

SUPPORTING STATEMENT-DRAFT

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 following legislative and regulatory statutes require the collection of this information requested for OMB paperwork reduction clearance: 1) Adult Education and Family Literacy Act (AEFLA), 2) The Government Performance and Results Act (GPRA) of 1993, and, 3) The Education Department General Administrative Regulations (EDGAR).

The requirements, including the citations are below:

1) Adult Education and Family Literacy Act (AEFLA)

Title II of the Workforce Investment Act of 1998 (WIA--P.L 105-220), the Adult Education and Family Literacy Act (AEFLA), creates a partnership among the federal government, States, and, localities to provide, on a voluntary basis, adult education and literacy services. Section 212 of AEFLA requires that a comprehensive performance accountability system be established to assess the effectiveness of eligible agencies in achieving continuous improvement of adult education and literacy activities in order to optimize the return on the federal investment. The accountability system is required to include the following:

Core indicators or measures of performance, including:

- 1. demonstrated improvements in adult learners' literacy skill levels;*
- 2. placement in, retention in, or completion of postsecondary education and training; unsubsidized employment or career advancement; and*
- 3. receipt of a secondary school diploma or recognized equivalent.*

States are to also include in their Statistical Reports all participants in programs:

- 1. that meet the purposes of AEFLA, and,*
- 2. for whom expenditures are reported on the Financial Status Report.*

States are to consider the performance of their grantee agencies on the measures as one factor in determining eligibility for funding (Section 224 (b)(3). Section 212 (c) requires each eligible agency to report annually to the Secretary on the progress of achieving eligible agency performance measures, including information on the levels of performance achieved with respect to the core indicators of performance. The Secretary (Section 212 (c)(2) is required to make the information contained in the state reports available to the public, disseminate State-by-State comparisons of the information, and provide the appropriate committees of Congress with such reports. In addition, the Secretary is to consider eligible agency performance on the core indicators of performance in awarding performance incentive grants to states (Section 504).

2) The Government Performance and Results Act (GPRA) of 1993

The Government Performance and Results Act (GPRA) of 1993 required all Federal agencies to develop strategic plans to ensure that their agencies' services were delivered efficiently and in a manner that best suits client needs and to develop indicators of performance to demonstrate their agency's impact. The Office of Vocational and Adult Education's (OVAE) approved GPRA indicators for the Division of Adult Education and Literacy include measures of performance for the adult education and literacy program that entail measuring improvements in students' literacy levels and other outcomes measures. OVAE plans to obtain this information on student outcomes from the states' accountability systems.

3) The Education Department General Administrative Regulations (EDGAR)

In addition to the statutory requirements contained in Adult Education and Family Literacy Act, EDGAR requires submission of performance reports not more frequently than quarterly or less frequently than annually (34 CFR 80.40). Those regulations also require the submission of financial status reports not more frequently than quarterly or less frequently than annually (34 CFR 80.41) to collect financial status reports from each state to monitor state use of funds according to WIA requirements for expenditures.

OVAE is requesting the continuation of this collection, with the following addition, described below:

In 1997, the U.S. Office of Management and Budget (OMB) published Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity in the Federal Register, Volume 62, Page 58782 (October 30, 1997). The new categories separate race and ethnicity and includes two categories for data on ethnicity. The U.S. Department of Education released Final Guidance on Maintaining, Collecting, and Reporting Racial and Ethnic Data in the Federal Register, Volume 72, Page 59266 on October 19, 2007.

Beginning July 1, 2010, U.S. Department of Education programs are required to collect and report race/ethnicity data differently. Starting with program year 2010, when collecting data, programs will first ask about a student's ethnicity (i.e., Hispanic/Latino or not) and then select one or more races with which the student identifies. Programs will then report data using the following seven categories: 1) Hispanic/Latino of any race; and for individuals who are non-Hispanic/Latino only, 2) American Indian or Alaska Native, 3) Asian, 4) Black or African American, 5) Native Hawaiian or Other Pacific Islander, 6) White, and 7) Two or more races.

Requirements that necessitates this addition to the collection:

As stated above, On October 19, 2007, the U.S. Department of Education published in the Federal Register, the Final Guidance on Maintaining, Collecting, and Reporting Racial and Ethnic Data to the U.S. Department of Education (Federal Register, Volume 72, number 202, pp 59266-59279, list url here: <http://edocket.access.gpo.gov/2007/pdf/E7-20613.pdf>).

This Departmental action is necessary, in order to implement the Office of Management and Budget's (OMB) 1997 Standards for Maintaining, Collecting and Presenting Federal Data on Race and Ethnicity.

