive applies to all information collection activities in which 10 or more respondents are asked to maintain records, disclose information, or provide any written or oral information in response to questions, surveys, or instructions created by ED within any 12-month period. This Directive also applies to information collection, recordkeeping, and third-party disclosure requirements conducted by other entities (e.g., state, local government, grantees, contractors, etc.) if the requirements are sponsored, as defined in the regulations, by ED.
- B. OMB excludes certain activities from this approval process. Those activities not subject to the OMB approval process are detailed in 5 CFR 1320.3 and 1320.4.
 - 1. Some of the exemptions include the collection of information during
 - a. The conduct of a federal criminal investigation or prosecution;
 - b. The disposition of other litigation or investigative activities; and
 - c. The conduct of intelligence activities and cryptologic activities that are communications security activities.
 - 2. As relevant to the programs and activities of ED¹, the term "information" does not generally include the following (although OMB may determine that any specific item is information):
 - a. Affidavits, oaths, affirmations, receipts, changes of address, consents, or acknowledgements, provided that they entail no

¹ The following exclusions from the definition of "information" are generally not relevant to the information collection activities of ED: 5 CFR 1320.3(h)(2), regarding sample products and objects; and 5 CFR 1320.3 (h)(5), regarding certain information related to examination and treatment that are collected in connection with medical research. Also, 5 CFR 1320.3(h)(6) excludes from the definition of information a request for facts or opinions addressed to a single person.

burden other than that necessary to identify the respondent, the date, the respondent's address, and the nature of the instrument (5 CFR 1320.3 (h)(1));

- b. Certifications provided that they entail no burden other than that necessary to identify the respondent, the date, the respondent's address, and the nature of the instrument. However, a certification that served as a substitute for a collection of information to collect evidence of, or to monitor, compliance with regulatory standards generally would be considered 'information' and subject to approval under the PRA;
 - c. Facts or opinions obtained through a direct observation by an employee or agent of a sponsoring agency or through non-standardized oral communication in connection with such direct observations (5 CFR 1320.3 (h)(3));
 - d. Facts or opinions submitted in response to general solicitations of public comments published in the Federal Register or other publications, regardless of their form or format, provided that no person is required to supply specific information pertaining to the commenter, other than that necessary for self-identification, as a condition of the agency's full consideration of the comment (5 CFR 1320.3 (h)(4));
 - e. Examinations designed to test the aptitude, abilities, or knowledge of persons tested and the collection of information for identification or classification connected with such examinations (5 CFR 1320.3 (h)(7));
 - f. Facts or opinions obtained or solicited at, or in connection with, public hearings; agency audits and investigations such as recovery of funds actions before the Office of Administrative Law Judges, audits of the Office of Inspector General (OIG) and investigations of the Office for Civil Rights (OCR) if they involve specifically named parties; clinical experimentation for research or to prevent a disorder (5 CFR 1320.4); and
 - g. Facts or opinions obtained or solicited through non-standardized follow-up questions designed to clarify responses to approved collection of information activities (5 CFR 1320.3 (h)(9)).
3. Also, an agency does not have to request OMB clearance to collect information from current federal employees acting within the scope of their employment (5 CFR 1320 (C)(4)).

OMB has provided guidance regarding the use of social media and Web-based technologies, such as blogs, wikis, and social networks, as a means of publishing solicitations for obtaining facts or opinions, and has concluded that most of the activities carried out through social media are excluded under the definition of “information,” under the OMB regulations at 5 CFR 1320.3(h)(4) and (8). However, certain uses of social media are subject to PRA requirements -- including surveys of any kind, including Web polls and satisfaction surveys that pose identical, specific questions - or certain types of contests such as those discussed in this Directive at Section VII. B.4 (4) on page 14 that take the form of a structured response – i.e. a series of questions that entrant must answer to take part – or if it collects demographic data, e.g., name and address. If the information relates to an organization, it can include information about the contact at the organization.

V. Definitions

A. Generic Information Collection

A generic clearance is a plan for conducting more than one collection of information using very similar methods. The review of this plan occurs in two stages: (1) a full PRA review of the generic clearance ICR, which includes the general approach and methodology, at least once every three years, and (2) an expedited review of the individual collections that fall within the scope of the generic clearance. A generic clearance is considered only when the agency is able to demonstrate that there is a need for multiple, similar collections, but that the specifics of each collection cannot be determined until shortly before the data are to be collected.

B. IC Docket Manager

Information Collection Clearance Division (ICCD) staff who handles the inventory of ICR action items for collections through Federal Docket Management System (FDMS) and Regulations.gov, prepares notifications for public comment, and interfaces between the Information Collection Coordinator (ICC), ICR Developer, and other ICCD staff.

C. ICR Developer (as known as the Program Sponsor)

The individual within a Program Office (PO) who determines information is needed and initiates a request for ED and OMB approvals of the information collection activity. This is often the Program Manager or Project Manager directly responsible for collecting and analyzing the information.

