

## History of the Assistive Technology Act

### OVERVIEW

- The *Technology-Related Assistance Act of 1988 (Tech Act)* P.L. 100-407 was passed in 1988. States competed and awards were made in 1989 by the National Institute on Disability and Rehabilitation Research (NIDRR) in the Department of Education. The Tech Act authorized funding for states to conduct needs assessments and develop and implement a consumer responsive system of technology-related assistance based on state needs with a 3 year developmental grant and a 2 year extension grant that included 25% and 50% reduction in funding level. All states and territories had a grant by 1995.
- The Tech Act amendments in 1994 (P.L.103-218) shifted the focus to systems change activities to increase access to assistive technology through policy advocacy, technical assistance and similar activities designed to change laws, regulations, policies and practices. The 1994 law contained a sunset provision such that funding for state grants would cease after State AT Programs received 10 years of funding. Funding for programs would be reduced by 25% in the 9<sup>th</sup> year and by 50% in the 10<sup>th</sup> year. All states matriculated through the 10 year cycle except for one state who only reached year 9. The law also added a requirement for state grantees to contract with the Protection and Advocacy agency along with authorizations for Title II Programs of National Significance and Title III Alternative Financing Programs.
- The 1998 reauthorization *Assistive Technology Act of 1998 (AT Act)* (P.L. 105-394) again shifted focus with less emphasis on systems change and more on support services. It established a 3 year continuation grant for State AT Programs at a level equal to the amount received in the last year under the previous law. All but one State AT Program was at a 50% funding level (one was at a 75% level) during this authorization period. This law added a separate authorization for grants directly to the Protection and Advocacy agencies, maintained Title II and III from the 1994 law and added Title IV to repeal the Tech Act.
- The 2004 reauthorization of the AT Act (P.L.108-364) made significant changes by shifting from a discretionary grant program administered by NIDRR to a formula state grant program administered by the Rehabilitation Services Administration (RSA). The new law required a common set of activities be provided by all State AT Programs (with some limited exceptions) creating more consistency among grantees. It also required explicit, detailed data reporting on the activities conducted. The funding formula established a minimum funding

level of \$410,000 for states and \$125,000 for territories. Any additional appropriations in a fiscal year in which all states have not reached the minimum are allocated half equally among the State grantees and half in a proration based on population. (As of FY15 there are 10 states who have not reached the minimum funding level.)

- In 2014, the *Workforce Innovation and Opportunity Act* (P.L.113-128) moved administration of the AT Act programs from RSA in the Department of Education to the Administration for Community Living (ACL) in the Department of Health and Human Services.
- Throughout all authorizations, State AT Programs have been required to serve all people with all types of disabilities, of all ages, in all environments (early intervention, K-12, post-secondary, vocational rehabilitation, community living, aging services, etc.) and address and include all types of assistive technology along with mainstream accessible information and communication technologies.

### **Technology-Related Assistance Act of 1988 (P.L. 100-407)**

Purpose: To provide financial assistance to the States to help each State to develop and implement a consumer-responsive statewide program of technology related assistance for individuals with disabilities.

#### **Sections:**

- Title I: Grants to States, competitive 3 year development grants and 2 year extension grants with authorized activities of –
  - Model Delivery Systems
  - Statewide Needs Assessments
  - Support Groups
  - Public awareness Programs
  - Training & technical Assistance
  - Access to technology-related Information
  - Interstate Agreements
  - Other Activities

- Title II: Programs of National Significance
  - Part A: Study by National Council on the Handicapped on Financing of AT
  - Part B: National Information & Referral Network
  - Part C: Training & Public Awareness Projects
  - Part D: Demonstration & innovation Projects

**Technology Related Assistance Act of 1988, Amendments of 1994 (P.L. 103-218)**

Purpose: The purposes of this program are to provide financial assistance to States to support systems change and advocacy activities designed to assist each State in developing and implementing a consumer-responsive comprehensive statewide program of technology-related assistance, for individuals with disabilities of all ages.

**Sections:**

- Title I: Grants to States, continuation of development or extension grant to accomplish any of the following systems change and advocacy activities:
  - Model Systems & Alternative State-Financed Systems: Support activities to increase access to, and funding for, assistive technology
  - The demonstration or short-term loan of assistive technology devices
  - The establishment of information systems about, and recycling centers for, the redistribution of assistive technology devices and equipment that may include device and equipment loans, rentals, or gifts.
  - Interagency Coordination and outreach
  - Identify and coordinate Federal and State policies, resources, and services
  - Convene interagency work groups to enhance public funding options and coordinate
  - States were required to enter into a contract with the Protection and Advocacy agency with a prescribed minimum funding amount or allow the federal administering agency to do a direct award of that amount to the state P&A. There was an exception for states that already had an existing grant to a comparable legal advocacy provider.
- Title II: Programs of National Significance

- Title III: Alternative Finance Programs, competitive grants to states and outlying areas to pay for the federal share of the cost of the establishment and administration of, or the expansion and administration of, specified types of alternative financing systems for assistive technology for people with disabilities. Authorized funding limited to one grant per state for \$500,000 total with a required dollar for dollar match by the state.

