

**DEPARTMENT OF  
EDUCATION**  
**Office of Special Education and  
Rehabilitative Services**  
**Rehabilitation Services Administration**



**Manual for Program Reviews of the State Grant  
for AT Program under the Assistive Technology  
Act of 1998, as amended**

**Version 1.1**

**September 1, 2008**

## **A. Background**

Under section 4 of the *Assistive Technology Act of 1998, as amended* (AT Act), the Rehabilitation Services Administration (RSA) provides a grant to all fifty states and six territories to maintain comprehensive statewide programs<sup>1</sup> that increase access to, acquisition of, and knowledge about assistive technology (AT) devices and services for targeted individuals and entities.<sup>2</sup> These programs are referred to as Statewide AT Programs.

Section 7 of the AT Act requires RSA to: (A) ensure that Statewide AT Programs address the needs of individuals with disabilities of all ages, whether the individuals need AT for employment, education, or for other reasons, and (B) assess the extent to which Statewide AT Programs achieve measurable goals consistent with, and comply with the applicable requirements of, the AT Act.<sup>3</sup> In general, these requirements include but are not limited to:

- Implementation and maintenance of a Statewide AT Program that carries out: (A) the state-level activities<sup>4</sup> of state financing, device reutilization, device loan, and device demonstration and (B) the state leadership activities of training, technical assistance, and public awareness, including information and referral.<sup>5</sup> The state-level and state leadership activities must be carried out in coordination and collaboration with appropriate entities.
- Submission of an application, which RSA refers to as a State Plan for AT or State Plan, providing assurances about and describing how the grantee will carry out the Statewide AT Program.
- Establishment and maintenance of an advisory council to provide consumer-responsive, consumer-driven advice to the grantee for planning, implementation, and evaluation of the Statewide AT Program.
- Collection and reporting of data on the activities of the Statewide AT Program.

For a full listing of the requirements of section 4 of the AT Act, see Appendix A.

In addition to the requirements of the AT Act, grantees must follow the requirements of the Education Department General Administrative Regulations (EDGAR) and Office of Management and Budget (OMB) Circulars A-21, A-87, A-122, and A-133, as applicable.

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<sup>1</sup> See definition in “Definitions.”

<sup>2</sup> See definition in “Definitions.”

<sup>3</sup> Section 7 of the AT Act is included in Appendix A.

<sup>4</sup> Sections 4(e)(1)(B) and 4(e)(6) of the AT Act allow a grantee to not carry out all four of the state-level activities under certain circumstances.

<sup>5</sup> The AT Act refers to this activity as information and referral, but for data collection purposes the activity is called information and assistance. This document will use “information and assistance.”

RSA assesses compliance with the requirements of the AT Act, EDGAR, and OMB Circulars through the State Plan for AT, data collection and reporting, annual financial status reports (SF-269s), and an in-depth review called a Program Review. A Program Review verifies that a grantee is conducting its Statewide AT Program as described in its State Plan for AT, is adhering to the assurances provided in its State Plan for AT, is managing and implementing its grant using accepted practices and consistent with the intent of the AT Act, and is accurately providing data about its grant. This manual describes the process used for verification.

The Program Review process described herein is effective from November 1, 2008, until further notice. RSA reserves the right to modify the Program Review process, though adequate notice and explanation of changes must be provided to grantees in a timely manner. Any reviews that already are in progress or have been scheduled at the time of the changes are not affected by those changes.

## **B. Definitions**

The following definitions are from the AT Act or adapted from the Annual Report for State Grant for Assistive Technology Programs (OMB Number 1820-0572).

Comprehensive statewide program of technology-related assistance: The term 'comprehensive statewide program of technology-related assistance' means a consumer-responsive program of technology-related assistance for individuals with disabilities, implemented by a State, and equally available to all individuals with disabilities residing in the State, regardless of their type of disability, age, income level, or location of residence in the State, or the type of assistive technology device or assistive technology service required.

Consumer-responsive: The term 'consumer-responsive' means --

- (A) with regard to policies, means that the policies are consistent with the principles of --
  - (i) respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;
  - (ii) respect for the privacy, rights, and equal access (including the use of accessible formats) of such individuals;
  - (iii) inclusion, integration, and full participation of such individuals in society;
  - (iv) support for the involvement in decisions of a family member, a guardian, an advocate, or an authorized representative, if an individual with a disability requests, desires, or needs such involvement; and
  - (v) support for individual and systems advocacy and community involvement; and
- (B) with respect to an entity, program, or activity, means that the entity, program, or activity --
  - (i) is easily accessible to, and usable by, individuals with disabilities and, when appropriate, their family members, guardians, advocates, or authorized representatives;
  - (ii) responds to the needs of individuals with disabilities in a timely and appropriate manner; and
  - (iii) facilitates the full and meaningful participation of individuals with disabilities (including individuals from underrepresented populations and rural populations) and their family members, guardians, advocates, and authorized representatives, in--
    - (I) decisions relating to the provision of assistive technology devices and assistive technology services to such individuals; and
    - (II) decisions related to the maintenance, improvement, and evaluation of the comprehensive statewide program of technology-related assistance, including decisions that affect capacity building and advocacy activities.

Device demonstrations: Device demonstrations compare the features and benefits of a particular AT device or category of devices for an individual or small group of individuals. The purpose of a device demonstration is to enable an individual to make an informed choice. Whenever possible, the participant should be shown a variety of

devices. Device demonstrations should not be confused with training activities at which devices are demonstrated. Training activities are instructional events designed to increase knowledge, skills, and competencies, generally for larger audiences. Device demonstrations also should not be confused with public awareness activities at which devices are demonstrated. The key difference is that device demonstrations are intended to enable an individual to make an informed choice rather than merely making him or her aware of a variety of AT. In a device demonstration for an individual, guided experience with the device(s) is provided to the participant with the assistance of someone who has technical expertise related to the device(s). This expert may be in the same location as the participant or may assist the participant through Internet or distance learning mechanism that provides real-time, effective communication to deliver the necessary device exploration.

Device loans: These are short-term loans in which a consumer can borrow an AT device for a period of time. The purpose of the loan may be to assist in decision making, to serve as a loaner while the consumer is waiting for device repair or funding, to provide an accommodation on a short-term basis, or for other purposes. “Other” purposes include: (1) self-education by a consumer for the purpose of later decision making (e.g., when the school year begins); (2) self-education by an intermediary (e.g., a teacher) whose purpose is to become familiar with the device; and (3) training.

Device reutilization: Device reutilization includes device exchange activities and device recycle/refurbish/repair activities. It also includes open-ended device loans in which the borrower can keep the device for as long as it is needed, because these loans are considered a form of “acquisition.”

- Device exchange activities are those in which devices are listed in a “want ad”-type posting and consumers can contact and arrange to obtain the device (either by purchasing it or obtaining it for free) from the current owner. Exchange activities do not involve warehousing inventory and do not include repair, sanitization, or refurbishing of used devices. In some cases, a Statewide AT Program serves as an intermediary directly involved in making this exchange, in others the consumer and current owner make this exchange without the involvement of the Statewide AT Program.
- Device recycle/refurbish/repair activities are those in which devices are accepted (usually by donation) into an inventory; are repaired, sanitized, and/or refurbished as needed; and then offered for sale, loan, rental, or give away to consumers as recycled products. Repair of devices for an individual (without the ownership of the device changing hands) are considered device recycling.

Information and assistance activities: Information and assistance includes provision of information and supports to individuals and provision of referrals to other entities. All of these activities may be provided in person, over the telephone, via email, or other effective communication mechanism.

Public awareness activities: Public awareness activities are designed to reach large numbers of people, including activities such as public service announcements, radio talk

shows and news reports, newspaper stories and columns, newsletters, brochures, and public forums.

Referral (in the context of device demonstration, not referrals made through an information and assistance activities): A device demonstration referral is provision of information about a specific source where the customer may obtain additional information or services related to AT. A referral must provide a consumer with information on how to contact that source directly. Referrals may be made to funding sources, service providers, vendors, or repair services. Referrals to other components of the statewide AT program are not included. Report only on referrals that result from demonstration activities.

State financing activity: A state financing activity is an activity approved as part of a State Plan for AT, such as the development of systems: to provide and pay for AT, for the purchase, lease, or other acquisition of, or payment for AT; or of State-financed or privately financed alternative financing systems of subsidies. Examples of state financing activities include, but are not limited to administering financial loan programs, administering "last resort" funds with non-AT Act dollars, administering cooperative buying programs, administering telecommunications distribution programs, administering non-financial loan programs that provide home modifications, and other activities designed to provide consumers with resources and services that result in the acquisition of AT devices and services.

Targeted individuals and entities: The term 'targeted individuals and entities' means --

- (A) individuals with disabilities of all ages and their family members, guardians, advocates, and authorized representatives;
- (B) underrepresented populations, including the aging workforce;
- (C) individuals who work for public or private entities (including centers for independent living described in part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796f et seq.), insurers, or managed care providers) that have contact, or provide services to, with individuals with disabilities;
- (D) educators at all levels (including providers of early intervention services, elementary schools, secondary schools, community colleges, and vocational and other institutions of higher education) and related services personnel;
- (E) technology experts (including web designers and procurement officials);
- (F) health, allied health, and rehabilitation professionals and hospital employees (including discharge planners);
- (G) employers, especially small business employers, and providers of employment and training services;
- (H) entities that manufacture or sell assistive technology devices;
- (I) entities that carry out community programs designed to develop essential community services in rural and urban areas; and
- (J) other appropriate individuals and entities, as determined for a State by the State.

Training activities: Training activities are instructional events, usually planned in advance for a specific purpose or audience, that are designed to increase participants'

knowledge, skills, and competencies regarding AT. Such events can be delivered to large or small groups, in-person, or via telecommunications or other distance education mechanisms. In general, participants in training can be individually identified and could complete an evaluation of the training. Examples of training include classes, workshops, and presentations that have a goal of increasing skills, knowledge, and competency, as opposed to training intended only to increase general awareness of AT.

## **C. Who is reviewed?**

*How are grantees selected for review?*

RSA anticipates reviewing six Statewide AT Programs each year. Grantees are selected for review as follows:

1. Grantees are separated into two categories -
  - (a) those whose Lead Agency/Implementing Entity serves as the Lead Agency/Implementing Entity for both the Statewide AT Program and a title III alternative financing program (AFP) and claim the AFP as a state financing activity in their State Plan; and
  - (b) those that do not meet the criteria of (a).

Grantees are divided this way because separate program reviews of AFPs are conducted commensurate with the review of the Statewide AT Program. Therefore, the selection of a grantee through this process also determines that the state's AFP is reviewed.

2. Each year, an equal number of grantees are selected at random from each category (e.g., if six reviews are conducted that year, three are from category (a) and three from category (b)).
3. When category (a) is exhausted, reviews are comprised only of category (b).

RSA may make exceptions to the random selection described above, under one or more of the following instances:

- The randomly selected grantee recently has made significant changes to its State Plan, such as adding a new activity, changing a major subcontractor or redesignating a Lead Agency or Implementing Entity. In this case, RSA defers its program review and randomly selects a different program.
- A disaster occurs in the randomly selected state that affects its operations. In this case, RSA defers its program review and randomly selects a different grantee.
- If information about a grantee leads RSA to believe that an immediate review is necessary, RSA reserves the right to designate that grantee for review.
  - RSA will inform the grantee that it has been selected for the above reason, but will not inform other grantees or the third-party reviewers.
- If information about a title III AFP or Telework Program leads RSA to believe that an immediate review is necessary of either of those programs, and either of those programs is included in the grantee's State Plan, the Statewide AT Program is reviewed as well.
  - RSA will inform the grantee that it has been selected for the above reason, but will not inform other grantees or the third-party reviewers.



*Who participates in the review?*

1. RSA staff.

2. (a) In a state with a Lead Agency only:

- All Lead Agency personnel listed in the grantee’s State Plan for AT must participate in the review, with the exception of the Certifying Representative unless the Certifying Representative also is the Program Director. However, RSA strongly encourages the Certifying Representative to participate. The appropriate level of participation of each person is determined in consultation with RSA.
- Subcontractors of the Lead Agency are involved at the discretion of that agency, as the Lead Agency is responsible for the management and performance of its subcontractors.
- The Lead Agency is the subject of the review and the assessment of compliance. Any corrective actions (see “What is the result of a review?”) are applied to the Lead Agency.

