

SECTION-BY-SECTION SUMMARY OF THE TECHNOLOGY-RELATED ASSISTANCE
ACT AMENDMENTS OF 1993

Set out below is a summary of the major changes made by the Staff Draft of the Technology-Related Assistance Act Amendments of 1993.

I. Findings

The draft adds a new finding that the goals of the Nation include providing individuals with disabilities with the tools necessary to make informed choices and achieve equality of opportunity. These tools include assistive technology devices and assistive technology services. The draft clarifies that there are insufficient incentives for the private sector to pursue application of technology to the needs of persons with disabilities due to the perception that it is a limited market, rather than due to the fact that it is a limited market.

II. Purposes

A. The draft adds that the grants under this title are to support "systemic change and advocacy activities" to clarify that the State projects should focus on these types of activities.

B. The draft reorders the current purposes to emphasize the importance of several of the purposes related to systemic change, consumer responsiveness, interagency coordination, advocacy, and transition of assistive technology between service settings and to clarify that the primary purpose of the projects is to increase the availability of, funding for, and access to assistive technology devices and assistive technology services.

C. The draft adds two purposes specifying that the purposes include the active involvement of individuals with disabilities and their families at both the systemic and individual level.

D. The draft clarifies that the purposes include not only increasing the awareness of laws, regulations, policies, practices and procedures that facilitate the availability of assistive technology, but facilitating the change of those that impede the availability of such technology.

E. The draft adds that the purposes include enhancing the skills and competencies of providers of assistive technology.

III. Definitions

The draft adds definitions for the terms "comprehensive" and "consumer-responsive" that are included in the purpose of the projects to develop and implement "consumer-responsive, comprehensive programs of technology-related assistance."

Definitions of the terms "protection and advocacy services" and "systemic change" are added as well.

TITLE I-GRANTS TO STATES

I. Grants to States

The draft amends this section to emphasize that the grants are to support systemic change and advocacy activities particularly systemic change activities regarding the development, implementation and monitoring of State, regional, and local policies procedures and practices that will improve access to and funding for assistive technology devices and assistive technology services. The draft also emphasizes that grants are to support advocacy activities particularly advocacy activities regarding strategies to enhance the abilities of individuals with disabilities and others to successfully advocate for access to and funding for assistive technology.

II. Activities

The draft deletes the current section 101(b) "Functions of the Programs" and incorporates these items into current section 101(c) "Authorized Activities" to streamline the structure of this section and to emphasize the importance of the activities related to access to and funding for assistive technology, protection and advocacy, consumer involvement and interagency coordination. In addition to the current function related to program data and the current authorized activities sections on statewide needs assessments, public awareness programs, access to technology-related information, and interstate agreements, the following new sections are added:

A. Access to and funding for assistive technology. The States may use funds (1) to identify barriers to funding for assistive technology and to develop, implement and monitor policies, practices, and procedures to improve access to and funding for assistive technology particularly in the areas of funding through special education, vocational rehabilitation, and medical assistance and (2) to develop model delivery systems including establishing alternative State or privately financed systems of subsidies for assistive technology including a loan system for assistive technology devices, low interest or revolving loan funds, a loan insurance program, or a partnership with private entities for the purchase, lease, or other acquisition of assistive technology devices or assistive technology services. The current model service delivery activity related to peer counseling is moved to the new "Outreach" activity. The current model service delivery activity related to the involvement of individuals with disabilities and their families is moved to the overall purpose section since this is a requirement of all activities undertaken by the projects and is not discretionary.

B. Advocacy. The States may use funds to disseminate

information and provide training and technical assistance on funding of assistive technology or to provide individual case management or represent individuals in securing their rights to assistive technology.

C. Interagency coordination. The States may use funds to identify and coordinate assistive technology policies, resources, and services; to develop partnerships to facilitate the development and implementation of the program; to establish interagency work groups to coordinate access to funding for assistive technology with special attention to transition, home use and individual involvement in assistive technology decisions; or to document and disseminate information about interagency activities.

D. Outreach. The States may use funds to provide assistance to community providers of assistive technology including outreach to consumer organizations to coordinate with consumer-driven efforts including self-help, support groups and peer mentoring programs.

E. Training and technical assistance. The States may use funds to support training and technical assistance activities both for individuals with disabilities and their families and for individuals who work for public agencies and private entities that have contact with individuals with disabilities.

F. Other activities. This is current law with the addition that these "other" activities must be systemic change and advocacy activities necessary for developing, implementing, or evaluating the consumer-responsive, comprehensive statewide program of technology-related assistance.