The tables that reflect this change are attached in the two following pages

**Table 1 (beginning Program Year 2010-11)
Participants by Entering Educational Functioning Level, Ethnicity, and Sex**

Enter the number of participants* by educational functioning level,** ethnicity,** and sex.

Entering Educational Functioning Level (A)	American Indian or Alaska Native		Asian		Black or African-American		Hispanic/Latino		Native Hawaiian or Other Pacific Islander		White		Two or more races		Total
	Male (B)	Female (C)	Male (D)	Female (E)	Male (F)	Female (G)	Male (H)	Female (I)	Male (J)	Female (K)	Male (L)	Female (M)	Male (N)	Female (O)	(P)
ABE Beginning Literacy															
ABE Beginning Basic Education															
ABE Intermediate Low															
ABE Intermediate High															
ASE Low															
ASE High															
ESL Beginning Literacy															
ESL Low Beginning															
ESL High Beginning															
ESL Intermediate Low															
ESL Intermediate High															
ESL Advanced															
Total															

*A participant is an adult who receives at least twelve (12) hours of instruction. Work-based project learners are not included in this table.

**See attached definitions for educational functioning levels.

*** See attached definitions of race/ethnicity categories and examples that demonstrate how to report them. A participant should be included in the racial/ethnic group to which he or she appears to belong, identifies with, or is regarded in the community as belonging. If a student does not self-identify a race/ethnicity, the program must use observer identification

**Table 2 (beginning Program Year 2010-11)
Participants by Age, Ethnicity, and Sex**

Enter the number of participants by age,* ethnicity, and sex.

Age Group (A)	American Indian or Alaska Native		Asian		Black or African- American		Hispanic/ Latino		Native Hawaiian or Other Pacific Islander		White		Two or more races		Total
	Male (B)	Female (C)	Male (D)	Female (E)	Male (F)	Female (G)	Male (H)	Female (I)	Male (J)	Female (K)	Male (L)	Female (M)	Male (N)	Female (O)	(P)
16-18															
19-24															
25-44															
45-59															
60 and Older															
Total															

*Participants should be classified based on their age at entry. Participants entering the program prior to the current program year should be classified based on their age at the beginning of the current program year. Work-based project learners are not included in this table.

** See definitions of race/ethnic categories and examples that demonstrate how to report them.

The totals in Columns B-O should equal the totals in Column B-O of Table 1. Row totals in Column P should equal corresponding column totals in Table 3.

**Table 12 (Optional) (beginning Program Year 2010-2011)
Work-based Project Learners by Age, Ethnicity, and Sex**

Enter the number of work-based project learners by age,* ethnicity, and sex.

Age Group (A)	American Indian or Alaska Native		Asian		Black or African- American		Hispanic/ Latino		Native Hawaiian or Other Pacific Islander		White		Two or more races		Total (P)
	Male (B)	Female (C)	Male (D)	Female (E)	Male (F)	Female (G)	Male (H)	Female (I)	Male (J)	Female (K)	Male (L)	Female (M)	Male (N)	Female (O)	
16-18															
19-24															
25-44															
45-59															
60 and Older															
Total															

Only participants designated as work-based project learners should be included in this table. These participants should not be included in Tables 1-5.
The total in Column N should equal the number of work-based project learners reported in Table 6.

*Participants should be classified based on their age at entry.

OMB Number 1830-0027, Expires 7/31/09.

States are required to be in reporting compliance by July 1, 2010.

Proposed minor changes to the text of the Implementation Guidelines are intended to update and ensure clarity of the document for program reporting purposes. They are listed below. For each change, the original text passage is next to the text to be revised bolded. An explanation for the change follows each proposed change.

Original text	Updated text	Explanation
None	Changes to reporting tables. Tables 1,2, and 12 have been revised for the program year beginning July 1, 2010 to reflect changes in reporting race/ethnicity data.	This text is needed to explain the addition in the reporting table to implement OMB’s race/ethnicity requirement.
None	<p><i>Desk Monitoring: Improving Program Performance</i> focuses on developing a desk monitoring system, including a tool to supplement onsite monitoring visits and a rubric to evaluate program performance.</p> <p><i>Learning to be an NRS Data Detective: The Five Sides of the NRS</i> addresses several aspects of the NRS including data collection procedures and requirements, improving data quality, and using data for the NRS.</p> <p><i>Building and Sustaining Quality in NRS Data: Strategies for Program Improvement</i> deals with using NRS data to improve program quality through a four step continuous improvement process for building and sustaining change.</p>	The addition of these new publications is needed in this section. Publicizing new resources assist States in the collection and usage of quality data for program management and administration.
None	In 1997, the U.S. Office of Management and Budget (OMB) published <i>Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity</i> in the Federal Register, Volume 62, Page 58782 (October 30, 1997). The new categories separate race and ethnicity and include two categories for data on ethnicity. ED released Final Guidance on Maintaining, Collecting, and Reporting Racial and Ethnic Data to the U.S. Department of Education in the Federal Register, Volume 72, Page	This new section provides context on the OMB requirement, and, includes instructions and definitions for the race/ethnic reporting categories. This section also lists resources to help States implement the new race/ethnicity reporting requirements.