D. Information Collection Activity

1. Any ED-sponsored or authorized activity that imposes – within any 12-month period – an information collection or record-keeping burden on 10 or more persons by means of identical (or essentially the same) questions or identical reporting or record-keeping requirements, whether these collections are mandatory, voluntary, or required to obtain or retain Federal benefits. This includes any requirement or request to obtain, maintain, retain, report, or publicly disclose information (5 CFR 1320.3 (c)).

OMB defines an “information collection” very broadly. Almost any kind of data collection is subject to the PRA. Examples of information collections include: written reports; forms; application forms; schedules; questionnaires; reporting or record-keeping requirements; contracts; agreements; policy statements; plans; rules or regulations; information collection requests or requirements contained in, derived from, or authorized by such rules or regulations; planning requirements; circulars; Directives; instructions; bulletins; letters to colleagues; requests for proposals or other procurement requirements; interview guides; oral communications; disclosure requirements; labeling requirements; telegraphic or telephonic requests; automated collection techniques; and standard questionnaires or performance reports used to monitor compliance with ED (5 CFR 1320 (c)(1)).

2. Any activity in which ED requires a person to obtain or compile information for disclosure to the public (through posting, notification, labeling, or similar disclosure requirements), or so that ED can disclose to the public when that activity would be an information collection activity if the information were directly provided to ED (5 CFR 1320.3 (2)).

E. Information Collection Budget

ED is required to submit a detailed description of new agency initiatives to reduce burdens, focusing on targeted areas. All submissions should be consistent with OMB fiscal and policy guidance. The ICB generally requires ED to report on its efforts to reduce public reporting and recordkeeping burdens. The ICB also provides information about all new and ongoing information collections of ED (5 CFR 1320.17).

F. Information Collection Coordinator

The individual specifically designated by the Assistant Secretary or equivalent to coordinate all the Principal Office’s (PO) information collection activities with the Office of Management (OM)/Office of the Chief Privacy Officer (OCPO), ICCD. The ICC reviews all information collection requests (ICR) for

accuracy and completion and submits them to ICCD. The ICC serves as the PO liaison with ICCD on PRA matters.

G. Information Collection Request

A package of documents that an agency must provide OMB, which requests OMB approval of the information collection activities or information collection requirements. The ICR includes OMB submission forms, the Supporting Statement, and the proposed instrument or requirement that would impose burden on the public.

H. Information Collection Request, Review, and Approval System (ICRAS)

The computer-based system used by ED to manage the internal review and approval of ICRs.

I. Information Collection Requirements

Any information collection activity (reporting, recordkeeping or imposed burden requirement), which can be part of an agency's statute, regulation, or program management purpose. It is the imposed burden from a federal agency on the public which makes it an information collection requirement (5 CFR 1320.5).

J. Paperwork Burden

The total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency, including:

1. Reviewing instructions;
2. Developing, acquiring, installing, and using technology and systems for the purpose of collecting, validating, verifying, and disclosing information;
3. Adjusting existing methods to comply with any previously applicable instructions and requirements;
4. Training personnel to respond to a collection of information;
5. Searching data sources;
6. Completing and reviewing the collection of information; and
7. Transmitting or otherwise disclosing information. (5 CFR 1320.3(b))

K. Person

Any individual, partnership, association, corporation (including government-owned contractor-operated facilities), business trust, legal representative, organized group of individuals, State, territory, or local government or any component thereof. Employees of an association, corporation or government are not considered persons for the purpose of determining whether ten or more persons are subject to an information collection activity, unless the collection does not involve collection of information on behalf of the entity. Federal employees, including military reservists and members of the National Guard on active duty, are also excluded when acting within the scope of their employment (5 CFR 1320.3(k)).

L. Portfolio Manager

An individual within ICCD who is responsible for reviewing and approving information collection requests from the PO prior to OMB approval of an information collection activity. The Portfolio Manager also reviews and approves regulatory documents via the internal clearance process.

M. Practical Utility

The actual (not the theoretical or potential) usefulness of information to ED, taking into account the information's accuracy, adequacy, and reliability, and ED's ability to process the information in a useful and timely fashion. The ICR Developer must be able to demonstrate actual timely use of the information to meet an ED mission (5 CFR 1320.3(1)).

N. Information Collection and Clearance Division

The division within OCPO that is directly responsible for ED's compliance with the PRA.

O. Respondent

Respondent refers to the general public and not federal employees acting within the scope of their duties (5 CFR 1320.3).

P. Ten or More Persons

The public individuals or organizations to whom ED addresses a collection of information within any 12-month period, including any independent entities to which the initial addressee may reasonably be expected to transmit the collection of information during that period. Any record keeping or reporting requirement contained in a rule of general applicability is deemed to involve ten or more persons (5 CFR 1320.3(c)).

For a more complete list of definitions see 5 CFR 1320.3

Q. Exclusion from Coverage for Litigation

The regulations in 5 CFR 1320 and the PRA exempt from coverage of the PRA certain investigatory activities as follows:

1. The conduct of agency criminal investigations, prosecutions, and dispositions of criminal matters; and
2. During the conduct of a civil action to which the United States or any official or agency thereof is a party or during the conduct of an administrative action, investigation, or audit involving an agency against specific individuals or entities. This second exclusion applies only after a case file or equivalent is opened with respect to a particular party.

