

## **Administrative Guidance: Flexibility and Comparability**

Generally grantees are expected to conduct all of the state level and state leadership activities authorized in Section 4 of the AT Act. However, the law provides for two exceptions to conducting all four of the state level activities, flexibility and comparability.

### **Flexibility**

Section 4 (e)(6) provides that “a State may use funds that the State receives under a grant awarded under this section to carry out any 2 or more of the activities described in paragraph (2)” which are the four state level activities. That section goes on to provide a special rule that requires states who use flexibility “shall use not more than 30 percent of the funds made available through the grant to carry out the activities described in paragraph (3)(B)” which are the state leadership activities. This means a grantee can choose not to conduct up to two state level activities. Grantees who claim flexibility in a given fiscal year DO NOT report data for that activity during that fiscal year. A maximum of 30% of total expenditure is allowed for state leadership activities, with the remainder of 70% or more allocated to the 2 or 3 state level activities the state will conduct.

### **Comparability**

Section 4 (e)(1)(B) of the AT Act provides that “A State shall not be required to use a portion of the funds made available through the grant to carry out the category of activities described in subparagraph (A), (B), (C), or (D) of paragraph (2) if, in that State— (i) financial support is provided from State or other non-Federal resources or entities for that category of activities; and (ii) 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, in the absence of this subparagraph.” To simplify, this means that a grantee can choose to not conduct a state level activity if that activity is supported comparably with nonfederal funds so long as the amount of financial support provided from nonfederal resources is comparable or greater than the amount that the grantee would have allocated for the activity. Grantees who claim comparability in a given fiscal year DO NOT report data for that activity for that fiscal year.

When a grantee claims comparability in their State Plan, they must also provide a description of the comparable activity and comparable financial support. This includes describing the comparable activity, who conducts and supports the activity, and what makes it comparable both in terms of resources supporting the activity and how the activity is related to the purposes of the AT Act. Unlike claiming flexibility, the required state level and state leadership allocations are not changed by claiming comparability.

### **Performance Measures**

Before claiming flexibility or comparability grantees should make sure they have sufficient data for both performance measures - acquisition (state financing and reuse activities) and access (device loan and demonstration activities). The elimination of one activity in either area (acquisition or access) leaves only one activity producing data for that measure and as a result the activity must be robust to provide stable data.