## Logo of the Assistive Technology Act Technical Assistance & Training (AT3) Center

# Advisory Council

## Purpose

The AT Act describes the requirement to establish an advisory council “to 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 described in subsection (d)(3).

## Composition

In accordance with section 4(c)(2), the advisory council is to be a consumer-majority body, that is, with at least 51% individuals who are people with disabilities who are users of assistive technology devices and services. The AT Act prescribes a set of representatives from agencies and organizations, including: a representative of the designated State agency as defined in section 7 of the Rehabilitation Act of 1973 (e.g. the vocational rehabilitation (VR) agency); a representative of the State agency for individuals who are blind, if such an agency is separate; a representative of a State center for independent living under title VII of the Rehabilitation Act of 1973; a representative of the State workforce investment board established under section 111 of the Workforce Innovation and Opportunity Act; and a representative of the State educational agency as defined in section 9101 of the Elementary and Secondary Education Act. In addition, the AT program may appoint additional representatives from other state agencies, public agencies, or private organizations, as long as the consumer majority is maintained. As the State AT program recruits consumer members and makes additional appointments, care should be taken to maintain a council that reflects the diversity of the State “with respect to race, ethnicity, types of disabilities across the age span” as well as the types of AT devices and services used by its citizens with disabilities.

## Frequently Asked Questions about the Advisory Council

### For the purposes of the AT Act Advisory Council, who is “a consumer”? Is it only a person with a disability?

An individual with a disability who uses assistive technology devices and services is a “consumer”. A family member or guardian of such a person may also serve as a council member in the category of “consumer”.

### If a required agency representative is also a consumer, can s/he be counted towards the consumer majority requirement?

No. The Act expressly prohibits “double counting” towards the consumer majority requirement.

### Does the advisory council need to be a self-governing body?

No. Although some programs have a council that operates with bylaws and elects its own officers, other programs operate their council more informally and with more direction by program staff (e.g. setting the agenda).

### What are some examples of “other representatives” beyond those required under the AT Act?

In addition to representation from required agencies, the state AT program may consider representatives from the state’s protection and advocacy (P&A), UCEDD, Parent Training and Information center (PTI), the state agency responsible for people with developmental disabilities, the state agency responsible for aging services, the state Medicaid agency, etc. As other representatives are added, the consumer majority must still be met.

### Should partner agencies who receive funds through the AT Act program (including those who receive devices) sit on the advisory council?

Some state programs have their subcontractors as “ex officio” (non-voting) members of the council, others may have partners as full members, and some do not include partner agencies on their council. The key is to avoid conflict of interest or appearance of conflict of interest (e.g. a partner member would need to recuse him/herself from any actions of the advisory council that would affect the agreement between the partner and the State AT program).

### We are having difficulty getting one (or more) of the required entities to designate a representative. What can we do?

When completing the State Plan for Assistive Technology, you must attest to having the required representatives and consumer majority for the advisory council. If you don’t meet the requirements, you must explain the steps you are taking to comply with the required distribution. Steps may include correspondence or meetings between the lead agency and the administration (e.g. Chair of the Workforce Investment Board or the Secretary of Labor) explaining the requirement and requesting the appointment(s).

### Can we use AT Act funds to pay the expenses of advisory council members, as well as the cost of any accommodations needed for their participation (e.g. ASL interpreters)?

The AT Act specifically allows reimbursement to members of the advisory council

“for reasonable and necessary expenses actually incurred in the performance of

official duties”. This may include travel expenses, meals, payment for or provision

of personal assistance services and other accommodations to promote full participation in the council’s activities. However, compensation is not permitted for service on the advisory council (e.g. an honorarium or other such payment).

### Does the advisory council need to be a separate entity, or can it be a part of another structure, e.g. the Consumer Advisory Committee required by a University Center of Excellence in Developmental Disabilities (UCEDD) where the UCEDD is the lead agency for the state AT program, the Board of Directors of the implementing agency that is a not-for-profit, or a part of the state Rehabilitation Council where VR is the lead agency?

The advisory council may be subsumed in another structure, as long as it functions to provide consumer-responsive, consumer-directed advice to the state AT program and all the requirements for representation, including consumer majority, are met. Note this will create additional complexity in determining how the AT Act funds supporting the advisory council will be allocated.

### How do I distribute the expenditures for the advisory council as related to the distribution between “state level” and “state leadership” activities?

The degree to which at a given meeting the advisory council attends to state level and state leadership activities, respectively, should guide your determination of how you will distribute expenses. For example, if your council spends equal time on all activities, this would be “50-50”. If your council spends most of its time discussing state level activities, you would reflect that in your allocation (e.g. 80%-20%). Determining this allocation becomes more challenging and complex when the advisory council is a part of another body (e.g. the UCEDD’s consumer advisory committee or the State’s Rehabilitation Council), especially when the meetings are combined and both advisory purposes are addressed in the same agenda.

## Resources

### Assistive Technology Act of 1998 as amended (<https://www.at3center.net/atactinformation>)

### Samples of bylaws (under construction)

March, 2017

*This document was developed and produced by the Assistive Technology Act Technical Assistance and Training (AT3) Center funded by Grant #90ATTA0001-01-00 from the Administration for Community Living (ACL). Any opinions reflected herein are solely the responsibility of the authors and do not necessarily represent the official views of ACL.*

*Last updated March 2017*

*www.at3center.net*