VI. Responsibilities

A. Secretary

The Secretary is legally responsible for the coordination and management of all Federal education information and data acquisition activities conducted by ED. However, the day-to-day responsibilities for PRA compliance are delegated to the ASM (44 U. S. C. § 3506) (5 CFR 1320.7).

B. Assistant Secretary for Management

The ASM serves as the Paperwork Clearance Official for the Department and is designated as the single senior official responsible for implementing ED's PRA requirements, which includes establishing policies and managing resources used to collect, store, process, manage, protect, and dispose of information. The ASM resolves any disagreements between a PO and ICCD and regarding a PRA decision.

The ASM is responsible for reviewing and approving ED's information collection plans and paperwork reduction goals and for the management of all ED information resources (which includes government information and information technology). This responsibility has been delegated to the Director of the ICCD (5 CFR 1320.7).

C. Information Collection and Clearance Division

ICCD analyzes and evaluates ED proposals to collect, store, process, manage, protect, and dispose of information collected consistent with the PRA. This group:

1. Develops and disseminates approved policies, standards, and procedures concerning information collection activities and paperwork burden reduction goals;
2. Analyzes proposed information collection changes to ensure they impose minimum burden hours and costs upon the public, and that the ICR's submitted to ICCD are of practical utility to ED;
3. Analyzes proposed regulations and legislation to determine the impact on ED information management policies and procedures;
4. Reviews the PO justification of consultations initiated with the public as a way of improving their preliminary information collection plans for new collections or collections with significant changes prior to a formal Federal Register notice;
5. Prepares 60-day Federal Register notices using appropriate template, which invites public comment on the proposed information collection activity through the Regulations.gov/FDMS. The 60-day notice allows the public and other interested parties to provide comments to ED on a proposed information collection;
6. Prepares 30-day Federal Register notices, which invites public comment on the proposed information collection activity through the Regulations.gov/FDMS. The 30-day notice explains any changes made after publication of the 60-day notice , and invites the public to provide comments to OMB, with a copy to ED;
7. Submits notices of proposed information collections to the Federal Register;
8. Coordinates and prepares the ICB, based on PO information collection initiatives for ED's official response to OMB;
9. Reviews and certifies for submission to OMB information collection requests using appropriate information collection certification criteria;
10. Reviews all Notices of Proposed Rulemaking (NPRMs), final regulations, and Federal Register notices to ensure that all information collection activities referred to, or contained in those documents have been approved by OMB or submitted to OMB for review and approval. Notifies ICCs and the Office of the General Counsel's (OGC's) Division of Regulatory Services (DRS) when OMB has approved information collection activities;

11. Monitors status of expiring information collections continually to ensure no PRA violations occur. Contacts appropriate ICC PO when submissions are due and informs the Principal Office if a critical date is missed;
12. Conducts information collection and PRA training classes on how to prepare and submit all required information collection clearance documents. Training also includes practical and conceptual approaches, and techniques for minimizing paperwork burden, improving the efficiency of the information collection review process, and specific training based on program office needs;
13. Establishes and maintains an Information Collection Guide that provides helpful information to assist POs in the proper preparation and submission of their information collection requests as identified in Appendix B (PRA Guide to the Information Collection Clearance Process);
14. Submits all information collection clearance requests to OMB's Regulatory Information Service Center (RISC) and Office of Information and Regulatory Affairs (OIRA). ED uses ICRAS to track the internal clearance process for approval of ICRs and ICRAS interfaces with OMB's submission system ROCIS (RISC and OIRA Consolidated Information System);
15. Tracks the progress of ED information collection requests through OMB clearance; and
16. Reviews information collection packages to ensure they comply with PRA requirements and policies concerning standard contents.

D. Principal Office

Each Principal Office is responsible for designating a single ICC for the principal office to handle information collection and prepare clearance packages and/or related forms, and ensure that each office complies with the PRA and OMB regulations (5 CFR 1320).

The Principal Office:

1. Designates an official ICC to carry out the duties specified in Section VI.E. of this documents, and submits the ICC's name to ICCD;
2. Supports the ICC in fulfilling the ICC's duties regarding PO information collection activities and establishes procedures to coordinate efficiently the development and review of information collection requests within the PO;

3. Designates a replacement ICC in a timely manner when an ICC is given other responsibilities or is unable to perform the function;
4. Ensures that PO management fully understands and is committed to paperwork burden reduction goals and information collection clearance schedules and ensures that staff involved in information collections receives the ICC overview and ICRAS training necessary to meet these goals and requirements;
5. Advises the Paperwork Clearance Official as soon as changing Administration, congressional, or program priorities suggest possible changes to the PO's information collection activities; and
6. Ensures PO ICR Developer consults with the public regarding potential burden before sending the ICR to ICCD for publication in the Federal Register.

