



**Council for
Exceptional
Children**

**2004 Assistive Technology
Reauthorization Recommendations**

**Developed Jointly by CEC
*And CEC's Technology and Media
Division***

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Introduction

The Council for Exceptional Children (CEC) is committed to the achievement of successful outcomes for children and youth with exceptionalities, through the promotion of professional excellence in special education and the provision of high quality professional supports and quality conditions for teaching and learning.

Congress is scheduled to reauthorize the Assistive Technology Act in the Second Session (2004) of the 108th Congress. Congress enacted the Assistive Technology Act (ATA) of 1998 (PL 105-394) to help state governments address the needs of the disabled through the use of assistive technology (AT). The ATA was initially authorized in 1999 at \$56 million: The State Grant Program was authorized at \$36 million, National Activities at \$10 million, and Alternative Financing Mechanisms at \$10 million. All of these areas were authorized for appropriations in 2000 for “such sums as may be necessary”, and only the State Grant Program was authorized for appropriations for 2001 through 2004, again, for “such sums as may be necessary”.

In light of the significant contributions this legislation has made in helping persons with disabilities (children and adults alike) and their families become more independent and productive in all areas of their lives, CEC, in collaboration with CEC’s Technology and Media Division (TAM), strongly urges Congress to reauthorize ATA.

The programs implemented through the ATA – state grant investments, Protection and Advocacy initiative, model programs, and nationally organized technical assistance – are essential for promoting assistive technology use and fostering collaboration among state-based agencies. The ATA is the *only* U.S. federal legislation that provides funding for AT programs, and it is the *only* legislation that addresses the AT needs of individuals from birth through adulthood.

The law is essentially divided into five parts: Findings, Purposes, Definitions, and Rules; State Grant Programs; National Activities - Rehabilitation Act of 1973; National Activities - Other National Activities; and Alternative Financing Mechanisms.

Part 1: Findings, Purposes, Definitions, and Rules. Part 1 recognizes the *right* of all individuals, including those with disabilities, to “a) live independently; b) enjoy self-determination and make choices; c) benefit from an education; d) pursue meaningful careers; and e) enjoy full inclusion and integration in the economic, political, social, cultural, and education mainstream of society in the United States.” Since this is the opening statement of the Act, it makes sense that whatever follows should contribute to the guaranteeing of these rights to the more than 50 million Americans with disabilities.

Part 1 includes an overview of the importance that technology plays in the lives of the disabled. Each of the 50 states and 6 territories has programs for technology-related assistance, but there are shortcomings in the programs, such as lack of trained personnel to run the programs; insufficient incentives for manufacturers of technology to target the disabled; and the lack of recognition by federal entities, such as the Federal Laboratories and NASA, for the need to do research and development on technology for the disabled, to offer a few examples.

Part 2: State Grant Programs. Part 2 provides the funding and implementation of the grant programs to the states, and defines for what purposes the funding is to be used. For example, the law requires states receiving funding to set up public awareness programs, establish interagency coordination, provide technical assistance and training activities, and provide outreach to statewide and community-based organizations. In addition, states have the option to fund alternative state-financed systems, demonstration programs for AT, options for securing devices and services, and can gather and disseminate technology-related information. States may also enter into cooperative agreements with other states and agreements between public and private sector entities to develop and demonstrate new products, or to bring about awareness of the role technology plays in the lives of the disabled.

Part 3: National Activities - Rehabilitation Act of 1973. Part 3 makes changes and amendments to the Rehabilitation Act of 1973, to include the gathering and sharing of information on AT research. This part also requires that reports be submitted to the National Council on Disability describing the barriers in federal AT policy that hinder the availability of AT devices and access to those devices. In preparing the report, the Council is directed to receive input from the National Institute on Disability and Rehabilitation Research, the Association of Tech Act Projects, and others.

Part 4: National Activities - Other National Activities. Part 4 establishes design, development, and outreach programs for AT. The law provides incentives to small businesses to design, develop, and market AT; and it also provides grants for the evaluation and dissemination of information on the effects of technology transfer. The ATA also allows the National Institute on Disability and Rehabilitation Research to enter into technology transfer agreements to promote technology transfer that will further aid the development of AT and products that incorporate universal design. This part of the law also establishes outreach programs for rural and impoverished urban areas, and for children and older individuals.

Part 5: Alternative Financing. Part 5 of the ATA establishes alternative financing programs to allow individuals with disabilities to purchase AT devices and services. These programs can include:

- A low interest loan fund;
- An interest buy-down program;
- A revolving loan fund;
- A loan guarantee or insurance program;
- A partnership program among private entities for the purchase, lease or other acquisition of AT;
- Any other program that meets acquisition requirements.

This part also includes grant amounts and application procedures, and requires that states enter into contracts with community-based organizations that have individuals with disabilities involved in organizational decision-making to administer the grants. The Secretary of Education must provide information and technical assistance to the states for preparing grant applications, and must also provide a report to Congress on the progress of state alternative financing programs.

CEC Policy Recommendations

In reauthorizing ATA, CEC, in collaboration with TAM, recommends that the following policies be adopted in the ATA when Congress reauthorizes the ATA in 2004:

1. Include language in the “Findings and Purposes” section of the bill that state that it is the role of the federal government to provide and support consistent and reliable sources of funding through state grant programs, using successful state-grant models, to ensure the development of both intra- and inter-state collaboration. Programs must be able to share information and work collaboratively to provide AT through existing programs.
2. Increase the amount of funding for AT services and devices to \$51 million for fiscal year 2005 and such sums as may be necessary for fiscal years 2006 through 2011.
3. Establish mechanisms in each state to encourage the appropriate use of AT devices and services to school-aged children and school systems. In promoting interagency communication, encourage policies that ensure the continued provision of AT devices and services for students as they leave the school system and enter the state’s vocational system. This can be accomplished through amending Section 214(b) of the ATA of 1998 and replacing the word “may” with “shall” to *require* the Secretary of Education to make grants and provide financial assistance to increase the availability of AT devices and services to children and school systems with unmet AT needs.
4. Increase professional development for pre-service and in-service funding, programs, and authority with respect to using AT devices and services for eligible children and youth with disabilities under IDEA, including systems of training and technical assistance with emphasis on families and school personnel.
5. Develop a comprehensive research agenda on AT devices and services and implement a system to broadly disseminate the results of that research.
6. Include requirements that foster the use, support, and development of universal design principles and standards to ensure that all products, programs, or systems developed through the use of ATA funds are available to everyone. The requirements of Section 508 of the Workforce Investment Act of 1998 (which amended the Rehabilitation Act of 1973) will serve as the basis for discussion on future minimum requirements for universal design. Include language in this section that focuses on the governor’s office of each state and interagency coordination.
7. Provide for the continuation and enhancement of a statewide information and referral system designed to meet the needs of individuals with disabilities, service providers, and others, relating to the availability and benefits of assistive technology devices and services, including accessible information technology and telecommunications. The system shall include a statewide toll free telephone number and a designated web site that conform to applicable accessibility standards of Section 508 of the Rehabilitation Act.