

**OMB 83-1 PAPERWORK REDUCTION ACT
SUPPORTING STATEMENT**

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 copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

The Rehabilitation Act of 1973 (the "Act"), as amended by Public Laws 93-516, 95-602, 98-221, 99-506, 100-630, 102-569, 103-73, and 105-220 (The Workforce Investment Act (WIA) of 1998) requires each state agency designated to administer the State Vocational Rehabilitation (VR) Services Program and the State Supported Employment (SE) Services Program to submit a State Plan for VR services and a State Plan supplement for SE services. The approved VR State Plan and SE supplement form the basis upon which a state participates in programs under Title I and Title VI, Part B of the Act and receives federal funds.

The VR State Plan and its SE supplement are also affected by the general requirements for all State Plans under the Education Department General Administrative Regulations in 34 CFR Parts 76, 77, 78, 79, 80, 81, 82, and 85, regarding such issues as civil rights, administration of rights, and certification of authority to submit the State Plan and official signatures.

There is no reporting burden in the VR State Plan or its SE supplement that is not required by the Act itself. The implementing regulations for these programs do not impose any State Plan reporting burden beyond that required by the Act.

Since the previous OMB approval of the VR State Plan and its SE supplement, the Rehabilitation Services Administration (RSA) revised the form so that it is consistent with changes made to the VR program implementing regulations published January 17, 2001. All State Plan provisions, namely assurances and/or attachments, that had been previously required solely by regulation have been deleted. The deletion of these regulatory State Plan requirements is

designed to reduce administrative burden on the states to better focus resources on the employment needs and choices of individuals with disabilities, particularly individuals with significant disabilities. This deletion of the regulatory-based State Plan requirements is also intended to more closely align the VR State Plan requirements with other WIA partner programs.

The following identifies previous State Plan attachments that have been deleted. Also provided is the identification of both the previous and new regulatory citations associated with each previously required attachment.

Attachment 4.5: Local Administration (34 CFR §361.15 – 34 CFR §361.15)

Attachment 4.7(b): Shared Funding and Administration of Joint Program (34 CFR §361.27 – 34 CFR §361.27)

Attachment 4.12(c)(2)(B): Expansion To Support Decision Not to Establish An Order Of Selection (34 CFR §361.36(a)(1)(i) –34 CFR §361.36(a)(2))

Attachment 4.16(b)(2): Due Process Procedures (34 CFR §361.57 – 34 CFR §361.57(a))

Attachment 6.9(c)(2): Services Subject to Financial Needs Test (34 CFR §361.54(b)(2)(ii) – 34 CFR §361.54(b)(2)(i)(B))

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.**

An approved VR State Plan and SE supplement is a condition for the receipt of federal funds under Title I and Title VI, Part B of the Rehabilitation Act of 1973, as amended (Act). If a state does not submit an approvable State Plan and supplement, federal funds to the state for operating its VR and its SE programs would be interrupted. Prior to the passage of WIA, the VR State Plan and its SE supplement were submitted for a three-year period, with certain attachments amended annually. States now only need to submit a VR State

Plan and SE supplement once and update it under limited circumstances as prescribed in the Act.

The VR State Plan and its SE supplement are key instruments for RSA's assessment of a state VR agency's effectiveness in meeting annual performance goals and priorities and compliance with the provisions of the Act.

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.**

State VR agencies can obtain from RSA the VR State Plan and SE supplement materials via the RSA Internet website, users.rsa.vrstateplans@ed.gov.

The state agencies can make their submissions to RSA either electronically using e-mail or on computer diskette, or in hardcopy. Materials sent through regular mail can be addressed as follows:

United States Department of Education
Office of Special Education and Rehabilitative Services
Attention: Pedro Romero
400 Maryland Avenue S.W., PCP Room 5007
Washington, D.C. 20202-2800

It should be further noted that state VR agencies maintain case service records for individuals in the program and frequently utilize an automated systems to track the progression of service delivery for applicants and individuals eligible for VR services.

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 provided by the VR State Plan and its SE supplement is not available in any other format or from any other source.

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

This collection of information has no impact on small businesses or other small entities.

- 6. Describe the consequence 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.**

Title I and Title VI, Part B of the Act require submission of a VR State Plan and an SE supplement. The Act is very prescriptive in terms of requirements that must be addressed in the Plan and supplement. As already indicated, the State Plan and supplement need to be submitted only once with annual revisions, as necessary, in order for states to continue to receive federal VR and SE funds. Reviewing State Plan materials is the Department's primary method for determining whether state VR agencies are conforming to the requirements of the Act and meeting stated performance goals and priorities. The State Plan and its supplement are in effect the legal assurance from the state VR agency that it will operate and administer the VR services and SE programs in accordance with the provisions of the Act and implementing regulations, as a condition for the receipt of federal funds under Title I, Part B and Title VI Part B of the Act.

The Act also requires annual monitoring of certain State Plan provisions as well as periodic on-site monitoring to determine the extent to which states implement the assurances that they make in the State Plans and supplement. The information provided to the Department by the state VR agencies in their State Plans is critical to these monitoring efforts and determining compliance with the requirements of the Act, and meeting stated performance goals and priorities.

7. Explain any special circumstance that would cause an information collection to be conducted in a manner:
- o requiring respondents to report information to the agency more often than quarterly;
 - o requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
 - o requiring respondents to submit more than an original and two copies of any document;
 - o requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;
 - o 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;
 - o requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
 - o 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 for compatible confidential use; or
 - o requiring respondents to submit proprietary trade secret, 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 are no special circumstances that require the collection of information to be conducted along the lines discussed in the bulleted items above.

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. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons out-side 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.

RSA regularly consults with the Council of State Administrators of Vocational Rehabilitation (CSAVR) regarding the collection of information, such as that represented by the State Plan. Specifically, RSA staff participate in meetings of the CSAVR Management Services Committee to discuss, among other matters, the various information and data collection instruments used to manage the VR and SE programs.

RSA is now consulting with the Management Services Committee on possible future changes to the State Plan. Possible changes include aligning the sequence of the State Plan content with the state plan content requirements in the Act and developing a web-based reporting system that will allow VR agencies to submit the State Plan through RSA's Management Information System (MIS). These changes will ease the reporting burden on the VR agencies, as well as aid RSA staff in their review of the State Plans. RSA will continue to consult with the Management Services Committee on these planned revisions to the State Plan and the manner in which it is submitted, and other revisions to the Plan that may be required through reauthorization of the Act.

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

There is no payment or gift to respondents.

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

Based upon the provisions of 34 CFR 361.38, the state VR agency or, as appropriate, the designated state VR unit, must maintain policies and procedures on the protection, use, and release of personal information consistent with the provisions of Section 101(a)(6)(A) of the Act.

- 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.**

There are no questions of a sensitive nature in the information collection connected with the VR State Plan or its SE supplement.

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

- o 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 conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than ten) 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.**

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

Currently, there are 80 state VR agencies administering the VR and SE programs, although this number periodically changes as a result of state reorganization initiatives. The agencies administer these programs under approved State Plans for the Title I VR program and approved supplements to these plans for the Title VI, Part B SE program.

The VR State Plan and its SE supplement, as a result of the changes brought about by the 1998 Amendments, no longer need to be submitted for a stipulated period of time. Previously, the length of the VR State Plan cycle was 3 years. In years past, the estimated annual burden previously identified for the development, preparation and submission of a new VR Plan and its SE supplement was 90 hours. This estimate was reduced for the currently approved State Plan reporting burden since the previous estimates overstated reporting burden in that they did not take into consideration that the reporting was spread out over a period of years rather than on an annualized basis. Based on this key consideration, the estimated annual burden on a pro-rata basis connected with the preparation, development and submission of the VR State Plan and its SE supplement was reduced to 25 hours, which equates to 2000 hours for the 80 state VR agencies.

This estimate was formulated based on discussions with RSA staff responsible for the development of materials to be used by the states for the VR State Plan and its SE supplement and with selected individuals in the states with the overall responsibility for State Plans.

The hourly burden connected with recordkeeping in the VR and SE programs vis-a-vis the service records of individuals

served by the programs was also substantially affected by the implementing regulations that focus on the reduction and/or elimination of duplicative and unimportant service record content elements. The regulations did not go beyond the statutory requirements except when absolutely necessary and streamlined or clarified past cumbersome statutory service record documentation provisions such as those regarding ineligibility determinations and the development of individualized plans for employment (IPE).

Additionally, the regulations reduced paperwork requirements on the state VR agencies and increased the access of individuals to the services of the agencies by the regulatory provisions that allow for non-paper referrals and/or applications for agency services.

RSA has also been providing guidance to state agencies that are interested in the implementation of a "paperless work environment." In this regard, RSA has promulgated a policy that supports the use of electronic formats in lieu of paper for documenting the service records of individuals while at the same time maintaining the necessary safeguards and protections for personal information.

