UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES
REHABILITATION SERVICES ADMINISTRATION
WASHINGTON, D.C. 20202-2531

POLICY DIRECTIVE
RSA-PD-03-04
DATE: April 14, 2003

ADDRESSEES: STATE VOCATIONAL REHABILITATION AGENCIES (GENERAL)
STATE VOCATIONAL REHABILITATION AGENCIES (BLIND)
CLIENT ASSISTANCE PROGRAMS
PROTECTION & ADVOCACY OF INDIVIDUAL RIGHTS
STATE REHABILITATION COUNCILS
AMERICAN INDIAN VOCATIONAL REHABILITATION SERVICE PROGRAMS
CONSUMER ADVOCACY ORGANIZATIONS
RSA SENIOR MANAGEMENT TEAM

SUBJECT: Announcement of OMB Approval for Report Form RSA-509, Annual Protection and Advocacy of Individual Rights (PAIR) Program Performance Report.

POLICY STATEMENT: The Office of Management and Budget (OMB) has reinstated Form RSA 509, Annual Protection and Advocacy of Individual Rights (PAIR) Program Performance Report, as a data collection instrument, through March 31, 2006. The OMB number is 1820-0627.

RSA has made two substantive changes to the content of Form 509 transmitted by PD-00-05, dated February 1, 2000. Previously, pursuant to the Government Performance and Results Act (GPRA), RSA had identified client satisfaction as one indicator to be examined when analyzing the effectiveness of PAIR. Consequently, RSA included a section on client satisfaction data in the original Form 509. However, the extremely low response rate to the surveys distributed by the PAIRs over the past several years renders the data collected unusable for the purpose of evaluating the program. Therefore, RSA has determined that it will no longer collect this type of information, and thus, has deleted all questions relating to client satisfaction, found in Part II.F, from Form 509.

Additionally, in an effort to further reduce the reporting burden on the grantees, RSA is now requiring that the PAIRs submit a statement of their priorities and objectives for the fiscal year succeeding that covered by the report as part of Form 509. Prior to the approval of the current Form 509, RSA has collected this information as a separate submission due no later than January 1st of each year. Please see the inclusion of Part V.B, along with a corresponding explanation in the Instructions that accompany Form 509.

RSA uses the form to meet specific data collection requirements of Section 509 of the Rehabilitation Act of 1973, as amended (Act), and its implementing Federal regulations at 34 CFR Part 381. PAIR programs must report annually using Form RSA-509 (copy attached), which is due on or before December 30 each year. Information on transmittal of the form, including electronic transmission, is found on pages 18-21 of the reporting instructions.

CITATIONS IN LAW:	Section 509 of the Rehabilitation Act of 1973, as amended; and Paperwork Reduction Act of 1995
CITATIONS IN REGULATIONS:	34 CFR Part 381
EFFECTIVE DATE:	Immediately upon issuance
EXPIRATION DATE:	March 31, 2006
INQUIRIES:	Please direct any questions concerning this Policy Directive to the Chief, Basic State Grants Branch, Rehabilitation Services Administration, 330 C St., S.W., Room 3225, Washington, DC 20202-2735, (202) 245-7488.

Joanne Wilson
Commissioner

ATTACHMENTS

cc: Council of State Administrators of Vocational Rehabilitation
National Organization of Rehabilitation Partners
National Association of Protection and Advocacy Systems

ANNUAL PROTECTION & ADVOCACY OF INDIVIDUAL RIGHTS (PAIR) PROGRAM PERFORMANCE REPORT

Fiscal Year

DESIGNATED AGENCY IDENTIFICATION	
Name:	
Address:	
E-mail Address (if applicable):	
Website Address (if applicable):	
Phone: ( )	TTY: ( )
Toll-free Phone: ( )	Toll-free TTY: ( )
Fax: ( )	
Name of P&A Executive Director:	
Name of PAIR Director/Coordinator:	
Person to contact regarding report:	
Contact Person's phone: ( )	

PART I. NON-CASE SERVICES:	
A. Individual Information and Referral Services (I&R): (Multiple responses are not permitted.)	
1. Individuals receiving I&R within PAIR's priority areas	
2. Individuals receiving I&R outside of PAIR's priority areas	
3. Total individuals receiving I&R (lines A1+A2)	
B. Training Activities:	
1. Number of trainings presented by PAIR staff	
2. Number of individuals who attended these trainings (approximate)	
Describe the trainings presented by PAIR staff. Be sure to include information about the topics covered, the training methods used, and the purpose for the training. Use separate sheets if necessary.	
C. Information Disseminated to the Public:	
1. Radio and TV appearances by PAIR staff	
2. Newspaper/magazine/journal articles	
3. PSAs/videos aired	
4. Hits on the PAIR/P&A website	
5. Publications/booklets/brochures disseminated	
6. Other (specify on separate sheet)	

PART II. INDIVIDUALS SERVED:	
A. Individuals Served: (An individual is counted only once per fiscal year. Multiple counts are not permitted for lines A1 through A3.)	
1. Individuals who were still being served as of October 1 (carryover from prior fiscal year)	
2. Additional individuals who were served during the year	
3. Total individuals served (lines A1+A2)	
4. Individuals who had more than one case file opened/closed during the fiscal year. (This number is not added to the total on line A3 above.)	
B. Individuals still served as of September 30 (carryover to next year) (May not exceed total on line II.A.3 above.)	
C. Problem Areas/Complaints of Individuals Served:	
1. Architectural accessibility	
2. Employment	
3. Program access	
4. Housing	
5. Government benefits/services	
6. Transportation	
7. Education	
8. Assistive technology	
9. Voting	
10. Health care	
11. Insurance	
12. Non-government services	
13. Privacy rights	
14. Access to records	
15. Abuse	
16. Neglect	
17. Other	
D. Reasons for Closing Individual's Case Files:	
1. Issues resolved partially or completely in the individual's favor	
2. Other representation found	
3. Individual withdrew complaint	
4. Appeals were unsuccessful	
5. PAIR services not needed due to individual's death, relocation, etc.	
6. PAIR withdrew from case	
7. PAIR unable to take case because of lack of resources	
8. Individual's case lacks legal merit	
9. Other (Please explain on separate sheet.)	
E. Intervention Strategies Used in Serving Individuals: (List the highest level of intervention used by PAIR prior to closing each case file.)	
1. Technical assistance in self-advocacy	
2. Short-term assistance	

