

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

POLICY DIRECTIVE
RSA-PD-05-02
DATE: March 14, 2005

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

SUBJECT: Announcement of OMB Approval for the Annual Protection and
Advocacy for Assistive Technology (PAAT) Program Performance Report

POLICY
STATEMENT: The Office of Management and Budget (OMB) has approved the Annual
Protection and Advocacy for Assistive Technology (PAAT) Program
Performance Report, as a data collection instrument, through January 31,
2008. The OMB number is 1820-0661. Note that, at the direction of
OMB, the Federal agencies responsible for the administration of all
protection and advocacy (P&A) programs, including the Rehabilitation
Services Administration (RSA), currently are participating in an effort to
devise common definitions and data elements relevant to reporting by the
P&As. Therefore, while OMB has approved this data collection
instrument for a three-year period, the work of the P&A Common
Definitions Workgroup may necessitate revisions to the form and
instruction materials prior to the expiration date.

RSA uses this form to meet specific data collection requirements found in
Section 5(f) of the Assistive Technology Act of 1998, as amended (AT
Act). In general, grantees must report annually using this web-based Form
(copy and instructions attached), which is due on or before December 30
each year. Grantees first are required to use this form to report data and
information pertaining to activities undertaken during fiscal year (FY)

2005 (October 1, 2004 – September 30, 2005), on or before December 30, 2005. While RSA cannot require the use of the form to report on activities carried out during prior fiscal years, such as FY 2004 (October 1, 2003 – September 30, 2004), we encourage grantees to do so if practicable. Through a grant with RSA, the Research Triangle Institute (RTI) manages the web-based reporting system for this form. In the near future, RTI will provide all grantees with appropriate passwords for use when accessing the system.

CITATIONS

IN LAW: Section 5(f) of the Assistive Technology Act of 1998, as amended, and the Paperwork Reduction Act of 1995.

EFFECTIVE

DATE: Immediately upon issuance

EXPIRATION

DATE: January 31, 2008

INQUIRIES:

Please direct any questions concerning this Policy Directive to the Chief, Basic State Grants Branch, Rehabilitation Services Administration, 400 Maryland Ave, SW, Washington, DC 20202-2800, (202) 245-7258.

Troy R. Justesen
Acting Commissioner

ATTACHMENTS

cc: Council of State Administrators of Vocational Rehabilitation
National Association of Protection and Advocacy Systems
Neighborhood Legal Services
Research Triangle Institute



REHABILITATION SERVICES ADMINISTRATION

ANNUAL PROTECTION AND ADVOCACY FOR ASSISTIVE TECHNOLOGY (PAAT) PROGRAM PERFORMANCE REPORT

OMB # 1820-0661
Expires: 01/31/2008

[JAWS for Windows users - Tips](#)

You are required to enter your PR/federal grant award number and assigned password to obtain access to your data files. Grant numbers are preloaded into the system, and the number you enter must match this number for your project (example: H123A456789).

Please enter your PR/federal award number and Password.	
PR/Award Number	<input type="text"/>
Password	<input type="text"/>
<input type="text"/>	

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 1820-0661. The time required to complete this form is estimated to average 20 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collected. If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to the U.S. Department of Education, Washington, DC, 20202-4651. If you have comments or concerns regarding the status of your individual submission of this form, write directly to the U.S. Department of Education, Rehabilitation Services Administration, 400 Maryland Avenue, S.W., Washington D.C. 20202-2800.

Information to the Reader about PAAT Form and Web System

All information reported in this annual report should address activities conducted during the Federal fiscal year (October 1-September 30). This time frame is referred to in this document as the “reporting period” and is also indicated in the upper right header on each page of the form. (The web system will generate the Federal Award Number, state name, and the reporting period on the top of each page of the form.)

This form, ANNUAL PROTECTION AND ADVOCACY FOR ASSISTIVE TECHNOLOGY (PAAT) PROGRAM PERFORMANCE REPORT, will be part of a web-based reporting system to be developed by RTI International for RSA. RTI staff will assign unique passwords to each grantee. All grantees will report using the Internet. Since the system will allow grantees to enter or update data throughout a reporting period, the web system will provide a means for grantees to indicate when they are submitting their completed (final) report. RSA staff will then download the annual report.

Where appropriate, the instructions in this paper version of the form will also note any web system functionality. For example, the system will generate totals or the system will insert the information reported by a grantee in one fiscal year to the following year’s reporting form. A separate instruction manual is included at the end of the form. This manual will be available on-line as part of the reporting system. The system will have ‘hot links’ to the examples in the instruction manual for items that require a narrative response. All text boxes will give the user unlimited space to provide narrative responses, users can cut/paste text from other documents, and use a spell check feature. Being a web-based form, the form does not provide for a ‘signed’ or ‘approved’ completed form (with original signature) like a paper document. RSA assumes that grantees will submit a hard copy of the form for review, as appropriate, within each grantee’s office/agency, and that the ‘submitted annual report’ in the web system has been previously approved by all necessary personnel.

Grantees will have read-only access to information from all prior year’s completed forms; they will not be able to change any previously submitted data. Grantees can cut/paste from these forms into other word processing software and save as an electronic file.

AGENCY INFORMATION

Agency Name: _____

Address of Agency:

a. Main Office:

b. Satellite Office(s) (if applicable):

c. Contract Office(s) (if applicable):

Agency Telephone Number: _____

Agency Toll-Free Telephone Number: _____

Agency TTY Number: _____

Agency Toll-Free TTY Number: _____

Agency Fax Number: _____

Agency E-Mail Address: _____

Agency Web Address: _____

Executive Director Name: _____

Executive Director Email: _____

Staff Preparing Report Name: _____

Staff Preparing Report Email: _____

Staff Preparing Report Office Location: _____

[Agency information reported during the first year of system use will be pre-loaded into grantee form in subsequent years, allowing users to make any needed edits.]

PART I: NON-CASE SERVICES

A. INFORMATION AND REFERRAL SERVICES (I&R)

1. Total Number of Individuals Receiving I&R Services during the Fiscal Year	
2. Total Number of Requests for I&R Services during the Fiscal Year	

B. TRAINING ACTIVITIES

1. Number of Training Sessions Presented by Staff	
2. Number of Individuals Who Attended These Training Sessions	

3. Describe two training events presented by the staff. Include the following information:
 (a) topics covered, (b) the purpose of the training, and (c) a description of the attendees.

Training Event #1

- a. _____
 b. _____
 c. _____

Training Event #2

- a. _____
 b. _____
 c. _____

[Web system will generate two text boxes for Question 3. There will be a separate button to click if grantees want to describe a third training session.]

4. Agency Outreach

Describe the agency's outreach efforts to previously unserved or underserved individuals, including minority communities.

C. INFORMATION DISSEMINATED TO THE PUBLIC BY YOUR AGENCY

For each method of dissemination, enter the total number of each method used by your agency during the reporting period to distribute information to the public. For publications/booklets/brochures (item 5), enter the total number of documents produced. See instruction manual for details.

Method of dissemination	Number
1. Radio and TV Appearances by Agency Staff	
2. Newspaper/Magazine/Journal Articles Prepared by Agency Staff	
3. PSAs/Videos Aired by the Agency	
4. Website Hits	
5. Publications/Booklets/Brochures Disseminated by the Agency	
6. Other (specify)	

D. INFORMATION DISSEMINATED ABOUT YOUR AGENCY BY EXTERNAL MEDIA COVERAGE

Describe information about your agency produced and disseminated by external media or other agencies/entities for each of the relevant categories below. Enter "N/A" for each field not applicable for your agency.

1. Radio/TV coverage

2. Newspapers/Magazines/Journals

3. PSAs/Videos

4. Publications/Booklets/Brochures

PART II: CASE-SERVICES

A. INDIVIDUALS SERVED

Report information on the individuals served during the fiscal year. Refer to the instruction manual for details on completing item 4.

Individuals	Number
1. Individuals Served Receiving Advocacy at Start of Fiscal Year (carryover from prior)	
2. Additional Individuals Served During Fiscal Year (new for fiscal year)	
3. Total Number of Individuals Served During Fiscal Year (1 +2)	[Web generated]
4. Total Number of Individuals with All Their Cases Closed During the Fiscal Year	
5. Total Individuals Still Being Served at the End of the Fiscal Year (3 minus 4)	[Web generated]

[Item II.A.3 is a checkpoint reference. Several subsequent tables will require that their totals match the number reported for the total number of individuals served during the fiscal year.]

B. PROBLEM AREAS/COMPLAINTS

Identify the problem areas or complaints of each case served by your PAAT program during the fiscal year (include new cases and carry-over cases). More than one problem area/complaint may be identified in a single case.

Complaint Area	Number of cases
1. Architectural Accessibility	
2. Education	
3. Employment Discrimination	
4. SSI/SSDI Work Incentives	
5. Healthcare <i>(total generated by the system from a-d below)</i>	
a. Medicaid	
b. Medicare	
c. Private Medical Insurance	
d. Other	
6. Housing	
7. Post-Secondary Education	
8. Rehabilitation Services	
9. Transportation	
10. Voting <i>(total generated by the system from a-c below)</i>	
a. Accessible Polling Place / Equipment	
b. Registration	
c. Other	
11. Other – specify	
12. Other – specify	
13. TOTAL	[Web generated]

C. ASSISTIVE TECHNOLOGY DEVICES/SERVICES

Report (1) the total number of individuals who received one or more AT devices or services as a result of casework during the fiscal year. For item (2), report by type, the total number of AT devices and services received by those individuals reported in item (1).

1. Number of individuals that received one or more AT devices or services as a result of casework (unduplicated count)	
2. Type of AT device or AT service received as a result of casework	Number of devices/services
a. Devices for communication	
b. Devices for mobility	
c. Devices for hearing or seeing	
d. Devices for reading or writing	
e. Devices to assist with household activities	
f. Devices to assist with participation in play or recreation	
g. Devices to assist with personal care	
h. Devices to aid in therapy or medical treatment	
i. Devices to assist with the use of public/private transportation	
j. Devices to assist with employment	
k. Devices to aid with school/learning	
l. AT services	
m. Other - specify	
n. Total number of devices and services received as a result of casework (a-l)	<i>[Web generated]</i>

D. PRIMARY REASON FOR CLOSING A CASE FILE

Identify the primary reason for closing a case file. Select the best reason if more than one reason applies.