E. Information Collection Coordinator

Working with the Paperwork Clearance Official, the ICC provides technical assistance to the ICR Developer in the development and submission of the ICR Developer's information collection request packages for ICCD approval, tracks ICR status and progress, and develops and submits information collection inquiries and activities to ICCD. The ICC for each PO:

1. Works with program managers to determine present and future information collection requirements, including opportunities to reduce paperwork burden, and incorporates those determinations into the PO's response to the annual ICB;
2. Ensures that sponsoring program officials review NPRM documents, final regulations, Federal Register notices, bulletins, transmittal letters, and other policy issuances for technical accuracy and their effects on information collection and record keeping burden, and consults with program attorneys to seek necessary legal and related assistance;
3. Ensures that the PO's ICR Developers adhere to PRA requirements and established standards in all their information clearance requests. These standards include internal operational protocols, and ED and OMB standard requirements;
4. Promotes timely clearance of the PO's information collection activities, informs program managers about ICR approval timeframes and advises them on upcoming deadlines;

5. Reviews the PO's explanation of consultations done with the public as a way of improving their preliminary information collection plans for new collections or collections with significant changes prior to a formal Federal Register notice;
6. Ensures that the PO submits all ICRs correctly in the ICRAS system, so ICCD has sufficient time to obtain OMB approval;
7. Ensures that the PO submits ICRs involving proposed regulations to ICCD in sufficient time to complete PRA review prior to NPRM and/or Final Rule publication in the Federal Register. The ICR is submitted to OMB at the time of the NPRM publication and the DRS submittal of the final regulations through the executive order;
8. Serves as the principal liaison with ICCD for all information collection matters, which include: disseminating information to appropriate PO staff about information clearance process and policy matters; and ensuring that PO staff receives IC Overview and ICRAS training as needed;
9. Ensures that public comments concerning the estimation of burden and public recommendations for improvement of information collection activities are analyzed by the ICR Developer and – where appropriate – are implemented prior to OMB approval;
10. Maintains up-to-date PRA knowledge as related to ED's processes including participating in IC overview and systems related training. Successfully completes IC overview and ICRAS training at least once every three years;
11. Ensures that the Office of Planning, Evaluation, and Policy Development (OPEPD) – Immediate Office (IO), Policy and Program Studies Service (PPSS), and Budget Service (BS) reviews and comments on the proposed information collection requests documents, and collaborate with other offices such as OGC, as necessary, that may have an interest in the ICR **prior** to submission to ICCD. (Note that POs must ensure all preliminary internal reviews are complete and the ICR is finalized for public view prior to ICCD submittal);
12. As the liaison with ICCD, and the PO representative on all information clearance matters, regularly attends ICC meetings;
13. Ensures that all ICRs are complete and accurate prior to submission to ICCD;
14. Assists the PO in identifying burden reduction initiatives and tracks PO efforts to reduce burden, and

15. ICCs are also responsible for entering, updating, and revising data in ICRAS, as designated.

F. ICR Developer (as known as the Program Sponsor)

Develops and submits information collection activities and information collection clearances to PO ICCs, which include:

1. Identification of the need for a collection;
2. Preparation of a complete Information Collection Clearance package. For further clarification, see Appendix A. of this document.
3. Share in the information collection responsibilities in VI.E., as it relates to collaboration with other offices, ICRAS entries and revisions, and burden reductions.

In concert with the PO ICC, addresses/responds to public comments (solicited in 60- and 30-day notices), and ensures that the ICR is processed in accordance with this Directive. For the further clarification, see Section VI.B. of this document.

G. OGC – Division of Regulatory Services

OGC's DRS has the following PRA responsibilities:

1. OGC, DRS, is responsible for providing general legal advice on the PRA and the implementing regulations, 5 CFR 1320;
2. Transmits copies of regulatory documents – e.g. NPRMs, Final Rules, and grant application notices -- to ICCD for review to ensure that no documents containing information collection requirements are published without ICCD review and approval;
3. Notifies ICCD about forthcoming NPRM and Final Rule publication dates;
4. Provides the ICCD analyst's comments on NPRMs, Final Rules, grant application notices to the PO;
5. OGC Program Specialists notify ICCD Portfolio Manager when the proposed rulemaking document is submitted for OMB review under EO 12866 in order to inform ICCD of the date the proposed rule is submitted to OMB (NPRM, NPPs, and NPRs);
6. OGC Program Specialists notify ICCD of the NPRM publication date to ensure that the ICR for a proposed rulemaking document is submitted to

OMB on or before the date the rulemaking document is published in the Federal Register;

7. Program Specialists email the program office and other stakeholders, including the ICCD analyst after the final rule-making document is submitted for OMB review under EO 12866 in order to inform ICCD of the date the final rulemaking is submitted to OMB (Final Regulations, NFPs, and NFRs); and.
8. Consults with ICCD for review and comment regarding any revision made to PRA-related portions of the Regulatory Quality Manual (RQM).

H. Office of Planning, Evaluation, and Policy Development – Policy and Program Studies Service

Reviews proposed information collection activities to determine their consistency with evaluation priorities.

