

**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 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 section¹. 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.

Section 509 of the *Rehabilitation Act of 1973*, as amended (Rehabilitation 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 Rehabilitation 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 Rehabilitation Act. Section 509(f) of the Rehabilitation 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. 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 Please limit pasted text to no longer than 3 paragraphs.

- 1) Title V, Section 509, of the Rehabilitation Act;
- 2) Federal regulations at 34 CFR Part 381 implementing section 509 of the Rehabilitation 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 Rehabilitation 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 Rehabilitation 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, 2014.

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 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. 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, 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 collection of this information does not involve 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.

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 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 that would require this information to be collected in a different manner.

- 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.

A 60-and 30-day Federal Register Notice was published, receiving no public comments during the 60-day comment period. 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). 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 Rehabilitation Act.

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

There is no payment or gift 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 IC Data Form. A confidentiality statement with a legal citation that authorizes the pledge of confidentiality should be provided.² 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 written request does not contain specific or personal information; 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.

The written request 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 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 item 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.**

² 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 this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in the ROCIS IC Burden Analysis Table. (The table should at minimum include Respondent types, IC activity, Respondent 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 Item 14.**

	Annual Burden
Number of respondents	57
Frequency of response	1
Total annual responses	57
Hours per response	0.16*
Total hours	9.1
Cost per hour	\$20
Total cost	\$182.00

* The burden hours associated with the written request for a PAIR program grant is estimated at 10 minutes, or .16 hours, per P&A in each State or territory. The estimated hour burden per P&A is not expected to vary significantly. Estimated burden hours are founded on judgments based on submittals of similar written requests for P&A grants administered by RSA, including the PAAT program and CAP.

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. Also, these estimates should not include the hourly costs (i.e., the monetization of the hours) captured above in Item 12**

Total Annualized Capital/Startup Cost: N/A

Total Annual Costs (O&M): N/A

Total Annualized Costs Requested:

N/A

There is no additional cost burden to the P&As in each State and territory when submitting the written assurances for a PAAT grant.

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.

a.	Review of each written request	.16 hours
b.	Number of written requests to review	57
c.	Total time to review written requests	9.1 hours*
d.	Federal hourly rate of salary	\$49
e.	Total cost (c x d)	\$446

- * The estimated burden hours to the federal government does not include time needed for negotiations when a written request is not approvable. Given the perfunctory nature of this written request, it would be unusual for a request to not be approvable.

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; this submission requires no changes to the burden for hours and costs included in current OMB inventory. With the exception of updating the hourly wage for Federal employees based on current information.

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 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 reasons 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 the Certification of Paperwork Reduction Act.

There are no exceptions to the certification statement.

B. Collection of Information Employing Statistical Methods

The written request for a PAIR grant is a legal document and does not require the use of any statistical methods in obtaining information.