Primary Reason	Number of cases
1. All Issues Resolved in Client's Favor	
2. Some Issues Resolved in Client's Favor	
3. Other Representation Obtained	
4. Individual Withdrew Complaint	
5. Services Not Needed Due to Death, Relocation, etc.	
6. Individual Not Responsive to Agency	
7. Case Lacked Legal Merit	
8. Conflict of Interest	
9. Lack of Resources	
10. Not Within Priorities	
11. Issue Not Resolved in Client's Favor	
12. Other - specify	
13. Total	<i>[Web generated]</i>

E. INTERVENTION STRATEGIES FOR CLOSED CASES

Report the highest intervention strategy used for each case closed during the fiscal year, considering the lowest form of intervention to be “Short Term Assistance”, and the highest to be “Class Action Suits.” See instruction manual for an example. *Each closed case should be counted only once - do not include any open cases in this count.* The total reported on line 9 should match the total in II.D.13 above (primary reason for closing a case during the fiscal year).

Interventions	Number of cases
1. Short Term Assistance	
2. Systemic/Policy Activities	
3. Investigation/Monitoring	
4. Negotiation	
5. Mediation/Alternative Dispute Resolution	
6. Administrative Hearing	
7. Legal Remedy/Litigation	
8. Class Action Suits	
9. Total	[Web generated]

PART III: STATISTICAL INFORMATION FOR INDIVIDUALS SERVED

A. AGE OF INDIVIDUALS SERVED

Report the age of the individuals served during the reporting period (unduplicated count). The total reported should match the total in II.A.3 above (total number of individuals served during fiscal year).

Age	Number of individuals
0 to 4	
5 to 13	
14 to 18	
19 to 21	
22 to 40	
41 to 64	
65 and over	
Age Unknown	
Total (this should match the total in II.A.3)	

B. GENDER OF INDIVIDUALS SERVED

Report the gender of the individuals served during the reporting period. The total reported should match the total in II.A.3 above (total number of individuals served during fiscal year).

Gender	Number of individuals
Male	
Female	
Total (this should match the total in II.A.3)	

C. RACE AND ETHNICITY OF INDIVIDUALS SERVED

1. Race of individuals served.

Report an unduplicated count of the self-reported racial backgrounds of individuals served under the PAAT grant during the fiscal year. If an individual reported more than one race, report that individual in the "More than one race" category rather than each of the categories they selected. Ethnicity is treated separately from race, so for individuals who are Hispanic/Latino, it is also necessary to specify a race. See the instruction manual for more details on completing Section C. The total reported on line 'h' should match the total in II.A.3 above (total number of individuals served during fiscal year).

Race	Number of individuals
a. American Indian or Alaska Native	
b. Asian	
c. Black or African American	
d. Native Hawaiian or Other Pacific Islander	
e. White	
f. More than one race	
g. Unknown/not reported	
h. Total (this should match the total in II.A.3)	

2. Ethnicity of individuals served.

Report an unduplicated count of the self-reported ethnicity of the individuals served under the PAAT grant during the fiscal year. The total reported on line 'd' should match the total in II.A.3 above (total number of individuals served during fiscal year).

Ethnicity	Number of individuals
a. Hispanic/Latino	
b. Non- Hispanic/Latino	
c. Ethnicity unknown/not reported	
d. Total (<i>this should match the total in II.A.3</i>)	

D. LIVING ARRANGEMENTS OF INDIVIDUALS SERVED

Identify the primary living arrangement of each individual served by the PAAT program during the fiscal year. For individuals who had more than one living arrangement while receiving services, please report the living arrangement when the case was opened (if theirs was a new case; report the arrangement at the beginning of the fiscal year if the case continued from the previous year). The total reported on line 15 should match the total in II.A.3 above (total number of individuals served during fiscal year).

Living Arrangement	Number of individuals
1. Community Residential Home	
2. Foster Care	
3. Homeless/Shelter	
4. Legal Detention/Jail/Prison	
5. Nursing Facility	
6. Parental/Guardian or Other Family Home	
7. Independent	
8. Private Institutional Setting	
9. Public (State Operated) Institutional Setting	
10. Public Housing	
11. VA Hospital	
12. Other – describe the living arrangement	
13. Other – describe the living arrangement	
14. Unknown/Not Provided	
15. Total (<i>this should match the total in II.A.3</i>)	<i>[Web generated]</i>

E. PRIMARY DISABILITY OF INDIVIDUALS SERVED

Identify the primary disability of each individual served by the PAAT program during the fiscal year. For individuals with multiple disabilities, please select the one disabling condition deemed to be most important in the context of their case. The total reported on line 34 should match the total in II.A.3 above (total number of individuals served during fiscal year).

Primary Disabling Condition	Number of individuals
1. ADD/ADHD	
2. AIDS/HIV Positive	
3. Absence of Extremities	
4. Auto-immune (non-AIDS/HIV)	
5. Autism	
6. Blindness (Both Eyes)	
7. Other Visual Impairments (Not Blind)	
8. Cancer	
9. Cerebral Palsy	
10. Deafness	
11. Hard of Hearing/ Hearing Impaired (Not Deaf)	
12. Deaf-Blind	
13. Diabetes	
14. Digestive Disorders	
15. Epilepsy	
16. Genitourinary Conditions	
17. Heart & Other Circulatory Conditions	
18. Mental Illness	
19. Mental Retardation	
20. Multiple Sclerosis	
21. Muscular Dystrophy	
22. Muscular/Skeletal Impairment	
23. Orthopedic Impairments	
24. Neurological Disorders/Impairment	
25. Respiratory Disorders/Impairment	
26. Skin Conditions	
27. Specific Learning Disabilities (SLD)	
28. Speech Impairments	
29. Spina bifida	
30. Substance Abuse (Alcohol or Drugs)	
31. Tourette Syndrome	
32. Traumatic Brain Injury (TBI)	
33. Other Disability - specify	
34. Total (this should match the total in II.A.3)	[Web generated]

F. GEOGRAPHIC LOCATION OF INDIVIDUALS SERVED

Report the geographic location of the individuals served by the PAAT program during the fiscal year. The total reported on line 5 should match the total in II.A.3 above (total number of individuals served during fiscal year).

Geographic Location	Number of individuals
1. Urban/Suburban (50k population)	
2. Rural (<50k population)	
3. Other - specify	
4. Unknown	
5. Total (this should match the total in II.A.3)	<i>[Web generated]</i>

PART IV: SYSTEMIC ACTIVITIES AND LITIGATION

A. NON-LITIGATION SYSTEMIC ACTIVITIES

1. **Number of Policies/Practices Changed as a Result of Non-Litigation Systemic Activities**

(The number reported will determine the number of text boxes generated by the web system to provide the information in Question 2 below for each policy/practice that was changed.)

2. **Describe the agency's systemic activity completed during the fiscal year.**

Include information about (a) the policy or practice that was changed, as a result of your agency's non-litigation systemic activity, along with a description of the negative impact upon individuals with disabilities, and (b) the manner in which this change benefited individuals with disabilities. If possible, (c) estimate the number of individuals potentially affected by the policy/practice change and (d) the method used to determine this estimate. [If you cannot provide an estimate, enter 'N/A'.] Include (e) one case example of the agency's systemic activity related to this policy/practice change.

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____

3. **Number of On-going Non-Litigation Systemic Activities**

(The number reported will determine the number of text boxes generated by the web system to provide the information in Question 4 below.)

4. **Describe the agency's on-going systemic activities.**

Include information about (a) how these activities may benefit individuals with disabilities. If possible, (b) estimate the number of individuals potentially affected by such activities and (c) the method used to determine this estimate. (d) Describe the potential policy/practice change that may result from this activity.

- a. _____
- b. _____
- c. _____
- d. _____

B. LITIGATION/CLASS ACTIONS

Report information on the PAAT-related litigation for your agency.

	Number
1. Total Number of Non-Class Action Lawsuits, resulting in, or with the potential for, systemic change, Pending during the fiscal year	
a. Number of Non-Class Action Lawsuits Newly Filed During Fiscal Year	
b. Number of Non-Class Action Lawsuits That were Pending at Start of Fiscal Year (carryover from prior fiscal year)	
c. Number of Non-Class Action Lawsuits Closed During Fiscal Year	

[Entering a non-zero number in IV.B.1 will require an answer to Question 2. Entering zero for this item will cause the system to skip to Question 3.]

2. Describe the agency’s on-going systemic non-class action litigation activities.

Using a case example that demonstrates the potential impact of the agency’s non-class action activities, explain (a) the issue that prompted the litigation, (b) how individuals with disabilities were being negatively affected, and (c) the potential benefit to individuals with disabilities. If possible, (d) estimate the number of individuals potentially affected by changes resulting from the litigation and (e) the method used to determine this estimate.

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____

[Entering a non-zero number in IV.B.1.c will require an answer to Question 3. Entering zero for this item will cause the system to skip to Question 4.]

3. Describe the agency’s completed systemic non-class action litigation activities.

Using a case example that demonstrates the potential impact of the agency’s completed non-class action activities, explain (a) the issue that prompted the litigation, (b) the manner in which individuals with disabilities were being negatively affected, and (c) the benefit to individuals with disabilities. If possible, (d) estimate the number of individuals affected by changes resulting from the litigation and (e) the method used to determine this estimate.

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____

Report information on the PAAT-related class action lawsuits for your agency.

4. Total Number of Class Action Lawsuits Filed and/or Pending (during fiscal year)	
a. Number of Class Action Lawsuits Newly Filed During Fiscal Year	
b. Number of Class Action Lawsuits Pending at Start of Fiscal Year (carryover from prior fiscal year)	
c. Number of Class Action Lawsuits Closed During Fiscal Year.	

[Entering a non-zero number in IV.B.4 will require an answer to Question 5. Entering zero for this item will cause the system to skip to Question 6.]

5. Describe the agency’s on-going systemic class action litigation activities.

Using a case example that demonstrates the potential impact of the agency’s class action activities, explain (a) the issue that prompted the litigation, (b) the negative impact upon individuals with disabilities and (c) the potential benefit to individuals with disabilities. If possible, (d) estimate the

number of individuals potentially affected by changes resulting from the litigation and (e) the method used to determine this estimate.

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____

[Entering a non-zero number in IV.B.4.c will require an answer to Question 6. Entering zero for this item will cause the system to skip to Section C.]

6. Describe the agency's completed systemic class action activities.

Using a case example that demonstrates the impact of the agency's class action activities, explain (a) the issue that prompted the litigation, (b) the negative impact upon individuals with disabilities and (c) the benefit to individuals with disabilities. If possible, (d) estimate the number of individuals potentially affected by changes resulting from the litigation and (e) the method used to determine this estimate.

