



Advocate

Newsletter of the National Assistive Technology Advocacy Project
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Funded through a grant received from the Rehabilitation Service Administration, U.S. Department of Education, to the Rehabilitation Engineering Society of North America (RESNA) (with a subcontract to Neighborhood Legal Services, Inc.) under contract number H224B050003. The opinions expressed herein do not necessarily reflect the position of the U.S. Department of Education, and no official endorsement by the U.S. Department of Education of the opinions expressed herein should be inferred.

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Volume X

Special Issue

Early Fall 2006

COMPLETING YOUR ANNUAL PAAT PROGRAM REPORT

*Using the Web-Based Reporting System. Tips for Reporting
After One Year's Experience Using the Report Form and Web System*

Last year marked the first time that Protection and Advocacy for Assistive Technology (PAAT) programs were required to complete a full-scale Program Performance Report (PPR), using both a common form and web-based system for reporting. Those reports, received from 57 different Protection and Advocacy (P&A) programs, covered the 12-month period, October 1, 2004 through September 30, 2005. The upcoming PAAT report will cover the 12-month period ending September 30, 2006 and will be due on December 31, 2006. Once again, P&A programs will be required to use this new form and web-based system for PAAT reporting.

This newsletter will describe the PAAT program, the types of services typically provided through the program, and explain how the report form was developed. It will then go through each part of the six-part report form and discuss selected sections from each part. Our discussion of the report form is based on insights gained from our work in developing the form, providing technical assistance to PAAT programs completing the report, analyzing report data for drafting a national report, and helping to complete our PAAT program report in New York.

This newsletter is targeted to any P&A agency staff who will play a role in completing the PAAT annual report, including managers,

administrative staff, and case handlers. Even if attorneys and advocates who deliver services will not be doing the reporting, it is helpful for them to have a perspective on the kinds of information sought in the PPR.

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Background: The AT Act and Establishment of PAAT Programs

The PAAT program was created by 1994 amendments to the Technology-Related Assistance to Individuals with Disabilities Act, which was reauthorized in 1998 as the Assistive Technology (AT) Act. It is currently authorized under the AT Act of 1998, as amended (also known as the AT Act of 2004). The program was administered by the Department of Education's National Institute on Disability and Rehabilitation Research (NIDRR) until 2004, when oversight was transferred to the Rehabilitation Services Administration (RSA).

The majority of PAAT program activities are driven by a fundamental goal: to get appropriate AT devices and services into the hands of individuals with disabilities on a timely basis. Any individual with a disability who seeks funding for an AT device or service is eligible for PAAT services, regardless of what type of disability he or she has. Where appropriate, this goal should include ensuring that the AT devices or services are obtained at no cost, or at a limited cost, to the individual with a disability or that individual's family.

To a lesser extent, PAAT program activities are directed toward ensuring that individuals with disabilities can fully participate in or benefit from AT devices or services supplied by public or private entities. This includes AT that allows an individual to reside in rental housing, use public transportation, access public and private businesses, maintain employment, and exercise the right to vote. The authorizing legislation does not limit the types of AT devices or services that PAAT case work may involve.

As defined by the AT Act of 2004:

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.

* * * * *

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. 29 U.S.C. § 3002(a)(3) & (4).

AT services include evaluations to determine

the need for a device, customizing or adapting the device for its user, repairs, maintenance, and training on how to use the device.

Examples of PAAT Advocacy Services.

PAAT projects have successfully assisted individuals in obtaining AT devices and services from numerous funding sources, including Medicaid, Medicare, private insurance companies, special education programs, and state vocational rehabilitation (VR) agencies. Medicaid and special education programs are the most common areas of focus.

PAAT projects regularly advocate for a wide range of AT devices (often called durable medical equipment by programs like Medicaid), including items such as custom and power wheelchairs, augmentative communication devices, adaptive computer equipment and software, low-vision aids, and access ramps and lifts for the home. Much of the successful advocacy in the Medicaid and Medicare context has occurred through representation at administrative hearings. Additionally, a number of successful court actions filed by PAAT attorneys have resulted in state Medicaid agencies and other funding sources being required to pay for a range of new and often expensive AT that has emerged in the marketplace.