(b) In a state with both a Lead Agency and Implementing Entity:

- All Lead Agency and Implementing Entity personnel listed in the grantee’s State Plan for AT must participate in the review, with the exception of the Certifying Representative unless the Certifying Representative also is the Program Director. However, RSA strongly encourages the Certifying Representative to participate. The appropriate level of participation of each person is determined in consultation with RSA.
- Subcontractors of the Lead Agency or Implementing Entity are involved at the discretion of those entities, as they are responsible for the management and performance of their subcontractors.
- Both the Lead Agency and Implementing Entity are the subjects of review. The assessment of compliance and any corrective actions (see “What is the result of a review?”) are applied to the Lead Agency, as the Lead Agency is responsible for the management and performance of its subcontractors.

3. Third-party Reviewers

- For each review, a “team” of no less than three third-party reviewers participates.<sup>6</sup> Team members are selected from a standing pool of volunteers who agree to serve on an as-needed basis.
- Third-party reviewers are current directors of Statewide AT Programs or others whose duties are similar to those of a director. RSA also may ask former

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<sup>6</sup> The third-party reviewers are involved in selected aspects of the review. These are delineated throughout this manual.

directors to volunteer if the number of current directors who volunteer to serve in the standing pool is insufficient. Former directors must have experience implementing the AT Act since it was amended in 2004.

- A director of a Statewide AT Program that has been subject to Program Review and deemed as failing to substantially comply cannot serve as third-party reviewer until all corrective actions have been completed.<sup>7</sup>
- Those who agree to be third-party reviewers are trained by RSA and agree to be called upon throughout the year to participate in Program Reviews. Team members negotiate with RSA to participate in reviews subject to their availability, and the timing of reviews is influenced by availability of third-party reviewers.
- Though the same team does not participate in every review, an effort is made to include at least one reviewer with prior experience on every team.<sup>8</sup>
- Team members are compensated for their participation.
- Though the identities of the team members are known during the review, final comments and conclusions are not attributed to individuals.
- Staff from grants that provide technical assistance or data collection and reporting assistance do not serve as third-party reviewers or observers.

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<sup>7</sup> This determination may not be possible until several cycles of reviews have been conducted.

<sup>8</sup> This is not possible for the first review conducted.

## **D. When do reviews take place?**

*When will RSA start reviewing grantees?*

The first cycle of program reviews begins in spring 2009 and continues through September 30, 2009. All subsequent cycles of Program Reviews are consistent with the Federal fiscal year of October 1 through September 30.<sup>9</sup>

*When will I know that I've been selected for review?*

RSA informs a grantee during the summer of the preceding cycle that it is to be reviewed in the next cycle (e.g., a grantee due to be reviewed during the October 2010 through September 2011 cycle would be informed in summer 2009). RSA individually will contact grantees that have been selected for review. After the selected grantees have been notified, RSA will inform all grantees about the selections for that review cycle.

*How long do reviews take?*

Once the grantee is informed of the upcoming review, RSA and the grantee negotiate a mutually agreeable nine-week<sup>10</sup> period within the cycle (i.e., October – September). Nine weeks is the maximum expected, but the period may be shorter depending on the efficiency of the grantee, RSA, and third-party reviewers. Those involved in the review must be available on an intermittent basis during those nine weeks. Additional time on the part of the grantee may be necessary if the grantee chooses to respond to the results of the review.

The table below shows a timeline of the average Program Review. Each of the activities shown in the table is explained in more detail in the following sections of this manual.

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<sup>9</sup> The shortened first cycle provides a reasonable time for the first grantees selected to review this manual, submit and begin implementing their new State Plans, and prepare materials.

<sup>10</sup> “Week” means 5 business days.

### Timeline of Program Review

Time	Activities	Parties Involved
Prior to Nine-Week Review Period		
Summer of previous cycle	Notify grantee it is to be reviewed in the next cycle (meaning the following October 1 through September 30).	RSA
Between notification date and commencement of the next cycle	Grantee and RSA hold a planning meeting and negotiate the nine-week period to hold program review.	RSA Grantee
Prior to official start of nine-week review period.	(1) Grantee prepares and submits documents one-month prior to start of the agreed-upon nine-week cycle. Grantee begins preparing for webinars. (2) RSA assigns third-party reviewers.	RSA Grantee
Nine-Week Review Period		
Weeks 1-2	(1) RSA and third-party reviewers read documents. (2) Grantee continues preparing for webinars. (3) RSA hosts conference call with grantee to discuss documents (if necessary).	RSA Grantee Third-party reviewers
Weeks 3-4	Webinar presentations by grantee take place.	RSA Grantee Third-party reviewers
Weeks 5-6	(1) Third-party reviewers complete written review forms. (2) Third-party reviewers and RSA meet via teleconference. (3) Third-party reviewers finalize written review forms and submit to RSA.	RSA Third-party reviewers
Weeks 7-9	(1) RSA writes draft program review report. (2) RSA discusses draft report with grantee.	RSA Grantee
Following the Nine-Week Review Period		
Up to a month	RSA drafts final report and shares it with the grantee.	RSA
Two weeks from receipt of final report	The grantee may provide a response to the final report.	Grantee
Up to a month	RSA seeks internal approval of report and posts final report on the US Department of Education's (Department) website.	RSA

## **E. Where does a review take place?**

RSA does not conduct on-site reviews unless it determines that a review cannot or should not be conducted remotely. The typical review takes place using webinars and teleconferences, as described later in this document. RSA may conduct an on-site review if it is deemed necessary and the grantee may request an on-site visit to discuss the draft Program Review report (see “What is the result of a review?”).

## **F. What is reviewed and how is it reviewed?**

A Program Review assesses the extent of a grantee's compliance with two "Core Components" of a Statewide AT Program: Program Management and Program Performance. These components consist of a number of "Elements" that are examined through documents, data, and discussion with the grantee. The specifics of reviewing both Core Components are described below.

### ***Core Component: Program Management***

The review of Program Management verifies that a grant is managed efficiently and appropriately in accordance with the AT Act, EDGAR, and OMB circulars, as applicable.

#### **Review of Program Management: Activities**

##### 1. Document Preparation and Submission

- The review begins by gathering documents and data from the Statewide AT Program. Most of the documents and data already exist, but some documents need to be created by the grantee in order to verify information previously provided, such as assurances in the State Plan for AT. The documents are described below.
- Documents are submitted either electronically or in hard copy, as negotiated between the grantee and RSA.<sup>11</sup> The documents and data are described below and a timeline for submission is described in "When do reviews take place?"
- The grantee's current State Plan for AT and data from the most recently completed reporting period and the two periods prior are always a part of the Program Review. RSA has these documents so they are not submitted by the grantee.
- Grantees should note that section 7 of the AT Act requires that grantees provide relevant information to RSA in order to assist with program reviews, and 34 CFR part 80.42(e) grants RSA access to a grantee's records.

##### 2. Document Review and Discussion (as applicable)

- Upon submission, the documents and data are reviewed by RSA staff. RSA may complete the review of program management on the basis of documents and data alone if the information is deemed sufficient.
- RSA arranges a conference call with the grantee to discuss any issues if the documentation is insufficient or raises questions. The grantee may request a conference call with RSA about program management documents even if RSA does not request a conference call.

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<sup>11</sup> Documents must be provided in accessible formats.

### 3. Completion of Review Forms

- RSA responds in writing to a series of questions about the Statewide AT Program after completing the document review and any discussion. The answers to these questions are recorded on a review form. The responses to the questions on the review form determine the extent of a grantee's compliance. A copy of the written review form is included in this document as Appendix B.
- Through the submitted documents and discussion, it is the grantee's responsibility to provide the quantity and quality of information necessary for RSA to respond to the questions accurately. It is RSA's responsibility to ask appropriate questions where the documents alone are insufficient.

#### Review of Program Management: Elements and related Documents/Data

The elements that comprise the Core Component of program management are: *fiscal management, personnel management, contract oversight, and consumer-responsiveness*. The documents described below are submitted to and reviewed by RSA to assess the extent to which the grantee appropriately implements each element.

#### *Element: Fiscal Management*

As part of its State Plan, the grantee provides:

- An assurance that the funds received through the grant are expended in accordance with section 4 of the AT Act;
- An assurance of adopting such fiscal control and accounting procedures as may be necessary to ensure proper disbursement of and accounting for the funds received through the grant; and
- A description of planned procedures for tracking expenditures for state-level and state leadership activities.

Additionally, EDGAR requires that the grantee:

- use fiscal control and accounting procedures that insure proper disbursement of and accounting for Federal funds (34 CFR part 76.702);
- keep records that fully show the amount of funds under the grant, how the grantee uses the funds, the total cost of the project, the share of the cost provided by other sources, and other records to facilitate an effective audit (34 CFR part 76.730);
- have fiscal control and accounting procedures sufficient to permit the tracing of funds to a level of expenditures adequate to establish that such funds have not been used in violation of the restrictions and prohibitions of applicable statutes (34 CFR part 80.20(a)(2)).

RSA reviews the documents/data described in (1)-(5) below to verify that the grantee exercises appropriate fiscal management in accordance with its State Plan assurances and EDGAR.

(1) Expenditure report.

The grantee must submit to RSA its expenditure report for its Statewide AT Program from the most recent annual award for which obligation and liquidation is complete. This is not an expenditure report for a calendar year; it is an expenditure report for an entire annual award, which may have been obligated and liquidated over two years.<sup>12</sup>

RSA recommends that the expenditure report:

- Be understandable (i.e., it should not use jargon or codes exclusive to the grantee's accounting system);
- Show the use of all funds for that fiscal year (i.e., if the grant was for \$425,000, all \$425,000 must be shown). If actual expenditures for the Statewide AT program exceed the grantee's award amount due to funding provided from other sources, this should be reflected; and
- Reflect the use of funds according to requirements of section 4 of the AT Act and show that it can track the funds in accordance with the assurances and descriptions provided in the grantee's state plan, which include –
  - no less than 60% of the funds were used for state-level activities;
  - no more than 40% of the funds were used for state leadership activities;<sup>13</sup>
  - 5% of state leadership funds was dedicated to transition activities;<sup>14</sup> and
  - no more than 10% of the award was used for indirect costs.

While funds provided from other sources are not subject to the limitations of the AT Act, the report should show how those funds were used.

If the expenditure report itself does not reflect the distribution of funds in accordance with the AT Act requirements listed, the grantee should attach an addendum that both describes and shows how it complies with the assurances and descriptions in its State Plan related to tracking its expenditures.

If the Statewide AT Program uses an Implementing Entity pursuant to section 4(c)(1)(B) of the AT Act, expenditure reports must be provided for **both** the Lead Agency and Implementing Entity:

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<sup>12</sup> Grantees receive funds on an annual basis that can be obligated and liquidated during the fiscal year for which they were provided and the next fiscal year.

<sup>13</sup> No more than 30% if the state exercises flexibility under section 4(e)(6) of the AT Act.

<sup>14</sup> States are required to spend 5 percent of their state leadership funds specifically to provide training and technical assistance to assist students with disabilities who receive transition services and adults who are maintaining or transitioning to community living.



- One showing the expenditures of the Implementing Entity to implement the Statewide AT Program. The recommendations above apply to this report; and
- One showing the expenditures of the Lead Agency to administer the grant. Because it is expected that the majority of funds flow to the Implementing Entity, the Lead Agency is not responsible for showing the distribution of funds according to state-level activities, state leadership activities, etc. That distribution is applicable only for the Implementing Entity's expenditure report.

(2) SF-269.

Grantees provide a financial status report (SF-269) for each annual award. When conducting a program review, RSA reviews the grantee's SF-269s for the fiscal year for which the grantee provided the expenditure report explained above and the two years prior. RSA has direct access to this information without a submission from the grantee.

(3) Payment System Records.

All transactions related to a grant, such as drawdowns of funds, requests for extensions, and de-obligation of unliquidated funds, are recorded in an electronic payment system at the Department. When conducting a program review, RSA reviews the grantee's payment system data for the fiscal year for which the grantee provided the expenditure report explained above and the two years prior. RSA has direct access to this information without a submission from the grantee.

(4) Indirect Costs or Cost Allocation Plans.

The AT Act limits indirect costs to 10% of the grant award (section 4(e)(4) of the AT Act). If a grantee takes indirect costs, adherence to the 10% limitation is verified through the expenditure report and SF-269.

