

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES
REHABILITATION SERVICES ADMINISTRATION
WASHINGTON, D.C. 20202

POLICY DIRECTIVE
RSA-PD-15-04
DATE: January 28, 2015

ADDRESSEES: PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS
PROGRAMS
PROTECTION AND ADVOCACY FOR ASSISTIVE
TECHNOLOGY PROGRAMS
CLIENT ASSISTANCE PROGRAMS
STATE VOCATIONAL REHABILITATION AGENCIES
STATE REHABILITATION COUNCILS
AMERICAN INDIAN VOCATIONAL REHABILITATION
PROJECTS
STATEWIDE ASSISTIVE TECHNOLOGY PROGRAMS

SUBJECT: OMB Approval of the Assurances for the Protection and Advocacy
of Individual Rights (PAIR) Program, OMB 1820-0625

POLICY: The Office of Management and Budget (OMB) has extended the
assurances for the Protection and Advocacy of Individual Rights
(PAIR) program through November 30, 2017. The OMB control
number is 1820-0625.

Section 509 of the Rehabilitation Act (Rehabilitation Act), as amended by the Workforce Innovation and Opportunity Act, and its implementing federal regulations at 34 CFR Part 381 require that the PAIR grantees submit an application to the Commissioner of the Rehabilitation Services Administration (RSA) in order to receive assistance under Section 509 of the Act. The application consists of a set of assurances concerning the statutorily prescribed purposes and functions that grantees must comply with, which are specifically set forth in Section 509(f).

As of fiscal year 2015, all PAIR grantees have submitted the required assurances and are no longer required to do so annually. However, as mandatory components of the protection and advocacy system (P&A) in each state, PAIR grantees must submit these assurances upon redesignation of the P&A.

CITATIONS

IN LAW: Section 509 of the Rehabilitation Act, as amended by the Workforce Innovation and Opportunity Act, and Paperwork Reduction Act of 1995.

EFFECTIVE

DATE: Immediately upon issuance

EXPIRATION

DATE: November 30, 2017

INQUIRIES:

Please direct any questions concerning this Policy Directive to David M. Jones, Vocational Rehabilitation Unit, Rehabilitation Services Administration, 550 12th St., SW, RM 5143, Washington, DC 20202-2800; by telephone (202) 245-7356; or by email at David.Jones@ed.gov.

/s/

Janet L. LaBreck
Commissioner

ATTACHMENTS

CC: Council of State Administrators of Vocational Rehabilitation
National Council of State Agencies for the Blind
National Disability Rights Network

REHABILITATION SERVICES ADMINISTRATION
SECTION 509 -- PAIR ASSURANCES

An eligible system (check if yes)

- _____ (1) has in effect a system to protect and advocate for the rights of eligible individuals with disabilities;
- _____ (2) has the same general authorities, including access to records and program income, as are set forth in part C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 6041 et seq.);
- _____ (3) has the authority to pursue legal, administrative, and other appropriate remedies or approaches to ensure the protection of, and advocacy for, the rights of eligible individuals with disabilities within the State or the American Indian Consortium;
- _____ (4) provides information on and makes referrals to programs and services addressing the needs of individuals with disabilities in the State or the American Indian Consortium, including individuals with disabilities who are exiting from public school programs;
- _____ (5) develops a statement of objectives and priorities on an annual basis, and a plan for achieving these objectives and priorities;
- _____ *(6) provides to the public, including individuals with disabilities and, as appropriate, their representatives, an opportunity to comment on the objectives and priorities established by, and activities of, the eligible system including -
 - * (A) the objectives and priorities for the activities of the eligible system for each year and the rationale for the establishment of such objectives and priorities; and
 - * (B) the coordination of programs provided through the eligible system with the advocacy programs of the Client Assistance Program under Section 112 of the Rehabilitation Act of 1973, as amended, the State Long-Term Care Ombudsman program established under the Older Americans Act of 1965 (42 U.S.C. 3001-3030), Part C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 6041 et seq.), and the Protection and Advocacy of Individuals with Mental Illness Act (42 U.S.C. 10801 et seq.);
- _____ *(7) establishes a grievance procedure for clients or prospective clients of the eligible system to ensure that individuals with disabilities are afforded equal access to the services of the eligible system;
- _____ (8) uses the funds made available to the PAIR program to supplement and not supplant the non-Federal funds that would otherwise be made available for the purpose for which Federal funds are provided;
- _____ (9) implements procedures designed to ensure that, to the maximum extent possible, mediation (and other alternative dispute resolution) procedures, which include good faith negotiation, are used before resorting to formal administrative or legal remedies; and

_____ (10) assures that direct payment of funds under the PAIR program is not prohibited by nor inconsistent with State law, regulation or policy.

As a duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above assurances.

Name of Applicant: _____

Printed name and title of authorized representative: _____

Signature: _____

Date: _____

* Applicants should attach the information (marked with an asterisk above) to the application package in the order in which the information is presented in the above Assurances. Applicants should label the attachments clearly according to the applicable Assurance.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain or retain benefit pursuant to Section 509 of the Rehabilitation Act of 1973, as amended, and its implementing federal regulations at 34 CFR Part 381. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, 400 Maryland Ave., SW, Washington, DC 20202-4536 or email ICDocketMgr@ed.gov and reference the OMB Control Number 1820-0625. Note: Please do not return the completed form to this address.