

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

POLICY DIRECTIVE  
RSA-PD-12-03  
DATE: December 15, 2011

ADDRESSEES: PROTECTION & ADVOCACY OF INDIVIDUAL RIGHTS  
PROGRAMS  
PROTECTION & ADVOCACY FOR ASSISTIVE TECHNOLOGY  
PROGRAMS  
CLIENT ASSISTANCE PROGRAMS  
STATE VOCATIONAL REHABILITATION AGENCIES  
AMERICAN INDIAN VOCATIONAL REHABILITATION SERVICE  
PROGRAMS  
STATE REHABILITATION COUNCILS  
STATEWIDE ASSISTIVE TECHNOLOGY PROGRAMS  
CONSUMER ADVOCACY ORGANIZATIONS

SUBJECT: Announcement of OMB Approval for Protection and Advocacy of  
Individual Rights Program Assurances.

POLICY  
STATEMENT: The Office of Management and Budget (OMB) has reinstated the  
assurances of compliance for the Protection and Advocacy of Individual  
Rights (PAIR) program through October 31, 2014. The OMB number is  
1820-0625.

Section 509 of the *Rehabilitation Act of 1973*, as amended, and its  
implementing federal regulations at 34 CFR Part 381 require that the  
PAIR grantees submit an application to the RSA Commissioner 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 2012, 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 of 1973*, as amended, and *Paperwork  
Reduction Act of 1995*.

**EFFECTIVE**

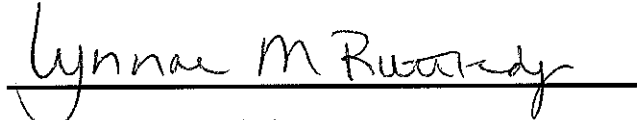
**DATE:** Immediately upon issuance

**EXPIRATION**

**DATE:** October 31, 2014

**INQUIRIES:**

Please direct any questions concerning this Policy Directive to David Jones at (202) 245-7356 or by email at David.Jones@ed.gov.



Lynnae M. Rutledge  
Commissioner

**ATTACHMENT**

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	
Yes	An eligible system
	(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. The valid OMB control number for this information collection is 1820-0625. The time required to complete this information collection is estimated to average 10 minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. 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. If you have any comments concerning the accuracy of the time estimate or suggestions for improving this form, please write to: U.S. Department of Education, Washington, DC 20202-2703. If you have comments or concerns regarding the status of your individual submission of this form, write directly to: OSERS/RSA, U.S. Department of Education, 400 Maryland Avenue S.W., Washington, DC 20202-2800.

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### CERTIFICATION REGARDING LOBBYING

Applicants must review the requirements for certification regarding lobbying included in the regulations cited below before completing this form. Applicants must sign this form to comply with the certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying." The certification shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education decides to award the grant, cooperative agreement, loan or loan guarantee.

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#### 1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement;

(b) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

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

NAME OF APPLICANT	PR/AWARD NUMBER AND / OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE