SUPPORTING STATEMENT

FOR PAPERWORK REDUCTION ACT SUBMISSION

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 Adult Education and Family Literacy Act (AEFLA), Title II of the Workforce Investment Act of 1998 (WIA), Public Law 105-220 provides formula funding to States to support adult education instruction at the State level. Section 224 of PL 105-220 required States submit to the Department of Education (ED), their plan for addressing the requirements of the Act, including agreeing upon levels of performance identified in section 212. Congress did not enact new legislation prior to the expiration of the law in 2003; however, it continued to extend program appropriations for each additional year in each subsequent annual appropriation law.

When the law expired at the end of FY 2003, the Department successfully sought OMB clearance for the State Plan Guide under AEFLA designed to advise States on how to continue their adult education program. This is permissible under Section 422 of the General Education Provisions Act (GEPA) (20USC 1226 (a)), which automatically grants states a one-year extension due to the expired status of PL 105-220. To receive funds under the Adult Education and Family Literacy Act (AEFLA), states must submit plans that meet the requirements of the Act and agree upon annual levels for core indicators of performance.

Two circumstances make the collection of information necessary: 1)the Administration's FY 12 budget proposal requests appropriations for this program and 2) it appears unlikely that Congress will pass a reauthorization of the WIA prior to the date by which guidance must be released to the states for updates pertaining to the next program year. Therefore the Department is requesting a 3-year extension of approval of this information collection, in order to allow States to submit pertinent information to the Department in future years, as it is required for program administration.

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.

Section 211(b)(1) of Adult Education and Family Literacy Act (AEFLA) requires that states have an approved State plan on file in order to receive their allotments of federal adult education funds. The plans govern adult education program operations in each state. Section 224 requires that plans contain a description of performance measures cited in Section 212 (b)(2)(a). The Department will ask states to: 1) update these performance targets for each year the law is not authorized and 2) include details of any new projects on which federal adult education funds are to be expended. The information requested contains updates that will be used to extend on file State plans for at least one year and will enable the Department to distribute annual federal adult education allotments in FY 2012 and beyond while WIA reauthorization is pending.

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.

This information can be transmitted electronically as a Word file and we expect, but do not require, States to do so.

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 State Plan Guide emphasizes the revisions requested as "simply updated versions of the original plans." The Department is taking a targeted approach to ensure States not duplicate their efforts in submitting information to us. As such, the Department is only requesting information about States' new performance levels, whether a local subgrant competition will be undertaken or current subgrants simply extended, and a description regarding the new State leadership activities they planned to undertake (if any).

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.

No impact.

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.

The information the Department is seeking is a requirement of funding, per Section 211 of PL 105-220. This information will enable the Department to distribute annual federal adult education allotments in FY 2012 and beyond. Without this information, we also have no way to measure continuous improvement in the states' performance on adult education for the coming years. As a consequence of this, States will not be eligible for incentive grants as outlined in Section 503 of PL 105-220.

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 are no special circumstances.

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.

No public comments have been received today in response to publication in the Federal Register.

We have discussed ongoing state plan update requirements at our annual (spring) meeting of state directors of adult education. Ongoing consultation has also been achieved through bi-monthly conference calls with these directors. The meetings and conference calls mentioned above continue to the present.

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

Not applicable.

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

No assurances of confidentiality provided.

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.

No such questions.

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 be included in Item 14.

Program Year	Estimated Number of Responses	Type of Staff	Estimated Number of Burden Hours Per Response	Total Estimated Number of Burden Hours
2012-2013	57	Professional Clerical TOTAL	40 05 45	2,280 285 2,565
2013-2014	57	Professional Clerical TOTAL	40 05 45	2,280 285 2,565
2014-2015	57	Professional Clerical TOTAL	40 05 45	2,280 285 2,565
TOTAL ANNUAL AVERAGE				**2,565**

The request for approval is for one form.

The total estimated annual cost to respondents is approximately $59,850 based upon an average hourly rate of $25 per professional and $10 per clerical. Based on the average preparation time of 45 hours per response, it is estimated that 40 hours would be used for review, research, gathering information, etc. The remaining 5 hours would be used for production and Xeroxing.

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.**

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

Total Annualized Costs Requested :

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 or 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 are not included in this estimate.

The total for 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 not already identified in question 12 of this supporting statement.

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 costs are estimated to be approximately $81,557. This includes salaries and expenses of program staff that manage the review process. The method used to estimate the cost is as follows:

Program Office Staff	Estimated Number of Hours Per Year	Hourly Rate	Estimated Cost Per Year	Total Costs for Three Years
1 GS-9	145	$26.39	$3,827	$11,481
5 GS-14s	358.5 * 4	$50.41	+$72,291	+$216,873
	75 * 1	$52.09	+ $3,907	+ $11,721
1 GS-15	25	$61.28	+ $1,532	+ $4,596
			$81,557	$244,671

TOTAL ESTIMATED ANNUAL FEDERAL COST = $ 81,557

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

Program Change - There is a reduction of 90 hours to the estimated burden hours due to the sunset of eligibility (i.e., phasing out) of entities within Section 211 of PL 105-220.

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.

There are no plans for complex analytical techniques or for publication of data from this collection, although each State’s plan is a public document.

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.

We are not seeking this approval.

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

This request is in compliance with 5 CFR 1320.9