3. Investigation/monitoring	
4. Negotiation	
5. Mediation/alternative dispute resolution	
6. Administrative hearings	
7. Litigation (including class actions)	
8. Systemic/policy activities	

PART III. STATISTICAL INFORMATION ON INDIVIDUALS SERVED:	
A. Age of Individuals Served: (as of October 1) (Multiple responses not permitted.)	
1. 0 - 4	
2. 5 - 22	
3. 23 - 59	
4. 60 - 64	
5. 65 and over	
B. Gender of Individuals Served: (Multiple responses not permitted)	
1. Females	
2. Males	
C. Race/Ethnicity of Individuals Served: (Multiple responses permitted)	
1. White	
2. Black or African American	
3. American Indian or Alaska Native	
4. Asian	
5. Native Hawaiian or other Pacific Islander	
6. Hispanic or Latino	
7. Race/ethnicity unknown	
D. Living Arrangements of Individuals Served: (Multiple responses not permitted)	
1. Independent	
2. Parental or other family home	
3. Community residential home	
4. Foster care	
5. Nursing home	
6. Public institutional living arrangement	
7. Private institutional living arrangement	
8. Jail/prison/detention center	
9. Homeless	
10. Other living arrangements	
11. Living arrangements not known	
E. Primary Disability of Individuals Served: (Identify the individual's primary disability, namely the one directly related to the issues/complaints raised by the individual.)	
1. Blind/visual impairment	
2. Deaf/hard of hearing	
3. Deaf-blind	

4. Orthopedic impairment	
5. Mental illness	
6. Substance abuse	
7. Mental retardation	
8. Learning disability	
9. Neurological impairment	
10. Respiratory impairment	
11. Heart/other circulatory impairment	
12. Muscular/skeletal impairment	
13. Speech impairment	
14. AIDS/HIV	
15. Traumatic brain injury	
16. Other disability	

PART IV. SYSTEMIC ACTIVITIES AND LITIGATION:	
A. Systemic Activities:	
1. Number of policies/practices changed as a result of non-litigation systemic activities	
2. Number of individuals potentially impacted by policy changes	
Describe your systemic activities. Be sure to include information about the policies that were changed and how these changes benefit individuals with disabilities. Include case examples of how your systemic activities impacted individuals served. (Attach separate sheets if necessary.)	
B. Litigation/Class Actions:	
1. Number of individuals potentially impacted by changes as a result of PAIR's litigation/class action efforts	
2. Number of individuals named in class actions	
Describe your litigation/class action activities. Explain how individuals with disabilities benefited from your litigation activities. Be sure to include case examples that demonstrate the impact of your litigation. (Attach separate sheets if necessary.)	

PART V. PAIR'S PRIORITIES AND OBJECTIVES:

A. Priorities and Objectives for the Fiscal Year Covered by this Report:

For each of your PAIR program priorities for the fiscal year covered by this report, please:

1. Identify and describe the priority.
2. Identify the need, issue or barrier addressed by this priority.
3. Identify and describe indicators PAIR used to determine successful outcome of activities pursued under this priority.
4. Explain whether pursuing this priority involved collaborative efforts by other entities. If so, describe this collaboration.
5. Provide the number of cases handled under the priority. Indicate how many of these, if any, were class actions.
6. Provide at least one case summary that demonstrates the impact of the priority.

B. Priorities and Objectives for the Current Fiscal Year:

Please include a statement of priorities and objectives for the current fiscal year (the fiscal year succeeding that covered by this report), which should contain the following information:

1. a statement of each priority;
2. the need addressed by each priority; and;
3. a description of the activities to be carried out under each priority.

PART VI. NARRATIVE:

At a minimum, you must include all of the information requested. You may include any other information, not otherwise collected on this reporting form that would be helpful in describing the extent of PAIR activities during the prior fiscal year. Please limit the narrative portion of this report, including attachments, to 20 pages or less.

The narrative should contain the following information. The instructions for this form outline the information that should be contained in each section.

A. Sources of funds received and expended

B. Budget for the fiscal year covered by this report

C. Description of PAIR staff (duties and person-years)

D. Involvement with advisory boards (if any)

E. Grievances filed under the grievance procedure

F. Coordination with the Client Assistance Program (CAP) and the State long-term care program, if these programs are not part of the P&A agency

Within 90 days after the end of the fiscal year covered by this report, mail one copy of this report to the RSA Regional Office and one copy to the RSA Central Office specified in the instructions.

Signature of agency official	Date

PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS (PAIR) PROGRAM PERFORMANCE REPORT

INSTRUCTIONS

Paperwork Reduction Act Notice:

FISCAL YEAR: Enter the fiscal year covered by this report.

DESIGNATED AGENCY IDENTIFICATION: Enter the name, address, telephone, TTY and fax numbers (including area codes), and e-mail and website addresses (if applicable) of the agency designated to administer the PAIR program. Also, enter the names of the Executive Director of the Protection and Advocacy (P&A) agency, the PAIR director/coordinator (if applicable), and the person to contact (including telephone number) in the event questions arise regarding the report.

DEFINITIONAL GUIDELINES FOR THIS REPORT

I&R SERVICES: I&R services are those services that include responses to individuals at meetings, one-time telephone discussions, and follow-up mailings of letters, brochures and/or pamphlets per an individual's request. These services generally take less than one hour of service time. PAIR generally would not have personal identifying information about the individuals who request and/or receive I&R services, except possibly for the name, address and telephone number. For purposes of this section of the report, individuals who receive I&R services are those who do not meet the definition of "individual served" (see definition below).

INDIVIDUAL SERVED: To be considered an "individual served" (a.k.a. a "client" of PAIR), the individual must meet three criteria:

1. The individual is eligible for PAIR services according to section 509(a) of the Rehabilitation Act of 1973, as amended (Act);

2. PAIR has opened a case file/service record, which includes at least the individual's name, address, age, race, disability, signed release of information form (if appropriate), the individual's concern or complaint, and the action taken by PAIR; and;

3. PAIR provided at least one "significant service," such as:
   a. at least one hour of case service time;
   b. a supervised referral that allows follow-up to assure that the referral was appropriate and completed;
   c. the completion of a second telephone call to the client when the time between telephone calls was used to obtain additional information about appropriate programs; or
   d. the provision of any allowable service beyond I&R services, as defined above.

To satisfy the first criterion above, an individual is eligible for PAIR services if he/she:

1. is ineligible for the Protection and Advocacy for Developmental Disabilities (PADD) program because the individual does not meet the definition of having a "developmental disability" as defined in the Developmental Disabilities Assistance and Bill of Rights Act;

2. is ineligible for the Protection and Advocacy for Individuals with Mental Illness (PAIMI) program because the individual is not an "individual with a mental illness" as defined in the Protection and Advocacy for Mentally Ill Individuals Act; and;

3. needs services that are beyond the scope of services authorized to be provided by the Client Assistance Program (CAP) under section 112 of the Act.

CASE FILE/SERVICE RECORD: This is the compilation of personal identifying information about the individual, documents, letters, complaints/issues raised, advocate's notes, etc., used in working with an "individual served" (as defined above). It may contain many issues at any one time. In fact, many individuals served will present several issues to PAIR during the course of the PAIR/client relationship. The case file/service record is opened at the time PAIR determines that it will provide at least one "significant service" (as defined above) for the individual. New issues may arise while still working with the individuals. These new issues, if appropriate for PAIR intervention, should be added to the existing case file/service record.

PART I. NON-CASE SERVICES:

A. Individual Information and Referral (I&R) Services: Include in this category the number of times that PAIR provided I&R services to individuals during the fiscal year. Be sure to include only numbers that reflect I&R services provided by only the PAIR program- not the P&A agency as a whole. Estimated counts are not acceptable for this section. All PAIRs should maintain logs to respond accurately to this section. Such routine requests should not require maintenance of client confidential information, extensive research by PAIR staff, or extended contact with the individual. For purposes of this section of the report, do not include any data regarding I&R services provided to individuals who meet the definition of "individual served" (as defined above). Services provided to those individuals are recorded in another section of this report.

When counting follow-up mailings of letters, brochures or pamphlets, be sure to count only the number of individuals who actually requested the information, not the number of letters, brochures or pamphlets sent. Do not include the number of brochures, pamphlets or newsletters that are routinely distributed en masse or the number of individuals who attend workshops or trainings presented by PAIR staff. This data will be collected in another section of this report.

Line A1: Enter the number of individuals who received I&R services from PAIR for issues that were **within** the priorities set by PAIR for the fiscal year covered by this report. In other words, PAIR was able to meet these individuals' needs by providing I&R services only and did not open a case file/service record for these individuals.

Line A2: Enter the number of individuals who received I&R services from PAIR on issues that were **not** within PAIR's priorities for the fiscal year covered by this report.

Line A3: Add lines A1 and A2. This is the total number of individuals who received I&R services from PAIR during the fiscal year covered by this report.

B. Training Activities: Include in this category information about the trainings offered by the PAIR program. PAIR staff frequently offer trainings for individuals with disabilities, their families, and various community groups. The purpose of these trainings is generally to educate individuals with disabilities, their families, and members of the community about the laws protecting individuals with disabilities. These trainings are also often used to teach self-advocacy skills to individuals with disabilities and their families.

Line B1: Enter the number of trainings and workshops presented by PAIR staff during the fiscal year covered by this report.

Line B2: Enter the number of individuals who attended these trainings. If PAIR did not maintain registration logs of these trainings and workshops, it is acceptable to provide an estimate of the number of individuals who attended the trainings and workshops.

Descriptive Information: Describe the trainings and workshops presented by PAIR staff as completely as possible. For each of the trainings and workshops presented, be sure to include information about: 1) the topics and issues covered by the trainings; 2) the training methods used (i.e., lecture, hands-on learning, etc.); and 3) the purpose of the training. Please use additional sheets as necessary to provide this information.

C. Information Disseminated to the Public: Include in this category information that PAIR disseminated to the public at large. In many of these circumstances, PAIR will be unable to provide the number of individuals who received the information. Therefore, this data will not be requested for many of the following items.

Line C1: Enter the number of radio and/or TV appearances that PAIR staff made during the fiscal year covered by this report.

Line C2: Enter the number of articles that PAIR staff wrote and had published in the newspaper, magazines, journals or other periodicals. Also include on this line the number of articles, written by others, but that highlighted the work done by PAIR during the fiscal year covered by this report.

Line C3: Enter the number of videos or public service announcements (PSAs) that were aired pursuant to efforts by PAIR. Do not include the number of times the videos or PSAs were aired. Instead, count only the actual number of PSAs or videos that were aired during the fiscal year covered by this report. For example, the local radio station aired two of PAIR's PSAs about architectural barriers thirty times each. For purposes of this line entry, there were 2 PSAs aired.

Line C4: Enter the number of hits that were made on PAIR's (or the P&A's) website (if applicable) during the fiscal year covered by this report.

Line C5: Enter the number of publications, booklets or brochures that PAIR disseminated during the fiscal year covered by this report. Include on this line, those brochures, booklets and publications that were disseminated en masse at trainings or via regular mailings to PAIR's mailing list. Do not include on this line those brochures, booklets or publications that were disseminated to individuals at the individual's request. This information was collected in category "A" above.

Line C6: Enter the number of other information, not otherwise collected in this section of the report, which was disseminated to the public at large during the fiscal year covered by this report. Be sure to specify the types of information and the method used to disseminate this information on a separate sheet.

<u>PART II. INDIVIDUALS SERVED</u>:

A. Individuals Served: Include in this category, the number of individuals to whom PAIR provided advocacy services during this fiscal year. As stated in the definitional guidelines section above, an "individual served" is someone who is eligible for PAIR services; who has a case file/service record with PAIR; and who received one or more significant services from PAIR. All concerns noted in the case file/service record should have required some type of intervention (even if it is only brief) that goes beyond the definition of "I&R" services.

An "individual served" is counted only once during a fiscal year, regardless of how many case files/service records were opened/closed for that individual during the year. Estimated counts are not acceptable. All PAIRs should maintain logs to respond accurately to this item. Do <u>not</u> include in this section any "I&R services" provided to individuals who do not meet the definition of "individuals served." I&R services provided to those individuals are recorded in an earlier section of this report.

Line A1: Enter the number of individuals who had open case files/service records on hand at the beginning of the fiscal year, which were carried over from the prior fiscal year.

Line A2: Enter the number of individuals who had new case files/service records opened during this fiscal year.