	<p>59266 (October 19, 2007).</p> <p>Beginning July 1, 2010, programs are required to collect and report race/ethnicity data differently. When collecting data, they will first ask about a student's ethnicity (i.e., Hispanic/Latino or not) and then select one or more races with which the student identifies. Programs will then report data using the following seven aggregate racial/ethnic categories beginning with program year 2010-11:</p> <p>American Indian or Alaska Native- A person having origins in any of the original peoples of North and South America (including Central America), and who maintains a tribal affiliation or community attachment.</p> <p>Asian- A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.</p> <p>Black or African American- A person having origins in any of the Black racial groups of Africa.</p> <p>Hispanic/Latino of any race- A person of Cuban, Mexican, Puerto Rican, South or Central American, or another Spanish culture or origin, regardless of race. The term "Spanish origin" can be used in addition to "Hispanic/Latino or Latino."</p> <p>Native Hawaiian or Other Pacific Islander- A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.</p> <p>White- A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.</p> <p>Two or more races- A person having origins in two or more race categories and not Hispanic/Latino.</p>	
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	<p>For more information on how to implement these new race/ethnicity data collection and reporting requirements, please refer to the following resources:</p> <p>"Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity, Notice of Decision." Federal Register 62 (30 October 1997): 58782-58790.</p> <p>"Final Guidance on Maintaining, Collecting, and Reporting Racial and Ethnic Data to the U.S. Department of Education, Final guidance." Federal Register 72 (19 October 2007): 59266-59279.</p> <p>National Forum on Education Statistics, Race/Ethnicity Data Implementation Task Force. (2008). <i>Managing an Identity Crisis: Forum Guide to Implementing New Federal Race and Ethnicity Categories</i> (NFES 2008-802). National Center for Education Statistics, Institute of Education Sciences, U.S. Department of Education. Washington, DC. http://edpubs.ed.gov/productcatalog.aspx</p>	
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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 Department requests the renewal of its current collection, and to be compliant with the OMB race/ethnicity requirement.

OVAE has used the information in the current collection to fulfill three WIA requirements outlined in Sections 503, 243, 212, and, to ensure our compliance to The Government Performance and Results Act (GPRA) of 1993.

Section 503-

WIA authorizes Section 503 incentive awards for States that exceed their performance levels established in their State plans. ED will use the information reported to determine whether performance levels have been exceeded and determine each State's eligibility for these awards.

Section 243-

WIA Section 243 requires ED to identify and provide technical assistance to States and evaluate the effectiveness of local programs. The information reported is used to identify which States are failing to reach acceptable levels of performance and thereby may need technical assistance from ED to foster improvement in their service delivery system. It will also be used to identify high performing States to assist in evaluation efforts by permitting contrasts between those States and States performing more poorly.

Section 212-

The Department has used the information received from the current collection to fulfill the reporting requirements in Section 212(c)(2) of WIA and OVAE's reporting requirements under GPRA. AEFLA sets reporting requirements for Title II that state that the Secretary of ED shall:

- 1. publish each state's report on their performance indicators,*
- 2. disseminate state-by state comparisons of performance, and*
- 3. report to the appropriate committees of the U.S. Congress on state performance.*

GPRA-

The Government Performance and Results Act (GPRA) of 1993 required all Federal agencies to develop strategic plans to ensure that their agencies' services were delivered efficiently and in a manner that best suits client needs and to develop indicators of performance to demonstrate their agency's impact. The Office of Vocational and Adult Education's (OVAE) approved GPRA indicators for the Division of Adult Education and Literacy include measures of performance for the adult education and literacy program that entail measuring improvements in students' literacy levels and other outcomes measures. OVAE plans to obtain this information on student outcomes from the states' accountability systems.

Lastly, the new information the Department is collecting will be used to fulfill the OMB mandate and meet OMB's goal of obtaining more accurate information about the increased number of students identifying themselves as being members of more than one racial or ethnic group. Additionally, a part of the Department's mission is also to "ensuring equal access" to education for all students. This includes collecting racial and ethnic data about the educational progress of students from differing racial and ethnic groups in adult education programs nationwide.