The PPR Form and Its Development

Effective October 2003, the Department of Education, through NIDRR, awarded a competitive three-year grant to RTI International (RTI) to develop a PPR form and web-based reporting system to facilitate the collection of data, in the form of annual reports, from the 57 PAAT programs. RTI subcontracted with the National AT Advocacy Project of Neighborhood Legal Services to assist with creation of the PPR form, to train PAAT staff on how to complete the web-based form, to provide technical assistance to PAAT staff completing the form, and to assist RTI in analyzing the data collected and drafting a national report that discusses the activity reported by the 57 projects.

NLS recruited representatives from the National Association of Protection and Advocacy Systems (NAPAS) (now renamed the National Disability Rights Network or NDRN) and six P&A programs to serve with Jim Sheldon of NLS's AT Advocacy Project as a Working Group to develop the PPR form. The

six P&A representatives all had experience doing PAAT work. Some were advocates and some were attorneys, some were from big states and some from small states, most had some responsibility for PAAT case handling, and some had management responsibilities.

The Working Group convened for multiple meetings (mostly by phone conference) over a period of months, to develop a recommended PPR and Instruction Manual. Using existing PPRs for other P&A grants as a model, the Working Group developed a PPR format that would address the many areas of service delivery typically encountered by a PAAT program: information and referral services; case services; training; litigation and class actions; non-litigation systemic activities; and dissemination of information to the public. With some edits by RSA, the PPR form and Instruction Manual were forwarded to the federal Office of Management and Budget (OMB) which, on March 14, 2005, approved the PPR as a data collection instrument through January 31, 2008 (OMB # 1820-0661).

With a first year of reporting and data analysis in place, RTI and NLS staff recently worked with RSA to make several technical edits to the PPR form and Instruction Manual. Although the edits do not change the information requested or increase the burden on P&As to collect data, they should help clarify what the PPR is looking for and eliminate confusion about how to answer certain questions.

Going Through the PPR Form, Part by Part

Under the following headings, we will go through each part of the six-part PPR form. Our intention is to provide those who report a better sense of what the various parts of the form are looking for. In doing so, we have highlighted when the Instruction Manual might be particularly helpful in answering the questions and what questions seemed to pose the biggest challenge. Where some change has been made to the language used in the PPR or to the order of questions asked, we have highlighted that as well.

Must you provide data or an answer in response to every question? A short answer would be: whenever possible. A better answer would be to say that given more than one year's notice that these are the range of questions

asked on the PPR form, a PAAT program should have complete answers to nearly all of the questions. Although not every PAAT will have activity to report in every category – for example, only a very few programs have ongoing class action litigation – there is now a reasonable expectation that if your program is engaged in an activity that the PPR form inquires about, you should provide answers or data in that part of the report.

Part I: Non-Case Services

Part I.A, Information and Referral (I&R) Services. The assumption is that all P&A programs devote resources to the I&R category, typically services that are delivered over the phone in less than one hour. Several programs reported that they served more individuals (I.A.1.) than the number of requests received (I.A.2.), a response that seemed to be an error. The web-based program is now set up to prevent that, forcing the reporter to correct data if that statistical problem of more individuals served than requests received is present.

A few PAAT programs also reported either zero or MD (missing data) in answer to this part of the report. During the first year of reporting, it is understandable that some states had not collected every piece of information requested. If that was the case, we assume an ability to answer these questions during the second year of reporting. We also learned that one or more states may not have provided a number in response to these questions because I&R services are provided within the P&A agency but by a program other than PAAT. For example, your P&A's structure may be such that all PAAT initial screening (or I&R) is done through one or more grants other than PAAT. If that is the case, the PPR now asks that you provide an estimate of how many PAAT-related I&R services are handled in that fashion.

Part I.B, Training Activities. Two issues come to mind here. First, some states expressed concern that the PPR only allows for two examples of training events. Reporters should keep in mind that Parts II.B.1. and 2. provide for reporting the total number of trainings and the total number of individuals attending, even though only two narratives are allowed. Second, if training is viewed as a major accomplishment, you can supplement your narrative with an additional explanation of your training activity in answer to parts V.A.

HIGHLIGHTS FROM THE FIRST YEAR OF PAAT REPORTING: NATIONAL PAAT REPORT TO BE PUBLISHED

As this newsletter goes to press, a PAAT Annual Report for Fiscal Year 2005 (i.e., covering the period October 1, 2004 through September 30, 2005) is going through the final editing process. This report, which covers data collected from all 57 PAAT programs, was jointly prepared by staff from RTI International and our National AT Advocacy Project (Jim Sheldon and Diana Straube), with final editing by RSA. The national report will include many anecdotes, detailing the accomplishments of P&A agencies throughout the country and territories. Copies of the report will be made available to all P&A agencies when RSA approves it for distribution.

