

SUPPORTING STATEMENT

0985-0063 One Protection and Advocacy Annual Program Performance Report

Part A. Justification

1. Circumstances Making the Collection of Information Necessary

The Administration on Disabilities (AoD), Administration on Disabilities, Administration for Community Living, HHS is responsible for administering four Protection and Advocacy programs.

This is a revision to a currently approved information collection (IC), The One-PPR includes the following: (1) Developmental Disabilities Protection and Advocacy Systems Program Performance Report, (2) Protection and Advocacy for Assistive Technology (PAAT) Program Performance Report; (3) Protection and Advocacy Voting Access Annual Report (Help America Vote Act) (HAVA); and (4) Protection and Advocacy for Traumatic Brain Injury (PATBI) Program Performance Report.

This revision includes data elements based on funding from the Centers for Disease Control and Prevention to increase access to COVID-19 vaccines (ACCESS), and expand the Public Health Workforce (PHWF), provided under Section 2501 of the American Rescue Plan Act of 2021 (P.L. 117-2). Each P&A submits one report (One-PPR) for four funding sources, administered by ACL. As with each funding source, there is a reporting requirement. In an effort to reduce the burden of the P&As, each will continue to submit one report for all funding sources; however, as of FY2022, the report will incorporate the activities undertaken for the ACCESS and PHWF funding, by creating a new goal or priority in Part 2C and adding the narrative in Part 2.C.4 (Rationale for Adding/Changing Goal) or 2.C.5 (Rationale for Adding/Changing Priority). The guidance document provides a description of the data elements to be included in this section of the One-PPR template.

State Protection and Advocacy (P&A) Systems in each State and Territory, and the American Indian Consortium, provide individual legal advocacy, systemic advocacy, monitoring, and investigations to protect and advance the rights of people with developmental disabilities, using funding administered by the Administration on Disabilities (AoD), Administration for Community Living, HHS. To meet statutory reporting requirements, P&As use these forms for submitting annual reports. The PPRs are reviewed by federal staff for compliance and outcomes. Information in the reports is analyzed to create a national profile of programmatic compliance, outcomes, and goals and priorities for P&As for tracking accomplishments against goals and to formulate areas of technical assistance related to compliance with Federal requirements. Information collected informs AoD 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.

- 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 each P&A 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 each P&A 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.

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 AoD 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).

AoD 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 30-day notice pends publication in the *Federal Register Vol. 87 No.* on or by May 2, 2022. ACL intends to update the system record with the citation date which due to publication delays occurs after submittal. A 60-day notice published in the *Federal Register, Vol. 87, No. 26 7182 FRN on February 8, 2022.* ACL received 32 comments from 7 entities in response to the 60-day notice. Comments included concerns relating to demographic information, burden of effort, estimate of the developmental disabilities’ population, and clarification needed in the guidance document.

Organization	Section	Comment	Response
Disability Rights Maine	1C	Noted demographic information collected could be improved to better reflect diversity and cultural competency. The current choices are male and female. Recommended including a broad range of gender identify options. In addition, there is limited information on racial and ethnic diversity of individuals served. Recommended including whether a person is part of an immigrant community.	ACL intends to update this element to reflect appropriate gender identity options.
Disability Rights Maine	Part 3	Recommended including additional demographic information about the board, staff, and advisory council, similar to recommendations for 1C.	Upon review of the current PPRs, no changes will be made at this time.
Disability Rights Maine	None	Burden of hours of 140 to compile the One-PPR is correct; however, this estimate does not include the amount of time spent by staff to collect and input required information in its case management system.	As a result of the required information, no changes will be made at this time.

Disability Rights Michigan	None	The amount of time spent for this report is cumbersome, unnecessarily duplicative, and feels unconnected to the overall "why". The team of four spent 203 hours over 3 months to complete the report. The time and resources required to complete this report would be better spent serving clients. Additionally, the data reporting requirements also interact with this P&A's timekeeping and accounting systems, creating additional reporting complexity for grant projects. Recommended requesting information similarly to the PAIR report.	As a result of the required information, no changes will be made at this time.
Disability Rights Michigan	1A	This comment relates to 1A-I, 1J-P, 2A, 3A, 3B, 3C-J. The number of people served, cases closed, cases opened, people impacted and other categories are reported in six sections of the report. The data reporting is duplicative and confusing.	Upon review of the current PPRs, no changes will be made at this time.
Disability Rights Michigan	1C	Gender reporting is currently limited to male and female. Recommended expanding the choice to create a truer description of the gender identities of the people served.	ACL intends to update this element to reflect appropriate gender identity options.
Disability Rights New York	1C	This section requires reporting on the gender of individuals serviced. The current choices are male and female. P&As across the nation proudly support LGBTQ people with disabilities. Recommended permitting a broader array of responses, which would result in a negligible increase in the reporting burden on the P&As. However, it would make a marked difference in the ability of P&As to collect and report accurate and affirming gender demographic information.	ACL intends to update this element to reflect appropriate gender identity options.
Disability Rights Pennsylvania		Commend ACL and NDRN for the important work and vital support and guidance provided. Would like One-PPR streamlined so as not to divert time to reporting that could be spent on substantive work and to provide information that is more understandable, straightforward, and useful to the government and the public.	Upon review of the current PPRs, no changes will be made at this time.
Disability Rights Pennsylvania	1L	Most group cases are not focused on specific living arrangements or ages, creating	Upon review of the current PPRs, no