- 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.**

Over the past several years, States have developed individual student record systems using relational databases to track students and to meet reporting requirements within the States.

Technology continues to play a significant role in the collection of the measures from the States, significantly reducing the burden of data collection and analysis. States will prepare the statistical reporting information through their individual student record systems and submit this information electronically. To assist States in electronic reporting, OVAE created, in 2004, a web-based system for the reporting of statistical and financial data that is required for national program comparability and to ensure overall program accountability. This system automates the process by which states collect and compile the data and results in a paperless annual reporting system.

Furthermore, the electronic submission and compilation of this annual reporting of data greatly increases its accuracy. Rather than taking individual paper reports from each local program and manually compiling them into one state report, the web-based submission automatically compiles the data and eliminates any manual calculations at the state or federal level. Lastly, the web-based reporting system allows States the ability to submit statistical, financial and narrative reports electronically, in an integrated, seamless fashion.

- 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 information to be collected in the annual reports is not available from any other source and the collection of the information will not duplicate any existing data collection efforts.

- 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 small organizations or small businesses are affected by this data collection.

- 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.**

There would be several important consequences of not collecting this information or collecting it less frequently. First, ED would be unable to meet the requirements of WIA for our annual report to Congress on the extent to which States met their agreed-upon performance levels, as required in Section 212(c)(2). The Department would also be in noncompliance of GPRC reporting requirements if this information could not be collected to develop a performance reports. In addition, the annual incentive awards described above will be based on this data. Less frequent collections will either make it necessary to grant these awards based on outdated data, or will make it impossible to grant the incentive awards on an annual basis, as required by law. Lastly, the Department will not be in compliance with OMB's regulations for maintaining, collecting federal data on race and ethnicity.

- 7. Explain any special circumstance that would cause an information collection to be conducted in a manner.**

No special circumstances apply to this effort.

- 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.

This will be attached later

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

The respondents will not receive any payments or gifts for completing the information collection.

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

The data collected by states and submitted to the US Department of Education will contain only aggregated data. Assurances of confidentiality to adult education participants are, therefore, not applicable to this data collection project.

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.

None of the data collected in the National Reporting System is sensitive in nature.

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.**

As mentioned earlier, WIA and EDGAR require eligible agencies to submit Annual Performance Reports in order to continue to receive funds under their approved State plan . The estimate below is based on a combination of the experience of prior years when similar kinds of data were reported, and, information received from selected state agencies. Lastly, and most importantly, the Department took into account the prior implementation of a new reporting system and the observation that the years after the first implementation year, the time and effort burden decreased dramatically due to the time invested upfront during implementation. As such, please note each respondent's burden hour for first year implementation (PY 2009-2010) increases 20 hours from past practice of 100 hours and goes back to 100 hours for the two following years.

This estimate may vary according to the sophistication of the data collection system used by the various state agencies. It should also be noted that the collection of performance data is also essential to the States for their own management purposes and is used to inform State legislative bodies as well as local political subdivisions.

Program Year	Estimated Number of Responses	Type of Staff	Estimated Number of Burden Hours per Response	Total Estimated Number of Burden Hours
2009-10	57	Professional Clerical	85 35 =120 hours	4845 1995 =6840 hours
2010-11	57	Professional Clerical	80 20 =100 hours	4560 1140 =5700 hours
2011-12	57	Professional Clerical	80 20 =100 hours	4560 1140 =5700 hours

- **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 estimated cost to each respondent is approximately \$1771.58 based upon an average hourly rate of \$19.25 per professional and \$7.98 per clerical. Based on the average preparation time of 107 hours per response, it is estimated that on average, 82 hours would be used for review, research, gathering information, etc. The remaining 25 hours would be used for typing.

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 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 information 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.

The Federal costs are estimated to be approximately \$45,163.20. This includes contractor beta testing and web site maintenance, and the salaries and expenses of program staff who manage the process. The method used to estimate the cost is as follows:

Program Office Staff:

1 GS-12 X 11 weeks	=	\$ 17,736.40 (@ \$40.31/hr x 440 hours)
1 GS-13 X 6 weeks	=	\$ 11,496.00 (@\$47.90/hr x 240 hours)
1 GS-14 X 8 weeks	=	\$ 18,112.00 (@ \$56.60/hr x 320 hours)

TOTAL ESTIMATED FEDERAL COST = \$65,456.40

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

The change in cost to the federal government is based on the 2009 pay scale for grades 12, 13, and 14. It was also updated based on current staffing patterns at OVAE.

16. For collection 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 publication of data from this collection.

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.

OVAE is not seeking exemption from displaying the expiration date.

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. Collection of Information Employing Statistical Methods:

Not applicable