

**OMB-ED Q&A Regarding January 2009 83C request
200901-1830-003**

OMB Question: Based on the statutory changes, are more individuals going to be eligible for this program? Does that have an impact on the burden estimate?

ED Response: Most likely more individuals are going to be eligible. However, there are some new restrictions on eligibility, blocking participation by some currently eligible persons. The Department thinks that the expanded age and sentence length criteria will outweigh the new restrictions and that there will be a net increase in numbers of persons eligible. OVAE does not, however, believe this will have an impact on burden as no increase in enrollment is expected. The new criteria would, we believe, make somewhat more members of the State prison population eligible to be served. However, current and past funding of this program has supported serving only a portion of those persons eligible. While states will be able to select those to be enrolled from a larger pool of potential students, the number selected and served cannot increase without significant funding increases. An additional change in the legislation allows States to spend significantly more per enrolled person - which could result in States actually serving fewer persons - although more intensively.

With reference to preparation of an application, changing the criteria for eligibility does not impact the burden on states to complete and submit their applications. With reference to performance reporting requirements, we do not anticipate an enrollment increase as the enrollment will continue to be constrained by the level at which this program is funded.