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____

C. LITIGATION-RELATED MONITORING

Did the agency conduct any litigation-related monitoring under the PAAT program during the fiscal year?

Yes ___ No ___ [IF NO, web system will take user to Part V]

[IF YES]

Describe any monitoring conducted by the agency related to court orders or case settlements by (1) providing the major areas of monitoring and (2) the groups likely to be affected. (3) Address the major outcomes of the litigation-related monitoring during the fiscal year. Include (4) at least one case example that demonstrates the impact of the agency's litigation-related monitoring.

- 1. _____
- 2. _____
- 3. _____
- 4. _____

PART V: PRIORITIES

A. PRIORITIES

For each of your PAAT program priorities for the fiscal year covered by this report, please provide the information below. You may enter data on as many priorities as you need. See the instruction manual for more details.

1. Describe the Priority

2. Describe the Need, Issue, or Barrier Addressed

3. Indicate the Outcome of the priority: check one

Met:	<input type="checkbox"/>
Partially Met/Continuing:	<input type="checkbox"/>
Not Met:	<input type="checkbox"/>

(a) Describe any external or internal implementation problems for outcomes marked “not met” or “partially met.”

[Web system will automatically generate this question if ‘not met’ or ‘partially met’ is checked.]

4. Total Number of Cases Handled Related to the Priority (enter zero if needed)

5. Illustrative Cases/Activities (at least one specific case/activity description showing the success)

[Grantees will get item 5 if their response to item 4 is outcome met or continuing]

[Web system will have navigation buttons to allow grantees to ‘Enter another priority’, ‘Delete this priority’, or ‘Continue to the next section’]

B. PRIORITIES for the CURRENT FISCAL YEAR

Report your program priorities for the current fiscal year (the fiscal year succeeding that covered by this report). You may enter data on as many priorities as you need. See the instruction manual for more details. The priorities you enter in this section will be pre-loaded into your annual performance report form for the coming fiscal year (section A above).

1. Describe the Priority

2. Describe the Need, Issue, or Barrier to be Addressed

[Web system will have navigation buttons to allow grantees to 'Enter another priority', 'Delete this priority', or 'Continue to the next section']

C. AGENCY ACCOMPLISHMENTS

Describe the most significant accomplishments of the agency during the fiscal year.

PART VI: AGENCY ADMINISTRATION

A. AGENCY FUNDING

Enter the sources of funds your agency received and used to carry out PAAT program activities. Round to the nearest dollar, do not include cents. Do not include in-kind contributions in the “Other” categories. Refer to instruction manual for types of funds to report in “Other.”

PAAT funding sources	Amount Received
1. Federal P&A (AT Act funds):	\$
2. Federal AT Act Funds carried forward from previous Fiscal Year (if applicable):	\$
3. Program income	\$
4. Other – specify	\$
5. Other- specify	\$
6. Total:	\$ [web generated]

B. DESCRIPTION OF PAAT PROGRAM STAFF

1. Provide a brief description of the agency’s staffing plan for carrying out PAAT activities.

2. PAAT Staff

Report on the number of persons and the number of full time equivalent (FTE) staff performing PAAT activities. As applicable, include (a) staff supported in full or in part by PAAT grant funds during the current reporting year, (b) subcontractor staff supported by PAAT funds and (c) P&A management staff to the extent that their duties included oversight of the PAAT program (and salaries were paid out of PAAT funds). **Do not** include P&A staff who did not work on PAAT cases during the fiscal year. Report actual, not budgeted, FTE totals. See the instruction manual for an example and further details on the type of staff to include in each position.

Type of Position	Number of persons	Number of FTEs
Professional		
Full-time		
Part-Time		
Administrative		
Full-time		
Part-time		
Totals		

C. CONSUMER INVOLVEMENT

1. Briefly describe any consumer-responsive activities not reported elsewhere in this report (e.g., PAAT Advisory Board, forums to obtain input into planning and priorities). If ‘not applicable,’ enter ‘N/A.’

2. Consumer Involvement in P&A Agency Staff and Board: Enter the number of persons with a disability serving on Agency staff, the Board of Directors, or (if appropriate) the corresponding State government–level advisory body.

Person with a disability	Number
Agency staff	
Agency board	
Family members of a person with a disability	
Agency staff	
Agency board	
Total number of persons on agency staff	
Total number of persons on agency board	

D. GRIEVANCES FILED

Number of PAAT grievances filed against the agency during the fiscal year

E. COLLABORATIVE EFFORTS

1. Collaboration with Other P&A Programs and Activities

Briefly describe your work on AT issues funded by other P&A programs (do not include activities carried out with PAAT funds).

2. All Other Collaboration

Describe any coordination with programs that are not part of the agency (e.g. state Tech Act projects, state long-term care programs, etc.).

**ANNUAL PROTECTION &
ADVOCACY FOR ASSISTIVE
TECHNOLOGY (PAAT)
PROGRAM PERFORMANCE
REPORT**

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INSTRUCTION MANUAL

This document contains step-by-step instructions for completing the six parts of the PAAT annual progress reporting form.

[When the web system is fully developed, this manual will contain additional instructions on the use of that system to complete this form.]

A PREAMBLE TO THE INSTRUCTIONS

The obligation of Protection and Advocacy programs (P&As) to report to the U. S. Department of Education (ED) and ED's obligation to report to the President and Congress stems from the following language that is excerpted from section 5(f) of the Assistive Technology Act of 1998, as amended by the Assistive Technology Act of 2004 (AT Act) (P.L. 108-364). When completing this web-based reporting form, P&A staff should review this statutory language as a guide on how best to report annual Protection and Advocacy for Assistive Technology (PAAT) program activity.

P&As Annual Report to the Secretary of Education - 29 U.S.C. § 3012(c)

The following language creates the obligation of P&As receiving PAAT grants to annually report to the Rehabilitation Services Administration (RSA) within ED (emphasis added):

“An entity that receives a grant under this section **shall annually prepare and submit** to the Secretary **a report** that contains such information as the Secretary may require, **including documentation of the progress of the entity 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 chapter;
- (5) **coordinating activities** with protection and advocacy services funded through sources other than this subchapter, and coordinating activities with the capacity building and advocacy activities carried out by the lead agency; and
- (6) effectively allocating funds made available under this section to improve the awareness of individuals with disabilities about the accessibility of assistive technology and assist such individuals in the acquisition, utilization, or maintenance of assistive technology devices or assistive technology services.

REPORTING PERIOD

The Secretary has transferred the administration of the PAAT program from the National Institute on Disability Research and Rehabilitation (NIDRR) to RSA. Prior to this change, NIDRR administered the program with a budget and reporting period beginning on April 1st and ending on March 31st of each calendar year. RSA has changed the budget and reporting period for the program to run concurrent with the Federal fiscal year, October 1st – September 30th of each year. This change is intended to reduce the reporting burden on the grantees and to bring about consistency of administration with other formula grants received by the P&As.

PART I: NON-CASE SERVICES

A. INFORMATION & REFERRAL (I&R) SERVICES

Definition: I&R services are those services that include responses to individuals at meetings, one-time telephone discussions, and responses to requests for information from an individual. These services generally take less than one hour of service time. The agency typically would not have personal identifying information about the individuals who request and/or receive I&R services, except for possibly 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” under Part II below.

A.1: Enter the number of individuals who received I&R services under PAAT for the fiscal year. In other words, the agency was able to meet these individuals’ needs by providing I&R services only and did not open a case file for these individuals. Count each individual requesting I&R services only once regardless of the number of times they made requests or the number of requests per call. (The intent is to obtain an unduplicated count.)

A.2: Enter the number of I&R requests under PAAT for the fiscal year. This number may include multiple requests from the same individual within the fiscal year, i.e., the number entered in A2 can be greater than the number entered in A1.

Guidelines:

- Include the number of times that the agency provided I&R services to individuals during the fiscal year. Estimated counts are not acceptable for this section. All agencies should maintain logs to respond accurately to this section. Such routine requests should not require maintenance of confidential client information, extensive research by agency staff or extended contact with the individual.
- When counting follow-up mailings of letters, brochures or pamphlets, 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 agency staff. These data will be collected in another section of this report.

B. TRAINING ACTIVITIES

A training session can take many forms, including in-person sessions and distance learning sessions (i.e., teleconference training or web-based training). It could include a very short presentation of 30 minutes or less, or might involve a full-day or multi-day conference. In answering questions B1 and B2, please count each discrete session as one training session.

- **First Example:** The PAAT presents a daylong program on funding of AT. Three different funding sources are covered, but this is all one coordinated session. Under B1, this counts as one training session; under B2, the participants are also counted once.
- **Second Example:** The PAAT delivers a two-day conference. Following a full-morning plenary session for all 150 conference attendees, the remainder of the conference is divided into four concurrent tracks or breakout sessions, allowing for 20 additional sessions over the remainder of the conference. Despite the much larger scope of this second event, the full conference should count as one training session under B1 and 150 should be entered once under B2. NOTE: The P&A can explain the larger scope of this second event as a narrative example under B3.

B.1: Enter the number of training sessions presented by the staff for PAAT. This would include training sessions for individuals with disabilities, their families, and various community groups.

B.2: Enter the number of individuals who attended these training sessions. If the agency did not maintain registration logs of these training sessions, it is acceptable to provide an estimate of the number of individuals who attended.

B.3: Describe in detail at least two representative training sessions presented by the agency staff. Include information about a) the topics and issues covered, b) the purpose of the training and c) a description of the attendees (i.e., consumers, service providers, advocates, etc). If you want to describe a third training session, click on the button at the end of the second text box and the web system will generate a third text box for this information.

B.4: Describe the agency's outreach efforts to previously unserved or underserved individuals. The definition of "unserved and underserved individuals" contained in the Act can include individuals from minority communities, from rural areas, or from specific disability groups.

C. INFORMATION DISSEMINATED TO THE PUBLIC BY YOUR AGENCY

C.1: Enter the number of radio and/or TV appearances that PAAT staff made during the fiscal year.

C.2: Enter the number of articles that the agency staff wrote and had published for PAAT in newspapers, magazines, journals or other periodicals.

C.3: Enter the number of videos or public service announcements (PSAs) aired pursuant to the agencies PAAT-related efforts. *Do not* include the number of times the videos or PSAs were aired. For example, the local radio station aired two of the agency's PSAs about architectural barriers thirty times each. For purposes of this section, there were two PSAs aired.

C.4: Enter the total number of hits that were made on the agency's website during the fiscal year covered. Do not attempt to estimate or breakdown by Federal program.