Line A3: Add lines A1 + A2 and enter the total number here. This is the total number of individuals served during this fiscal year. Remember, no individual may be counted more than once in a fiscal year.

Line A4: Of the number of individuals accounted for on Line A3 above, enter here the number of those individuals who had more than one case file/service record opened/closed during the fiscal year.

> **Example:** An individual may have received legal advice for one issue early in the fiscal year. However, a new and unrelated issue arose several months later (in the same fiscal year) for this individual and PAIR agreed to represent him/her. Depending on the PAIR program's case management program, this individual may have had two cases opened/closed during the fiscal year. Thus, this individual would be counted on Line A4 as having multiple case files/service records during the fiscal year. If this were the only such individual for PAIR this fiscal year, PAIR should enter a "1" on Line A4.

B. Individuals Still Served as of September 30: Enter here the number of individuals served who still had open case files/service records with PAIR as of September 30. These are the individuals who need PAIR intervention to continue into the next fiscal year (carryover) in order to resolve the problems/issues raised this fiscal year. This number may not exceed the total number of "individuals served" listed on Line II.A3 above. This number will equal the "number of individuals who were still being served as of October 1" (Line II.A1) on next fiscal year's annual report.

C. Problem Areas/Complaints of Individuals Served: Include in this category the types of problems/complaints that "individuals served" presented to PAIR during this fiscal year. Be sure to include only those problems/complaints that were directly related to the individual's disability.

> **Example:** An individual with a disability may have a housing problem that is not related in any way to the individual's disability. Although that individual with a disability might otherwise be eligible for PAIR services, PAIR cannot represent that individual on the housing problem if that housing problem is not related to the individual's disability. PAIR could, however, represent that same individual on a different issue, such as employment, that is related to the individual's disability.

The following list contains broad categories of the common types of complaints/problems individuals served present to PAIR. Please account for each problem/complaint in the most appropriate category. Multiple counts are permitted in case one individual presents more than one problem/complaint for PAIR intervention.

Line C1: Enter on this line the number of individuals who sought PAIR assistance for complaints related to architectural barriers or other building accessibility problems. These complaints could relate to any aspect of accessibility to the building or structure, including the adjoining parking lot or garage, building entrance, interior rooms, signage, etc. Include on this line complaints for both public and private buildings/structures.

Line C2: Enter on this line the number of individuals who sought PAIR assistance for complaints related to employment. These employment complaints may involve such issues as hiring or termination, reasonable accommodations, supported employment, or employment benefits.

Line C3: Enter on this line the number of individuals who sought PAIR assistance for complaints related to program access. Include on this line the number of individuals who were denied equal access to a program due to their disabilities. Examples might an include an individual who is not allowed to participate in a YMCA program due to a particular disability or a child who is not allowed to attend camp due to a disability. Do not enter on this line those complaints that relate to the accessibility of the building in which the program is housed.

Line C4: Enter on this line the number of individuals who sought PAIR assistance for complaints related to housing. These housing complaints may involve such issues as contracts/property ownership, zoning or restrictive covenants, reasonable accommodations, landlord/tenant, and subsidized or section 8 housing.

Line C5: Enter on this line the number of individuals who sought PAIR assistance for complaints related to government benefits or services. Include on this line those individuals who had difficulty securing equal access to a government service or who have problems with government financial benefits programs, welfare-to-work programs, and other government programs.

Line C6: Enter on this line the number of individuals who sought PAIR assistance for complaints related to transportation. These complaints may involve such issues as the accessibility or availability of accessible public transportation.

Line C7: Enter on this line the number of individuals who sought PAIR assistance for complaints related to education. These education complaints may involve such issues as IEP planning, development or implementation; inclusive settings in the schools; availability of assistive technology and interpreter services and devices in the schools; discipline, suspension or expulsion; and other education-related issues. Do not include on this line those complaints that relate to building accessibility or program access of the school program. These issues should be counted on lines C1 or C3 above.

Line C8: Enter on this line the number of individuals who sought PAIR assistance for complaints related to assistive technology. These complaints generally will involve the individual's access to needed assistive technology, such as augmentative communication devices, durable medical equipment, vehicle modifications, etc.

Line C9: Enter on this line the number of individuals who sought PAIR assistance for complaints related to voting, such as the accessibility of the voting process for individuals with disabilities.

Line C10: Enter on this line the number of individuals who sought PAIR assistance for complaints related to health care. These complaints may involve such issues as Medicaid problems; access to or denial of coverage for medical insurance; access to medical or treatment services or managed care, etc.

Line C11: Enter on this line the number of individuals who sought PAIR assistance for complaints related to insurance. These issues may include denial of private disability or life insurance coverage due to the individual's disability. Do not include on this line issues related to medical insurance because those complaints are accounted for on Line C10 above.

Line C12: Enter on this line the number of individuals who sought PAIR assistance for complaints related to an inability to receive non-government services. These complaints may involve such issues as problems with obtaining interpreter services for medical visits; access to menus in an alternative format; obtaining needed personal assistance services; etc. This line is distinguished from Line C5 above which captures all complaints regarding services paid for with government (Federal, State or local) funds.

Line C13: Enter on this line the number of individuals who sought PAIR assistance for complaints related to privacy rights. These issues involve some invasion of the individual's right of privacy, such as the release of medical information without the individual's consent.

Line C14: Enter on this line the number of individuals who sought PAIR assistance for complaints related to access to records. Include on this line the number of individuals who were denied access to their records for some reason related to their disabilities.

Line C15: Enter on this line the number of individuals who sought PAIR assistance for complaints related to abuse. These complaints may involve such issues as inappropriate or excessive physical restraint, isolation or seclusion; inappropriate or excessive medication; involuntary sterilization; failure to provide appropriate medical treatment; physical or sexual assault; threats of retaliation by facility staff; coercion; suspicious death; etc.

Line C16: Enter on this line the number of individuals who sought PAIR assistance for complaints related to neglect. These complaints may involve such issues as the failure to provide appropriate diagnostic evaluations, personal care, written habilitation plan, adequate discharge planning, etc.

Line C17: Enter on this line the number of individuals who sought PAIR assistance for complaints not otherwise covered by the above list. Examples of complaints that PAIR might address, but are not included in the above listing, are issues related to criminal actions, commitment to institutions, guardianship/conservatorship, wills, etc. You do not need to itemize these "other" complaints/problem areas for purposes of this report.

