

## **SUPPORTING STATEMENT**

### **0985-New One Protection and Advocacy Annual Program Performance Report**

#### **Part A. Justification**

##### **1. Circumstances Making the Collection of Information Necessary**

The Administration on Intellectual and Developmental Disabilities (AIDD), Administration on Disabilities, Administration for Community Living, HHS is responsible for administering four Protection and Advocacy programs and their related data collections. The purpose of this information data collection request is to streamline the four P&A programs' annual reporting process and reduce the reporting burden on the grantees.

Each P&A system currently submits four separate reports to AIDD – one report for each of the funding sources listed below. It is proposed that the four forms be combined by creating the One Protection and Advocacy Annual Program Performance Report form. By combining the forms, P&As will have a reduced burden because they will be submitting only one report annually. Duplicative background and other data that appear in multiple reports will only need to be entered once. This also will promote accuracy and consistency because this data will not need to be entered multiple times. The authority for each report is as follows:

- The Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. 15044: Federal statute and regulation require each P&A to annually prepare a report that describes the activities and accomplishments of the system during the preceding fiscal year and a Statement of Goals and Priorities for each coming fiscal year. P&As are required to annually report on “the activities, accomplishments, and expenditures of the system during the preceding fiscal year, including a description of the system’s goals, the extent to which the goals were achieved, barriers to their achievement, the process used to obtain public input, the nature of such input, and how such input was used.”
- The Children’s Health Act of 2000, 42 U.S.C. Section 300d–53(h), requires the P&A System in each State to annually prepare and submit to the Secretary a report that includes documentation of the progress they have made in serving individuals with traumatic brain injury.
- The Assistive Technology Act of 1998, Section 5, as amended, P.L. 108–36, (AT Act), requires the P&A System in each State to annually prepare and submit to the Secretary a report that includes documentation of the progress they have made in--
  1. conducting consumer-responsive activities, including activities that will lead to increased access for individuals with disabilities to funding for assistive technology devices and assistive technology services;
  2. engaging in informal advocacy to assist in securing assistive technology and assistive technology services for individuals with disabilities;
  3. engaging in formal representation for individuals with disabilities to secure systems change, and in advocacy activities to secure assistive technology and assistive technology services for individuals with disabilities;

4. developing and implementing strategies to enhance the long-term abilities of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to advocate the provision of assistive technology devices and assistive technology services to which the individuals with disabilities are entitled under law other than this Act; and
5. coordinating activities with protection and advocacy services funded through sources other than this title, and coordinating activities with the capacity building and advocacy activities carried out by the lead agency.
  - The Help America Vote Act, P.L. 107-252, Title II, Subtitle D, Section 291, (42 U.S.C. 15461), requires each grantee to annually submit a narrative report describing the work performed with the funds authorized under 42 U.S.C. 15461 of the Help America Vote Act of 2002.

To meet the statutory reporting requirements, P&As have submitted four separate forms: the Developmental Disabilities Protection and Advocacy (PADD) Program Performance Report; the Protection and Advocacy for Assistive Technology (PAAT) Program Performance Report; the Protection and Advocacy for Voting Access Annual Report (Help America Vote Act) (HAVA); and the Protection and Advocacy for Traumatic Brain Injury (PATBI) Program Performance Report.

The combined form will also allow federal reviewers to analyze patterns more readily between goals, priority setting, and program performance. The annual program performance report (PPR) is reviewed by federal staff for compliance and outcomes. Information in the PPRs is analyzed to create a national profile of programmatic compliance, outcomes, and goals and priorities for P&A Systems for tracking accomplishments against these goals and priorities and to determine areas needing technical assistance, including compliance with Federal requirements. Information collected in the unified report will inform AIDD of trends in P&A advocacy, collaboration with other federally-funded entities, and identify best practices for efficient use of federal funds.