C.5: Enter the number of publications, booklets or brochures that the agency disseminated for PAAT during the fiscal year. Include those brochures, booklets and publications that were disseminated en masse at trainings or via regular mailings to the agency's mailing list and include those brochures, booklets or publications that were disseminated to individuals at the individual's request. **EXAMPLE:** If an agency published 3 brochures and distributed each brochure to 100 people, report 3 (not 300) in this item.

C.6: Under "number," enter the number of other information, not captured in C1. through C5. disseminated to the public at large for PAAT during the fiscal year. Under "specify," describe the "other" means used to disseminate information to the public regarding PAAT activities.

D. INFORMATION DISSEMINATED ABOUT YOUR AGENCY'S ACTIVITIES BY EXTERNAL MEDIA COVERAGE

The activities of a PAAT program or the services available through the PAAT program often are reported by the radio, TV, or print media, for example, with or without the encouragement of the PAAT. Where it is available, enter narrative information regarding any external media that provided coverage of the agency's activities during the fiscal year. This narrative information should be included under the category that is most appropriate. If there is no information to report, type in 'N/A' or 'not applicable'.

PART II: CASE-SERVICES

A. INDIVIDUALS SERVED

Definitions: Refer to these definitions when completing Part II of the form.

- **Individual Served:** To be considered an "individual served" (i.e., a client), the individual must meet three criteria:
 1. The individual must be eligible for PAAT program services. An individual is eligible for PAAT services if he/she has a disability and is or would be enabled by an assistive technology device or assistive technology service to minimize deterioration in functioning, to maintain a level of functioning, or to achieve a greater level of functioning in any major life activity.
 2. The agency has opened a case file, 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 the agency.

3. The agency 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 legal rights or how to obtain AT devices or AT services; or
 - d. The provision of any allowable service beyond I&R services, as defined above.
- **Case File:** This is the compilation of personal identifying information about an individual, documents, letters, complaints or issues raised, advocate's notes, etc., used in working with an individual served. It may contain many issues at any one time. In fact, many individuals served will present several issues to the agency during the course of the agency/client relationship. The case file is opened at the time the agency determines that it will provide at least one significant service for the individual. New issues may arise while still working with an individual. These new issues, if appropriate for agency intervention, should be added to the existing case file.
 - **Multiple Case Files:** When an individual is served on two or more separate legal problems, the PAAT program may have two or more case files for that same individual.

A.1: Enter the number of individuals who had open case files at the beginning of the fiscal year, which were carried over from the prior fiscal year.

A.2: Enter the number of individuals who first sought agency assistance and had a case file(s) opened during this fiscal year (new cases).

A.3: The system will automatically add the numbers entered in A.1 and A.2 in order to generate A.3. This is the total number of individuals served during this fiscal year under PAAT. Remember, no individual may be counted more than once per program in a fiscal year. This number will be used as a checkpoint reference in subsequent tables. For each subsequent field asking for a total of individuals served, the system will check against the total reported in II.A.3. If the totals do not match, the web system will give you an error message.

A.4: Enter the total number of individuals who had a case (or *all* of their cases, if more than one was open at the start of the fiscal year) closed under PAAT during the fiscal year. Do not count an individual if he/she had multiple cases open at the start of the fiscal year and only some are closed. The total entered in A.4 reflects the number of individuals who were served during the fiscal year but are no longer being served by the agency.

A.5: Total number of individuals still being served at the end of the fiscal year. The web system will generate this number by subtracting Part II.A.4 from Part II.A.3.

B. PROBLEM AREAS/COMPLAINTS FOR INDIVIDUALS SERVED

Include in this category the types of problems/complaints that "individuals served" presented to PAAT during this fiscal year. The following list contains broad categories of the common types of complaints/problems individuals served present to PAAT. 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 PAAT intervention.

Guidelines:

- Include in this section the types of problems or complaints that individuals served presented to the agency during this fiscal year. Include only those problems or 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 the agency's services, the agency cannot represent that individual on the housing problem if that housing problem is not related to the individual's disability. The agency could, however, represent that same individual on a different issue, such as employment, that is related to the individual's disability.

- Include in this section only those problems that are directly related to obtaining or retaining AT devices or AT services. (See definitions for AT devices and AT services under Part II.C, below.)

Example: An individual with a special education dispute regarding school discipline would not ordinarily get counted as a PAAT case as there would be no AT-related issue in the case. The same individual with a special education dispute involving the need for an adapted computer keyboard would get counted as a PAAT case as the issue involves the need for an AT device.

B.1: Enter the number of individuals who sought PAAT assistance for complaints related to architectural barriers or other building accessibility problems. These complaints could relate to any aspect of accessibility to a building or structure, including the adjoining parking lot or garage, building entrance, interior rooms, signage, etc. Include complaints for both public and private buildings and structures.

B.2: Enter the number of individuals who sought PAAT assistance for complaints related to education. *Do not* include those complaints that relate to post-secondary education (B.7).

B.3: Enter the number of individuals who sought PAAT assistance for complaints related to employment discrimination.

B.4: Enter the number of individuals who sought PAAT assistance for complaints related to Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) work incentives. Work incentive issues likely to involve AT include SSI's Plan for Achieving Self

Support, SSI's blind work expenses or impairment related work expenses under either SSI or SSDI.

B.5.a-d: Enter the number of individuals who sought PAAT assistance for complaints related to healthcare for each of the available subcategories (Medicaid, Medicare, private health insurance, other). The web system will generate a total (**B5**) based on numbers reported in B.5.a-d.

B.6: Enter the number of individuals who sought PAAT assistance for complaints related to housing.

B.7: Enter the number of individuals who sought PAAT assistance for complaints related to post-secondary education.

B.8: Enter the number of individuals who sought PAAT assistance for complaints related to rehabilitation services. This category would include enforcement of rights against state vocational rehabilitation agencies under Title I of the Rehabilitation Act, against employment networks under the Ticket to Work program or against private rehabilitation agencies.

B.9: Enter the number of individuals who sought PAAT assistance for complaints related to transportation.

B.10.a-c: Enter the number of individuals who sought PAAT assistance for complaints related to voting for each of the available subcategories (accessible polling place/equipment, registration, other). The web system will generate a total (**B10**) based on the numbers reported in B.10.a-c.

B.11 and B.12: Enter the number of individuals who sought assistance from PAAT for complaints not otherwise covered by the above list of categories and specify the 'other' problem area. Note: The listing in the parenthetical includes potential categories of cases that could fit into "other." (Abuse, access to records, advance directives, employment preparation, other financial benefits, government benefits/services, immigration, neglect, non-medical insurance, privacy rights, suspicious death, and unnecessary institutionalization.)

B.13: The web system will automatically generate the total number of cases by problem area by adding lines B.1-B.12 and placing the total on line B.13.

C. ASSISTIVE TECHNOLOGY DEVICE/SERVICE

The AT Act defines AT device and AT service as follows:

- **AT device:** The term "assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified or customized, that is used to increase, maintain or improve functional capabilities of individuals with disabilities.

- **AT service:** The term "assistive technology service" means any service that directly assists an individual with a disability in the selection, acquisition or use of an assistive technology device.

The goal of the AT Act, in funding the PAATs, is to provide advocacy services to individuals with disabilities to enable eligible clients to obtain appropriate AT devices and AT services.

Use this section to enter the number of AT devices or AT services granted as a result of casework.

C.1: Report the unduplicated number of individuals who received an AT device or AT service as a result of the PAAT's casework during the fiscal year. If an individual received two or more AT devices, two or more AT services, or some combination of AT devices or services, you still only count the individual once.

C.2.a-m: Enter the number of AT devices, by category, and AT services (C.2.1), obtained by individuals with disabilities as a result of PAAT casework. Report all of the AT devices and AT services obtained by all individuals during the fiscal year. The count should include individuals who received more than one device or service, through one or more cases in the fiscal year.

- **Example:** If the PAAT successfully represented a person in a Medicaid hearing for a wheelchair, count this as one device under the category of devices for mobility (C.2.b). If the PAAT also arranged for a wheelchair evaluation in order to successfully represent the person in the Medicaid hearing, you should separately count the wheelchair evaluation as a separate AT service under C.2.1.
- **Example:** If, during the same fiscal year and for the same individual above, the PAAT helped him/her obtain an augmentative communication device through a Medicaid hearing, report this under C.2.a, a device for communication. Similarly, if the PAAT helped the same individual obtain from a school district training to learn to use the device, report this as an AT service under C.2.1.

D. CLOSING CASE FILES

This section contains a list of the reasons an agency might give for closing the case file of an individual served. Choose *one primary* (most appropriate) reason for closing each case file. *Do not* itemize a reason for resolving each issue raised. The number of case files may, in some situations, be greater than the total number of individuals served (Part II.A.3) to account for those situations when an individual had multiple case files closed during the fiscal year. Estimated counts are not acceptable.

D.1: All Issues Resolved in Client's Favor: Enter the number of PAAT case files that were closed by the agency in which all of the issues were resolved in the individual's favor.

D.2: Some Issues Resolved in Client's Favor: Enter the number of PAAT case files that were closed by the agency in which some of the issues were resolved in the individual's favor.

D.3: Other Representation Obtained: Enter the number of PAAT case files that were closed by the agency because the individual obtained other representation. Include those times when the agency referred the individual to another advocate/attorney, as well as when the individual sought representation by someone other than an agency advocate/attorney.

D.4: Individual Withdrew Complaint: Enter the number of PAAT case files that were closed by the agency when the individual withdrew the complaint because he/she did not want to pursue resolution of the problem at this time.

D.5: Services Not Needed Due to Death, Relocation, etc.: Enter the number of PAAT case files that were closed by the agency because the individual no longer needed the agency services due to the individual's death, relocation, etc.

D.6: Individual Not Responsive to Agency: Enter the number of PAAT case files that were closed by the agency because the individual stopped communicating with the agency or failed to provide necessary information.

D.7: Case Lacked Legal Merit: Enter the number of PAAT case files that were closed by the agency because the staff determined, after exploring the facts and the law further, that the individual's complaint lacked legal merit.

D.8: Conflict of Interest: Enter the number of PAAT case files that were closed by the agency because the staff determined, after exploring the facts and the law further, that the agency could not represent the individual (due to a conflict with other current or former clients, or a conflict with other potential or existing agency litigation).

D.9: Lack of Resources: Enter the number of PAAT case files that were closed by the agency because the agency lacked sufficient staff or resources to represent the individual.