		confusion as to whether multiple living arrangements or ages should be chosen.	changes will be made at this time.
Disability Rights Pennsylvania	1O	Most group cases are not focused on specific living arrangements or ages, creating confusion as to whether multiple living arrangements or ages should be chosen.	Upon review of the current PPRs, no changes will be made at this time.
Disability Rights Pennsylvania	1P	Seeks information about "race/ethnicity of groups served" but noted that the information is included in IJ6.	The guide has been updated.
Disability Rights Pennsylvania	2A	This reflects goals and priorities for the completed fiscal year; unfortunately, the result is not a reader-friendly report. The result narratives are effectively limited to activities that have quantifiable outcomes based on the performance measurements, which are not sufficiently comprehensive. Additionally, "end outcomes" and "performance measures" are viewed as the same.	Upon review of the current PPRs, no changes will be made at this time.
Disability Rights Pennsylvania	Part 3	The term "performance measurements" is confusing when it appears to mean "end outcomes". Eleven end outcomes/performance measures are in some ways repetitive and in many ways not comprehensive.	Upon review of the current PPRs, no changes will be made at this time.
Disability Rights Pennsylvania	3A	Reporting on end outcomes for systemic litigation, educating policy makers, and other systemic activities is challenging because it does not really allow P&A to avoid duplication.	Upon review of the current PPRs, no changes will be made at this time.
Disability Rights Pennsylvania	3B	One-PPR asks for the number of people whose rights were advanced through class or system-impact litigation and for people whose rights were enforced, protected, or restored by non-litigation group activities. There is a potential for duplication due to data requested in 3A.	Upon review of the current PPRs, no changes will be made at this time.
Disability Rights Pennsylvania	2D	Information in this section is the same from year-to-year so it is unclear why it needs to be repeated annually.	Upon review of the current PPRs, no changes will be made at this time.
Disability Rights Pennsylvania	Part 5	This section requires the P&A to identify collaboration partners, but it is unclear what constitutes a collaboration partner.	Upon review of the current PPRs, no changes will be made at this time.

Disability Rights Pennsylvania	6C	This section asks for information on the number of Board members who are primary or secondary PADD, PATBI, PAIMI, PAIR, or PABSS consumers and who are AT users. Some board members may fall into more than one category but the P&A can only choose to put them in one category. This information is not an accurate reflection of consumer involvement in the Board.	Upon review of the current PPRs, no changes will be made at this time.
Disability Rights Pennsylvania		On page 20 of Guide, the number of clients for PADD can never exceed 1.58% of a state's population, yet the DD population almost certainly exceed 1.58%. Recommended updating this figure or allowing each P&A to calculate based on their jurisdiction.	While the 1.58% has not been changed, a clarifying sentence was added to the guide.
Disability Rights Pennsylvania	None	Recommended reconsidering the definition of "individual advocacy".	Upon review of the current PPRs, no changes will be made at this time.
Disability Rights Wisconsin	1B	Recommended removing problems and subproblems used infrequently	Upon review of the current PPRs, no changes will be made at this time.
Disability Rights Wisconsin	1E	Noted #1 and #2 are not mutually exclusive. Concerned about the way in which fully and partially met goals are categorized. Recommended combining #8 and #9.	Upon review of the current PPRs, no changes will be made at this time.
Disability Rights Wisconsin	1P	Recommended revising instructions relating to how group projects should be counted, to provide clarity.	Upon review of the current PPRs, no changes will be made at this time.
Disability Rights Wisconsin	Part 2	Noted it is time-consuming to provide narrative for each example. Recommended allowing for more broad discussion on goals and priorities and eliminate quantitative measures.	As a result of the required information, no changes will be made at this time.
Disability Rights Wisconsin	Part 3	Noted small differences in performance measures. Recommended changing performance measures in Part 3D; 3F; 3G; and 3H. Additional instructions are needed in Guide.	Upon review of the current PPRs, no changes will be made at this time.
Disability Rights Wisconsin	Part 3.C	Considered #3 duplicative of Part 1E.	Upon review of the current PPRs, no changes will be made at this time.