D. Reasons for Closing Individual's Case Files: Following is a list of the various reasons PAIR might give for closing the case file/service record of an "individual served." Please choose **one** primary (most appropriate) reason for closing each case file/service record (defined in the definitional guidelines section of these instructions). Do not itemize a reason for resolving each issue raised. This item asks you to choose one overall reason for closing the entire case file/service record after PAIR has done all it can for the individual in terms of resolving the issues/problems/complaints raised by the individual. The number of case files/service records may, in some situations, be greater than the total number of individuals served (Line II.A3) in order to account for those situations, referred to in Line II.A4, when an individual had multiple case files/service records closed during the fiscal year. Estimated counts are not acceptable. PAIRs should maintain records to respond accurately to this item.

Line D1: Enter the number of case files/service records that were closed by PAIR in which all or some of the issues were resolved in the individual's favor.

Line D2: Enter the number of case files/service records that were closed by PAIR because the individual obtained other representation. Include on this line those times when PAIR referred the individual to another advocate/attorney, as well as those times when the individual decided to seek representation by someone other than a PAIR advocate/attorney.

Line D3: Enter the number of case files/service records that were closed by PAIR because the individual withdrew the complaint because he/she did not want to pursue resolution of the problem at this time. In these situations, the individual simply wanted to "forget it."

Line D4: Enter the number of case files/service records that were closed by PAIR because the individual had exhausted all available or appropriate formal appeal procedures and did not prevail. The appeal procedures relevant to this item include formal administrative hearings and legal remedies. For example, PAIR may choose to close a case file/service record for this reason if the individual served did not prevail at the formal administrative hearing and the case lacks merit for judicial review. PAIR also may choose to close a case file/service record for this reason if the individual served did not prevail at the formal administrative hearing and judicial review is not allowed under the State's Administrative Procedures Act (APA).

Line D5: Enter the number of case files/service records that were closed by PAIR because the individual no longer needed PAIR services due to the individual's death, relocation, etc. In other words, the individual is no longer available for representation by PAIR.

Line D6: Enter the number of case files/service records that were closed by PAIR because PAIR withdrew from the case. Generally, a withdrawal occurs when the consumer-advocate relationship has deteriorated to the point that PAIR cannot continue effective representation. Some of the reasons might have been that the individual refused to: a) give PAIR access to all necessary information; b) follow or accept PAIR's advice; or c) follow through on the individual's obligations in some way.

Line D7: Enter the number of case files/service records that were closed by PAIR because the PAIR lacks sufficient staff or resources to represent the individual.

Line D8: Enter the number of case files/service records that were closed by PAIR because PAIR has determined, after exploring the facts and the law further, that the individual's complaint lacked legal merit.

Line D9: Enter the number of case files/service records that were closed by PAIR for a reason that is not listed above. RSA has attempted to list all of the possible reasons PAIR could cite for closing a case file/service record. However, we realize there may be some circumstances not encompassed in this listing. This response should be reserved for rare instances when a reason for closure clearly does not fit into any of the above categories. Be sure to attach a separate explanation of the circumstances for the case closure if you use this response.

E. Intervention Strategies Used in Serving Individuals: PAIRs engage in a variety of intervention strategies to resolve complaints raised by the individuals served. Following is a listing of the categories of services that PAIR can provide to an individual served in attempting to resolve a complaint. Although PAIRs generally provide more than one type of service during the PAIR/client relationship, this report form asks you to choose **one** primary service that PAIR provided to the individual before closing the case file/service record. Choose the **highest** level of intervention strategy used by PAIR on behalf of the individual served to resolve the complaint.

As stated in earlier sections of these instructions, the number of case files/service records may be greater than the total number of individuals served (Line II.A3) in order to account for those situations, referred to in Line II.A4, when an individual had multiple case files/service records closed during the fiscal year. Estimate counts are not acceptable. PAIRs should maintain records to respond to this item accurately.

> **Example 1:** PAIR may have engaged in investigation, negotiation, and ADR activities on behalf of an individual served in order to resolve the complaint. PAIR provided all three of these services during the course of one case file/service record. PAIR should account for this individual on Line E5 (Mediation/ADR) since this was the highest level of service provided to this particular individual.
>
> **Example 2:** PAIR may have opened and closed two different case files/service records on behalf of an individual served during the fiscal year. During the course of working with the individual in the first case file/service record, PAIR provided only short-term assistance and advice. However, in the second case file/service record, PAIR represented the individual at a formal administrative hearing. PAIR should account for this individual on Line E2 (short-term assistance) for the first case file/service record **and** Line E6 (administrative hearings) for the second case file/service record.

Line E1: Enter the number of case files/service records closed in which the highest level of service (intervention strategy) provided by PAIR was technical assistance to the individual to enable him/her to engage in self-advocacy.

Line E2: Enter the number of case files/service records closed in which the highest level of service (intervention strategy) provided by PAIR was short-term assistance. In these cases, PAIR was able to assist the individual simply by providing legal advice or extended I&R services. The individual did not need other PAIR services.

Line E3: Enter the number of case files/service records closed in which the highest level of service (intervention strategy) provided by PAIR was investigating or monitoring a particular situation. In these cases, PAIR was able to assist the individual by merely investigating the complaint or monitoring a situation or facility. No other services were needed by PAIR.

Line E4: Enter the number of case files/service records closed in which the highest level of service (intervention strategy) provided by PAIR was negotiation. In these cases, PAIR was able to affect a resolution for the individual by engaging in negotiation with the adverse party in an informal environment. No other PAIR services were needed.

Line E5: Enter the number of case files/service records closed in which the highest level of service (intervention strategy) provided by PAIR was mediation or another form of alternative dispute resolution (ADR) procedure. In these cases, PAIR assisted the individual by engaging in mediation or another form of ADR to resolve the dispute between the individual and another party.

Line E6: Enter the number of case files/service records closed in which the highest level of service (intervention strategy) provided by PAIR was representation at a formal administrative hearing. In these cases, PAIR may have assisted the individual in requesting, preparing for, or participating in a formal administrative hearing. Do not include any legal services provided (i.e., in a judicial setting).

Line E7: Enter the number of case files/service records closed in which the highest level of service (intervention strategy) provided by PAIR was representation in litigation. In these cases, PAIR assisted the individual in pursuing legal recourse in the judicial system to resolve the individual's complaint. Include on this line any case files/service records that were part of a class action.