D.10: Not Within Priorities: Enter the number of PAAT case files that were closed by the agency because the staff determined that the case was not appropriate under the scope of the program's priorities.

D.11: Issue Not Resolved in Client's Favor: Enter the number of PAAT case files that were closed by the agency in which the issue or issues were not resolved in the individual's favor.

D.12: Other: Enter the number of PAAT case files that were closed by the agency for a reason not covered by D.1-11, and specify/describe the reason. This response should be reserved for rare instances when a reason for closure clearly does not fit into any of the above categories.

D.13: Total: The web system will automatically generate the total number of case files closed by adding lines 1-12 and placing the total on line 13.

E. INTERVENTION STRATEGIES FOR CLOSED CASES

Guidelines: Agencies engage in a variety of intervention strategies to resolve complaints raised by the individuals served. Although agencies generally use more than one type of strategy to serve a client, choose the *highest* level of intervention strategy used by the agency on behalf of the individual to resolve the complaint (i.e., close the case). The number of cases (E.9) may be greater than the total number of individuals with cases closed (Part II.A.4) to account for situations when an individual had multiple case files closed during the fiscal year. Estimated counts are not acceptable.

Example 1: The agency may have engaged in investigation, negotiation, and alternative dispute resolution (ADR) activities on behalf of an individual served in order to resolve the complaint. The agency provided all three of these services during the course of one case file. The agency should account for this individual in mediation/ADR (E.5) since this was the highest level of service provided to this particular individual.

Example 2: The agency may have opened and closed two different case files on behalf of an individual served during the fiscal year. During the course of working with the individual on the first case, the agency provided short-term assistance and advice (E.1). However, in the second case, the agency represented the individual at a formal administrative hearing. The agency should account for this individual in short-term assistance (E.1) for the first case file *and* administrative hearing (E.6) for the second case file.

E.1: Enter the number of PAAT case files closed in which the highest level of intervention provided by the agency was short-term assistance. In these cases, the agency was able to assist the individual by providing legal advice or extended I&R services or by performing brief research or letter writing on behalf of the individual.

E.2: Enter the number of PAAT case files closed in which the highest level of intervention provided by the agency was to engage in systemic or other policy-making activities to resolve the individual's complaint. For example, the agency may have been successful in changing an agency policy on a particular issue, raised by many individuals, without resorting to formal administrative (E.6) or legal remedies (E.7 or E.8).

E.3: Enter the number of PAAT case files closed in which the highest level of intervention provided by the agency was investigating or monitoring a particular situation. In these cases, the agency was able to assist the individual by investigating the complaint or monitoring a situation or facility. Upon investigation, the agency may have determined that the case lacked merit, the agency did not have sufficient resources to proceed further or the case did not fall within the agency's priorities.

E.4: Enter the number of PAAT case files closed in which the highest level of intervention provided by the agency was negotiation. In these cases, the agency was able to affect a resolution for the individual by engaging in direct negotiations with the adverse party in an

informal environment. *Do not* include negotiations using a formal mediator or another form of ADR (E.5).

E.5: Enter the number of PAAT case files closed in which the highest level of intervention provided by the agency was mediation or another form of ADR. In these cases, the agency assisted the individual by engaging in mediation or another form of ADR to resolve the dispute between the individual and another party.

E.6: Enter the number of PAAT case files closed in which the highest level of intervention provided by the agency was representation at or assistance in preparing for a formal administrative hearing. *Do not* include any legal services provided beyond the administrative hearing stage (i.e., services provided in state or federal court (E.7)).

E.7: Enter the number of PAAT case files closed in which the highest level of intervention provided by the agency was representation in litigation. In these cases, the agency assisted the individual in pursuing legal recourse in the judicial system to resolve the individual's complaint. *Do not* include class actions (E.8).

E.8: Enter the number of PAAT case files closed in which the highest level of intervention provided by the agency was representation in a class action. In these cases, the agency assisted individuals as a class in pursuing legal recourse in the judicial system to resolve multiple individuals' complaints.

E.9: The web system will automatically generate the total number of case files closed by adding lines E.1-E.8 and placing the total on line E.9.

PART III: STATISTICAL INFORMATION FOR INDIVIDUALS SERVED

A. AGE OF INDIVIDUALS SERVED

Enter the number of individuals served in each of the age categories listed. Record the individual's age as of the beginning of the fiscal year, October 1. *Do not* count an individual more than once, regardless of the number of case files that were opened or closed on the individual's behalf. The total reported in this section should match the total number of individuals served (Part II.A.3). If the numbers do not match, the system will generate an error message.

B. GENDER OF INDIVIDUALS SERVED

Enter the number of individuals served according to their gender. *Do not* count an individual more than once, regardless of the number of case files that were opened or closed on the individual's behalf. The total number entered should match the total number of individuals served (Part II.A.3). If the numbers do not match, the system will generate an error message.

C. RACE AND ETHNICITY OF INDIVIDUALS SERVED

The categories for reporting race and ethnicity in the PAAT annual reporting form conform to the Office of Management and Budget (OMB) 1997 *Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity*,¹ and are used by other federal programs. If an agency wants to collect data for race or ethnic subcategories, the agency must be able to aggregate the data reported into the OMB minimum standard set of race and ethnicity categories.

OMB encourages self-identification of race. When respondents are allowed to self-identify or self-report their race, agencies should adopt a method that allows respondents to mark or select more than one of the five minimum race categories.

The **five** minimum categories for reporting race are:

AMERICAN INDIAN OR ALASKA NATIVE – A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.

ASIAN – A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

BLACK OR AFRICAN AMERICAN – A person having origins in any of the black racial groups of Africa.

NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER – A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

WHITE – A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

Agency staff must respect the client's right to not report his or her race. Agencies should report the number of clients with missing or unknown race information in the "unknown/not reported" race category (C.1.g). Agency staff should be familiar with the OMB definitions for each race category so that they can assist clients who may have questions. Further, agencies should consider providing the definition of each race category in their data collection forms if space and formatting permit.

According to the 1997 OMB guidance, when self-identification is used agencies should adopt a data collection method that allows respondents to self-report more than one race. When respondents are allowed to self-identify with or self-report more than one race:

- Agencies should adopt a method that allows respondents to mark or select more than one of the five minimum race categories.
- The method for respondents to report more than one race should take the form of *multiple responses* to a single question and *not* a single "multiracial" category.
- When a list of races is provided to respondents, the list should not contain a "multiracial" category.

¹ Retrieved November 18, 2003, from <http://www.whitehouse.gov/omb/fedreg/ombdir15.html>.

- Based on research conducted so far, two recommended forms for the instruction accompanying the multiple-response question are “Mark one or more...” and “Select one or more...”
- Provision should be made to report, at a minimum, the number of individuals identifying with more than one race. On the PAAT reporting form, individuals who selected more than one race are reported on line C.1.f.

C.1: RACE OF INDIVIDUALS SERVED: Enter the number of individuals served according to their stated racial origin. *Do not* count an individual more than once, regardless of the number of case files that were opened or closed on the individual's behalf. The number entered should match the total number of individuals served (Part II.A.3). If the numbers do not match, the system will generate an error message.

C.1.a: Enter the number of individuals served by PAAT who consider themselves to be an American Indian or Alaskan Native.

C.1.b: Enter the number of individuals served by PAAT who consider themselves to be Asian. *Do not* include those individuals who consider themselves to be Native Hawaiian or another Pacific Islander (C.1.d). *Do* include those individuals who consider themselves to be Arab-American.

C.1.c: Enter the number of individuals served by PAAT who consider themselves to be Black or African-American.

C.1.d: Enter the number of individuals served by PAAT who consider themselves to be a Native Hawaiian or other Pacific Islander.

C.1.e: Enter the number of individuals served by PAAT who consider themselves to be White or Caucasian.

C.1.f: Enter the number of individuals served by PAAT who consider themselves to belong to more than one racial or ethnic group.

C.1.g: Enter the number of individuals served by PAAT whose race is unknown.

C.1.h: Enter the total of individuals served by PAAT by adding the numbers within each column and placing the sum in the total row. The number entered should match the total number of individuals served (Part II.A.3). If the numbers do not match, the system will generate an error message.

C.2: ETHNICITY OF INDIVIDUALS SERVED: Enter the number of individuals served according to their stated ethnic origin. Remember that a person of Hispanic/Latino ethnicity may be of any race. *Do not* count an individual more than once, regardless of the number of case files that were opened or closed on the individual's behalf.

The **two** minimum OMB categories for reporting ethnicity are:

HISPANIC OR LATINO (ALL RACES) – A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

NOT HISPANIC OR LATINO (ALL RACES) – A person **not** of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

C.2.a: Enter the number of individuals served by PAAT who consider themselves to be Hispanic or Latino.

C.2.b: Enter the number of individuals served by PAAT who *do not* consider themselves to be Hispanic or Latino.

C.2.c: Enter the number of individuals served by PAAT whose ethnicity is unknown or not reported.

C.2.d: Enter the total of individuals served by PAAT by adding the numbers within each column and placing the sum in the total row. The number entered should match the total number of individuals served (Part II.A.3). If the numbers do not match, the system will generate an error message.

D. LIVING ARRANGEMENTS OF INDIVIDUALS SERVED

Report information about the living arrangements for all individuals served by PAAT during the fiscal year. *Do not* count an individual more than once, regardless of the number of case files that were opened or closed on the individual's behalf. Report the living arrangement when the case was opened if it was a new case; or report the living arrangement at the beginning of the fiscal year if the case was carried over from the prior reporting period.

D.1: Enter the number of individuals served who live in a community residential home. Include situations in which an entity other than the resident is responsible for the funding, administration, and day-to-day care and upkeep of the residence (e.g. supervised apartments, semi-independent living, halfway houses, board and care, and group homes of 14 or less).

D.2: Enter the number of individuals served who live in a foster care setting and are part of the state's foster care system.

D.3: 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 fixed address.

D.4: Enter the number of individuals served who live in a jail, prison, or some other detention center.

D.5: Enter the number of individuals served who live in a public or private nursing facility.

D.6: Enter the number of individuals served who live with their parents, guardian, or another relative.

D.7: 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 individual must be responsible for his/her own housing. *Do not* include individuals who live independently in public housing (D.10).

D.8: Enter the number of individuals served who live in a private institution, such as intermediate care facilities (ICFs), residential treatment centers, hospitals, psychiatric hospitals, and detox centers. *Do not* include individuals who live in a nursing facility (D.5).

