

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.

Section 20 U.S.C. 107a(6)(a) directs the Secretary of Education, through the Commissioner of the Rehabilitation Services Administration (RSA), to conduct periodic evaluations of the programs authorized under the Randolph-Sheppard Act (the Act). In addition, section 107b(4) requires entities designated as the state licensing agency (SLA) to “make such reports in such form and containing such information as the Secretary may from time to time require....” The information to be collected is a necessary component of the evaluation process and forms the basis for the RSA annual report section on this program and is used in monitoring the implementation of the program by the States.

The Code of Federal Regulations, at 34 CFR 395.8, specifies that vending machine income received by the state from federal property managers can be distributed to blind vendors in an amount not to exceed the national average income for blind vendors. This amount is determined through data collected using Form RSA-15. In addition, the collection of information ensures the provision and transparency of activities referenced in 34 CFR 395.12 related to disclosure of program and financial information and assists with the requirement in 34 CFR 395.11 regarding the provision of training.

The changes in the instrument primarily relate to clarifying instructions and reformatting intended to make the form easier to access and enter data. However, substantive changes were made to the following entries. In Section VI – Vendor Training, Number of Sites Surveyed, a new line was added as line 1 for the “Number of Sites Surveyed During the Reporting Year.” Line 2 was reworded from “Accepted for Vending Facility Site” to “Number of Sites Accepted by the SLA” and five subcategories were added: (a) Number of Accepted Sites Added to Existing Vending Facilities, (b) Number of Accepted Sites Used to Create New Vending Facilities, (c) Number of Accepted Sites Pending Assignment to a Blind Vendor, and (d) Number of Accepted Sites Assigned to a Third Party. In addition, a new line 5 was added, “Number of Surveyed Sites with a Decision Pending.”

In Section VIII – State and Nominee Agency Personnel, subsection A, Agency Personnel, we added a subcategory under Line 1 for (a) “Number of Business Consultant/Counselor Staff (FTE).” The instructions were modified to indicate that, of the total vending facility program staff, we are interested in the numbers who are business consultant/counselor staff.

The Department believes the additional burden resulting from the above changes is offset by the following reductions in reporting burden. In Section II – Vending Facilities and Vendors, subsection A – Number at Beginning of Year, the data entries for “Beginning of the year” will be adjusted in the MIS so they are prepopulated with the “Number at End of Year” from the prior year’s report for subsections A, D, E, F, G and H. The same change is made in section V(1). These changes will eliminate the need for the SLAs to separately calculate and enter these figures. Similarly, in subsection E.4 – Facilities on Public Property, an automatic edit check was added to the “Number at End of Year” to make sure the figures under Line 4 for categories a, b, &c add to the total number at the end of the year for Line 4. These changes will reduce burden and improve accuracy.

In Section VIII – State and Nominee Agency Personnel, subsection A, Agency Personnel, we eliminated Line 1, “Vending Facility Program Budgeted FTE.” In addition, in subsection B, Training, there were separate lines for: (1) “Number Who Received In-Service Training Related to Blindness, Business Management, or Aspects of the Randolph-Sheppard Vending Facility Program” and (2) “Number Who Received Training through an External Source Related to Blindness, Business Management, or Aspects of the Randolph-Sheppard Vending Facility Program.” We eliminated both of these data entries and substituted one entry for “Number Who Received Training Related to Blindness, Business Management, or Aspects of the Randolph-Sheppard Vending Facility Program.” The SLA will no longer need to artificially divide training categories into in-service and external sources.

A detailed list of the changes is included as Appendix A.

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 on Form RSA-15 has been utilized in reporting to the legislative and executive branches on the status of the Randolph-Sheppard vending facility program. The consistent collection of data has allowed RSA to observe trends in the program and to make year-to-year comparisons. This report is presently the only means of assessing the growth or decline of the program in individual states and nationally.

This data is also used in determining what agencies serving the blind and Federal property managers need in terms of technical assistance. In addition, analysis of the reported information provides the basis for identifying training needs and assists in identifying at risk programs in need of on-site technical assistance or monitoring.

The information is also used to establish the regulatory limit of vending machine income that can be distributed to blind vendors. The data helps RSA and the SLA so understand the distribution type and profitability of vending facilities throughout the country. Such information is useful in providing assistance to SLAs and property managers and in monitoring the implementation of the program.

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.

In FY 2008, the RSA-15 form was converted from hard copy submission to electronic submission via the RSA management information system (MIS) at www.rsa.ed.gov. Most states prepare their submissions using a combination of their own management information systems and hard copy data. Information is then entered into the RSA MIS, which provides multiple automatic calculations previously done manually. In addition, the electronic submission includes checks and balances to ensure the correct submission of data before the report can be rendered complete. This assists the states in identifying errors or flags prior to completing their submissions. While 100 percent of submissions should be submitted electronically, reports may still be submitted via electronic mail if there are complicating factors. The information is then transferred to the MIS by RSA staff responsible for the Randolph-Sheppard program.

