

SUPPORTING STATEMENT
Protection and Advocacy of Individual Rights

INFORMATION COLLECTION 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 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. 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.

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 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 reduces the reporting burden on the P&As and simplifies 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, 2011.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce 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. 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.**

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. If the collection of information impacts small businesses or other small entities (Part II item 8 of new OMB Form 83-I), describe any methods used to minimize burden.**

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

- 6. Describe the consequence 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.**

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.

- 7. Explain any special circumstance 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 secret, 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 would require this information to be collected in a different manner than set forth in the required procedure.

- 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.

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 Rights 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.

A 60-day and 30-day notice was published in the Federal Register for public comment.

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

No payment or gift has been provided to respondents.

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

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

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. This 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.

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

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 ten) 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 new OMB Form 83-I.**
- **Provide estimates of annualized cost to respondents for 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.**

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

The burden hours associated with the PAIR Assurances is estimated at 10 minutes, or .16 hours, per state or territory. The estimated hour burden per state or territory is not expected to vary significantly. Estimated burden hours are founded on information from previous submittals for PAIR grants.

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) the 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 purchasing 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.**

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

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.

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|----|--------------------------------------|----|------------|
| 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. Explain the reasons for any program changes or adjustments reported in item 16 of the new OMB Form 83-I.

There are no program changes or adjustments reported.

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 on this preprint will not be published for statistical use.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reason that display would be inappropriate.

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

18. Explain each exception to the certification statement identified in, "Certification for Paperwork Reduction Act Submissions."

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.