D.9: Enter the number of individuals served who live in a public institution, such as publicly funded ICFs, residential treatment centers, hospitals, psychiatric hospitals, and detox centers. *Do not* include individuals who live in a nursing home (D.5).

D.10: Enter the number of individuals served who live independently in public housing.

D.11: Enter the number of individuals served who live in a Veteran's Administration (VA) Hospital.

D.12 and D.13: Enter the number of individuals served who have some other living arrangement that is not listed in this section. Provide a description of the living arrangement of any individual counted in this category.

D.14: Enter the number of individuals served for whom the agency has no information about their living arrangements.

D.15: The web system will automatically generate a total by adding lines D.1-D.14 and placing the total on line D.15. This number should match the number in Part II.A.3. If the numbers do not match, the system will generate an error message.

E. PRIMARY DISABILITY OF INDIVIDUALS SERVED

Guidelines: Report information about the primary disability of the individuals served by the agency under PAAT. 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 primary complaint of the individual served. *Do not* count an individual more than once during a fiscal year.

Example 1: An individual is deaf and also has an orthopedic impairment that requires the use of a wheelchair. The individual came to the agency because the local pizzeria is inaccessible for wheelchair-users. The agency should report this individual under orthopedic impairment (E.23) because the issue raised focuses on building accessibility problems. The fact that the individual also is deaf (E.10) is not relevant to this particular complaint.

Example 2: If an individual with the same disabilities described above came to the agency complaining that the county hospital refused to provide an interpreter to explain the diagnostic testing she was to undergo, the agency should report this individual under

deafness (E.10) because the issue dealt with interpreter services. The fact that the individual also has an orthopedic impairment is not relevant to this particular complaint.

Resources on Disabilities: You may want to consult a medical text for definitions or descriptions of the disabilities that are listed in E.1-32. A resource, which can be found on the web in a word-searchable format, is the Merck Manual (www.merck.com/mrkshared/mmanual/home.jsp).

E.1: Enter the number of individuals served who have Attention Deficit Disorder with or without hyperactivity.

E.2: Enter the number of individuals served who are infected with the human immunodeficiency virus (HIV), regardless of whether the individual is symptomatic or asymptomatic.

E.3: Enter the number of individuals served who are lacking an extremity or multiple extremities.

E.4: Enter the number of individuals served who are afflicted with an autoimmune disorder (e.g. Chronic Fatigue Syndrome).

E.5: Enter the number of individuals served who have autism or autism spectrum disorder.

E.6: Enter the number of individuals served who, with best correction (i.e., with eyeglasses), are legally blind in both eyes.

E.7: Enter the number of individuals served with visual impairments other than blindness in both eyes (E6).

E.8: Enter the number of individuals served who have cancer.

E.9: Enter the number of individuals served who have cerebral palsy.

E.10: Enter the number of individuals served who are deaf.

E.11: Enter the number of individuals served who are hard-of-hearing or hearing impaired but are not deaf (E.10).

E.12: Enter the number of individuals served who are deaf-blind. These individuals meet the criteria for both deafness (E.10) and blindness (E.6).

E.13: Enter the number of individuals served who have diabetes.

E.14: Enter the number of individuals served who have digestive disorders (e.g. Irritable Bowel Syndrome).

E.15: Enter the number of individuals served who have epilepsy.

- E.16:** Enter the number of individuals served who have genitourinary conditions.
- E.17:** Enter the number of individuals served who have a cardiac or other circulatory system impairment or condition.
- E.18:** Enter the number of individuals served who have a mental illness that is not specifically covered by another category.
- E.19:** Enter the number of individuals served with any degree of mental retardation (i.e., mild, moderate, severe/profound).
- E.20:** Enter the number of individuals served who have multiple sclerosis.
- E.21:** Enter the number of individuals served who have muscular dystrophy.
- E.22:** Enter the number of individuals served with any form of muscular or skeletal impairment not specifically covered by another category.
- E.23:** Enter the number of individuals served who have an orthopedic impairment. These individuals may be paralyzed, or may have some other functional impairment involving the limbs, digits, trunk, back or spine.
- E.24:** Enter the number of individuals served with any form of neurological disorder or impairment not specifically covered by another category. This total should include individuals affected by strokes and Acquired Brain Injury (ABI).
- E.25:** Enter the number of individuals served who have a respiratory system disorder or impairment.
- E.26:** Enter the number of individuals served who have a skin condition.
- E.27:** Enter the number of individuals served with a specific learning disability (not including mental retardation (E.19)).
- E.28:** Enter the number of individuals served with speech impairments, such as cleft palate and harelip with speech imperfections, laryngectomies, stuttering, etc.
- E.29:** Enter the number of individuals served with spina bifida.
- E.30:** Enter the number of individuals served who have substance abuse conditions (i.e., current or former alcohol and/or drug addictions).
- E.31:** Enter the number of individuals served who have Tourette Syndrome.
- E.32:** Enter the number of individuals served who have a traumatic brain injury (TBI).

E.33: Enter the number of individuals served who have other impairments or disabling diseases or conditions that are not covered by the above categories. Specify/describe the disability of any individual counted in this category.

E.34: The web system will automatically generate a total by adding lines E.1-E.33 and placing the total on line E.34. The number generated should equal the total number of individuals served (Part II.A.3). If the numbers do not match, the system will generate an error message.

F. GEOGRAPHIC LOCATION

Report the general geographic location of each individual served under PAAT. Information collected in this section of the report will assist RSA to analyze an agency's outreach efforts under the PAAT program.

F.1: Enter the number of individuals served who live in an urban/suburban location. Urban is defined as a metropolitan area with a population of more than 50,000.

F.2: Enter the number of individuals served who live in a rural location. Rural is defined as any area that does not qualify as urban (see definition above).

F.3: Enter the number of individuals served who could not be identified as coming from an urban/suburban or rural location. This will include those instances where information on geographic location was not collected. This could also include those individuals who are homeless, those living in a motor home or those who otherwise have no permanent residence. Provide a description of the geographic location or living arrangement for each case listed as "other."

F.4: Enter the number of individuals served whose geographic location is unknown.

F.5: The web system will automatically generate the total number of individuals served by adding lines F.1-F.4 and placing the total on line F.5. This number should equal the total number of individuals served (Part II.A.3). If the numbers do not match, the system will generate an error message.

PART IV: SYSTEMIC ACTIVITIES AND LITIGATION

Definitions: Refer to these definitions when completing Part IV of this form.

- **Systemic Activity:** A systemic activity, in the context of PAAT work, is one that is intended to result in a permanent change to policies or practices of a governmental or non-governmental entity, making AT devices or AT services more readily available for a class of persons with disabilities.
- **Non-Litigation Systemic Activity:** This includes any systemic activity that occurs outside the context of a PAAT's representation of individuals through litigation. See examples under A.2, below.
- **Systemic Litigation and Systemic Class Action Activity:** This includes any litigation, whether on behalf of one or more individuals, or a class of individuals, when one of the outcomes sought is to make a permanent change in policies or practices of a governmental or non-governmental entity, making AT devices or AT services more readily available for a class of persons with disabilities. Class actions, by their very nature, will almost always be classified as systemic litigation. A lawsuit or court appeal brought on behalf of one individual can be considered systemic litigation if one of the outcomes sought is systemic in nature (see B.3 below).

A. NON-LITIGATION SYSTEMIC ACTIVITIES: The information collected in this section of Part IV focuses on the agency's non-litigation systemic activities in general. This category goes beyond any systemic efforts made on behalf of individuals served.

A.1: Enter the number of policies or practices that were changed as a result of systemic activities under PAAT. *Do not* include those policies or practices that were changed as a result of litigation (Part IV.B). For each number reported, the web system will generate the appropriate number of text boxes to be completed for A.2.

A.2: Describe the systemic activity completed during the fiscal year. (a) Identify the policy or practice that was changed, as a result of your agency's non-litigation systemic activity, along with a description of the negative impact upon individuals with disabilities. (b) Include information regarding the manner in which this change will benefit individuals with disabilities in the state. (c) If possible, estimate the number of individuals potentially affected by such policy changes and (d) the method used to determine this estimate. (e) Include one case example of how this systemic activity related to the policy/practice changed. If appropriate, provide the agency's plans for continuing to address these issues during the next fiscal year.

Example: PAAT staff assisted in the development of new power wheelchair criteria for the state Medicaid agency, by participating on an advisory board that included input from the medical and legal communities to ensure that the criteria were consistent with medical standards and federal statutory requirements.

- a. **Policy or practice changed.** Medicaid policy would only allow a power wheelchair if it was necessary for use in the individual's home. This was a problem for many persons with disabilities who had no ability to access any locations outside of their homes. The policy change now allows persons to obtain power wheelchairs if they have no functional mobility using a manual wheelchair.
- b. **Benefit to individuals with disabilities.** With the new criteria, individuals with disabilities are now able to obtain power wheelchairs to allow them to travel outside the home to participate in medical, educational, work and social activities.
- c. **Estimated number of individuals potentially affected by the policy or practice change.** Of those individuals who are eligible for Medicaid, it is estimated that ___ (number) will now be able to obtain a power wheelchair as a result of the new criteria.
- d. **Determination of estimate.** Based on the state's Medicaid population, it is estimated that ___ (number) of people have a mobility impairment that would require the use of a power wheelchair. Of that number, we estimated that ___ percent would not be able to obtain a power wheelchair without the policy change.
- e. **Case example of PAAT agency's systemic activity related to this policy/practice change.** PAAT staff assisted in the development of new power wheelchair criteria for the state Medicaid agency, by participating on an advisory board that included input from the medical and legal communities to ensure that the criteria were consistent with medical standards and federal statutory requirements.

A.3: Enter the number of ongoing non-litigation systemic activities undertaken. These are activities that have not yet resulted in a change in policies or practices, but the agency believes have potential to result in such change. Litigation activities should not be included here; report on them in Part IV.B. The number entered in this section will determine the number of boxes the web system will generate in order to collect descriptive information on these activities (A.4).

A.4: Describe each of the agency's non-litigation systemic activities reported in A.3 that have not yet resulted in change, but have potential to do so in the future. The web system will generate text boxes to match the number of activities reported in A.3. For each activity, describe: (a) how the activity may benefit individuals with disabilities; (b) the number of individuals potentially affected by the activity; (c) the method used to determine that estimate; and (d), the policy or practice that may change as a result of the activity.

B. LITIGATION/CLASS ACTIONS: This section focuses on the litigation case work that the PAAT was involved in during the fiscal year and any changes resulting from the efforts of the agency to engage in litigation on behalf of an individual or in a class action on behalf of many individuals.

