

## SUPPORTING STATEMENT

### A. Justification:

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collections. Attach a copy of the appropriate section of each statute and of each regulation mandating or authorizing the collection of information.**

The Adult Education and Family Literacy Act (AEFLA), Title II of the Workforce Investment Act of 1998 (WIA), Public Law 105-220 provides formula funding to States to support adult education instruction at the State level. Section 224 of PL 105-220 required States submit to the Department their plan for how they address the requirements of the Act, including agreeing upon levels of performance identified in section 212. Congress did not enact new legislation prior to the expiration of the law in 2003, however, they continue to extend program appropriations for each additional year in annual appropriation laws, respectively.

When the law expired, the Department successfully sought OMB clearance for the State Plan Guide under AEFLA designed to advise States on how to continue their adult education program. This is permissible under Section 422 of the General Education Provisions Act (GEPA) (20USC 1226 (a)), which automatically grants states an one-year extension due to the expired status of PL 105-220. To receive funds under the Adult Education and Family Literacy Act (AEFLA), states must submit State plans that meet the requirements of the Act and agree upon annual levels of performance for core indicators of performance identified in the law.

Three circumstances make the collection of information necessary, 1) appropriations for FY 2008 was signed into law by the President on December 27, 2007, while 2) it appears unlikely that Congress will pass a reauthorization of the WIA anytime soon. Lastly, 3) the Department is requesting approval prior to its expiration on May 31, 2008, to allow States to submit pertinent information to the Department, as required for program administration.

- 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.**

Section 211(b)(1) of Adult Education and Family Literacy Act (AEFLA) requires that states have an approved State plan on file in order to receive their allotments of federal adult education funds. State plans govern adult education program operations in each state. Section 224 requires that plans contain a description of performance measures cited in Section 212 (b)(2)(a). The Department will ask states to: 1) update these performance targets for each year the law is not authorized and 2) to include any new projects on which federal adult education funds are to be expended. The information requested contains

revisions that will be used to extend State plans we currently have on file for at least one year while WIA reauthorization is pending.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

This information can be transmitted electronically as a Word file and we expect, but do not require, States to do so.

- 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 State Plan Guide emphasizes the revisions requested as “simply updated versions of the original plans.” The Department is taking a targeted approach to ensure States not duplicate their efforts in submitting information to us. As such, the Department is only requesting from States new performance levels and a description regarding the new State leadership activities they planned to undertake (if any).

- 5. If the collection information impacts small businesses or other small entities (Item 5 of 014B Form 83-1), describe any methods used to minimize burden.**

No impact.

- 6. Describe the consequence of Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

The information the Department is seeking is a requirement of funding, per Section 211 of PL 105-220. This information will enable the Department to distribute annual federal adult education allotments in FY 2009 and beyond. Without this information, we also have no way to measure continuous improvement in the states’ performance on adult education for the coming years. As a consequence of this, States will not be eligible for incentive grants as outlined in Section 503 of PL 105-220.

- 7. Explain any special circumstance 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 that can be generalized to the universe of study;**
- **Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies or 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. **If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments.**

The applicable FR Notices were published and no comments were received.

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

Not applicable.

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

Not applicable. Respondents are State agencies and State plans are public documents.

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. This 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.**

No such questions.

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

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not make special surveys to obtain information on which to base burden estimates. Consultation with a sample of potential respondents is desirable. If the burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated burden and explain the reason for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**

<b>Program Year</b>	<b>Estimated Number of Responses</b>	<b>Type of Staff</b>	<b>Estimated Number of Burden Hours Per Response</b>	<b>Total Estimated Number of Burden Hours</b>
2007-2008	59	Professional Clerical TOTAL	40 05 45	2,360 295 2,655
2008-2009	59	Professional Clerical TOTAL	40 05 45	2,360 295 2,655
2009-2010	59	Professional Clerical TOTAL	40 05 45	2,360 295 2,655
<b>TOTAL</b>			<b>2,655</b>	<b>2,655</b>
<b>ANNUAL AVERAGE</b>			<b>2,655</b>	<b>2,655</b>

- **If the request for approval is for more than one form, provide separate burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-1.**

The request for approval is for one form.

- **Provide estimates of annualized cost to respondents for 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.**

The total estimated cost to respondents is approximately \$43,525 based upon an average hourly rate of \$17.51 per professional and \$7.46 per clerical. Based on the average preparation time of 45 hours per response, it is estimated that 40 hours would be used for

review, research, gathering information, etc. The remaining 5 hours would be used for production and xeroxing.

**13. Annual Costs to Respondents (capital/start-up & operation and maintenance).**

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 or 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 are not included in this estimate.

The total for operation and maintenance and purchase of service components for this information is zero. The information collection will not create costs associated with generating, maintaining, and disclosing or providing the information not already identified in question 12 of this supporting statement.

**14. Provide estimates of annualized cost to the Federal government.**

Federal costs are estimated to be approximately \$81,300. This includes salaries and expenses of program staff that manage the review process. The method used to estimate the cost is as follows:

Program Office Staff

1 GS-7	X	22.5 days	=	\$ 2,880
1 GS-9	X	22.5 days	=	\$ 3,420
5 GS-14	X	45 days	=	\$ 72,000
TOTAL	=			\$ 78,300
Other Department Staff	=			\$ 3,000
TOTAL ESTIMATED FEDERAL COST =				\$ 81,300

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

This submission is requesting an extension with new dates to a previous collection for which approval will expire May 31, 2008. Therefore there is no change in burden.

**16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection information, completion of report, publication dates, and other actions.**

There are no plans for complex analytical techniques or for publication of data from this collection, although each State plan is a public document.

**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 Item "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I**

This request is in compliance with 5 CFR 1320.9.

**B. Collections of Information Employing Statistical Methods:**

Not applicable