Line E8: Enter the number of case files/service records closed in which the highest level of service (intervention strategy) provided by PAIR was to engage in systemic or other policy-making activities to resolve the individual's complaint. For example, PAIR may have been successful in changing an agency policy on a particular issue, raised by many individuals, without resorting to formal administrative or legal remedies. Case files/service records that were closed because PAIR was able to resolve the matter through these systemic efforts should be counted on this line.

PART III. STATISTICAL INFORMATION ON INDIVIDUALS SERVED:

The items in this section are based on statistical information learned about the "individuals served" (as defined earlier in these instructions). Each individual may be counted only once during a fiscal year, for statistical purposes, regardless of how many case files/service records were opened/closed. Estimated counts are not acceptable for the items in these sections. All PAIRs should maintain records to respond to these items accurately.

A. Age of Individuals Served: Enter the number of individuals served in each of the age categories listed on the form. Record the individual's age as of the beginning of the fiscal year (as of October 1). No individual may be counted more than once for purposes of reporting the age of individuals served in this section.

B. Gender of Individuals Served: Enter the number of individuals served according to their gender. Do not count an individual more than once in this section, regardless of the number of case files/service records that were opened/closed on the individual's behalf.

C. Race/Ethnicity of Individuals Served: Enter the number of individuals served according to their stated racial or ethnic origin. An individual **may** be counted more than once, for purposes of reporting his/her race/ethnicity on this form, in order to account for those individuals who consider themselves multicultural/racial.

Line C1: Enter the number of individuals served who consider themselves to be White or Caucasian.

Line C2: Enter the number of individuals served who consider themselves to be Black or African-American. Include on this line individuals who may be African, Jamaican, etc.

Line C3: Enter the number of individuals served who consider themselves to be an American Indian or Alaska Native.

Line C4: Enter the number of individuals served who consider themselves to be Asian. Do not include on this line those individuals who only consider themselves to be Native Hawaiian or another Pacific Islander. These individuals will be counted on Line C5.

Line C5: Enter the number of individuals served who consider themselves to be a Native Hawaiian or other Pacific Islander.

Line C6: Enter the number of individuals served who consider themselves to be Hispanic or Latino.

Line C7: Enter the number of individuals served whose race or ethnicity is unknown. This line rarely should be marked. As stated in the definitional guidelines section earlier in these instructions, information about the individual's race/ethnicity should be included in every case file/service record that PAIR opens.

D. Living Arrangements of Individuals Served: Include in this category information about the living arrangements for all individuals served by PAIR during this fiscal year. An individual served may be counted only once, for purposes of reporting information about his/her living arrangements.

Line D1: Enter the number of individuals served who live independently. These individuals may live alone or may share housing with a roommate, spouse or significant other. The key here is that the individual is responsible for his/her own housing.

Line D2: Enter the numbers of individuals served who live with their parents or with another relative.

Line D3: Enter the number of individuals served who live in a community residential home, such as a group home of some kind.

Line D4: Enter the number of individuals served who live in a foster care setting and are part of the State's foster care system.

Line D5: Enter the number of individuals served who live in a public or private nursing home.

Line D6: Enter the number of individuals served who live in some public institution (i.e., hospital). Do not include those individuals who live in a public nursing home because these individuals are counted on Line D5.

Line D7: Enter the number of individuals served who live in a private institution (i.e., hospital). Do not include those individuals who live in a private nursing home because these individuals are counted on Line D5.

Line D8: Enter the number of individuals served who live in a jail, prison, or some other detention center,

Line D9: Enter the number of individuals served who are homeless. These individuals may spend an occasional night with friends or relatives or in a shelter; however, they have no real address.

Line D10: Enter the number of individuals served who have some other living arrangement that is not listed in this section.

Line D11: Enter the number of individuals served for whom PAIR has no information about their living arrangements.

E. Primary Disability of Individuals Served: Include in this category information about the primary disabilities of the individuals served by PAIR. The primary disability, for purposes of this report, is the individual's disability that is directly related to the issues or complaints raised by the individual served.

> **Example 1:** An individual is deaf and also has an orthopedic impairment that requires the use of a wheelchair. The individual has come to PAIR because the local pizzeria is inaccessible for wheelchair-users. PAIR should account for this individual on Line E4 (orthopedic impairment) because the issue raised focuses on building accessibility problems. The fact that the individual also is deaf has no bearing on this particular complaint.
>
> **Example 2:** Let's say the same individual as described above came to PAIR for a different problem, namely a complaint that the county hospital refused to provide an interpreter to explain the diagnostic testing she was to undergo. In this case, PAIR should count this individual on Line E2 (deaf/hearing impairment) because the issue dealt with interpreter services. The fact that the individual also has an orthopedic impairment has no bearing on this particular complaint.

Line E1: Enter the number of individuals served who are blind or have some visual impairment.

Line E2: Enter the number of individuals served who are deaf or are hard-of-hearing.

Line E3: Enter the number of individuals served who are deaf-blind. These individuals meet the criteria for both deafness and blindness.

Line E4: Enter the number of individuals served who have an orthopedic impairment. These individuals may be missing a limb, may be paralyzed, or may have some other functional impairment involving the limbs, digits, trunk, back or spine.

Line E5: Enter the number of individuals served who have a mental illness.

Line E6: Enter the number of individuals served who have alcohol and/or drug addictions.

Line E7: Enter the number of individuals served with any degree of mental retardation (i.e., mild, moderate, severe/profound).

Line E8: Enter the number of individuals served with any form of learning disability.

Line E9: Enter the number of individuals served with any form of a neurological impairment.

Line E10: Enter the number of individuals served who are disabled from any respiratory system impairment/condition.

Line E11: Enter the number of individuals served who are disabled from any cardiac or other circulatory system impairment or condition.

Line E12: Enter the number of individuals served with any form of a muscular/skeletal impairment.

Line E13: Enter the number of individuals served with speech impairments, such as cleft palate and harelip with speech imperfections, laryngectomies, stuttering, etc.

Line E14: Enter the number of individuals served who are infected with the human immunodeficiency virus (HIV), regardless of whether the individual is symptomatic or asymptomatic.

Line E15: Enter the number of individuals served whose disabling condition or functional limitation is caused by traumatic brain injuries (TBI).