B.1: Enter the total number of non-class action lawsuits with potential for systemic effect that were pending during the fiscal year. This number would include both the new lawsuits that were

filed during the fiscal year (B.1.a) and the lawsuits that were already pending as the fiscal year began (i.e., carried over from the previous year)(B.1.b).

B.1.a: Enter the total number of new non-class action lawsuits that were filed by PAAT for the fiscal year.

B.1.b: Enter the total number of non-class action lawsuits that were pending as the fiscal year began and which are a carryover from the previous fiscal year.

B.1.c: Enter the total number of non-class action lawsuits closed during the fiscal year. The number of pending cases carried forward to the next fiscal year is equivalent to the total of B.1.a and b minus B.1.c. (The web system will automatically enter this number on line B.1.b for use in the report due for the next fiscal year.)

[Entering a non-zero number in IV.B.1 will require an answer to Question B.2. Entering zero for this item will cause the system to skip to Question B.3.]

B.2: Describe the agency's on-going non-class action litigation activities. Using a case example that demonstrates the potential impact of the agency's non-class action activities, explain (a) the issue that prompted the litigation; (b) the negative impact on individuals with disabilities; and (c) the potential benefit to individuals with disabilities resulting from such litigation. If possible, (d) estimate the number of individuals that potentially affected changes resulting from the litigation and (e) the method used to determine this estimate.

For **B.2 and B.3**, you should report only non-class action litigation that seeks to achieve a systemic outcome (B.2 – on going; B.3 – completed). A case brought on behalf of one individual can seek both a specific outcome for the individual and a broader, systemic outcome that will benefit many individuals.

[Entering a non-zero number in IV.B.1.c will require an answer to Question B.3. Entering zero for this item will cause the system to skip to Question B.4.]

Example for B.2, On-Going Systemic Non-Class Action Litigation Activities:

- a. Issue prompting the litigation.** A school district in the state's largest city (name of city) refused, as part of its special education program, to pay for AT evaluations for students who are blind or severely visually impaired.
- b. The negative impact upon individuals with disabilities.** A major component of identifying an appropriate AT intervention, such as the use of adapted computer equipment, is an AT evaluation by a competent AT evaluator. Under the existing policy, it was difficult to obtain the AT evaluation, often resulting in the purchase of inappropriate AT for the blind/visually impaired student or, the student not obtaining any AT device or service because there is no professional support.

- c. **Benefit to individuals with disabilities from this litigation.** Our pending case, [case name], challenges the school district's policy as a violation of the Individuals with Disabilities Education Act (IDEA). While filed on behalf of three individuals to obtain AT evaluations in their cases, the lawsuit also seeks an order declaring that the school district's policy and practice is illegal. If the lawsuit is successful, other blind and visually impaired students can be expected to benefit from the policy change. We are also hopeful that similar students in other school districts will benefit if the court publishes an opinion in this case.
- d. **Estimate of individuals potentially affected by changes resulting from the litigation.** Approximately [number] students, who are currently enrolled or who will be enrolled in the [name] school district, can be expected to benefit from a positive result in this litigation during the next five years.
- e. **Method used to determine estimate.** Based on data provided by the school district and projecting new enrollees during the next five years, we estimate that [number] blind/visually impaired students are currently enrolled and an additional [number] students will be enrolled with the school district during the next five years. All of these students could potentially benefit from a positive result in this case.

B.3: Describe the agency's completed systemic non-class action litigation activities. Using a case example that demonstrates the potential impact of the agency's completed non-class action activities, explain (a) the issue that prompted the litigation, (b) the negative impact upon individuals with disabilities and (c) the benefit to individuals with disabilities resulting from such litigation. If possible, (d) estimate the number of individuals potentially affected by changes resulting from the litigation and (e) the method used to determine this estimate.

Example for B.3, Systemic Completed Non-Class Action Litigation Activities:

NOTE: This example takes the same information used in example B.2 and assumes the court has issued a decision favorable to the plaintiffs.

- a. **Issue prompting the litigation.** A school district in the state's largest city (name of city) refused, as part of its special education program, to pay for AT evaluations for students who are blind or severely visually impaired.
- b. **The negative impact upon individuals with disabilities.** A major component of identifying an appropriate AT intervention, such as the use of adapted computer equipment, is an AT evaluation by a competent AT evaluator. Under the existing policy, it was difficult to obtain the AT evaluation, often resulting in the purchase of inappropriate AT for the blind/visually impaired student or, the student not obtaining any AT device or service because there is no professional support.
- c. **The benefit to individuals with disabilities from this completed litigation.** Our case, [case name], challenged the school district's policy as a violation of the federal Individuals with Disabilities Education Act (IDEA). While filed on behalf of three

individuals to obtain AT evaluations in their cases, the lawsuit also sought an order declaring that the school district's policy and practice illegal. During the fiscal year, the court issued a published opinion ordering AT evaluations for the three named plaintiffs and ordering the school district's policy to be illegal under the law referenced above. The three named plaintiffs will directly benefit from this decision as they will now receive AT evaluations, meaning they are more likely to get appropriate AT devices and services. Also, because the school's policy was declared illegal, other blind and visually impaired students can be expected to benefit from the policy change. We are also hopeful that similar students in other school districts will benefit as this decision is circulated and publicized throughout the state.

- d. Estimate the number of individuals potentially affected by changes resulting from the litigation.** Approximately [number] students, who are currently enrolled or who will be enrolled in the [name] school district, can be expected to benefit from the positive result in this litigation during the next five years.
- e. The method used to determine this estimate.** Based on data provided by the school district and projecting new enrollees during the next five years, we estimate that [number] blind/visually impaired students are currently enrolled and an additional [number] students will be enrolled with the school district in the next five years. All of these students could potentially benefit from a positive result in this case.

B.4: Enter the total number of class action lawsuits that were pending during the fiscal year. This number would include both the new lawsuits that were filed during the fiscal year (B.4.a) and the lawsuits that were pending as the fiscal year began (i.e., carried over from the previous year)(B.4.b).

B.4.a: Enter the total number of new class action lawsuits that were filed by PAAT for the reporting fiscal year.

B.4.b: Enter the total number of class action lawsuits that were pending as the fiscal year began and which are a carryover from the previous fiscal year.

B.4.c: Enter the total number of class action lawsuits closed during the fiscal year. The number of pending cases carried forward to the next fiscal year is equivalent to the total of B.4.a and b minus B.4.c. (The web system will automatically enter this number on line B.4.b for use in the report due for the next fiscal year.)

[Entering a non-zero number in IV.B.4, will require an answer to Question B.5. Entering zero for this item will cause the system to skip to Question B.6.]

For **B.5 and B.6**, report only class action litigation that seeks to achieve a systemic outcome (B.5 – on going; B.6 – completed). A case brought on behalf of one or more individuals can seek both a specific outcome for the individuals and a broader, systemic outcome that will benefit a class or classes of individuals.

B.5: Describe the agency's on-going systemic class action litigation activities. Using a case example that demonstrates the potential impact of the agency's class action activities, explain (a) the issue that prompted the litigation, (b) the negative impact upon individuals with disabilities and (c) the potential benefit to individuals with disabilities from such litigation. If possible, (d) estimate the number of individuals potentially affected by changes resulting from the litigation and (e) the method used to determine this estimate.

Example: Our PAAT program has filed a class action lawsuit, [name of case], challenging the policy that is summarized below.

- a. Issue prompting the litigation.** Our state Medicaid agency routinely denies funding for augmentative communication devices (ACDs) if the device is a dual-purpose device, capable of achieving speech output and can also be used for word processing. Currently, only devices that are totally dedicated to speech production can be approved.
- b. The negative impact upon individuals with disabilities.** Many of the newer ACDs available are dual-purpose devices and are typically available at the same cost or less cost than dedicated devices. With the current restriction, many individuals must settle for an ACD that is not fully appropriate for their needs.
- c. The potential benefit to individuals with disabilities from this litigation.** If this case is resolved favorably, the named plaintiffs and class members will be able to obtain dual-purpose ACDs if the requested device is considered medically necessary. Individuals will be able to obtain an ACD that is most appropriate for them, even if the device can also be used as a personal computer.
- d. Estimate the number of individuals potentially affected by changes resulting from the litigation.** Approximately [number] individuals who are currently enrolled in the Medicaid program have severe speech impairments, and need or will be in need, of an ACD. Approximately [number] of those individuals can be expected to need an ACD that will be classified as a dual-purpose device.
- e. The method used to determine this estimate.** These estimates are based on both information obtained in lawsuit discovery and through estimates provided by the [name of professional association] regarding the number of potential ACD users in the general population.

[Entering a non-zero number in IV.B.4.c will require an answer to Question 6. Entering zero for this item will cause the system to skip to Section C.]

B.6: Describe the agency's completed systemic class action litigation activities. Using a case example that demonstrates the potential impact of the agency's class action activities, explain (a) the issue that prompted the litigation, (b) the negative impact upon individuals with disabilities and (c) the potential benefit to individuals with disabilities from such litigation. If possible, (d) estimate the number of individuals potentially affected by changes resulting from the litigation and (e) the method used to determine this estimate.

Example: Our PAAT program settled a class action lawsuit, [name of case], resulting in a change to the policy summarized below.

- a. Issue prompting the litigation.** Our state Medicaid agency had, prior to the settlement, routinely denied funding for augmentative communication devices (ACDs) if the device was a dual-purpose device, capable of achieving speech output and also available for word processing (i.e., only devices that were totally dedicated to speech production could be approved).
- b. The negative impact upon individuals with disabilities.** Many of the newer ACDs available are dual-purpose devices and are typically available at the same cost or less cost than dedicated devices. With the existing restriction, many individuals were required to settle for an ACD that was not fully appropriate for their needs.
- c. The benefit to individuals with disabilities from this litigation.** Under the terms of this settlement, the named plaintiffs and class members will be able to obtain ACDs if the requested device is considered medically necessary, without regard to whether the device is dedicated for speech only or a dual-purpose device. This means that individuals can seek the device that is most appropriate for them, even if the ACD could also be used as a personal computer. An individual whose Medicaid prior approval application for a dual-purpose device was previously denied, and who purchased the dual-purposed device with cash or borrowed funds, now can be potentially reimbursed for the payment.
- d. Estimate the number of individuals potentially affected by changes resulting from the litigation.** Approximately [number] individuals, who are currently enrolled in the Medicaid program, have severe speech impairments, and are or will be in need of an ACD. Approximately [number] of those individuals can be expected to need an ACD that will be classified as a dual-purpose device.
- e. The method used to determine this estimate.** These estimates are based on information obtained in lawsuit discovery and through estimates provided by the [name of professional association] regarding the number of potential ACD users in the general population.