4. Describe the 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.

Information on the vending facility program administered through state licensing agencies is only collected on Form RSA-15. There is no other source for this information.

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.

The information is not collected from small businesses.

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.

If the data were not collected annually, the Commissioner of RSA could not meet his/her statutory reporting requirements. Also, without information collected using this form, it would not be possible to provide the national averages necessary for States to distribute money to blind vendors in accordance with Federal statutes and regulations. In addition, information would not be available to respond to inquiries from Federal government entities and program stakeholders. There also would not be available to determine problem areas and inform Federal staff who are required to monitor the implementation of the Act.

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

There are no special circumstances that require this information collection to be conducted in any manner listed 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 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-day and 30-day Federal Register Notice were published inviting public comment.

RSA formed a workgroup composed of representatives from all of the national consumer organizations interested in this program, including the National Association of Blind Merchants (NABM), Randolph-Sheppard Vendors of America (RSVA); National Council of State Agencies for the Blind (NCSAB) Randolph-Sheppard Subcommittee, a State Department for the Blind and Vision Impaired, the National Federation of the Blind's Entrepreneurs Initiative, and three State Licensing Agency managers of Business Enterprise Programs. The SLA managers are responsible for collecting the data and completing the form. Program staff from RSA's MIS and data unit also participated on the workgroup.

All of the changes in the data collection instruments were suggested and approved by this workgroup. The representatives expressed their agreement with the form being approved for continued use with the recommended revisions. The workgroup was asked to clarify instructions, eliminate duplication, and attempt to minimize the burden on state agencies. RSA worked closely with the workgroup to assure that the data elements included are necessary and meaningful.

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

There are no arrangements for gifts.

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

Data is aggregated at the State level and no individual vendor information is provided to the Department. Efforts are made to avoid the collection of personal, proprietary, or confidential data. Therefore 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.

We are not seeking any private information such as that described above.

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 13 of OMB Form 83-1.**
- **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.**

Fifty-two is the average number of respondents and responses received annually. The annual hour burden estimate is 13.5 hours per respondent. The hour burden estimate was verified by a telephone survey of four SLAs who confirmed that 13.5 hours continues to be a reasonable estimate of the time required for completion of the form within their agencies. Only one form is covered by this request.

Number of respondents	52
Frequency of response	Annually
Total annual responses	52
Hours per response	13.5
Total hours	702
Cost per hour	\$22.00
Total cost	\$15,444 (702 x \$22.00)

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 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.

This item is not applicable. No additional or special equipment is needed to respond to the data collection. In addition, SLAs do not contract out this data collection.

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.

Annual cost to Federal Government	\$7,560
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\$7,560 = 120 hours x \$63 (hourly rate associated with program and senior staff review)

Annual Federal Computer costs	\$0
Total cost to Federal Government	\$7,560

The annual cost to the Federal government was increased to reflect the cost-of-living increase in the salary of the program specialist and supervisor who will review, analyze and approve the data. The number of projected hours has been increased to reflect planned efforts to increase the analysis and distribution of the data.

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

The changes in the revised RSA-15 Report of Randolph-Sheppard Vending Facility Program form and instructions do not result in additional reporting burden. There are no program changes or adjustments in burden. The additions to the form are offset by deletions and an increased use of pre-population and automatically calculated entries in

the form. The annual cost to the Federal government was increased to reflect the cost-of-living increase in the salary of the program specialist and supervisor who will review, analyze and approve the data. The number of projected hours has been increased to reflect planned efforts to increase the analysis and distribution of the data.

A detailed list of changes is included as Appendix A.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex and 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.

Data will be published on the www.rsa.ed.gov website and may be accessed for ad hoc queries. All data must be submitted by the end of the first quarter of the Federal fiscal year after which it will be reviewed and approved by the RSA staff responsible for the Randolph-Sheppard program. Once this process is completed, the data will be published (generally within 120 days).

The Department plans to increase the analysis and distribution of this data. The aggregated data, including an analysis of trends, will be published in an information memorandum that will be distributed through the Randolph-Sheppard listserv and targeted distribution to national organizations involved with the program. RSA also plans to conduct a webinar explaining the changes in the data collection instrument.

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.

This item is not applicable.

18. Explain each exception to the certification statement identified in Item 20, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-1.

Item (c) is not checked because this information collection does not apply to small entities. It is submitted by State Licensing Agencies which are the State Vocational Rehabilitation agency that serves individuals who are blind.

Item (f) is not checked because there is no specified record retention required by the Randolph-Sheppard program. States will abide by their own record retention requirements. The individual state reports are retained annually by RSA on the RSA website.

Item (i) is not applicable.