OMB Circulars, as applicable, contain requirements related to indirect costs and cost allocation plans. EDGAR also requires that grantees:

- have a current indirect cost rate agreement to charge indirect costs to a grant (34 CFR 76.560(b));
- use a restricted indirect cost rate under programs with a statutory requirement prohibiting the use of Federal funds to supplant non-Federal funds<sup>15</sup> (34 CFR 76.563).

To verify that the grantee meets other indirect cost or cost allocation requirements of EDGAR and OMB Circulars, the Lead Agency submits to RSA its current indirect cost rate agreement or cost allocation plan as approved by its cognizant Federal agency. RSA recommends that the grantee be prepared to discuss how it applies the 10% limitation and restricted indirect cost requirements to its approved rate or plan. The Lead Agency also

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<sup>15</sup> This requirement can be found in section 4(d)(6)(B)(ii) of the AT Act.

should be prepared to discuss how it handles the indirect costs of its subcontractors, especially an Implementing Entity.

(5) Audits.

According to 34 CFR 80.26, an entity that expends \$500,000 or more of Federal funds in a year is responsible for obtaining an audit in accordance with the Single Audit Act Amendments of 1996 (31 U.S.C. 7501-7507) and revised OMB Circular A-133 “Audits of States, Local Governments, and Non-Profit Organizations.” Grantees should consult OMB Circular A-133 for instructions on determining the amount of Federal funds expended, as this amount is affected by other Federal grants received the Lead Agency. The audit must be done by an independent auditor in accordance with generally accepted government auditing standards covering financial audits.

To verify that the grantee meets the audit requirements of EDGAR and OMB Circulars, the Lead Agency has two options:

- (a) Both the Lead Agency and Implementing Entity (if applicable) can submit to RSA either (a) a copy of its most recent audit report or (b) an explanation of why an audit has not been conducted. If an internal audit of some kind has been performed, a copy of this also must be provided; or
- (b) Both the Lead Agency and Implementing Entity can complete and submit the questionnaire shown in Appendix D. The questionnaire is signed by the Lead Agency’s Certifying representative.

*Element: Personnel Management*

As part of its State Plan for AT, the grantee identifies key personnel responsible for implementation of the grant and the full-time equivalent (FTE) that the personnel are assigned to the grant.

OMB Circulars A-21, A-87 and A-122 as applicable contain similar requirements that:

- compensation to personnel be reasonable for the services rendered;
- charges to Federal awards for salaries and wages, whether treated as direct or indirect costs, are based on payrolls documented in accordance with generally accepted practice of the entity and approved by a responsible official(s) of the entity;
- charges for salaries and wages of employees who work solely on a single Federal award or cost objective are supported by periodic certifications that the employees worked solely on that program for the period covered by the certification; and
- charges for salaries and wages of employees who work on multiple activities or cost objectives are supported by personnel activity reports or equivalent documentation.

RSA reviews the following in order to determine the extent to which the grantee exercises appropriate personnel management in accordance with its State Plan and OMB Circulars -

For all Lead Agency personnel named in the State Plan and directly charged to the grant:

- (a) The certifications or personnel activity reports required by OMB circulars, as applicable, for the most recently completed fiscal year; and
- (b) The position descriptions on record or a synopsis describing the roles and responsibilities associated with the grant.

For all Implementing Entity personnel named in the State Plan and directly charged to the grant: the position descriptions on record or synopses describing the roles and responsibilities associated with the grant. RSA recommends that the Lead Agency be prepared to discuss how it ensures that the time of Implementing Entity employees is appropriately charged to the grant.

If key personnel positions currently are open at either the Lead Agency or Implementing Entity, the grantee provides the job description on record for the position.

If a grantee at either the Lead Agency or Implementing Entity has key staff who are not paid using grant funds, only the position description or synopsis is provided. The grantee should indicate that the employee is paid from another source and identify that source.

*Element: Contract Oversight*<sup>16</sup>

If a grantee uses an Implementing Entity, its State Plan for AT contains a description of the mechanisms established to ensure coordination of activities and collaboration between that entity and the Lead Agency. A grantee's State Plan for AT also identifies those activities it conducts via a formal agreement with another entity and provides some information about those entities. Further, the State Plan indicates those activities for which the grantee receives funds from another entity.

According to EDGAR, an entity awarding a subcontract must:

- directly administer or supervise the administration of each project (34 CFR 76.701);
- have procedures for providing technical assistance, for evaluating projects, and for performing other administrative responsibilities the state has determined are necessary to ensure compliance with applicable statutes and regulations (34 CFR 76.770); and
- monitor grant supported activities to assure compliance with applicable Federal requirements and that performance goals are being achieved (34 CFR 80.40(a)).

In addition, EDGAR contains numerous requirements related to procurement (34 CFR part 80.36).

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<sup>16</sup> This element is inapplicable if the grantee uses or receives no subcontracts.

RSA reviews the following in order to determine the extent to which the grantee exercises appropriate contract oversight in accordance with EDGAR and what is contained in its State Plan for AT:

- (a) A copy of the procurement/selection policies and procedures used by the Lead Agency and Implementing Entity when issuing subcontracts; and
- (b) Copies of subcontracts issued by the Lead Agency or Implementing Entity and provided to the Lead Agency or Implementing Entity as selected by RSA based on the information in the grantee's State Plan (i.e., RSA informs the grantee which subcontracts to submit), which always includes the subcontract with the Implementing Entity, if applicable.

*Element: Consumer-responsiveness*

In general, consumer-responsiveness<sup>17</sup> means that the policies, programs, and activities of the Statewide AT Program:

- are easily accessible to, and usable by, individuals with disabilities and their family members, guardians, advocates, or authorized representatives, including those from rural and underrepresented populations;
- involve individuals with disabilities and their family members, guardians or authorized representatives in decisions related to the maintenance, improvement, and evaluation of the Statewide AT Program; and
- respond to the needs of individuals with disabilities in an appropriate manner.

A grantee's State Plan for AT contains several assurances and descriptions related to consumer-responsiveness:

- an assurance pursuant to section 4(d)(6)(E) of the AT Act that the physical facility of the Lead Agency and Implementing Entity, if any, meets the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding accessibility for individuals with disabilities;
- an assurance pursuant to section 4(d)(6)(G) of the AT Act that activities supported by Federal funds received under the AT Act will comply with the standards established by the Architectural and Transportation Barriers Compliance Board under section 508 of the Rehabilitation Act of 1973 (20 U.S.C. 794d); and
- an assurance that the grantee has an advisory council that meets the membership requirements of section 4(e)(2) of the AT Act that provides consumer-responsive, consumer-driven advice to the State for, planning of, implementation of, and evaluation of the activities carried out through the grant, including setting measurable goals.

RSA reviews the submissions below to verify that the grantee is consumer-responsive in accordance with its State Plan for AT -

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<sup>17</sup> See definition in "Definitions."

- (a) The grantee provides a description of how it ensures that the physical facility of the Lead Agency and Implementing Entity, if any, meets the requirements of the Americans with Disabilities Act. Additionally, the grantee identifies any requirements related to accessibility included in its subcontracts;
- (b) The grantee provides a description of how it ensures that activities supported by Federal funds received under the AT Act comply with the standards established under section 508 of the Rehabilitation Act, including activities conducted under subcontract;
- (c) The grantee provides a description of its advisory council, including
  - i. a listing of all active members of the council, with a description of each member to show compliance with membership, demographic, and geographic requirements of section 4(c)(2) of the AT Act (for privacy, identifying the members by name is not required and none of the information is included in the final report); and
  - ii. a description of council operations (i.e., what the council does and how it works) sufficient to show how the council provides advice about the planning, implementation, evaluation, and setting of measurable goals of the Statewide AT Program.
- (d) If applicable, the grantee also may provide a description of other mechanisms used to solicit consumer feedback, such as conducting statewide needs assessments, focus groups, or consumer surveys (not including the customer satisfaction surveys conducted as a part of its annual report to RSA), and examples of how that feedback has affected the implementation of the Statewide AT Program.

#### Review of Program Management: Assessing the Extent of Compliance

After reviewing all of the documents and data described previously, and speaking with the grantee, if necessary, RSA uses the information to answer the following questions about the grantee's program management. These questions are featured in the written review form included as Attachment B. RSA must justify its answers to the questions in writing and the completed written review form is provided to the grantee.

1. Does the grantee account for its funds accurately and completely in accordance with EDGAR and the AT Act?
2. Does the grantee use its funds within the limitations of the AT Act?
3. Does the grantee obligate and liquidate its funds in a timely manner? If not, does the grantee have a plan for improving the timeliness of obligations and liquidations?
4. Does the grantee maximize the use of its funds (i.e., does not return funds to the Department)? If not, does the grantee have a plan for increasing the amount of funds it uses?
5. Does the grantee comply with indirect cost requirements?

6. Does the grantee comply with audit requirements?
7. Does the grantee select subcontractors in accordance with generally accepted practice? If not, does the grantee have a plan for improving its selection process?
8. Does the grantee exercise appropriate fiscal and performance oversight of its subcontracts? If not, does the grantee have a plan for improving its oversight?
9. Is the inclusion of subcontracts received by the grantee in the grantee's State Plan and NISAT data justified?
10. Does the grantee distribute the time of its personnel appropriately based on their responsibilities? If not, does the grantee have a plan to distribute time more appropriately?
11. Does the grantee support with grant funds only personnel with responsibilities germane to the grant?
12. Does the grantee have processes and procedures to ensure ongoing physical and programmatic accessibility? If not, does the grantee have a plan for improving its physical and programmatic accessibility?
13. Does the grantee have and use an advisory council that meets the requirements of the AT Act and is involved in the Statewide AT Program as the AT Act intends? If not, does the grantee have a plan for improving its advisory council?

The responses that RSA provides for the above questions determine the extent of a grantee's compliance. Depending on the question, the extent of compliance for Program Management may receive one of three ratings:

- Compliant
- In Need of Improvement
- Fails to Substantially Comply

The rating is derived from the responses to the questions in the following manner:

- If the answer to the initial question is "Yes" – the grantee is rated as compliant.
  - If the answer to the initial question is "No" – the rating depends on the answer to the subquestion.
- If the answer to the subquestion is "Yes" – the grantee is rated as in need of improvement.
- If the answer to the subquestion is "No" – the grantee is rated as failing to substantially comply.

Example 1:

Does the grantee maximize the use of its funds (i.e., does not return funds to the Department)? **Yes.**

This activity/requirement is rated as compliant.

Example 2:

Does the grantee maximize the use of its funds (i.e., does not return funds to the Department)? **No.**

If not, does the grantee have a plan for increasing the amount of funds it uses? **Yes.**

This activity/requirement is rated as in need of improvement.

Example 3:

Does the grantee maximize the use of its funds (i.e., does not return funds to the Department)? **No.**

If not, does the grantee have a plan for increasing the amount of funds it uses? **No.**

This activity/requirement is rated as failing to substantially comply.

For the following Program Management questions there are only two ratings: “compliant” and “failing to substantially comply.” If the final answer to any of these questions is “No,” the grantee is required to work with RSA immediately to correct the issue:

- Does the grantee account for its funds accurately and completely?
- Does the grantee use its funds within the limitations of the AT Act?
- Does the grantee comply with indirect cost requirements?
- Does the grantee comply with audit requirements?
- Does the grantee support with grant funds only personnel with responsibilities germane to the grant?
- Is the inclusion of subcontracts received by the grantee in the grantee’s State Plan and NISAT data justified?

RSA does not rate a grantee as “failing to substantially comply” on the basis of its documents alone and gives the grantee every opportunity to provide additional information. If RSA believes the final answer to any of the questions is “No,” RSA contacts the grantee to gather more information and learn whether the grantee has a plan

for improvement. At the conclusion of the Program Review, RSA's full responses to Program Management questions are provided to the grantee.



## ***Core Component: Program Performance***

The review of Program Performance assesses whether the Statewide AT Program is implementing its Statewide AT Program in accordance with its State Plan for AT, is reporting data appropriately, and is achieving the results intended by the AT Act. Program Performance is reviewed by RSA with the assistance of third-party reviewers.<sup>18</sup>

### **Review of Program Performance: Activities**

#### 1. Document Review

- RSA staff and the third-party reviewer team review the grantee’s State Plan for AT, its annual report data from the most recently submitted and approved report and the two years prior,<sup>19</sup> and the documents delineated under “Elements and Related Documents/Data” below.
- Questions about the documents are raised during the webinars described below.