Disability Rights Wisconsin	None	Noted that report is extremely time consuming since data and narratives are requested in different ways. One-PPR attempts to quantify result of P&A work, but it does not do enough to ensure that numbers reported have an understandable meaning. Additionally, there is little guidance on what numbers should be used for various types of activities. However, even if this guidance was thorough, there is too much to report on.	As a result of the required information, no changes will be made at this time.
Family & Friends of Care Facility Residents	None	Reporting of use of public funds to the administering agency by federal grantees is necessary. Accurate, non-partisan reporting by the protection and advocacy systems must be foundational for ACL. As the administering agency, ACL must assure accountability for the proper use of federal funds from the programs for which it is responsible. ACL's responsibilities include oversight of the activities of four programs created under the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (DD Act): (1) Protection and Advocacy System for Persons with Developmental Disabilities (PADD), (2) State Councils on Developmental Disabilities (CDD), (3) University Centers for Excellence in Developmental Disabilities (UCEDD) and (4) Projects of National Significance (PNS).	No changes were recommended
Family & Friends of Care Facility Residents		DD Act programs operate in every state. Accurate reporting to ACL by the four DD Act programs, including protection and advocacy systems for persons with developmental disabilities (PADD) is fundamental in meeting accountability requirements for programs receiving federal funds. It is necessary that the administering agency (ACL) understand PADDs' goals, activities and outcomes for the nation's diverse populations with developmental disabilities, the situations of their families and the range of services offered by states. The impact of PADD's activities on families of persons with disabilities and the states' human service systems have not been accurately reported.	Upon review of the current PPRs, no changes will be made at this time.

		The report forms used by PADD do not transmit the information of vulnerable people living with lifelong disabilities and of federal grant programs which use litigation as a tool to eliminate long-term care facilities for citizens unable to care for themselves (PADD's "systems change" goals). Further, it is not a requirement of PADD to submit data in their reports to ACL on mortality and sentinel events (911 calls or ER visits) of citizens with cognitive and developmental disabilities. See for example the deaths of vulnerable residents in GA and VA following their forced transitions from long-term care facilities.	
Family & Friends of Care Facility Residents	None	Persons who are impacted by ACL policies and DD Act program activities, including P&As have been excluded from policymaking by the agency. ACL last held public hearings ("Listening Sessions") in 2010. The nearest ACL Listening Session to Arkansas families was in Dallas, Texas and three of our family members attended. Our experience was that families of persons with high-needs-care and who receive services in a long-term care facility were excluded from Day Two of the listening session. Despite our request (submitted in writing to ACL) to come to D.C. to participate in the agency's strategic planning sessions, we were not notified or invited. Later, we found the published reports of the listening sessions to be inaccurate and highly partisan.	No changes were recommended
Family & Friends of Care Facility Residents	None	Simple forms with boxes to check are insufficient to accurately and fully report the diverse and complex realities of the population with developmental disabilities to ACL. Health and safety of persons unable to care for themselves who are nonverbal and for whom there is no cure, their aging primary caregivers, the lack of specialized, licensed long-term care facilities for persons with cognitive and developmental disabilities, and the use of jails and hospitals as emergency placements for high-needs	Upon review of the current PPRs, no changes will be made at this time.

		persons are but some of the information which ACL should be receiving.	
National Disability Rights Network	1C	The choices for the gender demographic question, nor the two answers appropriately reflect the time in which we live. It is not uncommon for P&A staff to feel constrained by the traditional definitions of female and male. Recommended broadening the choices to: Male, Female, Not Listed, Choose Not to Answer.	ACL intends to update this element to reflect appropriate gender identity options.

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 assurances to confidentiality. All data is aggregated by the Jurisdictions, 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 Jurisdictions	No. of Responses Per Jurisdiction	Average Burden Hours Per Jurisdiction	Total Hours
57	1	144	8,208

The estimates of annual burden to the organizations vary with the size, program complexity, and technological capacity of the organizations. The annual burden on this form is predicted to be 144 hours which is 11 percent more than the total of the previous PPR. The increase in hours comes from the additional requirement because of additional funds for COVID-19-related activities.

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

Average Cost/Hour	Average Burden Hours/Jurisdiction	Average Annual Cost/Organization	Total Annual Cost
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\$66.92	144	\$9,636.92	\$549,304.62
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This estimated average cost per hour includes a base average hourly cost salary of \$33.46 plus 100% of salary for fringe benefits and overhead. This figure comes from national survey data from the Bureau of Labor Statistics in 2020 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

There is program change due to new statute increase of 11 percent (+912) based on costs/funds for COVID-19-related activities.

This revision includes data elements based on funding from the Centers for Disease Control and Prevention to increase access to COVID-19 vaccines (ACCESS), and expand the Public Health Workforce (PHWF), provided under Section 2501 of the American Rescue Plan Act of 2021 (P.L. 117-2).

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, consistency, and preparation of 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. AoD 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 include pie-charts and bar-charts. Textual data is stored in electronic databases for access by word-searches and to search for commonalties among organizations 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.