

SUPPORTING STATEMENT

FOR PAPERWORK REDUCTION ACT SUBMISSION

[ICR No. 1238.05] 1830-0567 - Measuring Educational Gain in the National Reporting System for Adult Education Revised 2/7/2014

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.**

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 regulations¹ further the Department's implementation of section 212 of the Adult Education and Family Literacy Act (AEFLA), which establishes "a comprehensive performance accountability system . . . to assess the effectiveness of eligible agencies in achieving continuous improvement of adult education and literacy activities funded under this title..." 20 U.S.C. section 9212(a). 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

¹ These regulations can be found at the following link: <http://www.gpo.gov/fdsys/granule/CFR-2011-title34-vol3/CFR-2011-title34-vol3-part462/content-detail.html>

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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 date this information has been used by the Department to review tests submitted by 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.

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.

Test publishers submit their applications by mail or in person.

- 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 Question 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, 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.**

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;**

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- 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.

Test publisher applications may include proprietary information. The agency has procedures in place to protect the confidentiality of this information.

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.

The Department published a 60-and-30-day public comment period in the Federal Register and did not receive any public comments during the 60-day comment period.

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 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 ICRAS' Part 2 IC 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.**

The Department will assure that proprietary information submitted by a publisher in the process of complying with information collection will not be shared or published outside the review process. No personally identifiable information (PII) is being collected, and 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 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 Question 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.**

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The number of test publishers that may want to expand their markets in the field of adult education, it is anticipated that fewer tests will be submitted in the 2014 – 2016 period than were submitted in prior three-year periods. This is because many existing vendors have already received agency approval for use of their assessments until 2017. These vendors will not need to submit new applications during the 2014-2016 period. While thirteen tests were submitted for review during the first review period conducted by the Secretary, we anticipate that 5 tests per year will be submitted for review during the 2014-2016 period. Therefore we estimate the total annual reporting burden for this collection to be 200 hours (5 responses x 40 hours per response).

Program Year	Estimated Number of Responses	Type of Staff	Estimated Number of Burden Hours Per Response	Total Annual Estimated Number of Burden Hours
2014	5	Professional	30	150
		Clerical	10	
		TOTAL	40	50
2015	5	Professional	30	150
		Clerical	10	
		TOTAL	40	50
2016	5	Professional	30	150
		Clerical	10	
		TOTAL	40	50
TOTAL Burden	15			600

- **If this request for approval covers more than one form, provide separate hour burden estimates for each form. (The table should at minimum include Respondent types, Number of Respondents 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 Question 14.

The estimated annual cost to compile and organize this information is estimated at \$10,000 for the initial application (150 professional hours @ \$60 hr = \$9,000 plus 50 clerical hours @ \$20 hr = \$1,000.)

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 Questions 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 Question 12.**

Total Annualized Capital/Startup Cost: 0

Total Annual Costs (O&M): 0

Total Annualized Costs Requested: 0

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 startup 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 Questions 12, 13, and 14 in a single table.**

Year	Total Cost
2014	\$134,000
2015	\$134,000
2016	\$134,000

The cost estimate reflected in the table above is based on the cost estimate for the contractor support through which experts review the applications submitted by publishers to determine their suitability for use in the NRS accountability program. This is the primary cost to the Federal government associated with this data collection.

- 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 to this data collection.

- 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.**

The information collected will not be published. It is to be used for an internal review to determine the suitability of assessments developed by publishers to measure educational gain under the requirements of the authorizing legislation (AEFLA).

- 17. 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.**

In September of each year, the agency intends to publish a notice inviting publishers to submit applications to have their assessments reviewed to determine their suitability for

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use in the NRS. The agency, with the assistance of a panel of experts, intends to review all applications in the months following their submission. The agency intends to publish a notice announcing each assessment that has been approved for use in the summer or fall of the year following the publication of the notice inviting publishers to submit their applications.

18. 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.

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