#### 2. Webinars

- After the third-party review team and RSA read the documents, they participate in a series of webinars<sup>20</sup> with the grantee (the number and length of webinars is negotiated between the grantee, RSA, and the team). The grantee determines who presents on the webinars, but participation of key personnel as described in “Who is reviewed?” is expected, as appropriate.
- In essence, the webinars are a “virtual site visit.” During the webinars, the grantee presents its Statewide AT Program and answers questions, using any material<sup>21</sup> necessary to provide a thorough description of its operations (e.g., step-by-step photos of its device loan procedures, virtual tour of its demonstration site, map of the state showing regional locations).

#### 3. Completion of Review Forms

- The third-party review team responds in writing to a series of questions about the Statewide AT Program after completing the document review and attending the webinars. The responses to these questions determine the extent of a grantee’s compliance. A copy of the written review form is included in this document as Appendix B. Though RSA participates in the webinars, it does not complete a review form.
- Through the submitted documents and discussion, it is the grantee’s responsibility to provide the quantity and quality of information necessary for the third-party reviewers to respond to the questions accurately. It is the responsibility of RSA

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<sup>18</sup> See “Who is Involved in a Review?” for more information on third-party reviewers.

<sup>19</sup> This will not be possible for the first cycle of reviews.

<sup>20</sup> If a grantee does not have the technology to participate in a webinar, or the webinar format is inaccessible to those who need to participate in the review, conference calls can be substituted.

<sup>21</sup> This information must be available in accessible formats.

and the third-party reviewers to ask appropriate questions where the documents and presentations alone are insufficient.

#### 4. Third-party Review Conference

- Third-party reviewers meet with RSA as a group to discuss their findings and recommendations after independently completing their forms. Following this discussion, the third-party reviewers make final revisions to their written review forms and submit them to RSA.
- See “What is the result of a review?” for information about what RSA does with these written review forms.

#### **Review of Program Performance: Elements and Related Documents/Data**

The elements that comprise the core component of program performance are: *increasing access to, acquisition of, and knowledge about AT; statewideness and comprehensiveness; and achievement of measurable goals*. The documents and activities described below are used by RSA to assess the extent to which the grantee appropriately implements each element.

#### Elements: Extent of Increasing Access to, Acquisition of and Knowledge about AT and Extent of Statewideness and Comprehensiveness<sup>22</sup>

Increasing access to, acquisition of, and knowledge about AT for targeted individuals and entities is a result of the state-level and state leadership activities conducted by the Statewide AT Program. Device loans and device demonstrations increase access to AT; state financing activities and device reutilization activities increase acquisition of AT; and training and public awareness/information and assistance activities increase knowledge about AT.<sup>23</sup> These activities must be conducted in a statewide and comprehensive manner. The review of these two elements is concurrent and relies primarily on information provided during webinars. However, to supplement the webinars, the grantee must submit:

- (a) A current inventory of devices in both its loan and demonstration programs.
  - If these programs are conducted primarily through subcontractors, inventory lists from the subcontractors should be provided.
- (b) Copies of policies and procedures for the grantee’s state financing, device demonstration, device loan, and device reutilization activities, as applicable.
  - If the activities are conducted by subcontractors and the subcontractors’ policies and procedures apply, provide the subcontractors’ policies and procedures.

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<sup>22</sup> Different from prior sections of this manual, the content below is organized by activity and then is broken down by element.

<sup>23</sup> Even though coordination and collaboration and technical assistance are activities conducted under the AT Act, these are not included as part of the review of program performance as neither are of a substantial nature. RSA can confirm whether the grantee conducts these activities through NISAT data alone.

- (c) Synopses of trainings that the grantee identifies through its data as having been provided and copies of sample training materials.
- (d) Publications available from the program, including those available through subcontractors,<sup>24</sup> that the grantee identifies through its data as having been distributed as part of public awareness.

If a grantee does not conduct a state-level activity because it claims flexibility under section 4(e)(6) of the AT Act, the material in this manual related to that activity is not applicable. If a grantee does not conduct a state-level activity due to comparability under section 4(e)(1)(B) of the AT Act, the material in this manual related to that activity is not applicable. **However, the grantee must submit to RSA documentation and narrative sufficient to show that the activity is comparable as claimed in the State Plan for AT.**

If a grantee claims a title III alternative financing program (AFP) as its state financing activity, the material in this manual related to that activity is not applicable<sup>25</sup> (though it is applicable to other state financing activities). Title III AFPs are reviewed using a separate process specifically designed for them. If available, the results of the AFP review are referenced in the final Program Review report described later.

### *General Questions*

Before assessing whether the state-level and state leadership activities are comprehensive and statewide and increase access, acquisition, and knowledge, it must be established that the activity is of enough substance to merit inclusion as part of the Statewide AT Program. Therefore, third-party reviewers respond to the following questions for all activities described in the grantee's State Plan (including a title III AFP) -

1. Is there evidence that the grantee's level of effort or funding for this activity justifies its inclusion in the grantee's State Plan?

OR

(If the grantee claims comparability) Is there evidence of existing comparable support for this activity provided from state or other non-federal resources or entities?

2. Is there evidence that this activity is carried out primarily to meet the intent of the AT Act?

After answering the general questions above, third-party reviewers respond to questions specific to each state-level and state leadership activity being reviewed.

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<sup>24</sup> If the publications are available on the Internet, web addresses can be provided instead of copies.

<sup>25</sup> An exception to this is found in the next paragraph.

### *Device Loan<sup>26</sup> Questions*

After reviewing documents/data and engaging in discussion via webinar, third-party reviewers respond to the following questions to identify the extent to which the grantee's device loan activities increase access to AT and are statewide and comprehensive -

(a) Is there evidence that the quality, currency, number and scope of devices available for loan make it possible to meet the needs of individuals with diverse needs and a range of ages?

(i) If not, does the grantee provide reasonable justification for why the current inventory is sufficient?

(ii) If not, does the grantee have a reasonable plan for improving its inventory?

(b) Is there evidence that the grantee's structure, practices, and staff expertise make it possible to meet the needs of individuals with diverse needs and a range of ages?

(i) If not, does the grantee provide reasonable justification for why its current capacity is sufficient?

(ii) If not, does the grantee have a reasonable plan for improving its capacity?

(c) Is there evidence that grantee's structure, practices, and staff expertise make it possible to provide sufficient support to ensure that a device loan meets the needs of targeted individuals and entities?

(i) If not, does the grantee provide justification for why its current capacity is sufficient?

(ii) If not, does the grantee have a reasonable plan for improving its capacity?

(d) Is there evidence that the structure of this activity makes it possible to meet the needs of targeted individuals and entities in most areas of the state?

(i) If not, does the grantee provide justification for why the current structure is sufficient?

(ii) If not, does the grantee have a reasonable plan for improving its structure?

### *Device Demonstration<sup>27</sup> Questions*

After reviewing documents/data and engaging in discussion via webinar, third-party reviewers respond to the following questions to identify the extent to which the grantee's device demonstration activities increase access to AT -

(a) Is there evidence that the quality, currency, number, and scope of devices available for demonstration make it possible to meet the needs of individuals with diverse needs and a range of ages?

(i) If not, does the grantee provide reasonable justification for why the current inventory is sufficient?

(ii) If not, does the grantee have a reasonable plan for improving its inventory?

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<sup>26</sup> See definition in "Definitions."

<sup>27</sup> See definition in "Definitions."

(b) Is there evidence that the grantee’s structure, practices, and staff expertise make it possible to meet the needs of individuals with diverse needs and a range of ages?

(i) If not, does the grantee provide reasonable justification for why its current capacity is sufficient?

(ii) If not, does the grantee have a reasonable plan for improving its capacity?

(c) Is there evidence that grantee’s structure, practices, and staff expertise make it possible to provide thorough device demonstrations meets the needs of targeted individuals and entities?

(i) If not, does the grantee provide justification for why its current capacity is sufficient?

(ii) If not, does the grantee have a reasonable plan for improving its capacity?

(d) Is there evidence that the structure of this activity makes it possible to meet the needs of targeted individuals and entities in most areas of the state?

(i) If not, does the grantee provide justification for why the current structure is sufficient?

(ii) If not, does the grantee have a reasonable plan for improving its structure?

(e) Is there evidence that the grantee can provide comprehensive referral<sup>28</sup> information?

(i) If not, does the grantee provide justification for why its current capacity is sufficient?

(ii) If not, does the grantee have a reasonable plan for improving its capacity?

### *State Financing<sup>29</sup> Questions*

Note: Each state financing activity claimed in a grantee’s State Plan is reviewed separately, with the exception of a title III AFP as explained earlier in this document.

After reviewing documents/data and engaging in discussion via webinar, third-party reviewers respond to the following questions to identify the extent to which the grantee’s state financing activities increase acquisition of AT -

(a) Is there evidence that this state financing activity increases acquisition of AT for targeted individuals and entities?

(i) If not, does the grantee provide justification for why the activity does not yet increase acquisition of AT?

(ii) If not, does the grantee have a reasonable plan for improving this activity to result in an increase in acquisition?

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<sup>28</sup> See definition in “Definitions.”

<sup>29</sup> See definition in “Definitions.”

(b) Is there evidence that the structure, practices, and staff expertise of the grantee make it possible to ensure the appropriateness of devices being provided to targeted individuals and entities?

(i) If not, does the grantee provide justification for why the current capacity is sufficient?

(ii) If not, does the grantee have a reasonable plan for improving its capacity?

(c) Is there evidence that the structure of this activity makes it possible to meet the needs of targeted individuals and entities in most areas of the state?

(i) If not, does the grantee provide justification for why the current structure is sufficient?

(ii) If not, does the grantee have a reasonable plan for improving its structure?

(d) Is there evidence that the grantee's structure, practices, and staff expertise make it possible to meet the needs of individuals with diverse needs and a range of ages?

(i) If not, does the grantee provide reasonable justification for why its current capacity is sufficient?

(ii) If not, does the grantee have a reasonable plan for improving its capacity?

(e) Is there evidence that the activity utilizes AT Act funds to provide direct payment for devices or services?

### *Device Reutilization<sup>30</sup> Questions*

Note: Each type of device reutilization activity claimed in a grantee's State Plan is reviewed separately. However, some questions as noted do not apply to device exchange activities and some questions apply only to device exchange activities.

After reviewing documents/data and engaging in discussion via webinar, third-party reviewers respond to the following questions to identify the extent to which the grantee's device reutilization activities increase acquisition of AT -

(a) Is there evidence that this device reutilization activity increases acquisition of AT for targeted individuals and entities?

(i) If not, does the grantee provide justification for why the activity does not yet increase acquisition of AT?

(ii) If not, does the grantee have a reasonable plan for improving this activity to result in an increase in acquisition?

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<sup>30</sup> See definition in "Definitions."

(b) Is there evidence that the structure, practices, and staff expertise of the grantee make it possible to ensure the appropriateness and safety of devices being provided to targeted individuals and entities?<sup>31</sup>

(i) If not, does the grantee provide justification for why the current capacity is sufficient?

(ii) If not, does the grantee have a reasonable plan for improving its capacity?

(c) Is there evidence that the structure of this activity makes it possible to meet the needs of targeted individuals and entities in most areas of the state?

(i) If not, does the grantee provide justification for why the current structure is sufficient?

(ii) If not, does the grantee have a reasonable plan for improving its structure?

(d) Is there evidence that the grantee's structure, practices, and staff expertise make it possible to meet the needs of individuals with diverse needs and a range of ages?<sup>32</sup>

(i) If not, does the grantee provide reasonable justification for why its current capacity is sufficient?

(ii) If not, does the grantee have a reasonable plan for improving its capacity?

(e) For device exchanges only: Is there evidence that the grantee employs safeguards to protect the privacy of users and ensure the integrity of exchanges?

(i) If not, does the grantee provide justification for why the current safeguards are sufficient?

(ii) If not, does the grantee have a reasonable plan for improving its safeguards?

### *Training<sup>33</sup> Questions*

After reviewing documents/data and engaging in discussion via webinar, third-party reviewers respond to the following questions to identify the extent to which the grantee's training activities increase knowledge about AT -

(a) Is there evidence that the grantee's training activities can provide relevant, current, and appropriate information?