I. Office of Planning, Evaluation and Policy Development – Budget Service

Reviews proposed information collection activities to determine their consistency with ED budget.

J. Office of Planning, Evaluation and Policy Development – Immediate Office

Reviews proposed information collection activities to determine their consistency with ED policies.

VII. Requirements and Procedures

A. Information Collection Budget (ICB)

1. Every year, the PRA requires ED to submit to OMB an ICB that informs OMB about the agency's burden reduction efforts. The ICB describes ED's efforts to reduce burden in its collections and allows ICCD to more effectively oversee information collection clearance activities. In order for ICCD to prepare the ICB, POs are required to prepare an information collection plan and submit it to ICCD. The following steps are taken to develop the annual information collection plan for each PO.
 - a. At the request of the Paperwork Clearance Official, the ICC circulates within the PO a request to all current ICR Developers and other officials to determine how the PO will seek to reduce burden on the public through their existing information collection activities;

- b. The ICR Developer for each new ICR and existing ICR shall attempt to reduce burden through a comprehensive review of an entire program, including regulations and/or procedures, by streamlining, consolidating or eliminating outdated information collection requirements, and improving program performance by enhancing the efficiency of agency information collections;
 - c. The ICC compiles the PO's information collection plan based on the burden reduction initiatives on the public, which includes providing relief to small businesses or recipients of Federal benefits. The ICC obtains PO approval to submit the plan to ICCD. (Because of economies of scale, a collection may be proportionally more burdensome for a small entity than a large one. Burden reduction efforts of this kind may involve different reporting requirements for small entities, such as less frequent reporting or simplified "short" forms. It is recommended that POs consider using "Short Form" options, electronic communication "fillable fileable" forms (or data system), and reducing record retention requirements, frequency of information collection, and maximizing the re-use of data that are already collected);
 - d. The Director of ICCD prepares an ICB based on the information collection plans prepared by the POs and submits the proposed ICB to the ASM for approval;
 - e. Once the ASM approves the proposed ICB, OM submits that document to OMB;
 - f. OMB and ICCD – and POs as needed – address any OMB concerns regarding the proposed ICB; and
 - g. When OMB approves the ICB, OMB puts the ICB on its site and includes it in an official report to Congress. ICCD posts the approved ICB on SharePoint and notifies the ICCs of the posting.
2. The Department may appeal a decision by OMB regarding the ICB, asking OMB to reconsider its decision. The process for appealing an OMB ICB decision follows:
 - a. A PO that disagrees with an OMB decision regarding its portion of the ICB may request that OM appeal the decision; and
 - b. If OM agrees that an appeal is appropriate, it authorizes the PO to prepare a draft memorandum requesting appeal to OMB. In preparing the draft, the PO must consult with OCPO/ICCD. OM then submits the final version of the appeal to OMB for its consideration.

B. ED Protocol for Preparing Information Collection Requests

1. The ICR Developer of an ICR determines, in consultation with the ICC, whether an instrument or document containing a reporting or recordkeeping burden or requires a person to give notice to third parties, and whether currently approved information collection activities require modification or renewal (existing ICRs must be renewed every three years in a timely fashion or discontinued officially);
2. The ICR Developer prepares an ICR containing a supporting statement, the information collection instrument, e.g. form, survey, report, etc., accompanying instructions and transmittal letters, and other supporting documents, including an analysis of the burden that would be imposed by the proposed collection.

The following information and guidance applies to review of a draft ICR before submitting the ICR through the ICRAS to the ICC of the PO for review.

- a. Each PO must establish internal control protocols for the review of draft ICRs, the process developed by each PO must include, at minimum, the following activities, which must occur before submitting ICRs to ICCD:
 - (1) The PO must ensure that the Office of Planning, Evaluation and Policy Development, Immediate Office, Policy Program Studies Service, and the Budget Service review the ICR.
 - (2) The PO must ensure the relevant OGC program attorney evaluates information collection requirements included in program regulations and reviews the related ICR for legal sufficiency.
 - (3) The PO must continuously minimize the complexity of forms it uses by testing them to ensure they are sufficiently clear and comprehensible.² Each PO must consider the pretesting of complex forms when feasible and the benefits outweigh the costs. With respect to Federal forms, simplicity and ease of comprehension are exceedingly important.
 - (4) The PO must comply with the Privacy Act of 1974 (5 USC 552a) if individually identifiable information in a system of records is

² See Memorandum from Cass R. Sunstein, Admin, Office of Information. & Regulatory Affairs, to the Heads of Executive Departments and Agencies, and Independent Regulatory Commissions, Testing and Simplifying Federal Forms (Aug. 9, 2012), available at <http://www.whitehouse.gov/sites/default/files/omb/infocreg/memos/testing-and-simplifying-federal-forms.pdf>

collected, maintained, used, or disseminated. If applicable, the PO must ensure that the collection complies with other Federal privacy and confidentiality laws such as Title V of the E-Government Act, the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g; 34 CFR Part 99), and applicable program statutes, and PO should create the Privacy Impact Assessment (PIA) at the IT development stage so that the potential impact of the system on an individual's privacy rights can be identified and evaluated at the initial stages of the system's development. A PO should create a PIA when it begins to develop a new or significantly modify an IT system or information collection request. OMB has issued detailed guidance on the requirements of the PIA entitled "[OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002](#)," M-03-22, (September 26, 2003)

