

Section 704 Annual Performance Report (Parts I and II)

ICR Number 0985-0043

- (1) Please provide additional information on ACLReporting. Supporting Statement A (page 2) states that grantees submit the 704 Report “directly through the ACLReporting” is this an online portal or some other web-based system? If so, do grantees fill out the Word file? Or is there a web-based form available?**

ACLReporting is a secure, accessible, and user-friendly web-based system that supports the submission of state plans and performance reports for a number of ACL programs, including the Independent Living program. The Independent Living grantees use web-based forms in ACLReporting to complete the 704 Report and submit it to ACL. The Microsoft Word file posted on acl.gov is a hard-copy Word file of the template for the revised 704 Report. It is provided for review and approval purposes only and will not be used to complete and submit the revised 704 Report. The 704 Report and other draft forms for information collection by the Independent Living program are posted on the ACL website at <https://www.acl.gov/about-acl/policy-and-regulations>.

- (2) Please provide a more robust summary of comments received during the notice and comment periods. This summary can be included as a supplemental document, or a fuller discussion can be added to the Supporting Statement. In particular, Supporting Statement A (page 4) states that, “The majority of the comments that ACL received expressed concerns over inclusion of sexual orientation and gender identity questions in the reporting instrument and asked that those questions be removed.” Questions on these topics do not appear in the submitted instruments; does this mean that they were deleted in response to public comment?**

Sections 704(m)(4)(D), 706(d), 721(b)(3) and 725(c) of the Act and the corresponding regulations at 45 CFR 1329 require centers for independent living (CILs), designated State entities (DSEs), and Statewide Independent Living Councils (SILCs) to submit an annual performance report (APR) to the Administrator of the Administration for Community Living (ACL) to receive funding under the ILS (IL Part B and IL Part C) programs. ACL’s approval of grantee APRs is the major prerequisite for granting annual IL Part B (formula) and IL Part C (continuation) funding.

ACL published a 60-Day notice in the Federal Register in Vol. 82, No. 35, pg. 11471 on February 23rd, 2017. A Notice of Correction was published in the Federal Register in Vol. 82, No. 42 pg.12610 on March 6th, 2017, announcing that ACL had made changes to the submission instructions, the public comments closing date, the public comments email box, and statement of the core services. ACL received comments on the notice from 50 (Fifty) organizations that provided 221 (Two Hundred and Twenty-One) individual comments about the proposed information collection.

ACL reviewed all of the comments. The majority of the comments that ACL received expressed concerns over inclusion of sexual orientation (gay, lesbian, straight, bisexual, and something else) and gender identity (female, male, transgender, and gender unknown) questions in the reporting instrument and asked that those questions be removed. There also were comments related to the demographics data, listing of services provided to individuals with significant disabilities, the need for clarification of the definitions and instructions, and revisions related to the IL core services and additional services sections of the updated reporting instrument. ACL determined that extensive deliberation is needed to ensure that we appropriately address all of the concerns. This work will

inform a redesign of the proposed information collection forms prior to the expiration of the extension.

The original FR notice, which was published back in March, included the addition of sexual orientation and gender identity questions in the reporting instrument. The package at OMB that you are reviewing does not include these questions because it is a reinstatement without change of a previously approved data collection (ICR Rein w/o Chg, OMB approval number 0985-0023). This will allow ACL to use the existing forms to collect statutorily required data while we are working on the revisions to the data collection. ACL has requested a one-year extension of the current forms so it can continue to work on revising the forms. Approval of the one-year extension would allow us time to implement a thoughtful review and revision process and to put a new information collection request with the revised forms into PRA clearance.

The deadline for grantees to submit their FY 2017 704 reports is December 31, 2017. However, we do not have an approved data collection instrument. The current 704 report is identical to the one which OMB approved in 2014. ACL is seeking OMB approval to use the existing 704 report form for one year to allow us to collect the 2017 data and work on a separate submission that addresses the comments and input from the new political leadership at ACL. It should also be noted that all work on revisions to the 704 Parts I and II reports has ceased; and that a new work group has been established to handle that project. When it is ready, the revision will go through the full PRA clearance process, including public comment and submission to OMB for approval.

- (3) The ICR data associated with the individual ICs indicates that the “Line of Business” is “Education” and the “Subfunction” is Elementary, Secondary, and Vocational Education (this is the case for both ICs). Is this categorization correct? If not, please update.**

The forms were carried forward without change from the last approval, which was when the program was administered by the Department of Education. These should have been changed to reflect the transfer of the program to HHS. Adjustments have been made in ROCIS to reflect the correct categorization.

- (4) Please provide additional information on the changes that will be needed related to WIOA.**

The Workforce Innovation and Opportunity Act of 2014 (WIOA), enacted on July 22, 2014, created the Independent Living Administration and placed it in the Administration on Disabilities within ACL. It also added a new core service to the list of “independent living core services” that ACL funded Centers for Independent Living (CILs) are required to provide. Prior to WIOA, CILs were required to provide four core independent living services: (1) information and referral services; (2) independent living skills training; (3) peer counseling, including cross-disability peer counseling; and (4) individual and systems advocacy. WIOA added a fifth core service for “transition services.” The new core service has three components that require CILs to:

- Facilitate the transition of individuals with significant disabilities from nursing homes and other institutions to home- and community-based residences, with the requisite supports and services;
- Provide assistance to individuals with significant disabilities who are at risk of entering institutions so that the individuals remain in the community; and

- Facilitate the transition of youth with significant disabilities, who were eligible for individualized education programs (IEPs) under Section 614(d) of the Individuals with Disabilities Education Act, and who have completed their secondary education or otherwise left school to post-secondary life.

The new core service domain promotes full access to community living, which is in keeping with the Americans with Disabilities Act, the Supreme Court ruling in *Olmstead v. L.C.*, and subsequent legislation and regulations. These critical services also align with the core of ACL's mission and will be incorporated into the revised data collection forms that will be provided in a separate package.

(5) Why do the instructions and burden statements indicate that this is a collection sponsored by the Department of Education and that information must be submitted to RSA (within ED)?

This is a carryover from the existing form. The Part I and Part II instructions have been revised and are attached.