(i) If not, does the grantee provide justification for why its training is sufficient?

(ii) If not, does the grantee have a reasonable plan for improving the relevancy, currency, and appropriateness of its training?

(b) Is there evidence that the structure and methods of training make it possible to reach targeted individuals and entities in most areas of the state?

(i) If not, does the grantee provide justification for why its structure and methods are sufficient?

(ii) If not, does the grantee have a reasonable plan for improving its structure and methods?

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<sup>31</sup> This question does not apply to device exchange.

<sup>32</sup> This question does not apply to device exchange.

<sup>33</sup> See definition in "Definitions."

(c) Is there evidence that the grantee’s structure, practices, and staff expertise and depth and breadth of topics make it possible to meet the needs of individuals and entities with diverse needs?

(i) If not, does the grantee provide reasonable justification for why the current capacity is sufficient?

(ii) If not, does the grantee have a reasonable plan for improving its capacity?

*Public Awareness/Information and Assistance<sup>34</sup> Questions*

After reviewing documents/data and engaging in discussion via webinar, third-party reviewers respond to the following questions to identify the extent to which the grantee’s public awareness/information and assistance activities increase knowledge about AT:

(a) Is there evidence that the grantee’s public awareness activities can provide relevant, current, and appropriate information?

(i) If not, does the grantee provide justification for why its public awareness is sufficient?

(ii) If not, does the grantee have a reasonable plan for improving the relevancy, currency, and appropriateness of its public awareness?

(b) Is there evidence that the structure of the grantee’s public awareness activities make it possible to reach targeted individuals and entities in most areas of the state?

(i) If not, does the grantee provide justification for why its structure sufficient?

(ii) If not, does the grantee have a reasonable plan for improving its structure?

(c) Is there evidence that the structure, practices, and staff expertise of the grantee make it possible to provide current and accurate information and assistance in a timely manner?

(i) If not, does the grantee provide justification for why the current capacity is sufficient?

(ii) If not, does the grantee have a reasonable plan for improving its capacity?

(d) Is there evidence that the structure of the grantee’s information and assistance activities make it possible to meet the needs of targeted individuals and entities in most areas of the state?

(i) If not, does the grantee provide justification for why its structure sufficient?

(ii) If not, does the grantee have a reasonable plan for improving its structure?

(e) Is there evidence that the structure, practices, and staff expertise of the grantee make it possible to meet the information and assistance needs of targeted individuals and entities with diverse needs?

(i) If not, does the grantee provide reasonable justification for why the current capacity is sufficient?

(ii) If not, does the grantee have a reasonable plan for improving its capacity?

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<sup>34</sup> See definition in “Definitions.”



## Element: Achievement of Measurable Goals

Section 4(f) of the AT Act requires that grantees submit data to RSA on an annual basis, and section 4(d)(3) of the AT Act requires grantees to set measurable goals for addressing the AT needs of individuals with disabilities related to education, employment, community living, and information technology and telecommunications. Measurable goal data is directly related to other annual report data submitted to RSA through a web-based instrument, and all grantees are required to use the same measurable goal format as part of their State Plans for AT.<sup>35</sup>

The baseline for measurable goals was established using FY 2007 data. RSA recognizes that measurable goal data and general data are not reliable and meaningful for use in Program Reviews for several years after that baseline. Until this data is deemed reliable and meaningful enough to determine whether substantial progress has been made, a grantee's data is used for informational purposes only. In the interim, one webinar is focused exclusively on the grantee's data. During this webinar, the grantee, RSA, and the third-party reviewers discuss for each State-level and State Leadership Activity what the grantee's data says about the Statewide AT Program and give the grantee an opportunity to put its data into context. The grantee should be prepared to describe (a) its strengths and areas in need of improvement when it comes to data and (b) how it is learning from and using its data. This includes explaining how the strengths and areas in need of improvement result from the program's operations, the state's composition, or the grantee's data collection infrastructure; or, the admission that the program cannot sufficiently understand or explain its data but has a plan for improving its understanding.

Appendix E contains recommendations for the kinds of analyses a grantee may choose to do and the kinds of information that may be helpful to discuss with the third-party reviewers and RSA. A grantee may also choose to provide analysis of its measures in writing as part of the review process.

While the data and the measurable goals are not the subjects of review until this manual is revised, the review team comments on and discusses with the grantee the strengths of and concerns about both, as well as making overall comments on their review forms. This information is included in the final report.

Once the performance measures and data are deemed reliable and meaningful, RSA will update this manual to outline procedures for its use in program review.

### **Review of Program Performance: Assessing the Extent of Compliance**

The responses that provided for the above questions determine the extent of a grantee's compliance. Depending on the question, the extent of compliance for Program Performance may receive one of three ratings:

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<sup>35</sup> For more information, see the State Plan for AT and the data collection instructions and instruments.

- Compliant
- In Need of Improvement
- Fails to Substantially Comply

The rating is derived from the responses to questions about the program. The responses to the questions are used in the following manner:

- If the answer to the initial question is “Yes” – the grantee is rated as compliant.
  - If the answer to the initial question is “No” – the rating depends on the answer to the first subquestion.
- If the answer to the first subquestion is “Yes” – the grantee is rated as compliant.
  - If the answer to the first subquestion is “No” – the rating depends on the answer to the second subquestion.
- If the answer to the second subquestion is “Yes” – the grantee is rated as in need of improvement.
  - If the answer to the second subquestion is “No” – the grantee is rated as failing to substantially comply.

Example 1:

- (a) Is there evidence that the structure of this activity makes it possible to meet the needs of targeted individuals and entities in most areas of the state? **Yes.**

This activity/requirement is rated as compliant.

Example 2:

- (a) Is there evidence that the structure of this activity makes it possible to meet the needs of targeted individuals and entities in most areas of the state? **No.**
- (i) If not, does the grantee provide justification for why the current structure is sufficient? **Yes.**

This activity/requirement is rated as compliant.

Example 3:

- (a) Is there evidence that the structure of this activity makes it possible to meet the needs of targeted individuals and entities in most areas of the state? **No.**
- (i) If not, does the grantee provide justification for why the current structure is sufficient? **No.**
- (ii) If not, does the grantee have a reasonable plan for improving its structure? **Yes.**

This activity/requirement is rated as in need of improvement.

Example 4:

- (a) Is there evidence that the structure of this activity makes it possible to meet the needs of targeted individuals and entities in most areas of the state? **No.**
- (i) If not, does the grantee provide justification for why the current structure is sufficient? **No.**
- (ii) If not, does the grantee have a reasonable plan for improving its structure? **No.**

This activity/requirement is rated as failing to substantially comply.

For the following Program Management questions there are only two ratings: “compliant” and “failing to substantially comply.” If the final answer to any of these questions is “No,” the grantee is required to work with RSA immediately to correct the issue:

- Is there evidence that the grantee’s level of effort or funding for this activity justifies its inclusion in the grantee’s State Plan?  
OR  
(If the grantee claims comparability) Is there evidence of existing comparable support for this activity provided from state or other non-federal resources or entities?
- Is there evidence that this activity is carried out primarily to meet the intent of the AT Act?

Further, there is one question to which a “yes” answer indicates that a grantee is “failing to substantially comply” and the grantee is required to work with RSA immediately to correct the issue:

- Is there evidence that the activity utilizes AT Act funds to provide direct payment for devices or services?

Additionally, if the information shared during the program review process indicates that a grantee’s State Plan for AT does not accurately describe its program, the grantee must immediately work with RSA to amend the State Plan for AT.

Part of the purpose of the post-webinar discussion is for the third-party reviewers to reach consensus on the answers to questions. If consensus cannot be reached, the majority opinion prevails; if ratings are split among subquestions, RSA makes the final determination. RSA also reserves the right to overrule the determinations of the third-party reviewers even if they reach consensus. The ratings and comments of individual third-party reviewers are not shared with the grantee. They are summarized as part of the final report described in the next section.

## **G. What is the result of a review?**

*What feedback does a grantee receive at the conclusion of the review?*

A grantee does not receive an overall rating of the extent of its compliance because of the complexity of Statewide AT Programs. Instead, the extent of compliance is rated for each element of the Core Components based on responses of RSA and the third-party review team, as applicable, to the questions previously shown. The final decision about the extent of the grantee's compliance is made by RSA, but the input of the third-party review team is taken into account.

RSA compiles the information provided through documents, data, discussion and the answers to the forms in Appendix B into a Program Review report.<sup>36</sup> Once complete, a draft of this report is provided to the grantee for review and discussion with RSA, via conference call or webinar. RSA may arrange for an on-site discussion at the request of the grantee. The discussion takes place within two weeks of receipt of the draft, unless travel arrangements make this impractical. Following this discussion, RSA makes revisions to the draft report, if appropriate, and has the report approved within the Department of Education (Department).

The report as approved by the Department is provided to the grantee. The grantee reviews the final report and may choose to develop a written response, which is included as an appendix to the final report. The grantee's response must be provided within two weeks of receiving the final report. When the grantee's response is received, or upon notification from the grantee that it declines to provide a response, the final report is posted on the Department's website.

*How are ratings used?*

If an activity or requirement rates as compliant, no further action is necessary.

If an activity or requirement rates as in need of improvement, the grantee is expected to implement the plan for improvement described by the grantee during the program review. The implementation of this plan is not subject to approval by RSA, but progress may be monitored either by RSA or the appropriate technical assistance or data collection assistance provider. If a subsequent program review shows that previous areas in need of improvement have not improved, the actions under "failing to substantially comply" may be applied.

If an activity or requirement rates as failing to substantially comply, the grantee has 90 days to develop a corrective action plan that is approved and monitored by RSA.<sup>37</sup> The grantee may develop and implement the corrective action plan with the assistance of RSA's technical assistance and data collection assistance providers. In some cases, RSA

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<sup>36</sup> An example of a format for this report is included as Appendix C.

<sup>37</sup> If the grantee rates as failing to substantially comply with numerous activities or requirements, then these can be consolidated into a single corrective action plan.

may direct that the grantee obtain assistance from these parties. Further detail about corrective action plans is not included in this manual, as corrective action plans are individualized to the circumstance, including the length of time allowed for its implementation. If the grantee fails to develop and comply with the corrective action plan during a fiscal year, it is subject to the corrective actions described in section 7(c) of the AT Act. RSA will develop separate procedures for addressing grantees in need of corrective action.

## **H. How do I get more information?**

For more information, contact Robert Groenendaal (202-245-7393 or Robert.Groenendaal@ed.gov).

**Appendix A**  
**Statutory and Regulatory Requirements Related to Program Review**

Section 7 of the Assistive Technology Act of 1998, as amended

**SEC. 7. ADMINISTRATIVE PROVISIONS.**

**(a) GENERAL ADMINISTRATION.—**

**(1) IN GENERAL.—**Notwithstanding any other provision of law, the Assistant Secretary for Special Education and Rehabilitative Services of the Department of Education, acting through the Rehabilitation Services Administration, shall be responsible for the administration of this Act.

**(2) COLLABORATION.—**The Assistant Secretary for Special Education and Rehabilitative Services shall consult with the Office of Special Education Programs, the Rehabilitation Services Administration, and the National Institute on Disability and Rehabilitation Research in the Office of Special Education and Rehabilitative Services, and appropriate Federal entities in the administration of this Act.

**(3) ADMINISTRATION.—**In administering this Act, the Rehabilitation Services Administration shall ensure that programs funded under this Act will address the needs of individuals with disabilities of all ages, whether the individuals will use the assistive technology to obtain or maintain employment, to obtain education, or for other reasons.

**(4) ORDERLY TRANSITION.—**

**(A) IN GENERAL.—**The Secretary shall take such steps as the Secretary determines to be appropriate to provide for the orderly transition to, and implementation of, programs authorized by this Act, from programs authorized by the Assistive Technology Act of 1998, as in effect on the day before the date of enactment of the Assistive Technology Act of 2004.

**(B) CESSATION OF EFFECTIVENESS.—**Subparagraph (A) ceases to be effective on the date that is 6 months after the date of enactment of the Assistive Technology Act of 2004.

**(b) REVIEW OF PARTICIPATING ENTITIES.—**

**(1) IN GENERAL.—**The Secretary shall assess the extent to which entities that receive grants under this Act are complying with the applicable requirements of this Act and achieving measurable goals that are consistent with the requirements of the grant programs under which the entities received the grants.