## **2. Purpose and Use of the Information Collection**

The annual program performance report (PPR) is reviewed by federal staff for compliance and outcomes. Information in the PPR is analyzed to create a national profile of programmatic compliance, outcomes, and goals and priorities for P&A Systems for tracking accomplishments against goals and to formulate areas of technical assistance related to compliance with Federal requirements. Information collected in the unified report will inform AIDD of trends in P&A advocacy, facilitate collaboration with other federally-funded entities, and identify best practices for the efficient use of federal funds.

Additionally, the information is used to provide a national perspective on where the program is going (prospective view), and to provide a gauge for program accomplishments against program objectives for purposes of identifying continuing challenges and formulating technical assistance and management support provided to P&A systems. Finally, the form's prospective information is compared for interpretation purposes with the corresponding performance data and outcomes that are reported to Congress, as required by the Government Performance and Results Act of 1993 (GPRA).

AIDD plans to make the data from these reports available on the internet to the general public.

### **3. Use of Improved Information Technology and Burden Reduction**

The report will be submitted electronically. A major consequence of the electronic submission of the PPR is enhanced ability to review the PPRs and to manage the data in them.

### **4. Efforts to Identify Duplication and Use of Similar Information**

A careful review of the One PPR was conducted to avoid any duplication between the reports that are submitted by the P&As. No duplication was found. The One PPR reduces burden on grantees by eliminating the need for P&As to enter identical information about the same entity for the four different programs. Examples that eliminate duplication include identifying grantee information and addresses, governance structure and outreach activities.

### **5. Impact on Small Businesses or Other Small Entities**

The information collected does not involve, nor result in assignment of burden to any small business or other small entity. It is collected from 57 State systems designated by the governor of each State.

### **6. Consequences of Collecting the Information Less Frequently**

The collection of data less frequently than that prescribed by the requirements of the Act and by the regulations (annually), would violate the statute and regulation. Less frequent collection would also prevent the Department from meeting its obligations under GPRA. Further, it would deny the Department the opportunity to have a year to year understanding of the P&A planning process in each State for purposes of providing technical assistance. In addition, the annual reports provide ongoing data on the performance of the P&As in terms of the requirements of the Act and performance outcomes.

## **7. Special Circumstances Relating to the Guidelines of 5 CFR 1320.5**

There are no special circumstances governing the collection of data that are inconsistent with the established guidelines pursuant to 5 CFR 1320.5.

## **8. Comments in Response to the Federal Register Notice and Efforts to Consult Outside the Agency**

A 60-and 30-day public comment period was published in the Federal Register. The 60-day FRN was published in the Federal Register, Vol. 83 FR 51690 No. 198 on October 12, 2018. The 30-day FRN was published in the Federal Register, Vol. 84 FR 10096 No. 53 on March 19, 2019.

Five comments were received during the 60-day public comment period. Three addressed AIDD's and the Secretary's monitoring role of the P&As and were not relevant to the proposed data collection request for comment.

One commenter suggested AIDD collect information on employees with disabilities in the proposed section on "Consumer Involvement in Governance." As consumer involvement in all levels of P&A activity is important, AIDD adopts that suggestion for the revised form.

One commenter suggested that we change the list of AT devices. After consideration of the comment, AIDD will modify the list of AT devices while retaining the majority of the original categories.

One commenter suggested we delay the data collection for one year to allow grantees time to prepare. While this may be optimal, two other tools are expiring in 2019. Therefore, AIDD will proceed with using this data collection in 2019.

Issues of the scope, content, availability of data, format, and clarity of instructions for the One PPR have been discussed with all of the P&A systems through focus groups, work groups, and in conferences organized on behalf of Administration on Intellectual and Developmental Disabilities by the National Disability Rights Network (NDRN). The format is based on the efforts of these focus groups, work groups, and conferences.

## **9. Explanation of Any Payment or Gift to Respondents**

No payments or gifts to respondents are planned.

## 10. Assurance of Confidentiality Provided to Respondents

There are no data collected that requires confidentiality, and hence no assurance of confidentiality is required. All data is aggregated by the States, and no individual data is provided to the Federal Government.

## 11. Justification for Sensitive Questions

No data is collected from States that is of a sensitive nature.