III. Development Grants

A. General authority. The draft reiterates that the grants are to be used to support systemic change and advocacy activities.

B. Applications.

1. Designation of the lead agency. The draft includes a revision of the paragraph relating to the designation of the responsible entity to clarify that this entity is responsible for coordinating activities among all State agencies that have jurisdiction over any access to or funding for assistive technology devices and assistive technology services for individuals with disabilities. The term "responsible entity" is changed to "lead agency" to make this coordination role more clear. The lead agency's responsibility for the application is changed from "preparing" to "submitting" as well. The draft also delineates the types of entities that can be designated as the lead agency by the Governor.

2. Agency involvement. The draft adds that the State's Insurance Department is to be one of the agencies involved in the

development and implementation of the program and requires that the application include a description of the process used by each agency involved to provide access to and funding for assistive technology.

3. Consumer involvement. The draft adds that the application must include a description of the procedures for the active involvement of individuals with disabilities and their families in the development and implementation of the program and in the individual decisions related to assistive technology devices and assistive technology services. Such procedures shall include support for the expenses of such individuals including payment for child care, personal assistance service, travel, interpreters, readers, or other similar services; and mechanisms for measuring consumer satisfaction and participation in the program.

4. Public involvement. The draft adds that the application must include a description of the involvement of the private sector in addition to a description of the involvement of individuals with disabilities and their families. The draft also adds that the description include the involvement of both groups in the designation of the lead agency.

5. Goals, objectives, activities, and outcomes. In this section of the application the State describes the goals, objectives, activities and outcomes planned under the grant. The draft reiterates that the activities are systemic change and advocacy activities and requires that these activities include, at a minimum, activities in the areas of access to and funding for assistive technology, advocacy, and interagency coordination as described in section 101(b) unless that State demonstrates through the progress reports required under section 104 that significant progress has been made and that other activities are more likely to accomplish the purposes of the Act as set out in section 2(b)(1).

6. Information and evaluations. The application must include a description for compiling information as required by the Secretary and to the extent that a national classification system is developed, consistent with such a system.

7. Authority to use funds. The application must include an assurance that the lead agency will have the authority to use funds to comply with the state grant requirement.

8. Protection and advocacy services. ALTERNATIVE #1: The application must include an assurance that the State will provide at least [a specified percentage or a specified amount] to support protection and advocacy services to assist individuals with disabilities to receive assistive technology through the entities responsible for protection and advocacy programs under the Developmental Disabilities Act, the Protection and Advocacy for Mentally Ill Individuals Act, and the Rehabilitation Act, except to the extent that a State has provided such services prior to the enactment of these amendments. The State may choose to directly

contract for these services or may have the Secretary reserve the amount and contract with the entities.

ALTERNATIVE #2: This is the same as alternative #1 except that the services may be provided by any private or public nonprofit entity that has the full scope of authority as the systems established under the Developmental Disabilities Act, the Protection and Advocacy for Mentally Ill Individuals Act, and the Rehabilitation Act. The State has the same discretion to choose to contract with the entity or to have the Secretary reserve the amount and contract with the entity.

9. Indirect costs. The application must include an assurance that indirect costs will not exceed 8 percent.

10. Coordination with state councils. The application must include a description of how the project will coordinate with state councils established under the Rehabilitation Act, the Individuals with Disabilities Education Act, the Developmental Disabilities Act, the Public Health Service Act and the Older Americans Act.

11. Coordination with other systemic change projects. The application must include an assurance that the project will coordinate with other federal or state systemic change projects.

IV. Extension Grants.

A. General authority. The draft amends this section to add authority for an additional 3-year extension grant after the first 2-year extension grant authorized by current law.

B. Standards. The draft adds a new section on standards to specify that the lead agency must meet certain criteria in order for the State to qualify for an extension grant. The State also must demonstrate that the grant activities have resulted in significant progress and the draft requires the Secretary to publish criteria for what constitutes significant progress under the development grant and the initial extension grants. In addition, in order to qualify for an additional extension grant, the State must describe the steps it has or will take to continue the program on a permanent basis and to maintain the outcomes achieved by the systemic change and advocacy activities.

C. Applications.

1. Information and assurances. The draft places the reference to the application requirements for development grants first so it is clear that all of the application requirements for development grants also apply to extension grants.

2. Needs. The draft adds that States must describe the gaps that remain in the program and the strategies planned to remedy the gaps.

3. Activities and progress under previous grant. The draft incorporates the description of activities and progress sections under current law into one section.