(“Priorities”) or V.C. (“Agency Accomplishments”).

One note of caution. If the numbers you report for any specific training event are extremely high (i.e., more than 200 for one event), you are encouraged to explain under “description of the attendees” why the numbers are so high and how you were able to accomplish that.

Part I.C, Information Disseminated to the Public. The problem area was question I.C.5, which sought numbers for the number of publications, booklets or brochures disseminated by the agency. What is critical here is that a publication only gets counted once whether one copy, five copies, or 500 copies are disseminated.

Part II: Case Services

Part II.A, Individuals Served. There is an ongoing debate within P&A circles about what to report as a case versus what to report as I&R activity. We know from experience that it is typically easier to write something up as an I&R than to collect the extra information and complete any required paperwork to classify something as a case. We also know that attorneys and advocates often serve the same individual on two or more discreet issues

(Medicaid and special education matters, for example) without opening up a separate case file for the second problem.

Case handlers and their managers need to understand that our funding sources and others who view the final data in reports often draw conclusions about productivity and the need for program funding based on this type of statistical data. Therefore, we urge you to carefully document as cases any discreet service that meets the definition of “individual served”: Where 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.” Instruction Manual, Part II.A.3.

Part II.D, Primary Reason for Closing a File. While most P&As do very well with this part of the report, it is worth mentioning that you can only pick one “primary reason” for closing a file, even if two or more reasons might be correct. For example, you might negotiate a special education dispute in which the school district agrees to purchase adaptive computer equipment and software, but does not agree to pay for after school instruction, from an outside agency, on how to use the equipment. It is best to report the more favorable outcome, “some issues resolved in client’s favor” (II.D.2.), rather than the reason for rejecting a further appeal, “case lacked legal merit” (II.D.7.).

Part II.E, Intervention Strategies for Closed Cases. Like your answer for II.D, you are to pick only one answer (the “highest intervention strategy”) even though several intervention strategies may have been used. Using the previous example, your P&A may have succeeded at the negotiation level in getting the computer equipment and software, then lost at an administrative hearing when seeking the specialized training. This means that the highest intervention strategy was “administrative hearing” (II.E.6.) even though you lost at the hearing. Also, keep in mind that since Parts II.D. and II.E. ask you to report on all cases that are closed during the reporting

period, the totals in each section (i.e., II.D.13. and II.E.9.) should be equal. The web system is programmed to make you correct one of the sections if the total number of closed cases in each is not the same.

Part III: Statistical Information for Individuals Served

The categories covered in this part are common to other PPRs that govern other P&A programs. They include: age, gender, race and ethnicity, living arrangements, primary disability, and geographic location of the individuals served. While most of categories listed under each subpart of Part III will be very straightforward, a few things are worth going over:

- **Part III.A, Age of Individuals Served.** Just be aware that this form uses age categories (for example, 0 to 4, 5 to 13) that will be somewhat different from other PPRs.
- **Part III.C, Race and Ethnicity of Individuals Served.** Based on criteria adopted by the federal Office of Management and Budget (OMB), race and ethnicity are two separate things requiring two separate sets of answers. Despite common perceptions that Hispanic/Latino is considered a race, OMB criteria asks that the PAAT grantees categorize individuals served under six separate race criteria, including multi-racial (“more than one race”), without listing Hispanic/Latino as a race category. Then, PAAT grantees are asked to separately categorize the ethnicity of individuals served as Hispanic/Latino, as non-Hispanic/Latino, or as ethnicity unknown/not reported. So, for example, it would be appropriate to classify one individual as African American and Hispanic/Latino and another as White and Hispanic/Latino.

As a check against the answers to the number of individuals served as recorded in Part II, the totals for each subpart must match the total that was reported in Part II.A.3.

Readers will note that each subpart, other than III.B. dealing with gender, allows the PAAT program to indicate they are unable to select one of the classifications through answers such as “age unknown” (Part III. A.), race “unknown/not reported” (Part II.C.1.g.), or living arrangement “unknown/not provided”

(Part III.D.14.). P&As should always attempt, through their intake and data collection systems, to gather the appropriate information to keep the unknown/not reported-type answers to a minimum. You should note, however, that when the answer is “other” (e.g., Part III.E.33, “other disability”), the PAAT program is asked to specify what the other is. This would allow RSA in the future to add another category of disability, if that disability frequently appeared in the other category.