**(2) PROVISION OF INFORMATION.—**To assist the Secretary in carrying out the responsibilities of the Secretary under this section, the Secretary may require States to provide relevant information, including the information required under subsection (d).

**(c) CORRECTIVE ACTION AND SANCTIONS.—**

**(1) CORRECTIVE ACTION.—**If the Secretary determines that an entity that receives a grant under this Act fails to substantially comply with the applicable requirements of this Act, or to make substantial progress toward achieving the measurable goals described in subsection (b)(1) with respect to the grant program, the Secretary shall assist the entity,

through technical assistance funded under section 6 or other means, within 90 days after such determination, to develop a corrective action plan.

(2) SANCTIONS.—If the entity fails to develop and comply with a corrective action plan described in paragraph (1) during a fiscal year, the entity shall be subject to 1 of the following corrective actions selected by the Secretary:

(A) Partial or complete termination of funding under the grant program, until the entity develops and complies with such a plan.

(B) Ineligibility to participate in the grant program in the following year.

(C) Reduction in the amount of funding that may be used for indirect costs under section 4 for the following year.

(D) Required redesignation of the lead agency designated under section 4(c)(1) or an entity responsible for administering the grant program.

(3) APPEALS PROCEDURES.—The Secretary shall establish appeals procedures for entities that are determined to be in noncompliance with the applicable requirements of this Act, or have not made substantial progress toward achieving the measurable goals described in subsection (b)(1).

(4) SECRETARIAL ACTION.—As part of the annual report required under subsection (d), the Secretary shall describe each such action taken under paragraph (1) or (2) and the outcomes of each such action.

(5) PUBLIC NOTIFICATION.—The Secretary shall notify the public, by posting on the Internet website of the Department of Education, of each action taken by the Secretary under paragraph (1) or (2). As a part of such notification, the Secretary shall describe each such action taken under paragraph (1) or (2) and the outcomes of each such action.

#### 34 CFR 80.43 Enforcement.

(a) Remedies for noncompliance. If a grantee or subgrantee materially fails to comply with any term of an award, whether stated in a Federal statute or regulation, an assurance, in a State plan or application, a notice of award, or elsewhere, the awarding agency may take one or more of the following actions, as appropriate in the circumstances:

(1) Temporarily withhold cash payments pending correction of the deficiency by the grantee or subgrantee or more severe enforcement action by the awarding agency,

(2) Disallow (that is, deny both use of funds and matching credit for) all or part of the cost of the activity or action not in compliance,

(3) Wholly or partly suspend or terminate the current award for the grantee's or subgrantee's program,

(4) Withhold further awards for the program, or

(5) Take other remedies that may be legally available.

(b) Hearings, appeals. In taking an enforcement action, the awarding agency will provide the grantee or subgrantee an opportunity for such hearing, appeal, or other administrative proceeding to which the grantee or subgrantee is entitled under any statute or regulation applicable to the action involved.

(c) Effects of suspension and termination. Costs of grantee or subgrantee resulting from obligations incurred by the grantee or subgrantee during a suspension or after termination



of an award are not allowable unless the awarding agency expressly authorizes them in the notice of suspension or termination or subsequently. Other grantee or subgrantee costs during suspension or after termination which are necessary and not reasonably avoidable are allowable if:

- (1) The costs result from obligations which were properly incurred by the grantee or subgrantee before the effective date of suspension or termination, are not in anticipation of it, and, in the case of a termination, are noncancellable, and,
- (2) The costs would be allowable if the award were not suspended or expired normally at the end of the funding period in which the termination takes effect.

(d) Relationship to debarment and suspension. The enforcement remedies identified in this section, including suspension and termination, do not preclude grantee or subgrantee from being subject to "Debarment and Suspension" under E.O. 12549 (see 34 CFR 80.35).

#### Applicable Requirements of Section 4 of the AT Act of 1998, as amended

Maintain comprehensive statewide programs of technology-related assistance to support programs that are designed to maximize the ability of individuals with disabilities across the human lifespan and across the wide array of disabilities, and their family members, guardians, advocates, and authorized representatives, to obtain assistive technology, and that are designed to increase access to assistive technology.

Reference: 4(a)

The Governor of a State shall designate a public agency as a lead agency to control and administer the funds and to submit the application.

Reference: 4(c)(1)(A)(i)

Duties of the lead agency:

1. preparing the application
2. carrying out activities described in that application
3. making programmatic decisions
4. making resource allocation decisions
5. coordinating the activities among public and private entities
6. maintaining the program
7. evaluating the program
8. coordinating active, timely, and meaningful participation by individuals with disabilities and their family members,

Reference: 4(c)(1)(A)(ii)

If there is an implementing entity:

2-8 above, plus subcontract or another administrative agreement with the lead agency.

Reference: 4(c)(1)(B)

Establish an advisory council:

1. membership
2. consumer-majority
3. geographic distribution and diversity
4. provide consumer-responsive, consumer-driven advice to the State for, planning of, implementation of, and evaluation of the activities carried out through the grant, including setting the measurable goals.

Reference: 4(c)(2)(A)-(B)

State submits application:

- 1) identifying and describing the lead agency and/or implementing entity
- 2) including measurable goals:
  - a timeline for meeting the goals,
  - information describing how the State will quantifiably measure the goals to determine whether the goals have been achieved.
- 3) describing how various public and private entities were involved in the development of the application and will be involved in the implementation of the activities
- 4) describing the nature and extent of resources that will be committed by public and private collaborators
- 5) describing the mechanisms established to ensure coordination of activities and collaboration between the implementing entity and the State
- 6) describing how the State will implement each of the required activities
- 7) describing how the State will allocate and utilize grant funds to implement the activities
  - proposed budget allocations
  - planned procedures for tracking expenditures
- 8) Describing the activities that the State will support with State funds.

Reference: 4(d)(4)-(5)

State submits assurances:

- 1) will annually collect data
- 2) will spend in accordance with Act
- 3) will use funds to supplement, and not supplant,
- 4) lead agency will control and administer the funds
- 5) State will adopt such fiscal control and accounting procedures as may be necessary to ensure proper disbursement of and accounting for the funds received through the grant;

(continued from previous page)

- 6) the physical facility of the lead agency and implementing entity, if any, meets the requirements of the ADA
- 7) a public agency or an individual with a disability holds title to any property and administers that property;
- 8) activities will comply with section 508
- 9) report to Secretary
- 10) keep records and allow access.

Reference: 4(d)(6)

- 1) Any State that receives a grant under this section shall use a portion of the funds made available through the grant to carry out state-level and state leadership activities. [subject to comparability and flexibility provisions, however]
- 2) Not more than 40 percent of the funds are used for state leadership activities.
- 3) 5% of state leadership activities for transition.

Reference: 4(e)(1)(A)

If claiming comparability, the amount of the financial support is comparable to, or greater than, the amount of the portion of the funds made available through the grant that the State would have expended for that category of activities.

Reference: 4(e)(1)(B)(ii)

State financing activities -

Defined as: increase access to and funding for AT, but does not include direct payment

Includes:

- support and administration of a program to provide payment
- systems to provide and pay for AT
- systems for the purchase, lease, or other acquisition of, or payment for AT
- State-financed or privately financed alternative financing systems of subsidies
- initial 1-year feasibility study of alternative financing (no longer an option)

Reference: 4(e)(2)(A)

Device loan –

Defined as: provide short-term loans of AT (directly or in collaboration)

Reference: 4(e)(2)(C)

Device demonstration –

Defined as: demonstrating a variety of AT using personnel who are familiar with such devices their applications (directly or in collaboration).

Includes:

- assisting individuals in making informed choices and providing experiences with AT
- providing to the extent practicable, comprehensive information about AT venders, providers, and repair services

Reference: 4(e)(2)(D)

Device reutilization –

Defined as: programs that provide for the exchange, repair, recycling, or other reutilization of assistive technology devices (directly or in collaboration)

Includes: sales, loans, rentals, or donations

Reference: 4(e)(2)(B)

Training and TA –

Defined as: activities that enhance the knowledge, skills, and competencies of individuals from local settings (directly or in collaboration)

Includes: develop and disseminate training materials, conduct training, and provide technical assistance.

Reference: 4(e)(3)(B)(i)(I)-(II)

Transition –

Defined as: assist students with disabilities that receive transition services; and adults who are maintaining or transitioning to community living.

Includes: Develop and disseminate training materials, conduct training, facilitate access to AT, and provide TA.

Reference: 4(e)(3)(B)(i)(III)

Public awareness –

Defined as: provide information to targeted individuals and entities relating to the availability, benefits, appropriateness, and costs of AT.

Reference: 4(e)(3)(B)(ii)(I)

Collaborate with NATTAP and Toolkit (N/A) to carry out public-awareness activities focusing on infants, toddlers, children, transition-age youth, employment-age adults, seniors, and employers.

Reference: 4(e)(3)(B)(ii)(II)

#### Statewide Information and Referral System

Defined: Provide (directly or in collaboration) for the continuation and enhancement of a statewide information and referral system to deliver information on AT (with specific data regarding provider availability within the State), and the availability of resources, including funding through public and private sources, to obtain assistive technology devices and assistive technology services. The system shall also deliver information on the benefits of assistive technology devices and assistive technology services with respect to enhancing the capacity of individuals with disabilities of all ages to perform activities of daily living.

Reference: 4(e)(3)(B)(ii)(II)

#### Coordination and collaboration –

Defined: Coordinate state level and state leadership activities among public and private entities to improve access to AT.

Reference: 4(e)(3)(B)(iii)

10% indirect cost rate.

Reference: 4(e)(4)

Funds not used for direct payment for AT.

Reference: 4(e)(5)

Participate in data collection as required by law.

Reference: 4(f)(1)

## Appendix B Review Forms

Instructions for Peer Reviewers and RSA for completing these forms:

1. The process of Program Review is subjective. Therefore, it is expected that reviewers take a holistic view of the grantee and its activities within the context presented.
2. The intent of the Program Review is not to identify only areas in need of improvement, nor is it to identify only areas of strength. The intent is to accurately reflect the grantee's extent of compliance with the AT Act.
3. Your responses to the questions below must be substantiated with an explanation citing evidence.
  - The evidence may come from any of the written material you read during the review or any of the discussion during the webinars. If the evidence comes from a document, being able to cite the page of that document may be helpful during discussion with the peer review team.
  - The evidence must come from the Program Review alone. You cannot substantiate your responses from your personal knowledge of the grantee or other outside information.
  - Your responses cannot be based on a comparison to other grantees. The extent of a grantee's compliance is compared to the requirements of the AT Act, not other grantees.
4. Answer each question with either a yes or no.
  - If the question has parts (a) and (b) and you answer "yes" to the initial question, you do not need to answer (a) or (b) of that question.
  - If you answer "no" to any part of a question, you must continue through the subquestions that follow until there either are no more questions or you have answered "yes."
  - If a question has parts (a) and (b), you do not need to provide a justification for every successive answer (i.e., you need only write one explanation rather than two or three). You need only provide justification for your final answer and how you arrived at it.

### Example 1

Is there evidence that the technology available for loan is of appropriate quality and currency?

*If you answer “yes,” provide your explanation. If you answer “no,” move on to (a).*

(a) If not, does the grantee provide justification for the quality and currency?

*If you answer “yes,” provide your explanation. This explanation should cite both why you answered “no” to the first question, and why you are answering “yes” to this question.*

*If you answer “no,” move on to (b).*

(b) If not, does the grantee have a reasonable plan for improving the quality and currency of its devices?

*If you answer “yes” or “no” provide your explanation. This explanation should cite both why you answered “no” to the first two questions, and why you are answering “yes” or “no” to this question.*

6. Question (a) usually reads as follows: “If not, does the grantee provide justification?” This question recognizes that there may be legitimate reasons that grantees limit the scope of their activities. For example, a grantee may not provide device demonstrations in a particular area of the state because that area of the state is served well by another entity. However, not all justifications are equal, and there is a difference between a reason and an excuse. Reviewers should thoroughly examine the grantee’s justification and provide a strong explanation for why they believe a “yes” is warranted.

7. Repeat the State Financing and Device Reutilization questions as many times as necessary to respond for every different type of this activity conducted by the grantee.