C. LITIGATION-RELATED MONITORING: If your PAAT engaged in litigation-related monitoring during the fiscal year, describe any monitoring conducted by PAAT related to court orders or case settlements by providing the major areas of monitoring and the groups likely to be affected. Monitoring activities include conducting reviews in order to examine issues related to matters that were resolved as part of an individual or class action lawsuit.

Example: You might report that your PAAT settled a case one year earlier (i.e., during the year preceding your reporting year): “During reporting year _____, our PAAT settled a lawsuit that had been filed in the federal court. The case, [case name], challenged a state Medicaid agency policy that limited Medicaid payments for power wheelchairs to cover only standard power

wheelchairs, without any allowance for specialty features, such as specialized seating, smaller or wider frames, tilt ‘n space features or specialized controls to allow a user to control the wheelchair with head movements. The settlement of the lawsuit involved publishing of new regulations and agency policy to allow approval, on a case-by-case basis, of requests for wheelchairs with specialty features so long as they are both medically necessary and the least costly effective alternative. During the current reporting year, we continued to monitor the settlement of the lawsuit in the following ways.

1. **Major areas of monitoring:** Our monitoring included regular communication by email and regular mail with three primary groups: equipment vendors, service providers who are regularly involved in submission of prior-approval requests for power wheelchair funding and attorneys/advocates who regularly represent individuals in Medicaid fair hearings involving denials of requests for durable medical equipment. The purpose of the monitoring is to determine whether the Medicaid agency is now regularly approving power wheelchairs with specialty features or if old patterns of denial continue.
2. **Groups likely to be affected:** The individuals likely to be positively affected by this ongoing monitoring are children and adults with severe physical disabilities who can be expected to need power wheelchairs with specialty features.
3. **Major outcomes of the litigation-related monitoring during the fiscal year:** The most significant outcomes of the monitoring involved stakeholders in the Medicaid DME prior approval system (i.e., vendors, service providers) who are once again willing to prepare and submit prior approval requests to the Medicaid agency for the more expensive power wheelchairs with specialty features. In the process of monitoring, we have managed to educate these key stakeholders about the major change in policy that resulted from the litigation.
4. **Case example(s) that demonstrate the impact of litigation-related monitoring:** The best example of how this is working is the following excerpt from a major DME vendor who serves individuals in the eastern part of our state: “Thank you for the updated information you provided about the policy changes for Medicaid approval of power wheelchairs with specialty features. During the past quarter, we started submitting requests for wheelchairs with power tilt ‘n space features after having nearly abandoned considering these for Medicaid payment. Within this three-month time period, we can report having three new power wheelchairs with tilt ‘n space approved, after having no such wheelchairs approved during the previous two years.”

PART V: PRIORITIES

A. PRIORITIES: Provide the information requested in this category for *each* of the priorities and objectives set by PAAT for the fiscal year covered by this report. The web system will have navigation buttons to allow grantees to enter as many priorities as needed, to delete a priority or continue to the next section. When you have finished entering all information on the priorities, click on the navigation button saying “Continue to the next section.”

A.1: Describe the priority. Include enough information so that the fundamental issue is clear.

Example: Removing barriers to the funding of power wheelchairs through the Medicaid program.

A.2: Description of Need, Issue or Barrier Addressed: Describe the need, issue or barrier addressed by this priority. It is not enough to identify an issue as a priority. Explain why this issue is a priority and the desired effect it will have on individuals with disabilities.

Example: In the example above, the barrier that will be addressed by this priority is that the Medicaid program has one reimbursement rate to cover funding of all power wheelchairs, without allowances for specialty features like special seating systems or tilt-n-space systems.

A.3: Outcome: For each priority, indicate whether the goal was met, partially met/continuing or not met.

A.3.a: Implementation problems: For each outcome marked ‘not met’ or ‘partially met’, the web system will automatically ask grantees to describe any external or internal implementation problems.

A.4: Total Number of Cases Handled: Provide the number of cases handled under the priority.

A.5: Illustrative Cases/Activity: If you indicated in A.3 that the priority objectives were met or partially met, you will be asked to provide at least one case summary that demonstrates the impact of the priority. Identify the facts and issue of the case, the resolution of the case, and how the individual served benefited.

Example: Using the example in A.2 above: an individual was denied a power wheelchair with tilt-n-space features because all durable medical equipment vendors refused to accept the low payment rate authorized by Medicaid; the matter was taken into state or federal court; and the court ruled that the Medicaid agency must pay for the wheelchair at the higher payment rate so long as other funding criteria are met.

B. PRIORITIES for the CURRENT FISCAL YEAR (the year *following* the reporting period): Provide the information requested for *each* of the priorities set by your P&A agency for the PAAT program for the *current* fiscal year. The web system will have navigation buttons to allow grantees to enter as many priorities as needed, to delete a priority or continue to the next section. When you have finished entering information on the priorities, click on the navigation button saying “Continue to the next section”. *[The data entered in this section will be pre-loaded into Section A (Part V) of the grantees’ reporting form for the subsequent year.]*

B.1: Describe the priority. Include enough information so that the fundamental issue is clear.

B.2: Description of Need, Issue or Barrier Addressed: Describe the need, issue or barrier addressed by this priority. It is not enough to identify an issue as a priority. Explain why this issue is a priority and the desired effect it will have on individuals with disabilities.

C. AGENCY ACCOMPLISHMENTS: Describe your agency's significant accomplishment(s) that are not addressed in detail in other sections of the reporting form. PAAT may choose to report accomplishments that were not originally identified as priorities. If these accomplishments are covered under priorities (Part V.A), enter the priority number here and do not provide any further description unless necessary to explain why this priority is considered a significant accomplishment. If all information has been covered in other sections of the report, enter 'N/A' or 'not applicable'.

PART VI: AGENCY ADMINISTRATION

A. AGENCY FUNDING

Sources of Funds Received for PAAT Program Activities. Rounding to the nearest dollar, enter the amount of funds received from each of the sources indicated during the fiscal year covered.

A.1: Federal P&A (AT Act funds): Enter the amount of funds received as the PAAT grant from the U.S. Department of Education, Rehabilitation Services Administration (RSA) during the fiscal year. (Note: The PAAT program was formerly administered by the National Institute on Disability and Rehabilitation Research (NIDRR). Oversight for the PAAT was moved from NIDRR to RSA in February 2004.)

A.2: Federal AT Act Funds carried forward from previous Fiscal Year (if applicable): Enter the amount of funds carried forward from funds received as the PAAT grant from the U.S. Department of Education, RSA, during the previous fiscal year.

A.3: Program Income: Enter the amount of program income, if any, generated through PAAT activities. Program income includes attorney's fees awarded by the courts and non-P&A federal funds, including grants from your State AT Act Project.

A.3-A.5: Other: Enter the amount of funds received for PAAT work from any other source during the fiscal year. "Other" sources could include non-P&A federal funds, state funds, private grants, and/or 'other' sources. The web system will provide a space for you to specify/describe the other funding source.

A.6: Total: The web system will automatically generate the total amount received of PAAT funds from all sources by adding A.1-5.

B. DESCRIPTION OF PAAT PROGRAM STAFF

B.1: Provide a brief narrative on the way your agency has chosen to staff the PAAT grant.

B.2: Report the number of staff and full time equivalents (FTE) by type of position. FTE refers to the amount of time over the course of the reporting period that an individual is assigned to the PAAT program. Compute FTE staff by converting part-time staff to decimals. For example, a person employed half-time (20 hours of a 40 hour week) would be 0.5 FTE, and a person working 30 hours a week would be 0.75 FTE. Both positions together would equal 1.25 FTEs.

- **Professional staff** includes attorneys, advocates, I&R staff, caseworkers and other individuals providing direct client service.
- **Administrative staff** includes secretaries, receptionists, bookkeepers and other individuals who are not providing direct client services.

C. CONSUMER INVOLVEMENT

C.1: Briefly describe any consumer-responsive activities that are not reported elsewhere in this reporting form. These activities might include a PAAT Advisory Board or forums to obtain input for your PAAT planning and priority setting. Enter 'N/A' or 'not applicable' if appropriate.

C.2: Consumer Involvement in P&A Agency Staff and Board. Provide information on persons with disabilities and family members of persons with disabilities serving on the staff, board or, if appropriate, the State-level advisory council or commission for the P&A system. Consider all staff, whether or not they have worked on PAAT activities during the fiscal year since this question addresses consumer involvement in the entire P&A agency, not just PAAT. Report the total number of persons on agency staff, board and, if appropriate, the State-level advisory council or commission for the P&A system.

D. GRIEVANCES FILED: Agencies are required to establish grievance procedures to handle any complaints by clients regarding the services received/not received from the agency under PAAT. Enter the number of PAAT grievances filed with the agency during the fiscal year.

E. COLLABORATIVE EFFORTS

E.1: Collaboration with other P&A programs and activities: Many P&A agencies have used P&A resources from programs other than the PAAT to collaborate on AT-related issues. Provide a brief description of the work your P&A agency has done, during the fiscal reporting year, using funding from P&A programs other than the PAAT program. *Do not* report activities conducted in full or part with PAAT funds. Enter 'N/A' or 'not applicable', if appropriate.

- **Example:** “Our PAAT project funds a full-time advocate (1.0 FTE) and a part-time attorney (.10). The advocate carries a caseload of administrative hearings, primarily involving Medicaid. The attorney supervises the advocate, but does not have sufficient time available to work on litigation. Our P&A has been using our PADD and PAIR attorney staff to handle AT-related issues that must go into court to be resolved. During the fiscal year, our PADD program handled two AT-related Medicaid appeals in state court and our PAIR program continued to litigate, in federal court, a case that was filed two years ago to challenge the payment levels available for power wheelchairs.”

E.2: All other collaboration: In addition to collaboration within the P&A agency, many P&As collaborate with programs outside their agency. This could include collaboration with State AT Act Projects, other advocacy agencies, private attorneys, long-term care programs or other disability service programs. Describe these efforts. Enter ‘N/A’ or ‘not applicable’, if appropriate.

- **Example:** “During the fiscal year, our PAAT worked with the our State AT Act Project to deliver a series of six training sessions at locations within the state. These half-day sessions were co-presented by PAAT and AT Act Project staff and focused on how to obtain AT through Medicaid, Medicare, private insurance, special education programs and state vocational rehabilitation agencies.”