Part IV: Systemic Activities and Litigation

Part IV.A, Non-Litigation Systemic Activities; IV.B, Litigation/Class Actions.

These parts ask the PAAT program to report on the number of policies or practices changed, then asks for information about each policy or practice that was changed during the reporting period. Parts IV.A.1. and 2. It is important to remember that since this is a PAAT program report, the policy or practice changes reported should be related to enabling individuals to obtain AT devices or services. So, for example, a policy initiative involving Medicaid payment rates for augmentative communication devices would be appropriate to report here; an initiative involving school disciplinary policies for children with mental illness would probably not

OUR NATIONAL AT ADVOCACY PROJECT IS AVAILABLE TO PROVIDE TECHNICAL ASSISTANCE TO INDIVIDUALS COMPLETING THE PAAT ANNUAL REPORT

During late 2005, our National AT Advocacy Project, as a subcontractor to RTI International, provided technical assistance (TA) to P&A agency staff who were completing the PAAT program reports. This TA service will be offered again this year through Jim Sheldon at the AT Advocacy Project. Those seeking TA can use the phone (716-847-0650 ext. 262) or email (jsheldon@nls.org) to present your questions.

be appropriate. However, if that latter policy initiative addressed the special needs of those children with mental illness who are also AT users, the initiative would be appropriate to report. The message to reporters is to put yourself in the place of the person who reads the report and use an extra sentence to explain the connection to AT.

One challenge facing PAAT programs is to estimate the number of individuals affected by policy changes and to describe the methods for making those estimates. In fact, the P&A agency staff is asked to make similar estimates throughout this part of the form (see, e.g., Part IV.A.4, “ongoing systemic activities”; Part IV.B.2, 3, 5, and 6, concerning ongoing and completed litigation and class action litigation). Based on a review of data submitted by P&A agencies during the first year of reporting, it appears that some PAAT programs were probably overly conservative and reported very low estimates. Others may have used estimation methods that generated very high estimates.

Space does not permit us to go into great detail on how to estimate those affected through your policy initiatives or litigation. We believe that section of the Instruction Manual that deals with Part IV of the report provides some helpful examples of how to arrive at these estimates. We have even added a couple of new examples to the Instruction Manual to make it easier for those reporting to come up with these estimates.

Part V: Priorities

Parts V. A. and B, Priorities and Priorities for the Current Fiscal Year. Now that PAAT programs are reporting for the second time, the web-based report format will be set up so that the priorities you previously reported for the “current fiscal year” (Part V.B.) will be pre-loaded and appear on the screen. You will then be given the opportunity to change the priorities as appropriate. This ability to change the priorities recognizes that some P&A programs will adjust their priorities one or more times during the grant year.

As one might expect, P&A agencies show considerable variability in terms of their priorities and how they implement them. Some will report priorities for PAAT that are very narrow and apply only to their PAAT program. Others will report priorities that appear to be inclusive of their entire P&A agency and highlight those accomplishments that are

specific to assisting individuals in obtaining AT devices and services.

If your P&A agency has program-wide priorities, rather than grant-specific priorities, we have two cautions to you in completing your PAAT program report. First, if it is clear that your program-wide priority does not involve cases that could be handled by your PAAT-funded advocates, it should not be reported on the PAAT PPR form. An extreme example of this might be a priority to represent individuals who wish to change their representative payee as recipients of Social Security or SSI benefits. Although that kind of a case might be appropriate under most P&A grants, it is very hard to make a connection to AT on such a case.

The second caution is that when the connection to AT is not clear from the general statement of priority, you should consider adding a sentence to the description that clarifies the AT connection. For example, a P&A agency may have a general priority to educate individuals with disabilities and the agencies that serve them concerning the Social Security and SSI work incentives. As this priority relates to AT, the reporter might want to add language such as: “The PAAT staff will develop materials, deliver training, and work on cases to ensure that beneficiaries of Social Security and SSI benefits obtain AT devices and services through work incentives such as impairment related work expenses, blind work expenses, eligibility for 1619(b) Medicaid, and the Plan for Achieving Self Support.” Again, the individual completing the report should take steps to ensure that the reader will understand the connection to AT.