8. Your responses will not be shared with the grantee.



**Review of Program Performance**  
**(Third-party Review Form)**

Reviewer Name: \_\_\_\_\_

Grantee being reviewed: \_\_\_\_\_

A. Device Loans<sup>38</sup>

1. Is there evidence that the grantee's level of effort or funding for this activity justifies its inclusion in the grantee's State Plan?
2. Is there evidence that this activity is carried out primarily to meet the intent of the AT Act?
3. Is there evidence that the quality, currency, number and scope of devices available for loan make it possible to meet the needs of individuals with diverse needs and a range of ages?
  - (i) If not, does the grantee provide reasonable justification for why the current inventory is sufficient?
  - (ii) If not, does the grantee have a reasonable plan for improving its inventory?
4. Is there evidence that the grantee's structure, practices, and staff expertise make it possible to meet the needs of individuals with diverse needs and a range of ages?
  - (i) If not, does the grantee provide reasonable justification for why its current capacity is sufficient?
  - (ii) If not, does the grantee have a reasonable plan for improving its capacity?
5. Is there evidence that grantee's structure, practices and staff expertise make it possible to provide sufficient support to ensure that a device loan meets the needs of targeted individuals and entities?
  - (i) If not, does the grantee provide justification for why its current capacity is sufficient?
  - (ii) If not, does the grantee have a reasonable plan for improving its capacity?
6. Is there evidence that the structure of this activity makes it possible to meet the needs of targeted individuals and entities in most areas of the state?
  - (i) If not, does the grantee provide justification for why the current structure is sufficient?
  - (ii) If not, does the grantee have a reasonable plan for improving its structure?

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<sup>38</sup> See definition of device loan in "Definitions."

(B) Device Demonstrations<sup>39</sup>

1. Is there evidence that the grantee's level of effort or funding for this activity justifies its inclusion in the grantee's State Plan?
2. Is there evidence that this activity is carried out primarily to meet the intent of the AT Act?
3. Is there evidence that the quality, currency, number and scope of devices available for demonstration make it possible to meet the needs of individuals with diverse needs and a range of ages?
  - (i) If not, does the grantee provide reasonable justification for why the current inventory is sufficient?
  - (ii) If not, does the grantee have a reasonable plan for improving its inventory?
4. Is there evidence that the grantee's structure, practices, and staff expertise make it possible to meet the needs of individuals with diverse needs and a range of ages?
  - (i) If not, does the grantee provide reasonable justification for why its current capacity is sufficient?
  - (ii) If not, does the grantee have a reasonable plan for improving its capacity?
5. Is there evidence that grantee's structure, practices and staff expertise make it possible to provide thorough device demonstrations meets the needs of targeted individuals and entities?
  - (i) If not, does the grantee provide justification for why its current capacity is sufficient?
  - (ii) If not, does the grantee have a reasonable plan for improving its capacity?
6. Is there evidence that the structure of this activity makes it possible to meet the needs of targeted individuals and entities in most areas of the state?
  - (i) If not, does the grantee provide justification for why the current structure is sufficient?
  - (ii) If not, does the grantee have a reasonable plan for improving its structure?
7. Is there evidence that the grantee can provide comprehensive referral<sup>40</sup> information?
  - (i) If not, does the grantee provide justification for why its current capacity is sufficient?
  - (ii) If not, does the grantee have a reasonable plan for improving its capacity?

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<sup>39</sup> See definition in "Definitions."

<sup>40</sup> See definition in "Definitions."

(C) State Financing<sup>41</sup>

Each state financing activity claimed in a grantee's state plan is reviewed separately. Repeat the questions below as many times as necessary.

1. Is there evidence that the grantee's level of effort or funding for this activity justifies its inclusion in the grantee's State Plan?
2. Is there evidence that this activity is carried out primarily to meet the intent of the AT Act?
3. Is there evidence that this state financing activity increases acquisition of AT for targeted individuals and entities?
  - (i) If not, does the grantee provide justification for why the activity does not yet increase acquisition of AT?
  - (ii) If not, does the grantee have a reasonable plan for improving this activity to result in an increase in acquisition?
4. Is there evidence that the structure, practices, and staff expertise of the grantee make it possible to ensure the appropriateness of devices being provided to targeted individuals and entities?
  - (i) If not, does the grantee provide justification for why the current capacity is sufficient?
  - (ii) If not, does the grantee have a reasonable plan for improving its capacity?
5. Is there evidence that the structure of this activity makes it possible to meet the needs of targeted individuals and entities in most areas of the state?
  - (i) If not, does the grantee provide justification for why the current structure is sufficient?
  - (ii) If not, does the grantee have a reasonable plan for improving its structure?
6. Is there evidence that the grantee's structure, practices and staff expertise make it possible to meet the needs of individuals with diverse needs and a range of ages?
  - (i) If not, does the grantee provide reasonable justification for why its current capacity is sufficient?
  - (ii) If not, does the grantee have a reasonable plan for improving its capacity?
7. Is there evidence that the activity utilizes AT Act funds to provide direct payment for devices or services?

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<sup>41</sup> See definition in "Definitions."

(D) Device Reutilization<sup>42</sup>

Each device reutilization activity claimed in a grantee's state plan is reviewed separately. Repeat the set of questions below as many times as necessary. However, some questions do not apply to device exchange activities and some questions apply only to device exchange activities.

Non-exchange reutilization activities:

1. Is there evidence that the grantee's level of effort or funding for this activity justifies its inclusion in the grantee's State Plan?
2. Is there evidence that this activity is carried out primarily to meet the intent of the AT Act?
3. Is there evidence that this device reutilization activity increases acquisition of AT for targeted individuals and entities?
  - (i) If not, does the grantee provide justification for why the activity does not yet increase acquisition of AT?
  - (ii) If not, does the grantee have a reasonable plan for improving this activity to result in an increase in acquisition?
4. Is there evidence that the structure, practices, and staff expertise of the grantee make it possible to ensure the appropriateness and safety of devices being provided to targeted individuals and entities?
  - (i) If not, does the grantee provide justification for why the current capacity is sufficient?
  - (ii) If not, does the grantee have a reasonable plan for improving its capacity?
5. Is there evidence that the structure of this activity makes it possible to meet the needs of targeted individuals and entities in most areas of the state?
  - (i) If not, does the grantee provide justification for why the current structure is sufficient?
  - (ii) If not, does the grantee have a reasonable plan for improving its structure?
6. Is there evidence that the grantee's structure, practices and staff expertise make it possible to meet the needs of individuals with diverse needs and a range of ages?
  - (i) If not, does the grantee provide reasonable justification for why its current capacity is sufficient?
  - (ii) If not, does the grantee have a reasonable plan for improving its capacity?

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<sup>42</sup> See definition in "Definitions."

Exchange reutilization activities:

1. Is there evidence that the grantee's level of effort or funding for this activity justifies its inclusion in the grantee's State Plan?
2. Is there evidence that this activity is carried out primarily to meet the intent of the AT Act?
3. Is there evidence that this device reutilization activity increases acquisition of AT for targeted individuals and entities?
  - (i) If not, does the grantee provide justification for why the activity does not yet increase acquisition of AT?
  - (ii) If not, does the grantee have a reasonable plan for improving this activity to result in an increase in acquisition?
4. Is there evidence that the structure of this activity makes it possible to meet the needs of targeted individuals and entities in most areas of the state?
  - (i) If not, does the grantee provide justification for why the current structure is sufficient?
  - (ii) If not, does the grantee have a reasonable plan for improving its structure?
5. Is there evidence that the grantee employs safeguards to protect the privacy of users and ensure the integrity of exchanges?
  - (i) If not, does the grantee provide justification for why the current safeguards are sufficient?
  - (ii) If not, does the grantee have a reasonable plan for improving its safeguards?

(E) Training<sup>43</sup>

1. Is there evidence that the grantee's level of effort or funding for this activity justifies its inclusion in the grantee's State Plan?
2. Is there evidence that this activity is carried out primarily to meet the intent of the AT Act?
3. Is there evidence that the grantee's training activities can provide relevant, current, and appropriate information?
  - (i) If not, does the grantee provide justification for why its training is sufficient?
  - (ii) If not, does the grantee have a reasonable plan for improving the relevancy, currency, and appropriateness of its training?
4. Is there evidence that the structure and methods of training make it possible to reach targeted individuals and entities in most areas of the state?
  - (i) If not, does the grantee provide justification for why its structure and methods are sufficient?
  - (ii) If not, does the grantee have a reasonable plan for improving its structure and methods?
5. Is there evidence that the grantee's structure, practices, and staff expertise and depth and breadth of topics make it possible to meet the needs of individuals and entities with diverse needs?
  - (i) If not, does the grantee provide reasonable justification for why the current capacity is sufficient?
  - (ii) If not, does the grantee have a reasonable plan for improving its capacity?

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<sup>43</sup> See definition in "Definitions"

(F) Public Awareness/Information and Referral<sup>44</sup>

1. Is there evidence that the grantee's level of effort or funding for this activity justifies its inclusion in the grantee's State Plan?
2. Is there evidence that this activity is carried out primarily to meet the intent of the AT Act?
3. Is there evidence that the grantee's public awareness activities can provide relevant, current, and appropriate information?
  - (i) If not, does the grantee provide justification for why its public awareness is sufficient?
  - (ii) If not, does the grantee have a reasonable plan for improving the relevancy, currency, and appropriateness of its public awareness?
4. Is there evidence that the structure of the grantee's public awareness activities make it possible to reach targeted individuals and entities in most areas of the state?
  - (i) If not, does the grantee provide justification for why its structure sufficient?
  - (ii) If not, does the grantee have a reasonable plan for improving its structure?
5. Is there evidence that the structure, practices, and staff expertise of the grantee makes it possible to provide current and accurate information and assistance in a timely manner?
  - (i) If not, does the grantee provide justification for why the current capacity is sufficient?
  - (ii) If not, does the grantee have a reasonable plan for improving its capacity?
6. Is there evidence that the structure of the grantee's information and assistance activities make it possible to meet the needs of targeted individuals and entities in most areas of the state?
  - (i) If not, does the grantee provide justification for why its structure sufficient?
  - (ii) If not, does the grantee have a reasonable plan for improving its structure?
7. Is there evidence that the structure, practices, and staff expertise of the grantee make it possible to meet the information and assistance needs of targeted individuals and entities with diverse needs?
  - (i) If not, does the grantee provide reasonable justification for why the current capacity is sufficient?
  - (ii) If not, does the grantee have a reasonable plan for improving its capacity?

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<sup>44</sup> See definition in "Definitions."

(G) Overall Comments

1. Do you have overall comments/recommendations related to the grantee's data?
2. Do you have overall comments/recommendations for the grantee?



**Review of Program Management and Program Performance**  
**(RSA review form)**

*Reviewer Name:* \_\_\_\_\_

**Grantee being reviewed:** \_\_\_\_\_

(A) Fiscal Management

1. Does the grantee account for its funds accurately and completely in accordance with EDGAR and the AT Act?
2. Does the grantee use its funds within the limitations of the AT Act?
3. Does the grantee obligate and liquidate its funds in a timely manner? If not, does the grantee have a plan for improving the timeliness of obligations and liquidations?
4. Does the grantee maximize the use of its funds (i.e., does not return funds to the Department)? If not, does the grantee have a plan for increasing the amount of funds it uses?
5. Does the grantee comply with indirect cost requirements?
6. Does the grantee comply with audit requirements?

(B) Personnel Management

1. Does the grantee distribute the time of its personnel appropriately based on their responsibilities? If not, does the grantee have a plan to distribute time more appropriately?
2. Does the grantee support with grant funds only personnel with responsibilities germane to the grant?

(C) Contract Oversight

1. Does the grantee select subcontractors in accordance with generally accepted practice? If not, does the grantee have a plan for improving its selection process?
2. Does the grantee exercise appropriate fiscal and performance oversight of its subcontracts? If not, does the grantee have a plan for improving its oversight?
3. Is the inclusion of subcontracts received by the grantee in the grantee's State Plan and NISAT data justified?

(D) Consumer-responsiveness

1. Does the grantee have and use processes and procedures to ensure ongoing physical and programmatic accessibility? If not, does the grantee have a plan for improving its physical and programmatic accessibility?
2. Does the grantee have and use an advisory council that meets the requirements of the AT Act and is involved in the Statewide AT Program as the AT Act intends? If not, does the grantee have a plan for improving its advisory council?

Appendix C<sup>45</sup>  
**Program Review Report**

A. Introduction

This section presents basic information about the Statewide AT Program being reviewed, as well as a description of the program review process as applied in this particular case.