Line E16: Enter the number of individuals served who have other impairments or disabling diseases or conditions that are not covered by the above categories.

PART IV. SYSTEMIC ACTIVITIES AND LITIGATION:

A. Systemic Activities: The information collected in this category of the report focuses on PAIR's systemic activities in general. This category goes beyond any systemic efforts made on behalf of "individuals served" (as defined earlier in these instructions). Estimated counts are appropriate for this category. However, PAIR must be able to demonstrate a reasonable basis for the estimate.

Line A1: Enter the number of policies or practices that were changed as a result of systemic activities. Do not include those policies or practices that were changed as a result of litigation because those will be collected in category IV.B.

> **Example:** PAIR focused much of its systemic efforts this year on discriminatory questions contained in State professional licensure applications. PAIR successfully negotiated with the State Supreme Court and with the State Nursing Board to change a question regarding mental illness on their applications. For purposes of this example, PAIR would enter "2" on Line A1.

Line A2: Enter the approximate number of individuals who will benefit by the changes made in policy or practice, as reported in Line A1 above.

> **Example:** Let's say that 25 percent of the applicants for the State bar and nursing licenses have historically been individuals with mental illness. There are generally 600 total attorney applicants and 300 nurse applicants in any given year. This means that 150 attorney applicants and 75 nurse applicants could potentially benefit from the changes made that were reported in Line A1. The PAIR would report "225" on Line A2, for purposes of this example.

Narrative regarding Systemic Activities: Describe the systemic activity undertaken. Identify the policies and practices that were problematic and explain why they were problematic. Describe the systemic activities PAIR engaged in to change these policies or practices. Be sure to include information about how these changes will benefit individuals with disabilities in the State. Include case examples of how your systemic activities impacted the individuals served by PAIR. As appropriate, provide PAIR's plans for continuing to address these issues during the next fiscal year. Use additional sheets as needed.

B. Litigation/Class Actions: This category focuses on the changes that PAIR effected by engaging in litigation on behalf of an individual or in a class action on behalf of many individuals.

Line B1: Enter the number of individuals who potentially will benefit from a change brought about as a result of PAIR's litigation efforts.

> **Example:** Let's say that PAIR sued the State Board of Medicine, via a class action in which 12 plaintiffs were named, for its discriminatory questions regarding mental illness on its physician license applications. The plaintiffs won. The Court ruled that the Board must modify its application to delete the offending question. Historically, 20 percent of the State's 200 physician applicants have been individuals with mental illness. This means that potentially 40 individuals could benefit from this court-ordered change this year. For purposes of this example, PAIR would report 40 on line B1.

Line B2: Enter the number of individuals named in any class actions handled by PAIR during the fiscal year.

Example: Using the above example here, PAIR would report "12" on this line because there were 12 named plaintiffs in that class action.

Narrative regarding Litigation/Class Actions: Describe your litigation/class action activities. Be sure to identify the issue that prompted the litigation and explain how individuals with disabilities were impacted negatively. Explain how individuals with disabilities benefited from your litigation activities. Be sure to include case examples that demonstrate the impact of your litigation. Use additional sheets as necessary.

PART V. PAIR'S PRIORITIES AND OBJECTIVES:

A. Priorities and Objectives for the Fiscal Year Covered by this Report:

Be sure to provide the information requested for **each** of the priorities and objectives set by PAIR for the fiscal year covered by this report. The information requested is as follows:

1. Identify and describe the priority. Be sure to include enough information so that the issue is clear.

2. Identify the need, issue, or barrier addressed by this priority. It is not enough to identify an issue as a priority. You must explain why this issue is a priority and the desired effect it will have on individuals with disabilities.

   Example: Let's say that PAIR identified discriminatory questions on State professional licensure applications as a priority. The barrier that will be addressed by this priority is that a significant percentage of the applicants are routinely denied a license because of a particular disability. Thus, a significant population is denied access to certain professional fields in the State.

3. Identify the indicators PAIR used to determine whether it was successful in terms of an outcome with this priority. In the above example, one indicator could be that PAIR was successful in getting the discriminatory questions removed from the applications.

4. Explain whether pursuing this priority involved collaborative efforts by other entities or programs. For example, PAIR may work with PAIMI or PADD or CAP to bring about systemic change for one of its priorities. Be sure to describe these joint efforts, if appropriate. Explain the role each program played and the activities pursued by each.

5. Provide the number of cases handled under the priority. This number can be derived from determining the number of "individuals served" (from Line II.A3) whose problem/complaint involved this priority. Specify if any of these "individuals served" were part of a class action handled by the PAIR.

6. Provide at least one case summary that demonstrates the impact of the priority. Identify the facts and issue of the case, the resolution of that case, and how the individual served benefited.

B. Priorities and Objectives for the Current Fiscal Year:

Be sure to provide the information requested for **each** of the priorities and objectives set by PAIR for the fiscal year succeeding that covered by this report. The information requested is as follows:

a. a statement of each priority developed for the current fiscal year;

b. the need addressed by each priority; and

c. a description of the activities proposed to be carried out under each priority.

See the instructions above under Part V.A for additional explanation.

PART VI. NARRATIVE:

At a minimum, you must provide the information requested for the narrative portion of this report. You may include any other information, not otherwise collected on this reporting form that would be helpful in describing the extent of activities performed by the PAIR program during the fiscal year. Please limit the narrative portion of this report, including attachments, to 20 pages or less.

The information requested is as follows:

A. Sources of funds received and expended: Provide the amount of funds the PAIR program received from each of the sources indicated during the fiscal year covered by this report. In addition, specify the total amount expended, from each of the sources of funds, in providing services to PAIR-eligible individuals. Provide this information even if the PAIR's only source of funding is the Federal formula grant under section 509 of the Act. The following chart is recommended when providing this information:

Source of Funding	Amount Received	Amount Spent
Federal (section 509)		
State		
Program income		
Private		
All other funds		
Total (from all sources)		

The "all other" category above is broad. It includes funds from local governments, earned income (i.e., legal fees), charitable contributions, and other grants or contracts. This category does not include in-kind donations. However, it is hoped that PAIRs will collect this information separately if appropriate.