Many of the recordkeeping and paperwork burdens connected with the VR and SE programs are state-imposed requirements that have evolved over the years in response to concerns about audit exceptions and negative program monitoring findings. As RSA has moved towards a more balanced monitoring policy that focuses on continuous improvement through technical assistance and has encouraged states to eliminate bureaucratic processes that do not contribute to the purposes of the VR and SE programs, it is anticipated that the paper-intensive defensive posture of the states will lessen.

Many of the federal requirements for the documentation of an individual's service record are basic accountability measures that any organization would employ to support professional decision-making and the expenditure of funds. Within this context, nearly all of the federal regulatory and policy requirements related to the documentation of an individual's service record mirror those that an agency would have in place on its own. The unique federal record of service documentation requirements is primarily connected

with existing statutory requirements. The regulations identify the key points in the VR process that need to be documented, as appropriate to the circumstances for each individual, while leaving the nature and scope of the documentation requirements up to an individual state.

On an annual basis, approximately 1.5 million individuals are either applicants for or eligible for VR and SE services. A record of service is required for each individual and documents the major decision points in the provision of VR and/or SE services to assist the individual to achieve an employment outcome. Within the context of federal requirements that do not replicate normal accountability documentation that would exist even if there were no federal requirements, it is estimated that the average time spent in recordkeeping on an annual basis approximates 40 minutes per service record which is the same estimate as made previously.

This estimated average is based on a broad range of possible interactions that can occur between the agency and an individual, i.e., on one extreme are those individuals who are referred for services and never attempt to access the services of the agency and others who make application for services and never follow through with the process to determine eligibility so the recordkeeping burden for this segment of the 1.5 million persons is nearly non-existent, while, on the other hand, some individuals who receive services under an IPE may entail a significant paperwork commitment.

Within the context of this average annual recordkeeping burden of 40 minutes per service record, it is estimated that the annual hourly recordkeeping burden for VR and SE service records approximates 1 million hours. This estimate is based on the review of aggregate statistical data submitted to RSA by the states and discussions with RSA and state VR agency staff.

Combining the annual reporting and recordkeeping estimates, the estimated aggregate annual burden approximates 1,002,000 hours.

In summary, the hours and cost associated with the completion and submission of the State Plan by state VR agencies are summarized below.

State:

- (1) Number of state agencies submitting State Plans: 80
- (2) Total burden hours: 1,002,000
- (3) State hourly rate of salary: \$22.00
- (4) Total State cost: \$22,044,000

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.)

- o The cost estimate should be split into two components: (a) the 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 record storage facilities:**
- o 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 purchasing 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.

- o 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.

No burden has been imposed by a total capital and start-up cost component or by a total operation and maintenance and purchase of services component.

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.

Federal:

- (1) Review of 80 State Plans estimated at 3 hours per plan = 240 hours (This estimate does not indicate time needed by RSA for negotiations.)
- (2) Federal hourly rate of salary: \$35.00
- (3) Total federal cost: 240 hours for review x \$35.00 = \$8,400.00

15. Explain the reasons for any program changes or adjustments reported in items 13 or 14 of the OMB Form 83-1.

Also in October 2005, RSA implemented a new organizational structure that centralizes all of its functions into the Washington, DC headquarters office. The consolidation of functions, namely VR and independent living (IL) program monitoring, ongoing VR and IL program technical assistance, data collection and fiscal management, resulted in substantive changes in the review and approval process of the Fiscal Year 2007 State Plan and updates for the state VR services program and the State Plan supplement for the state SE services program.

In the past, RSA regional offices assumed the primary responsibility for the review and approval determination of State Plans. Under the new RSA structure, RSA State Liaisons and teams review VR State Plans and SE supplements to ensure consistency with federal requirements.

RSA re-estimated the time required for each State Plan review based on the new RSA structure that includes both state team meetings and an individual State Liaison review, increasing the total time for review activities from two to three hours per State Plan. Also, RSA is now using an hourly cost of \$35 for each hour of review, based on the average hourly rate of staff responsible for the review.

- 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.**

This information collection is not intended for publication.

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

Approval is not being sought to not display the expiration date for OMB approval of the information collection.

- 18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-1.**

There are no exceptions to the certification statement identified in Item 19 of OMB Form 83-1.

B. Collection of Information Employing Statistical Methods

The VR State Plan (and its SE supplement) is a legal document and does not require the use of any statistical methods in obtaining information.