### **Assistive Technology Act of 1998 (P.L. 105-394)**

Purpose: The purposes of this Act are to provide financial assistance to States to undertake activities that assist each State in maintaining and strengthening a permanent comprehensive statewide program of technology-related assistance, for individuals with disabilities of all ages,

#### **Sections:**

- Title I : State Grant Programs, grants awarded to eligible States to support capacity building and advocacy activities, designed to assist the States in maintaining permanent comprehensive statewide programs of technology-related assistance. Authorized activities include:
  - Public awareness program (required)
  - Interagency coordination (required)
  - Technical assistance and training (required)
  - Outreach (required)
  - Alternative State-Financed Systems (discretionary)
  - Demonstrations (discretionary)
  - Support for securing devices and services (discretionary)
  - Technology-related information
  - Partnerships and cooperative initiatives
  - Advocacy services

Title I: Protection and Advocacy Programs (P&A), separate grants to be awarded directly to P&A agencies (rather than the mandated sub-contract arrangement). Appropriation authorization was combined for Title I and allocated 87.5% to State AT Programs, 7.9% to P&As and 4.6% to technical assistance.

- Title II—National Activities

- Title III—Alternative Financing Mechanisms, consistent with 1994 law a state may receive only one grant of a maximum of \$500,000 and a dollar for dollar state cash match required. Total funding, federal and state match, to be placed in permanent separate account under control of a community based organization who would administer the program and increase consumer control and choice. Sustainability of program to be assured.
- Title IV—Repeal and Conforming Amendments: repealed the Tech Act

### **2004 Amendments to the AT Act of 1998 (P.L.108-364)**

The AT Act of 1998 was reauthorized in 2004 and made significant changes to the funding and administration of State AT Programs and added many new program requirements. It also formalized the separate formula grant program for P&A in a separate section. The new law also provided a one year authorization for the previous Title III program that was eliminated in this authorization. Specific changes include --

- Changed from a discretionary grant administered by the National Institute on Disability and Rehabilitation Research to a state formula grant program, administered by the U.S. Department of Education Rehabilitation Services Administration (RSA).
- All 50 states, Puerto Rico, DC and 4 US territories were established as formula grantees under Section 4 of the Act, State Grants for Assistive Technology.
- Focus of the AT Act is to improve access and acquisition of assistive technology by providing direct services that will support individuals with disabilities.
- Act establishes a new set of required core program services, grouped into State Level and State Leadership areas, to increase program consistency across the nation. Many activities previously discretionary shift to required and the Act specifies the percentage of the grant award to support such activities with an emphasis on State Level.
- The requirement to serve people with all types of disabilities, all ages, in all environments (school, work, home, leisure) remained.
- Extensive, specific annual data reporting is required for all state level and state leadership activities along with systems change outcomes and performance measures.
- AT Act authorizes a minimum award of \$410,000 for state grants programs (52 grantees) and a minimum of \$125,000 for territories (4). Until the minimums are reached, funding increases above the 2004 base year are allocated half equally to all grantees and half are allocated on a proportion based on population. After the minimums are reached all increases are allocated based on population.

- A special rule for fiscal year 2005 authorized funding in excess of the 2004 base amount to be used for one year competitive grants in accordance with Title III of the AT Act of 1998.

## **Sections:**

### SECTION 4. STATE GRANTS FOR ASSISTIVE TECHNOLOGY

#### State Level Activities

- State Financing Activities (includes, but not limited to, financial loan programs, administration of direct provision programs, and activities that enable acquisition through cost savings like cooperative buying programs)
- Device Reutilization Programs (includes exchange, recycle/refurbish/repair, and long-term loan)
- Short-term Device Loan Programs
- Device Demonstration Programs

#### State Leadership Activities

- Training and Technical Assistance
- Public Awareness (includes information and assistance)
- Coordination and Collaboration

#### Required Activities and Use of Funding

- All State Level and State Leadership activities are required unless the State AT Program utilized comparability or flexibility provisions.
- States must submit a State Plan that describes activities to be conducted with input from required consumer majority Advisory Council (required members specified by law).
- States must spend at least 60% of the federal funding on State Level activities and no more than 40% on State Leadership activities (unless flexibility is utilized, see below) and must allocate 5% of State Leadership funding to transition activities.

- Comparability can be claimed when financial support is provided for that activity from another source and is comparable to the amount that would have been available through the Section 4 AT Act dollars.
- Flexibility is an option which allows any State AT Program to choose to implement only two or three of the four required State Level activities.
- If flexibility is utilized, at least 70% of the AT Act funds must support State Level activities and no more than 30% can be used for State Leadership activities.

## SECTION 5. STATE GRANTS FOR PROTECTION AND ADVOCACY SERVICES RELATED TO ASSISTIVE TECHNOLOGY

Formula grant awards to state protection and advocacy organizations to enable such systems to assist in the acquisition, utilization or maintenance of assistive technology devices or services for individual with disabilities.

## SECTION 6. NATIONAL ACTIVITIES

Competitive grants for authorized activities that include:

- National Public Awareness Toolkit – not funded
- Research and Development – not funded
- State Training and Technical Assistance – funded
- National Information Internet System – funded
- Data Collection and Reporting Assistance – funded

### **Workforce Investment and Opportunity Act (2014)**

The Workforce Investment and Opportunity Act of 2014 transferred AT Act administration from the Department of Education, Rehabilitation Services Administration to the Department of Health and Human Services, and Administration for Community Living (ACL). The Section 4 State AT Program activities and related Section 6 national activities for State AT Programs (general and data specific technical assistance) are administered by the Center for Integrated Programs in ACL. The Section 5 P&A AT activities are administered by Administration on Disabilities in ACL along with the related Section 6 national technical assistance for P&A AT Programs.

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