- (5) The PO must ensure each online form or instrument is 508 compliant when developing, procuring, maintaining, or using Electronic and Information Technology (E & IT).
- (6) For collections of information that use statistical methods, the PO must ensure that it complies with OMB's Standards and Guidelines for Statistical Surveys (September 2006).
- (7) The PO must ensure all information collections are compliant with [OMB's guidance on Race and Ethnicity](#) and the Final Guidance on Maintaining, Collecting, and Reporting Racial and Ethnic Data to the U.S. Department of Education, which was published on October 19, 2007 (72 FR 59266)].
- (8) The PO must collaborate with other Principal Offices when developing information collections to ensure ED-wide coordination when appropriate. In addition, the PO must work with a statistician or other PO experts when developing studies or surveys involving statistical methodologies.
- (9) The PO ensures information collections are completed prior to the ICRs submission to ICCD.
- (10) The PO must ensure that each ICR Developer makes affirmative efforts to engage the public, including stakeholders, in design of new collections or with significant changes.
- (11) The PO must ensure that each ICR Developer makes affirmative efforts to engage the public, including stakeholders, in design of

each information collection request before submitting the ICR to ICCD for the first publication in the Federal Register.

3. Through the internal review procedures established by the PO, the ICC obtains approval of the ICR, ensuring that the submission meets PO, ICCD, and OMB requirements.
4. Once the PO review is completed, the ICC makes the needed changes to the ICR package or directs the ICR Developer to make those changes.
5. As soon as the ICR is uploaded into ICRAS, the ICC submits the ICR package to the Portfolio Manager, and ICRAS sends the notification to the PM. ICRAS will send an email to all selected users if their systems have been configured to receive email alerts.

C. OMB Procedures for Approval of ICRs

1. Standard procedures for approval of ICRs.

Under the standard PRA procedures, agencies are required to publish two comment period notices in the Federal Register. The ICCD prepares the 60-day and the 30-day comment period notices and publishes both notices on behalf of the Department. The ICR Developer for a proposed collection is responsible for analyzing the comments received in response to both notices, making appropriate changes to the ICR package, and uploading the revised ICR package to ICRAS. Because the comment period is lengthy for approval and renewal of ICRs, ICR Developers must upload an ICR package into ICRAS with a signed Certification ³form that ICCD requires before notice of ICR can be published in the Federal Register at least 150 days prior to the ICR expiration date. Please note that OMB generally makes its decision 60 days after the second comment period notification, after the 30-day notice is published in the Federal Register. The 150 days are needed because it may take considerable time to respond to the comments submitted in response to the first Federal Register and or to the second Federal Register notice.

- a. The first notice describes the ICR in general terms, explains how members of the public can download the ICR documents from ICRAS, and gives the public 60 days to provide comment to ED regarding the

³ The Certification Form is signed by the PO who certifies that the ICR is in compliance with the PRA. The PO ensures that all internal consultations (particularly with OPEPD, Budget Service and OGC) have occurred to address any outstanding policy issues and that the ICR is complete and ready for public comment.

proposed information collection. The public can obtain the ICR for review on the Regulations.gov site, <http://www.regulations.gov>.

After the 60 day comment period expires, the ICR Developer considers any comments received in response to the notice, revises the ICR package as appropriate, and then prepares a document (a response summary) that explains how each comment will be addressed. The response summary must be attached to the revised ICR prior to OMB submittal.

- (1) Through the review procedures established by the PO, the ICC obtains approval of the revised ICR, ensuring that the ICR Developer has considered any comments, revised the ICR to explain how the comments were addressed, and that the ICR meets the standards for OMB approval of an ICR.
 - (2) Once the ICR is approved through the PO review process, the ICC submits the revised ICR package to ICCD via ICRAS.
- b. ICCD then publishes the 30-day notice, which responds to the public comments on the 60-day notice, on behalf of the PO. The 30-day notice explains any changes made, and invites the public to comment directly to OMB, with a copy to ED. OMB then considers these public comments during its review. After the 30-day comment period has expired and within 60 days after the second notice is published, OMB notifies ED of its decision to approve, to instruct ED to make substantive or material changes to, or to disapprove the collection of information, and makes that decision publicly available through a Notice of Action (NOA).
 - c. If OMB approves the ICR, OMB assigns a control number and expiration date (not to exceed three years from the date of approval) and transmits this decision to OM in a NOA).
 - d. ICRAS will send an email with a link to the NOA if the user has configured their profile to receive these email alerts. The NOA itself will not be available for reviewing until the following day.
 - e. The PO amends the instrument display the OMB control number and expiration date on the approved instrument.
2. Emergency clearance procedures for approval of ICRs.