## 12. Estimates of Annualized Burden Hours and Costs

The following table summarizes the burden hour estimate for this information collection:

No. of States	No. of Responses Per State	Average Burden Hours Per State	Total Hours
57	1	128	7,296

The estimates of annual burden to the States vary very greatly in accordance with the size, program complexity, and technological capacity of the States. The annual burden on this form is predicted to be 128 hours which is ten percent less than the total of the four previous PPRs. The reduction in hours comes from the elimination of the requirement to enter duplicative information in each PPR.

PPR	Annual Hours Estimate (based on previous OMB burden estimates)
PADD	90
PAAT	16
PATBI	16
HAVA	20
PREVIOUS TOTAL	142
ONE PPR	128

The annualized cost of the hour burden, expressed in dollars is:

Average Cost/Hour	Average Burden Hours/State	Average Annual Cost/State	Total Annual Cost
\$73.12	128	\$9,359.36	\$533,483.52

This estimated average cost per hour includes a base average hourly cost salary of \$36.56 plus 100% of salary for fringe benefits and overhead. This figure comes from national survey data from the Bureau of Labor Statistics in 2017 for the job classification 11-9151 Social and Community Service Managers employed by “Social Advocacy Organizations.” Fifty of the 57 grantees completing the form are nonprofit organizations providing legal services. Most of the staff completing the forms are Executive Directors or Program Directors.

### **13. Estimates of Other Total Annual Cost Burden to Respondents and Record Keepers**

There is no annual cost burden or startup cost to respondents resulting from the collection of information for the One PPR.

### **14. Annualized Cost to the Federal Government**

This computation is based on an estimated \$60 per hour for the efforts of a Program Specialist; this estimated hourly rate includes a base average salary of \$30 plus 100% for fringe benefits and overhead.

Program specialists will devote an estimated 600 hours each year to organize and review the Program Performance Reports and to generate analyses of the information therein for the uses described in section 2.

Total Estimated Federal Costs: \$36,000

### **15. Explanation for Program Changes or Adjustments**

The combination of the four reports will simplify reporting by standardizing performance measurements and requiring grantees to enter data once for the four programs in some measures. This is a new collection of information with a program change increase of 7, 296 annual burden hours. The new measures ask grantees to quantify the number of people impacted in their work, which was data previously reported in narrative form. Examples of the new measures are below:

1. People with disabilities who are provided with appropriate community based services resulting in community integration and independence.
2. People with disabilities who accessed benefits.

3. People with disabilities who live in a healthier, safer or otherwise improved environment.

The grantees will report only on the standardized measures that are applicable to each program. Additionally, the measures have been designed so that they can be automatically tabulated by the grantees' case-tracking software. ACL's technical assistance provider will provide assistance to grantees in setting up automatic tallying in their existing systems. We anticipate a ten percent reduction in total burden for the One PPR compared to the four reports to allow for the reduction in the need to enter duplicative data and two forms. Now, data will only be entered once into one form.

#### **16. Plans for Tabulation and Publication and Project Time Schedule**

The PPRs are prepared by the P&A systems and submitted to the Department by January 1 of each year. Program personnel check the PPRs for completeness and consistency, and prepare program reviews and summaries of the information for use in technical assistance formulation, and for program management studies. Program personnel aggregate the data, do national analyses (sum, average, etc.), and other management analyses. The information obtained is used by AoD to develop program priorities and to formulate technical assistance.

Legislation and regulation mandate the information collected within the PPR becomes a public document. AIDD plans to make the data from these reports available on the internet to the general public.

The small amount of quantitative data is summed to show national totals for reports. Analysis and reporting of the data includes pie-charts and bar-charts. Textual data is stored in electronic databases for access by word-searches and to search for commonalties among States with regard to researching activities of evolving interest. Reporting on this data will be on an annual basis.

#### **17. Expiration Date**

The OMB expiration date will be displayed on all data collection instruments.

#### **18. Exceptions to Certification for Paperwork Reduction Act Submissions**

Not applicable.

### **Part B. Statistical Methods**

This information collection does not employ statistical methods.