

Dear Colleague:

The purpose of this letter is to inform you that the Rehabilitation Services Administration (RSA) has received, reviewed, and accepted the amendments to your State Plan for Assistive Technology (State Plan) under the Assistive Technology Act of 1998, as amended (AT Act). These amendments apply to the second year of your three-year State Plan and are effective October 1, 2006. Based on our review of amendments from all states, this letter provides additional guidance about the implementation of State Plans.

Maintaining an Advisory Council

As you are aware, section 4(c)(2) of the AT Act requires you to establish and maintain an advisory council. A majority of this council must be individuals with disabilities who use AT or family members or guardians of these individuals. The council also must include a representative of the designated State agency, as defined in section 7 of the Rehabilitation Act and the state agency for individuals who are blind, if this agency is separate; a representative of a state center for independent living; a representative of the state workforce investment board; a representative of the state educational agency; and representatives of other state agencies, public agencies, or private organizations, as determined by the state.

RSA acknowledges that members appointed to this advisory council may need to resign or be replaced during the course of implementing your State Plan. As a result, there may be periods during which your advisory council is incomplete. When this occurs, RSA expects you to make an active effort to recruit appropriate new members to remain in compliance with the AT Act.

Use of Funds for State-level Activities

You are reminded that according to section 4(e)(1)(A) of the AT Act, you must spend a portion of your funds to carry out State-level and State Leadership Activities. You should expend funds on all four State-level Activities unless you choose not to conduct a State-level Activity because (a) comparable non-Federal support is available for that activity in accordance with section 4(e)(1)(B) or (b) your state is invoking flexibility in accordance with section 4(e)(6). If you choose not to conduct a State-level Activity for either reason cited in the previous sentence, you should not expend funds on that activity.

Completing Feasibility Studies of Alternative Financing

State-level Activities include state financing activities to increase access to and funding for AT. This includes conducting an initial 1-year feasibility study of, improving, administering, operating, providing capital for, or collaborating with an entity with respect to an alternative financing system.

Many states conducted feasibility studies of alternative financing systems during the first year of their State Plans but were unable to complete these studies during that year. In some cases, this is because the study began several months after the beginning of the first year of the State Plan, meaning it would end after the beginning of year two. In other cases, the feasibility study is not complete because the methodology or other factors made the study more difficult or time-consuming than anticipated. Regardless of the reason, RSA expects all feasibility studies to be concluded no later than the end of year two of the State Plan. States should be prepared to begin implementing the results of the feasibility study beginning in year 3 of the State Plan.

You are reminded that feasibility studies apply to alternative financing systems only, not to other state financing activities. This does not preclude you from engaging in planning activities for other forms of state financing, however, as long as those activities clearly are intended to increase access to and funding for AT.

Conducting Device Demonstrations

While State-level activities include device demonstrations, not all instances of device demonstration are State-level activities. According to section 4(e)(2)(D) of the AT Act, device demonstrations clearly include activities with the intent of “assisting individuals in making informed decisions regarding, and providing experiences with” AT devices and services. If the intent behind showing devices to an individual or individuals is to create awareness or to train individuals in the use of these devices, these activities should be considered either public awareness activities or training activities respectively. Training and public awareness are State Leadership Activities rather than State-level Activities.

Provision of Assessments or Evaluations

RSA understands that AT assessments and evaluations are in great demand in many states. However, you are reminded that AT Act funds should not be used to conduct direct AT assessments or evaluations for individuals with disabilities as these are not activities authorized under section 4 of the AT Act. The only assessment-related activities authorized under the AT Act are training and technical assistance. According to section 4(e)(3)(B)(i), funds may be used to provide: (1) skills-development training in assessing the need for assistive technology devices and assistive technology services; and (2) training in the importance of multiple approaches to assessment and implementation necessary to meet the individualized needs of individuals with disabilities.

Therefore, AT Act funds can be used to provide training and technical assistance related to assessment, but not to provide assessments or evaluations themselves. If a Statewide AT Program has the capacity to conduct assessments or evaluations, it should receive payment for doing so from the appropriate non-AT Act funding source.

Completing Measurable Goals

A system to collect data necessary for reporting on your measurable goals (Attachment 4 of the State Plan) was not complete during the first year of your State Plan. RSA anticipates the completion of this data collection close to the beginning of the second year of your State Plan. RSA will require you to use this data collection system and training on its use will be available.

The first period of data collection in accordance with this system will begin upon the system's approval and conclude at the end of the second year of your State Plan, September 30, 2007. You must use the data from this reporting period to calculate a baseline for your measurable goals and set your short- and long-term goals for subsequent years.

Subsequent data collection periods will correspond with the federal fiscal year (FY) from October 1 of each year through September 30 of the next year. You must use this data to determine your progress toward your short- and long-term goals. Training related to these activities also will be available.

Financial Reporting

You are reminded that all FY 2005 grant funds must be obligated by September 30, 2006, and liquidated by December 30, 2006, without exceptions. You must complete an SF-269 "Financial Status Report" for these funds. RSA will provide training related to SF-269s in the future.

If you have questions about these or any other matters, please contact Jeremy Buzzell at (202) 245-7319.

Sincerely,

Edward Anthony, Ph.D.
Delegated the Authority to Perform the
Functions of the Commissioner for the
Rehabilitation Services Administration