OMB may authorize an agency to temporarily collect information for ICRs that cannot go through the normal information collection process because of the time constraints. These authorizations are limited to rare

circumstances, according to the PRA exceptions, and may not be used simply because ED failed to plan for enough time to complete the ICR process before the information is needed by ED.

- a. With the approval of the head of the PO, the ICR Developer must prepare a memorandum requesting emergency approval that that explains why critical deadlines be missed if normal approval procedures were used, and that the collection is essential to the mission of the agency.
- b. The explanation of why ED cannot reasonably comply with the normal procedures must be based on one or more of the following justifications:
 - (1) Public harm is reasonably likely to result if normal clearance procedures are followed.
 - (2) An unanticipated event has occurred.
 - (3) The use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information
 - (4) The use of normal clearance procedures is reasonably likely to cause a statutory court ordered deadline to be missed.
- c. The ICR Developer must also provide justification demonstrating that ED has taken all practicable steps to consult with interested agencies and members of the public in order to minimize the burden of the collection. ICCD also reviews the justification in the Supporting Statement, Part A.8.
- d. The memorandum must specify the time period within which ED asks that OMB approve the collection of information. An ICR approved through the emergency process cannot be approved by OMB for a period of more than 180 days.
- e. The ICC must submit the emergency request for approval to ICCD for consideration by the ASM. If ASM approves of the emergency memorandum, ICCD transmits the memorandum and ICR to OMB for an OMB determination of whether the ICR can be approved on an emergency basis. Generally, OMB will ask ED for an informal copy of the ICR and emergency approval request before ED can submit the formal request. If OMB informally approves an emergency ICR submission request, the ASM then submits a formal request for emergency approval, together with the ICR. The informal emergency request should be made after the ICC has obtained tentative approval

for the emergency request from the head of the PO but does not have to wait until the head of the PO has formally signed the emergency request.

- f. ICCD ⁴transmits the emergency information collection request to OMB and a notice is published in the Federal Register for the emergency and the regular public comment periods. The Federal Register notice must state that ED is requesting emergency processing of the ICR and provide the time period within which ED has requested OMB approval.

Note: If the information collection is needed after the emergency approval will expire, the notice must also include a comment request for the regular collection under the 60-day comment period.

- g. OMB must decide whether to approve or disapprove the emergency request within the time period requested by ED if that approval is consistent with the purposes of the PRA.

D. Appeals of OMB Decisions

The following appeals procedure applies to the standard approval procedures and emergency approval procedures.

If OMB disapproves an ICR or requires changes to an ICR in a NOA and the PO that developed the ICR disagrees with that decision, the PO may appeal that decision via ICCD within 15 working days of the date of the official disapproval. The requesting PO must prepare a memorandum to the ASM requesting appeal of the disapproval and prepare an appeals package consisting of:

1. The original request;
2. The OMB NOA or memorandum disapproving the request;
3. A memorandum from the head of the PO to the OMB Desk Officer, requesting that the decision denying standard or emergency approval be overturned; and
4. Supporting documents as needed.

E. Approval of Generic Information Collection Requests

⁴ In very rare circumstances, OMB may authorize an emergency approval without publishing a notice in the Federal Register. However, POs should not expect that OMB will approve an emergency request without publishing at least one notice in the Federal Register.

ED uses Generic ICRs to support shorter clearance times for approval of specific collections that meet the specifications contained in a Generic ICR. Generic information collections are approved under the standard ICR clearance procedures and include a Master Plan Terms of Clearance (TOC), which specifies the conditions under which specific collections can be approved, including any requirements to publish any Federal Register notices, and the time period with which OMB will consider each specific ICR. ED may request a Generic Clearance if there is a need for multiple, similar low-burden collections that do not raise major substantive or policy issues, and the specifics of each collection cannot be determined until shortly before the data are to be collected. Generic information collections are usually voluntary, low-burden, and uncontroversial collections, and can be used for a number of information collections, including methodological testing, customer satisfaction surveys, focus groups, contests, and Web site satisfaction surveys and notices inviting applications. The Master Plan in the IC clearance request provides the public an opportunity to comment on the generic information collection. There is a 60/30-day Federal Register notice requirement for all Generic ICRs. There are generally no notices for the individual generic clearances after the full Generic ICR is approved. (See Information Collection Guide for specific details on ED's Generic ICRs).

F. Regulations containing Paperwork Burden

2. If the ICC, ICR Developer, or ICCD determines that a draft NPRM or draft final regulations contain information collection requirements, including any forms needed to implement the proposed or final regulations, the ICR Developer must prepare an ICR for the collections contained in the proposed or final regulations and submit an ICR to ICCD (as described in Section VII, B, 3-6 of this Directive). The preamble for the NPRM that contains the collection must include a discussion of the paperwork burden as specified in the Regulatory Quality Manual issued by OGC.
3. ICCD reviews the ICR concurrently with the submission to the DRS under the DRS review process.
4. ICCD sends information collection comments regarding the NPRM to the PO, and any comments regarding the proposed regulations and preamble to DRS and the PO.
5. If ICCD approves the information collection portions of the NPRM, ICCD submits the information collection request to OMB on the day the NPRM is published in the Federal Register.

