

PROTECTION & ADVOCACY FOR INDIVIDUAL RIGHTS (PAIR):

PAIR's Mandate:

To protect the legal and human rights of individuals with disabilities who:

1. need services that are **beyond the scope of services** authorized to be provided by the Client Assistance Program (CAP); and
2. are **ineligible** for protection and advocacy programs funded under the DD and PAIMI programs.

Eligibility for PAIR:

To be eligible for services from the PAIR program, an individual must:

1. either be ineligible for CAP services or have an issue that falls outside the scope of services authorized under the Rehabilitation Act of 1973, as amended, to be provided by CAP; **and**
2. be ineligible for services from the PADD or PAIMI programs. **[The individual must be INELIGIBLE for the PADD and PAIMI programs, NOT just have an issue that falls OUTSIDE the scope of the priorities set by the PADD and PAIMI programs.]**

NOTE: To be eligible for services from the PADD program, the individual must have a "developmental disability" as defined in the DD Act. To be eligible for services from the PAIMI program, the individual must have a significant mental illness or emotional impairment and be a resident of a facility that provides care and treatment and have an issue that arose during transportation or admission to the facility, during residency, or within 90 days of discharge. The Children's Health Act of 2000 provides expanded coverage, in any year in which the total allotment under the PAIMI Act equals or exceeds \$30 million, to allow PAIMI services for persons with a significant mental illness or emotional impairment living in the community.

Legal Authority:

Section 509 of the Rehabilitation Act of 1973, as amended
29 USC 794e
34 CFR part 381

Key Definition:

Eligible individual with a disability (34 CFR 381.5(b)):

Eligible individual with a disability means an individual:

- (1) Who is ineligible for:
 - (i) The CAP under section 112 of the Act;
 - (ii) Protection and advocacy programs under part C of the DDA; and
 - (iii) Protection and advocacy programs under the PAIMI; or

- (2) Who needs protection and advocacy services that are other than the services authorized under CAP.

Key Provisions:

1. **Section 509** of the Rehabilitation Act sets forth the purpose of the PAIR program. The relevant provision for our purposes is as follows:
 - (a) Purpose. -- The purpose of this section is to support a system in each State to protect the legal and human rights of individuals with disabilities who:
 - (1) need services that are beyond the scope of services authorized to be provided by the client assistance program under section 112; and
 - (2) are ineligible for protection and advocacy programs under part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 USC 6041 et seq.) and the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 USC 10801 et seq.).
2. **34 CFR 381.1:**

This program is designed to support a system in each State to protect the legal and human rights of eligible individuals with disabilities.

Authorized:

The PAIR program became a formula grant program in FY 1994.

Funding:

The PAIR program received \$14 million in FY 2001, \$15.2 million in FY 2002, \$16.89 million in FY 2003, and \$16.79 million in FY 2004. Expected appropriations for FY 2005 are 19.57 million.

Administered by:

The PAIR program is administered by the Rehabilitation Services Administration of the Office of Special Education and Rehabilitative Services, U.S. Department of Education.