B. Budget for the fiscal year covered by the report: Outline the budget for the fiscal year covered by the report (prior fiscal year), as well as a projection for the current fiscal year. Be sure to include a breakdown of dollars expended/allotted for: administrative costs (i.e., personnel salaries, equipment, etc.); services to individuals; and other expenses (i.e., staff training, travel, etc.). The following chart is recommended:

Category	Prior Fiscal Year	Current Fiscal Year
Wages/salaries		
Fringe benefits (FICA, unemployment, etc.)		
Materials/supplies		
Postage		
Telephone		
Rent		
Travel		
Copying		
Bonding/insurance		
Equipment (rental/purchase)		
Legal services		
Indirect costs		
Miscellaneous		
Total Budget		

C. Description of PAIR staff: Provide a description of the PAIR staff in terms of "person-years" and duties. "Person-years" refer to the actual time that positions (both professional and clerical) were filled during the period covered by this annual report. If a position was filled throughout the year, it counts as one person-year. For those positions that were filled for only a fraction of the year, you will have to calculate the "person-year" for that position by first calculating the "full-time equivalents (FTEs)" for that position. Person-years should be reported for all PAIR personnel whose salaries are paid fully or partially by section 509 funds. Be sure to include an explanation of the number of full-time part-time, and vacant positions.

> **Example 1 on how to calculate person-years:** PAIR has two full-time attorneys. Both positions were filled all year. The person-year calculation for full-time professional staff is 2.
>
> **Example 2:** PAIR has two full-time attorneys. One position was filled all year; the second was filled only for 6 months. The person-year calculation for full-time professional staff is 1 + .5 (1 FTE times 50% of the year) = 1.5. The vacant position category would be reported as follows: 1 FTE times 50% of the year = .5 person-years.

The following chart is recommended:

Type of Position	FTE	% of year filled	Person-years
Professional			
Full-time			

Type of Position	FTE	% of year filled	Person-years
Part-time			
Vacant			
Clerical			
Full-time			
Part-time			
Vacant			

D. Involvement with advisory boards: Identify in what ways, if any, is PAIR involved with advisory boards. Include here any information regarding PAIR's involvement with the P&A's advisory board (if applicable).

E. Grievances filed: The Act requires that PAIR establish a grievance procedure to handle any complaints by clients regarding the services received/not received from PAIR. Provide a description of the issues involved in any grievances filed against PAIR during the fiscal year covered by this report. Explain why the individual filed the grievance and describe the outcome of the grievance process for each complaint. You should not include personally identifying information regarding the individual served.

F. Coordination with the CAP and the State long-term care program: In some States, the CAP and the State's long-term care programs are not part of the designated P&A agency, which administers the PAIR program. However, the Act mandates that PAIR coordinate its activities with the CAP and the long-term care programs. If the CAP and/or the long-term care program is not a part of your P&A, describe how PAIR coordinates its activities with those entities.

END OF FORM:

Signature: The form should be signed by a P&A official who has responsibility for the completion of the form and who can verify its accuracy.

Date: Enter the month, day and year in which you send the form to RSA.

Transmittal: The PAIR annual report should be sent within 90 days after the fiscal year covered by this report. Reports may be sent by mail or electronically using one of the options listed below. If you have questions regarding the completion of this form, contact Carol Dobak in central office at (202) 205-9315.

A. Electronic Mail addresses via Internet:

Specific instructions and the URL for key entry/on-line editing of data directly into the RSA MIS will be provided when available.

The RSA central office internet e-mail address for the PAIR annual report form is:

carol.dobak@ed.gov

You can contact Ms. Dobak at the same e-mail address for information pertaining to the completion of the Form.

Regional office e-mail addresses are as follows:

Regional Office	Individual
I & II	allen.kropp@ed.gov
III, IV and IX	ralph.pacinelli@ed.gov
V and VII	joe.cordova@ed.gov
VI, VIII and X	loerance.deaver@ed.gov

B. Transmittal via Mail and Fax:

If you submit the PAIR annual report by mail or fax, please send one copy to the RSA central office and the appropriate regional office, as listed below:

RSA Central Office:

Carol Dobak
Program Specialist
Rehabilitation Services Administration
The Switzer Building, Room 3223
330 C Street
Washington, DC 20202-2735
Fax: 202-205-9340

RSA Regional Office addresses are as follows:

Region I
Mr. Allen Kropp
RSA Regional Commissioner
Dept. of Education, OSERS
J.W. McCormack Post Office and
Courthouse, Room 232
Boston, Massachusetts 02109
Fax: 617-223-4573

Region II
Mr. Allen Kropp
RSA Regional Commissioner
Dept. of Education, OSERS
75 Park Place, Room 1236
New York, New York 10007
Fax: 212-264-3029

Region III
Dr. Ralph N. Pacinelli
RSA Regional Commissioner
Dept. of Education, OSERS
The Wanamaker Building, Suite 512
100 Penn Square East
Philadelphia, Pennsylvania 19107
Fax: 215-656-6188

Region IV
Dr. Ralph N. Pacinelli
RSA Regional Commissioner
Dept. of Education, OSERS
61 Forsyth Street, S.W., Room 18-T-91
Atlanta, Georgia 30303-3104
Fax: 404-562-6346

Region V
Mr. Joe Cordova
RSA Acting Regional Commissioner
Dept. of Education, OSERS
111 North Canal Street, Room 1048
Chicago, Illinois 60606-7204
Fax: 312-353-8623

Region VI
Mr. Loerance Deaver
RSA Regional Commissioner
Dept. of Education, OSERS
Harwood Center, Suite 2740
1999 Bryan Street
Dallas, Texas 75201-6817
Fax: 214-880-4931

Region VII
Mr. Joe Cordova
RSA Acting Regional Commissioner
Dept. of Education, OSERS
8930 Ward Parkway, Suite 2212
Kansas City, Missouri 64114
Fax: 816-268-0448

Region VIII
Mr. Loerance Deaver
RSA Regional Commissioner
Dept. of Education, OSERS
Federal Office Building, Suite 310
1244 Speer Boulevard
Denver, Colorado 80204-3582
Fax: 303-844-6269

Region IX
Dr. Ralph N. Pacinelli
RSA Regional Commissioner
Dept. of Education, OSERS
Federal Office Building, Room 215
50 United Nations Plaza
San Francisco, California 94102
Fax: 415-437-7848

Region X
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RSA Regional Commissioner
Dept. of Education, OSERS
915 Second Avenue, Room 2848
Seattle, Washington 98174-1099
Fax: 206-220-784