Reports from the first year only include a special notation that the Program Review process was being piloted, which should be taken into account by the reader.

B. Executive Summary

This section summarizes the major points of the report: the notable strengths of the Statewide AT Program, the notable areas in need of improvement or failures to substantially comply, and recommendations.

C. Review of Program Management

1. Fiscal management: The grantee's ratings related to this element are listed, followed by a narrative that justifies and explains the ratings and identifies recommendations.
2. Personnel Management: The grantee's ratings related to this element are listed, followed by a narrative that justifies and explains the ratings and identifies recommendations.
3. Contract Oversight: The grantee's ratings related to this element are listed, followed by a narrative that justifies and explains the ratings and identifies recommendations.
4. Consumer-responsiveness: The grantee's ratings related to this element are listed, followed by a narrative that justifies and explains the ratings and identifies recommendations.

D. Review of Program Performance

1. Device loan: The grantee's ratings related to this element are listed, followed by a narrative that justifies and explains the ratings and identifies recommendations.

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<sup>45</sup> This appendix is an example only. Actual reports may vary.

2. Device demonstration: The grantee's ratings related to this element are listed, followed by a narrative that justifies and explains the ratings and identifies recommendations.
3. State financing: The grantee's ratings related to this element are listed, followed by a narrative that justifies and explains the ratings and identifies recommendations.
4. Device reutilization: The grantee's ratings related to this element are listed, followed by a narrative that justifies and explains the ratings and identifies recommendations.
5. Training: The grantee's ratings related to this element are listed, followed by a narrative that justifies and explains the ratings and identifies recommendations.
6. Public awareness/information and assistance: The grantee's ratings related to this element are listed, followed by a narrative that justifies and explains the ratings and identifies recommendations.
7. Measurable goals and data: Measurable goal information from the most recent fiscal year for which the grantee has obligated and liquidated all award funds and for the two years prior<sup>46</sup> is stated. Peer reviewer comments and recommendations about the NISAT data are summarized.

#### E. Conclusion

If a failure to substantially comply is identified in the report, next steps are enumerated here.

#### F. Appendices

1. The grantee's response to this report, if any.
2. The Program Management review form completed by RSA. This is provided to the grantee only and not a part of the final report posted on the Department's website.

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<sup>46</sup> In the initial years of Program Review, three years of data may not be available.

Appendix D

**Audit Questionnaire**

State: \_\_\_\_\_

Name of Lead Agency: \_\_\_\_\_

Name of Implementing Entity (if applicable): \_\_\_\_\_

1. Has a single audit in accordance with OMB Circular A-133 been conducted for this grant at the Lead Agency level?

\_\_\_\_\_ yes                      \_\_\_\_\_ no

2. (a) If yes, when was the most recent audit completed? \_\_\_\_\_

(b) If yes, how often is this audit done? \_\_\_\_\_

(c) If no, why not? \_\_\_\_\_

\_\_\_\_\_

3. Has a different kind of audit (such as an internal audit) been conducted for this grant at the Lead Agency level?

\_\_\_\_\_ yes                      \_\_\_\_\_ no

4. (a) If yes, when was the most recent audit completed? \_\_\_\_\_

Explain the audit (e.g., who conducted it, the purpose, how often it is done) \_\_\_\_\_

\_\_\_\_\_

(b) If no, why not? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. (a) Were there findings from any audit conducted?

\_\_\_\_\_ yes          \_\_\_\_\_ no          \_\_\_\_\_ N/A (no audits conducted)

If yes, explain: \_\_\_\_\_  
\_\_\_\_\_

(b) Have the findings been resolved?

\_\_\_\_\_ yes          \_\_\_\_\_ no

If no, explain: \_\_\_\_\_  
\_\_\_\_\_

Answer the below only if you use an Implementing Entity.

6. Has a single audit in accordance with OMB Circular A-133 been conducted for this grant at the Implementing Entity level?

\_\_\_\_\_ yes          \_\_\_\_\_ no

7. (a) If yes, when was the most recent audit completed? \_\_\_\_\_

(b) If yes, how often is this audit done? \_\_\_\_\_

(c) If no, why not? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Has a different kind of audit (such as an internal audit or audit by the Lead Agency) been conducted for this grant at the Implementing Entity level?

\_\_\_\_\_ yes          \_\_\_\_\_ no

9. (a) If yes, when was the most recent audit completed? \_\_\_\_\_

Explain the audit (e.g., who conducted it, the purpose, how often it is done)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) If no, why not? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. (a) Were there findings from any audit conducted?

\_\_\_\_\_ yes                      \_\_\_\_\_ no                      \_\_\_\_\_ N/A (no audits conducted)

If yes, explain: \_\_\_\_\_  
\_\_\_\_\_

(b) Have the findings been resolved?

\_\_\_\_\_ yes                      \_\_\_\_\_ no

If no, explain: \_\_\_\_\_  
\_\_\_\_\_

To the best of my knowledge and belief, the answers provided to the above questions are true and correct.

Signature of Lead Agency Certifying Representative: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix E

### Considerations for Discussing Data

#### **General**

During the Program Review, the third-party review team and RSA will look at your data and a discussion about it will take place via webinar. However, RSA understands that data can only be understood in context. You are in the best position to understand your data, as you understand the demographics of your state, the structure of your program, and your data collection methodology and how these influence your data. When presenting your activities to the third-party review team, you should include information about your data so that others can understand these factors as well.

It is not expected that your data for every activity needs improvement. There may be many instances in which you believe your data is appropriate and you can explain why the data is appropriate. However, it also is expected that you honestly identify data you find surprising or concerning, why you find that data surprising or concerning, and what you believe you can do to improve that data. If you are unable to understand, explain, or justify your data, you should say so and explain what you can do to increase your understanding of your data. Remember, improvements can come both from changes in how you implement your program and from improving your data collection capacity.

Below are examples of the kinds of information to provide. These are **examples only** – not requirements. The onus is on the state to thoroughly present information related to its data when discussing each state-level and state leadership activity. RSA and the third-party review team also have responsibility for asking appropriate questions, however.

#### **Data Collection Infrastructure**

Your data collection infrastructure is critical to the quality of the data you collect. You may choose to describe your data collection infrastructure and how that infrastructure affects your data. If your data collection infrastructure varies significantly within an activity, describe each separately. For example, you may collect data from a device exchange very differently from device recycling.

Describe how your data is collected. This includes not only the methods and processes used to obtain information from targeted individuals and entities you serve, but who does the collection and how you use technology.

Examples of information you may want to include here are:

- Do you use an intake form to collect data? What data do you collect on an intake form?
- Do you collect data directly from consumers on-site or via follow-up survey?
- If directly with the consumer, is it verbal data collection or do they fill out a survey on paper?
- If by follow-up survey, is it by telephone or by mail?



- Does a central office collect the data or do regional sites?
- Do you use an excel spreadsheet, a database specific to your state, a web-based data tool? Describe it.

*Describe any procedures you employ to ensure the quality and integrity of this data.*

Examples of information you may want to include here are:

- How are those who collect data trained?
- Do you do follow-ups to verify the data or other kinds of audits?
- Does the technology you use have built-in safeguards?

*Describe your strengths and areas in need of improvement in collecting this data, to what you attribute those strengths or needs for improvement, and steps you can take to improve.*

Examples of information you may want to include here are:

- You may feel that the technology you use is exemplary, so list it as a strength and explain why you believe it contributes to better data.
- You may feel that the training you provide could be improved, so list it as an area in need of improvement and explain how it affects your data and what you can do to improve the training.

### **Data about State-level and State Leadership Activities**

You may want to highlight the following data by activity:

Device loans

- (a) number of loans
- (b) loans by type of borrower
- (c) types of devices loaned

Device demonstrations

- (a) number of demonstrations
- (b) types of devices demonstrated
- (c) type of participants
- (d) number and types of referrals

State Financing

- (a) number of individuals served
- (b) geographic distribution of individuals served
- (c) types of devices provided
- (d) cost savings (if applicable)

#### Device Reutilization

- (a) number of devices reutilized
- (b) types of devices reutilized
- (c) cost savings

#### Training

- (a) number of participants
- (b) participants by type
- (c) participants by geography

#### Information and Assistance

- (a) number of participants receiving information and assistance
- (b) type of participants receiving information and assistance
- (c) topics of information and assistance

Your data is strongly influenced by the nature of your state and program, but these influences are not apparent to others. Explain how these factors affect your data, in both positive and negative ways. Examples of information you may want to include here are:

- You may need to explain that you serve mostly rural consumers because the state is predominantly rural. Or, perhaps you find that you serve mostly urban consumers even though you are a predominantly rural state – why do you think that is the case? These are two very different results in the same context, which is why an explanation of context is critical.
- You may need to explain that you mostly provide employment-related device demonstrations because your device demonstrations are located in one-stops that attract VR clients.
- You may need to explain that you serve few educators with devices loans because your state education agency (SEA) has its own robust device loan program.

Identify the strengths or areas in need of improvement and steps that can be taken to improve.

Examples of information you may want to include here are:

- In the example above, you may be concerned that you are serving mostly urban consumers in a rural state. Maybe this is because your centers are located in urban areas, making them less accessible to rural consumers. What steps can you take to make them more accessible? Or, you may see serving mostly urban consumers as a strength, because in the past few years you undertook a campaign to target urban consumers and build your infrastructure to serve urban areas.
- In the example above, you may be concerned that you don't provide more device demonstrations that are community-living related. What steps can you take to change this?
- In the example above, you may believe it is appropriate to provide few education-related loans because of the quality of those provided by the SEA, and you could simply state this.

*Identify your data tells you about this activity and how this data will affect your implementation of this activity.*

Examples of information you may want to include here are:

- Your program mostly loans communication devices. What does that tell you about who you serve, what you have in your inventory, how you market your loan program? Do you mostly loan communication devices because they are most in demand, because you just have more of them in stock, or because that is where your staff have strongest expertise? Will you make changes in your program to increase the diversity of devices loaned and what are those changes, or do you believe that no change is necessary because the data is appropriate – and why?
- Your program rarely reuses devices for daily living. What does that tell you about your policies, staff expertise, or other factors? Is it because they are rarely donated? Because it is your policy not to accept such devices? You have many in stock but there is no demand? Your staff has stronger expertise in refurbishing mobility devices? Will you make changes in your program to increase the diversity of devices being reutilized and what are those changes, or do you believe that no change is necessary because the data is appropriate – and why?

## **Measurable Goals**

When discussing your measurable goals in each domain, if you met your goal you may want to discuss to what you attribute your success. Success at meeting your goal may be attributed to many things individually or in combination. Examples of information you may want to include here are:

- Strong data collection efforts (e.g., minimizing non-respondents, ensuring the quality of responses)
- The quality of the activity – what were the qualities?

*If you did not meet your goal, discuss what challenges prevented you from reaching it and what steps can you take to address those challenges. Failure to meet your goal may be attributed to many things individually or in combination. Examples of information you may want to include here are:*

- Difficulty with collecting data (e.g., inconsistency among subcontractors, high non-response rate) – what can you do to improve data collection?
- Program capacity problems (e.g., staffing issues, inventory shortages, low demand) –what can you do to improve the capacity problem?

*It may also be helpful if you describe the differences in performance between your device loan and device demonstration activities or state financing and device reutilization activities because your measurable goal combines the performance of two activities, and these activities may be very different. It is possible that one of the two activities is successful while the other is not. Here you can identify the differences in success of the activities, if any, and explain those differences. In addition, you will describe what your measurable goal success tells you about how you implement each of the activities and how that may change the implementation. Examples of information you may want to include here are:*

- Your state financing activity may be a loan program that gives out only a few loans per year. That results in a small “n” size, making it difficult to show improvement in your measurable goal from one year to the next. Maybe the small number of loans could be due to restrictive lending policies, a small endowment that limits the number of loans that can be provided, or a spike in defaults that has depleted the fund. Are you reconsidering your policies to allow more loans? Are you searching for new capital? Are you implementing policies to reduce defaults? Would you not recommend changes because the amount of loans is on target with what you expected and historical trends given your loan capacity?
- Meanwhile, your computer reutilization program provides many computers, so there is not an “n” size problem. You are successful at getting responses to the performance measure survey, and those responses shows good performance. Maybe changes are not necessary, but explain what contributes to the success.