4. Public involvement. The draft adds to this section that the State must conduct a public hearing prior to applying for an extension grant providing interested parties to comment of specified issues including the ability of the designated lead agency to meet the criteria set out in section 102.

V. Progress Reports.

The current progress report section is deleted and the draft specifies reporting requirements in the areas of access to and funding for assistive technology, consumer involvement and consumer satisfaction, involvement of various State agencies, including the State Insurance Department, and interagency coordination efforts, efforts to collect and disseminate information on successful systemic change activities, and identification and documentation of policies, practices or procedures to notify individuals with disabilities of their rights to assistive technology, particularly under the Individuals with Disabilities Education Act and the Rehabilitation Act.

VI. Administrative Provisions.

A. Review of Participating States.

1. Onsite Visits. The draft requires an additional onsite visit to any project that has been visited prior to the enactment of these amendments to ensure that every project has an onsite visit under the new requirements. The draft clarifies that the onsite monitoring team is to be made up of qualified peer reviewers who are nonagency personnel and are from other than the State being visited. The Secretary is required to prepare a report of the onsite visit, which is to be considered in determining whether to award an extension grant. This report is to be available to the public.

2. Public Notice and Comment. The draft adds a new paragraph that requires the Secretary to provide advance public notice of the onsite visit and to solicit public comment from interested persons prior to the visit.

B. Corrective Action Plan: The draft adds the required redesignation of the lead agency in the list of possible corrective actions for a State's failure to comply with requirements of this title.

C. Change of protection and advocacy provider. The draft includes a new subsection to allow the Governor to change the provider of protection and advocacy services in the event that the provider fails to meet the needs of individuals with disabilities and their families. The provider has the opportunity to appeal

this decision to the Secretary on the basis that it is not for good cause.

D. Annual report. The draft requires the Secretary to provide an annual report to Congress and the President on the activities funded under this Act and other federal initiatives to improve access to assistive technology for individuals with disabilities.

E. Interagency Disability Coordinating Council. The draft includes specific activities related to assistive technology to be carried out by the Interagency Disability Coordinating Council established under section 506 of the Rehabilitation Act.

VII. Authorization of Appropriations.

A. In General. Such sums are authorized to carry out title I for fiscal years 1994, 1995, and 1996.

B. Reservation. The draft increases the reservation for the provision of information and technical assistance and adds individuals with disabilities, their families, community-based organizations and protection and advocacy agencies as an audience for information and technical assistance. The draft specifies that the technical assistance provided to the State projects should be based on the input of the state project directors. The draft also enumerates the purposes of the technical assistance to the prospective audiences. In addition, the draft provides that approximately 50% of the funds available for technical assistance shall be targeted to each of the specified audiences, except that the Secretary may allocate up to \$300,000 to provide information and technical assistance related to funding to the technical assistance projects.

VIII. Evaluation.

The draft deletes this section requiring a national evaluation and a report to Congress by no later than October 1, 1992, since this has been completed.

TITLE II - PROJECTS OF NATIONAL SIGNIFICANCE

I. Parts A and B are deleted. These parts authorized studies on financing and a national information and program referral network that have been completed.

II. National Classification System.

The draft requires the Secretary to conduct a pilot project to develop and field test a national classification system for assistive technology devices with uniform data collection across public programs.

III. Training and Public Awareness Projects.

A. Technology Training. The draft clarifies the entities that may receive funds under this section, adds to the purpose of this section to provide training to rural service providers, consumers, and volunteers, clarifies that the funds may be used for the cost of courses of training or study and for fellowships or traineeships, and specifies that applicants for these funds must describe how they will recruit and train persons from diverse backgrounds particularly individuals with disabilities and individuals who are members of minority groups.

B. Technology Careers. The draft clarifies the entities that may receive funds under this section, adds to the target population those individuals who provide technology-related assistance including assistive technology devices and assistive technology services, clarifies that those who are currently providing assistive technology are included, and specifies that applicants for these funds must describe how they will recruit and train persons from diverse backgrounds particularly individuals with disabilities and individuals who are members of minority groups.

C. Public Awareness Projects. The draft deletes the authority to fund national public awareness projects.

D. Demonstration and Innovation Projects. The draft broadens the current authority for demonstrations of income-contingent direct loans to also include low interest loan funds, revolving loan funds, and loan insurance programs.

E. Authorization of Appropriations. This section is deleted and such sums are authorized for carrying out title II for fiscal years 1994, 1995, and 1996.