

SUPPORTING STATEMENT

Justification:

1. Legal requirement:

Section 509 of the Rehabilitation Act of 1973, as amended (Act), established the Protection and Advocacy of Individual Rights (PAIR) program to support the protection and advocacy (P&A) system in each State. The P&A system was created by the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (DD Act) (42 USC 6041 et seq.) to protect the legal and human rights of individuals with disabilities.

Prior to the 1992 amendments to the Act, the P&A system was required to operate two programs: the Protection and Advocacy for the Developmentally Disabled (PADD) program and the Protection and Advocacy for Individuals with Mental Illness (PAIMI) program. Unfortunately, these programs were unable to meet the needs of many people with disabilities due to narrowly defined eligibility requirements. Congress funded the PAIR program with the 1992 amendments so that the PAIR program could advocate for those individuals with disabilities who were ineligible for advocacy services from the PADD and PAIMI programs. PAIR also is authorized to serve those individuals with disabilities whose issues fall beyond the scope of services that the Client Assistance Program (CAP) can provide.

PAIR, which is a required component of the P&A system in each State, is administered by the Rehabilitation Services Administration (RSA) pursuant to the requirements of Section 509 of the Act. Section 509(f) of the Act sets forth the application requirements for the PAIR program. Most of these requirements mirror the requirements set forth in Part C of the DD Act, which established the P&A system originally.

One of the application requirements is that the PAIR program sign a set of assurances that the PAIR can and will carry out its statutorily prescribed purposes and functions. This preprint, which is being submitted for approval, contains the assurances to which the PAIR program must agree. These assurances are based on the following statutory and regulatory requirements:

- 1) Title V, Section 509, of the Act;
- 2) Federal regulations at 34 CFR Part 381 implementing section 509 of the Act;
- 3) Part C of the DD Act, which sets forth all of the requirements for the P&A system;
and
- 4) General requirements for all written requests for assistance under the Education Department General Administrative Regulations (34 CFR Part 76).

2. Purpose and information:

A signed set of assurances is a condition for receipt of Federal funds for the PAIR program. This requirement is mandated specifically for the PAIR program by section 509 of the Act and its implementing regulations at 34 CFR Part 381 and for the P&A system in general by the DD ACT and its implementing regulations. The assurances list all of the requirements that must be satisfied in order for the program to receive Federal funds under section 509 of the Act.

RSA will required each P&A to submit the assurances and other materials only once, prior to fiscal year (FY) 2007, beginning October 1, 2006. These materials served as a request for FY 2007 funds, and for funding in all subsequent fiscal years, until such time as the Governor, in accordance with the provisions of the DD Act, may redesignate the P& A. This procedure will reduce the reporting burden on the P&As and simplify the process by which grant awards are made by RSA.

This preprint, which is being submitted for approval, is without revisions from the previous preprint approved by OMB under number 1820-0625. This version of the PAIR assurances will expire on October 31, 2008.

3. Burden:

This is a preprinted legal document, which requires authoritative signature and minimal reporting burden. PAIR programs are not allowed to submit an electronic version of this document because it requires an authoritative signature. The possibility of allowing the grantees to submit the form electronically, with a hard copy of the signature page, was considered. However, the assurances preprint consists of only a two-page document in which the grantee is only required to check each of the 10 boxes to assure compliance and sign the form. RSA deliberately made this preprint simple so that little effort is required on the part of the PAIR grantee. We believe the burden on the grantee is so minimal that it does not justify allowing the grantee to submit the PAIR Assurances in two stages.

4. Duplication:

This document collects unique information that is not collected under any other instrument. Information collected by this set of assurances is required by Federal Statute and is not obtained through any other data source.

5. Small entities:

The collection of this information does not involve small businesses or other small entities.

6. Consequences of less frequent collection:

As described above in answer to number two (2), the Federal regulations require the PAIR program to submit the application and signed assurances and other materials only once prior

to October 1, 2006. These materials served as the request for FY 2007 funds and all subsequent fiscal years, until such time as the PAIR program in the State may be re-designated.

If the PAIR program fails to submit the application and signed assurances document prior to the start of the budget period, the P&A system will not be eligible to receive Federal funds. This method has been established as the required procedure.

7. Special circumstances:

There are no special circumstances that would require this information to be collected in a different manner than set forth in the required procedure.

8. Solicitation of public comment:

These assurances are taken directly from Federal law and regulations; therefore, public comment has not been sought. Consultation was sought from the PAIR grantees and the National Disability Right Network (NDRN), formerly known as the National Association of Protection and Advocacy Systems (NAPAS), when the regulations governing the PAIR program, which prescribe these assurances, were published. Furthermore, the PAIR grantees and NDRN had opportunities to comment on the statutory requirements governing the PAIR program during the most recent reauthorization process for the Act.

9. Payment to respondents:

No payment or gift has been provided to respondents.

10. Confidentiality:

This preprint of PAIR assurances does not contain specific or personal information.

11. Sensitive questions:

This preprint of PAIR assurances does not contain any questions of a sensitive nature.

12. Estimates of hour burden to respondents:

Number of respondents	--	57
Frequency of response	--	1
Total annual responses (axb)	--	57
Hours per response	--	.16
Total burden hours (cxd)	--	9.1
State hourly rate of salary	--	\$20
Total hour burden cost (exf)	--	\$182

13. Additional cost burden to respondents:

There is no additional cost burden to PAIR programs when submitting the PAIR assurances document.

14. Cost burden to the Federal government:

a. Review of each signed Assurances	--	.16 hour
b. Number of PAIR assurances to review	--	57
c. Total time to review PAIR Assurances	--	9.1 hours*
d. Federal hourly rate of salary	--	\$25
e. Total Federal hour burden cost	--	\$228

* The estimated burden hours to the Federal government does not include time needed for negotiation when a PAIR grantee fails to submit the Assurances document.

15. Program changes:

There are no program changes or adjustments reported.

16. Information to be published:

The information collected on this preprint will not be published for statistical use.

17. Approval not to display expiration date:

This document is not seeking OMB approval not to display the expiration date.

18. Exceptions to the certification statement:

This document meets each of the criteria outlined in the "Certification for Paperwork Reduction Act Submissions."

B. Collection of information employing statistical methods:

The PAIR Assurances preprint is a legal document and does not require the use of any statistical methods in obtaining information.