Note: DRS informs ICCD and the PO of the date that the NPRM will be published.

6. OMB concurrently reviews the NPRM and proposed ICR with the goal of having the clearance process completed before the date that the final regulations are published.
7. OMB reviews the information collection request, including any public comments, and may negotiate changes with ICCD and the PO. OMB may issue a "File and Continue" action, which allows the process to extend to the time when the proposed regulation will become final. At this point, OMB is able to approve the information collection and the final regulation simultaneously.
8. OMB assigns a control number and expiration date (not to exceed three years from the date of approval) and transmits this decision to OM in the NOA.
9. ICCD transmits copies of the NOA via email to the ICC in the respective PO and informs DRS of this approval as necessary.
10. DRS, in conjunction with the PO, includes the OMB control number as provided by ICCD, in the regulations.
11. The PO displays the OMB control number, expiration date, and burden paragraphs, as required under the PRA, on the information collection regulation and collection instrument.

G. Review of Rules and Notices to be Published in the Federal Register

ICCD reviews all proposed and final regulation documents and notices distributed through the DRS clearance process and concurs unless:

12. The regulations contain unnecessary information collection requirements;
13. Information collection requests are not submitted for clearance concurrently with clearance of the proposed regulations or not at least 2⁵ weeks before a planned publication of an NPRM if applicable;
14. A notice contains any information collection provisions not cleared by OMB; and/or
15. A Notice Inviting Applications contains an application deadline date that conflicts with the expiration date of the OMB approval of the information collection activity.

⁵ The ICRs that are associated with the proposed rulemaking must submit to ICCD two (2) weeks or before the estimated NPRM publication date. This allows the ICCD time to assist the ICR Developers in correcting any last minute deficiencies in the ICR prior to its submission to OMB and on occasion, the OMB Desk Officer asks to see the ICR package early.

H. Relationship to the Privacy Act

ED has a strong commitment to strengthening its culture of safeguarding the privacy information that it collects, uses, and maintains. In order to do so, ICCD considers the protection of an individual's privacy in the review of information collection requests. POs must answer all questions pertaining to privacy-related requests in their supporting statement and other documents, as applicable, including providing information about the System of Records Notice (SORN) that will contain the collected information. If it appears that Personally Identifiable Information (PII) will be collected, the ICCD portfolio analyst will refer the PO to the Privacy team in ICCD for assistance in preparing the appropriate documentation, which may include a Privacy Impact Assessment or a Privacy Act SORN or both. For more information on the documentation requirements and processes for Privacy Act protected information, please consult the ACS Directive (OM:6-104) "Privacy Act of 1974."

I. Relationship to ED's Data Inventory

The ED Data Inventory, which was sponsored by the Data Strategy Team in its development, is now managed by National Center for Education Statistics. The inventory describes all data reported to the Department of Education including descriptive information about each data collection, along with information on the specific data elements in individual collections. The fields in the inventory were initially populated by drawing upon a subset of the information included in the Information Collection Request packages. This inventory was created to improve the coordination of data collections across program offices, to minimize respondent burden and to ensure responsible data management at ED. The Inventory allows ED to be more transparent with the public about the data that ED collects and maintains, and is in compliance with OMB Directive M-13-13 (May 9, 2013). As a Department, ED is committed to ensuring the completeness and timeliness of the information in the Data Inventory. To that end, Program Offices are responsible for ensuring the accuracy of the information about their collections. The Data Inventory site can be found at <http://datainventory.ed.gov/>

ED offices are instructed, pursuant to [OMB Memorandum M-14-06 "Guidance for Providing and Using Administrative Data for Statistical Purposes,"](#) of the importance of using administrative data (as defined in the Memorandum) for statistical purposes, particularly in the PRA process."

VIII. Appendix A: Acronyms

AN	Application Notice
ASM	Assistant Secretary for Management
DRS	Division of Regulatory Services
ED	Department of Education
EDGAR	Education Department General Administrative Regulations
FDMS	Federal Data Management System
IC	Information Collection
ICB	Information Collection Budget
ICC	Information Collection Coordinator
ICR	Information Collection Request
ICRAS	Information Collection Request, Review, and Approval System
IT	Information Technology
NOA	Notice of Action
NPIC	Notice of Proposed Information Collection
NPP	Notice of Proposed Priority
NPRM	Notice of Proposed Rulemaking
OCPO	Office of the Chief Privacy Officer
OCR	Office for Civil Rights
OGC	Office of the General Counsel
OIG	Office of Inspector General
OIRA	Office of Information and Regulatory Affairs
OM	Office of Management
OMB	Office of Management and Budget
OPEPD	Office of Planning, Evaluation and Policy Development
PIA	Privacy Impact Assessment
ICCD	Information Collection Clearance Division
PII	Personally Identifiable Information
PM	Portfolio Manager
PO	Principal Office
PRA	Paperwork Reduction Act
RISC	Regulatory Information Service Center
ROCIS	RISC and OIRA Consolidated Information System
SORN	System of Records Notice