Part V.C, Agency Accomplishments. This part of the PPR asks you to describe the most significant accomplishments of the agency. We have encouraged PAAT programs to use this section to capture things that do not fit elsewhere on the report. For example, you might have accomplished a lot more through training than fits within the space for two examples in Part I.B. You might also want to report on some of the successes achieved through administrative hearings (e.g., winning a Medicaid hearing for a unique piece of equipment or by pursuing a novel theory), where the narrative description does not logically fit anywhere else. It should go without saying that you should not be shy about

explaining your PAAT program accomplishments.

Part VI: Agency Administration

Part VI.A, Agency Funding. One point is worth mentioning. The PAAT program is asked to report on funds “received and used to carry out PAAT program activities.” You are asked to report first on funds received and used from the current year’s grant (Part VI.A.1), then asked to report funds used that were carried over from the previous year’s grant (Part VI.A.2.).

Example. Assume a state PAAT program receives an annual grant of \$100,000, carried over \$25,000 from the previous year, and spent a total of \$110,000 in RSA grant funds to support the PAAT program during the reporting year. Since you should always spend the money carried over first, \$25,000 should be reported under VI.A.2, with the remaining \$85,000 reported under VI.A.1. This assumes that the PAAT program will carry over \$15,000 from the reporting year into the next fiscal year.

Part VI.B, Description of PAAT Program Staff. The biggest challenge for many programs is completing the section that asks for the number of persons performing PAAT activities (in both professional and administrative positions) and then asks for the number of full time equivalent (FTE) staff actually working on the grant during the reporting year. Filling out this part of the form is easiest if the PAAT work is done by two or three persons, who work the same percentage time all year long. E.g., one full-time person and one half-time person in the professional line (attorneys or advocates) would translate as: 2 persons, 1.5 FTEs.

This section presents the biggest challenge when the P&A has many staff members working part-time on PAAT activities and when some staff members only work for part of the year or change the percentage of time allocated during the reporting year. We have two suggestions for P&As who fall into this category. First, take advantage of the space for answering Part VI.B.1. (asking you to describe the agency’s PAAT staffing plan), so the reader has some idea of why you are reporting so many people on the grant. Second, you should probably have a person in your agency who is responsible for budgets who could answer or participate in answering the questions in the section.

Part VI.C., Consumer Involvement. The

AT Act envisions that P&A agencies will involve individuals with disabilities in the delivery of services under the PAAT program. The typical way this happens is through employing staff with disabilities or recruiting individuals with disabilities to serve on agency boards of directors or advisory boards. Recognizing this, the report form (Part VI.C.2.) specifically asks about individuals with disabilities on the staff or board of the agency. The form also asks for a report on individuals with a family member who is a person with a disability.

Since there appeared to be some confusion based on the way this section was worded, minor editing has been done to clarify the information sought. Those who report should keep in mind that it is possible for a staff or board member to be counted once as an individual with a disability and counted a second time if he or she has a family member (spouse or child) with a disability.

Part VI., E, Collaborative Efforts. This section asks the PAAT program to report on collaborations, both within the P&A agency and with entities that are outside the agency. This is your opportunity to show that you are “leveraging” other resources both within and outside the agency to deliver more services to eligible clients. This becomes a very good opportunity to show how you have used collaborations so that your modest PAAT grant (50 percent of states receive the minimal allotment of \$50,000 per year), combined with the other resources, has led to much greater accomplishments than would be possible with the PAAT grant alone.

Conclusion

We all know that reporting can be a burden, but it also presents a once per year opportunity to portray, accurately and in detail, the many things your PAAT program has accomplished to help individuals with disabilities. We hope this newsletter and the other materials available to you (i.e., the Instruction Manual and the Questions and Answers) will assist you as you go through this reporting process.



Visit our Website:
www.nls.org/natmain.htm

The **AT Advocacy Project** will provide nationwide services to PAAT projects including technical assistance to advocates wanting to access funding for assistive technology for individuals with disabilities.



If you would like the
AT Advocate Newsletter
sent to you in a large-print
or other alternative format,
please let us know.

Update on The National Assistive Technology Resource Library

We have designed a word-searchable digest, using computer technology, to store and retrieve hearing decisions and other administrative documents. We also have indexed nearly 700 documents from more than 125 pending and decided court cases. All documents are available through our AT Resource Library. Please send us your hearing decisions, briefs and other documents involving AT.

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