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.

Title 34 of the Code of Federal Regulations part 462 establishes procedures the Secretary uses when considering the suitability of tests for use in the National Reporting System (NRS) for adult education. The regulations further the Department's implementation of section 212 of the Adult Education and Family Literacy Act (AEFLA). These regulations also include procedures that States and local eligible providers would follow when using suitable tests.

The regulations: a) describe the Department's review process for identifying tests suitable for identifying educational functioning levels and measuring educational gain (§§462.10 and 462.12); (b) delineate the information test publishers would include in an application requesting the Secretary to determine the suitability of such tests (§462.11); (c) identify the criteria and specific information the Department would use to determine the suitability of tests (§462.13); (d) offer test publishers an annual opportunity to submit for review additional tests as long as an application for review is filed with the Department by October 1 of each year (§462.10); and, (e) establish a seven-year period during which a test determined as suitable, unless substantially changed by the publisher, would remain suitable (§462.14).

The AEFLA makes accountability for results a central focus of the law. It sets out performance accountability requirements for States and local programs that measure program effectiveness on the basis of student academic achievement and other outcomes. In order to help States to validly demonstrate and accurately report their annual improvements in literacy skill levels and other core indicators of performance, the Department established--after extensive consultation with State directors of adult education, representatives from volunteer provider agencies, directors of local adult education programs, and experts on accountability systems--a National Reporting System for Adult Education. The NRS standardizes the measurement of the core indicators across States and establishes procedures for collecting and reporting student outcome data to enhance its validity and reliability.

The AEFLA establishes three core indicators that must be used to assess State performance:

- Demonstrated improvement in the literacy skill levels in reading, writing and speaking English, numeracy, problem-solving, English language acquisition, and other literacy skills (educational gain);
- Placement in, retention in, or completion of postsecondary education, training, unsubsidized employment, or career advancement; and
- Receipt of a secondary school diploma or a recognized equivalent.

Educational gain, the key outcome measure in the NRS, describes students' improvement in literacy skills during instruction. States are required to have their local programs assess gain by administering standardized pre-post assessments to students, following valid administration procedures (e.g., use an appropriate assessment, use different forms of the test for pre- and post-testing). The *NRS Guidelines* allows states to select the assessments most appropriate for their state, which may be published standardized tests or performance-based assessments. If the state uses performance-based assessments, NRS guidelines require the assessment to have standardized procedures and scoring rubrics that meet accepted psychometric standards.

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 information collected will be used by the Secretary to determine the suitability of assessments submitted by test publishers for measuring educational gain. The suitability of the assessment will be determined by evaluating the information submitted by publishers against the published review criteria of 34 CFR 462. Only assessments determined suitable by the Secretary can be used by state and local adult education programs funded under AEFLA to measure and report educational gain under the NRS. To data this information has been used by the Department to review 16 tests submitted by 6 publishers to determine the suitability of each test to measure and report adult learner's educational gain under the National Reporting System for adult education. Tests that are determined suitable may be used by states to report educational gain-one of four required outcomes under the Adult Education and Family Literacy Act of 1998.

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 of using information technology to reduce burden.

To facilitate the submission of information, the Department plans to use an existing NRS related website to host all relevant information regarding the assessment review process and the information collection requirements associated with the review process. Publishers will be allowed to submit the required information electronically or in print form, whichever method best meets their needs. It is anticipated that publishers will use both the electronic option and the print option.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use of the purposes described in Item 2 above.

The information to be collected by the Secretary is not available from any other source and the collection of information will not duplicate any existing collection efforts.

5. If the collection of information impacts small businesses or other small entities (Item 8b of IC Data Part 2), describe any methods used to minimize burden.

The information collected will not impact 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.

Accountability for performance is a cornerstone of AEFLA. In establishing a performance accountability system for adult education, Congress wanted not only to assess the effectiveness of State performance in measuring educational outcomes but also to help States continuously improve their performance and to optimize the return on the investment of Federal funds. Educational gain is the cornerstone performance measure for the federally funded adult education program. To provide standardized and comparable performance data within and among State and local programs, the assessments being used must validly and reliably measure the content areas of interest and report those gains using the standard definition of educational gain contained in the NRS.

Without identifying suitable tests, the Department cannot assure the validity and reliability of the data being reported on the key performance indicator of educational gain and any standardization and comparability of this measure is lost. Additionally, states are required to use the educational gain measure along with the other core performance measures to evaluate the effectiveness of their local programs and use those evaluations to make funding decisions. Without valid and reliable assessments to measure educational gain, states must make funding decisions based on unreliable data on how well local programs are performing on the educational gain measure.

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 which 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 tht it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances applicable to this information collection request.

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 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.

A 60-and 30-day Federal Register Notice published with no public comments.

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

There are no payments or gifts to respondents.

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

There are no assurances of confidentiality.

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 in this application.

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 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 item 16 of IC Data Part 1.**

- **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 not be included in Item 14.**

We estimate the total number of respondents based on the number of test publishers that may want to expand their markets into the field of adult education, thirteen tests were submitted for review during the first review period conducted by the Secretary. Therefore we estimate the total reporting burden for this collection to be 600 hours (15 responses x 40 hours per response).

Program Year	Estimated Number of Responses	Type of Staff	Estimated Number of Burden Hours Per Response	Total Estimated Number of Burden Hours
2011	15	Professional Clerical TOTAL	30 10 40	450 150 600
2012	15	Professional Clerical TOTAL	30 10 40	450 150 600
2013	15	Professional Clerical TOTAL	30 10 40	450 150 600
TOTAL	**45**		**40**	**1800**

The estimated annual cost to compile and organize this information is estimated at $30,000 for the initial application (450 professional hours @ $60 hr = $27,000 plus 150 clerical hours @ $20 hr = $3,000.

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.)

- **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 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.**

Total Annualized Capital/Startup Cost : $ .00
Total Annual Costs (O&M) : .00

Total Annualized Costs Requested : $ .00

The total for the capital and start-up cost components for this information collection is zero. This information collection will not require the purchase of any capital equipment nor create any start up costs. The information requested is routinely generated by publishers to meet the professional standards for assessment development and are therefore a part of their normal business costs. The cost of subsequent collections will vary based on the number of publishers submitting test information.

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.

As discussed earlier in question 12, the Department estimates that 15 assessments will be submitted Part 462 of title 34 of the Code of Federal regulations, and 15 for the second review period and 15 in the third review. It is estimated that it will cost the government approximately $5,000 for each assessment reviewed. This cost includes the review of each assessment by three experts (test developers, researchers and psychometricians). Based on the estimates provided in 12 above, the cost to the government over the first three years is:

Year	Number of Assessments	Cost Per Assessment	Total Cost
2011	15	$5,000	$75,000
2012	15	5,000	$75,000
2013	15	5,000	$75,000

15. Explain the reasons for any program changes or adjustments to #16f of the IC Data Part 1 Form.

There is a 1400 adjustment decrease in burden; burden has been reduced from 2,000 to 600 as the total number of respondents has been reduced from 50 to 15.

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.

The information collected will not be published. It is to be used for an internal review to determine the suitability of assessments to measure educational gain under the requirements of the NRS.

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.

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

This request is in compliance with the Paperwork Reduction Act.

Collections of Information Employing Statistical Methods:

Not Applicable