

SUPPORTING STATEMENT

FOR PAPERWORK REDUCTION ACT SUBMISSION

OMB Number: 1820-0563

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.

Pursuant to Section 102 (c) of Rehabilitation Act of 1973 as amended by the Workforce Innovation and Opportunity Act delineates the procedures under which an applicant or individual who is eligible for vocational rehabilitation (VR) services can appeal an adverse action of the state VR unit or agency. Section 102(c)(8)(A) of the Rehabilitation Act requires the Commissioner of the Rehabilitation Services Administration (RSA) to report on appeal activities each year when the Annual Report required by Section 13 of the Act on the Rehabilitation Act is sent to Congress. Section 102(c)(8)(B) specifies the data to be reported as follows:

1. a copy of the standards used by State reviewing officials for reviewing decisions made by impartial hearing officers;
2. information on the number of hearings and reviews sought from the impartial hearing officers and the State reviewing officials, including the type of complaints and the issues involved;
3. information on the number of hearing decisions made that were not reviewed by the State reviewing officials; and
4. information on the number of the hearing decisions that were reviewed by the State reviewing officials, and, based on such reviews, the number of hearing decisions that were—
 - i) sustained in favor of an applicant or eligible individual;
 - ii) sustained in favor of the designated State unit;
 - iii) reversed in whole or in part in favor of the applicant or eligible individual; and
 - iv) reversed in whole or in part in favor of the designated State unit.

The 1998 amendments to the Rehabilitation Act as amended by the Workforce Innovation an Opportunity Act specified two additional remedies for adverse actions, mediation and civil actions; any non-substantive changes based on rulemaking will be submitted to OMB for approval to use the final non-sub rule revisions. The RSA-722 also collects information from states on these procedures. The Annual Report on Appeals Process (RSA-722) is the information collection used by states to report this data to the Commissioner on an annual basis.

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.

As stated previously, RSA collects this information annually from states and reports it in the Annual Report to Congress on the Rehabilitation Act. RSA also uses the data to monitor whether appeal processes in the state are operating according to each unit's or agency's State Plan for Vocational Rehabilitation.

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.

VR agencies complete and submit Form RSA-722 through RSA's website, accessing the data collection directly through the internet by using the following URL: <http://rsa.ed.gov>. If online submission is not possible, VR agencies may either send an electronic version of the form or mail a hard copy to RSA.

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.

RSA does not collect this or similar data and information through any other reporting instrument

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.

Respondents are state VR agencies that do not qualify as "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.

RSA is required to collect the data obtained through Form 722 annually. A less frequent collection would put RSA in violation of the reporting mandate in Section 102 of the Rehabilitation Act.

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.

There is nothing in the RSA-722 and its instructions that require the collection to be conducted in the manner listed above.

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.

During its initial development, the Annual Report of Appeals Process was shared with the respondents themselves. There was agreement on the collection submitted at that time and no changes were made. RSA has sought additional comment on the form as it has requested subsequent extensions through the publication of Federal Register Notices. In addition, 60-day and 30-day Federal Register Notices were published, allowing the public comment prior to OMB approval of this extension request.

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 provided 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.

Since the RSA-722 contains aggregated data, the data cannot be used to identify individuals who are applicants or eligible individuals for services from VR agencies. Therefore, confidentiality is assured.

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 contained in the RSA-722.

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.

	Annual Burden
Number of respondents	80
Frequency of response	1
Total annual responses	80
Hours per response	2.0
Total hours	160

There are 80 state agencies in the United States and its territories. The 80 respondents submit the RSA-722 once a year. The annual burden is estimated at two hours per agency, or 160 hours because the number of individuals who file appeals has proven to be relatively small. One hour is used to collect data throughout the year by maintaining the equivalent of a tally and the other hour is devoted to recording and checking data on the RSA-722.

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:

States and territories incur no additional cost burden when submitting the PIP

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.

Annualized Estimated Respondent Costs:

Annual Operating Costs

(160 hours x \$35* per hour)	\$	5,600.00
Estimated Equipment Costs	\$	500.00
Total Annualized Respondent Cost	\$	6,100.00

* note: increased cost is consistent with hourly rate for state employees as reported in connection with recent RSA information collections, such as those for the VR Program Corrective Action Plan and VR Program Performance Improvement Plan.

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).

There are no program changes or adjustments associated with this request.

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.

States must collect their data on an ongoing basis and must provide their data to RSA no later than 30 days following the end of the fiscal year (approximately October 30 of each year). This data then is included in a larger Annual Report to Congress on the activities conducted under the Rehabilitation Act. Development and transmittal of that report is not determined by this data.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The expiration date will be displayed.

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

There are no exceptions to the certification statement.

B. Collection of Information Employing Statistical Methods

This collection of information does not employ any statistical methods.