

ACCESSING ASSISTIVE TECHNOLOGY

Chapter 1

Introduction & Overview

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Written by:

DISABILITY RIGHTS CALIFORNIA

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DISABILITY RIGHTS CALIFORNIA, is a private, nonprofit organization that protects the legal, civil, and service rights of Californians who have disabilities. Disability Rights California provides a variety of advocacy services, including information and referral, technical assistance, and direct representation. For information or assistance with an immediate problem, call:

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Chapter 1

INTRODUCTION AND OVERVIEW

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Chapter 1

INTRODUCTION AND OVERVIEW

The Assistive Technology Act (ATA) of 1998, Public Law 105-394 was passed by Congress in 1998 and amended in 2004 (Public Law 108-364). The ATA replaced an earlier law known as Technology-Related Assistance for Individuals with Disabilities Act of 1988. The ATA gives grants to states to improve access to assistive technology devices and services for individuals with disabilities of all ages. The ATA does not provide funds to buy technology for people with disabilities. Instead, it requires states to improve existing programs that are expected to provide technology and services for people with disabilities.

Using ATA funds, the state is expected to:

- Increase the availability of and access to assistive technology devices and services;
- Increase the ability of individuals with disabilities to secure and maintain possession of assistive technology devices; and
- Support programs designed to maximize the ability of individuals with disabilities and their family members, advocates to obtain assistive technology devices and assistive technology services. 29 U.S.C. §§ 3001(b)

California received its first grant under the ATA's predecessor in 1993. The designated lead agency is the Department of Rehabilitation (DR), which will coordinate the state's efforts to expand and improve access to assistive technology. The project in California is known as the California Assistive Technology System (CATS). You can contact CATS staff by writing to CATS, California State Department of Rehabilitation, 2000 Evergreen Street, Sacramento, CA 95815. You can also call (916) 274-6325 voice; (916) 263-8685 (TDD); send a FAX to (916) 263-7472; or email: atinfo@dor.ca.gov.

1. What is assistive technology under the ATA?

The ATA provides a lengthy definition of assistive technology devices and assistive technology services. The same definition is also used in the special

education law (the Individuals with Disabilities Education Act) and the Rehabilitation Act.

The ATA definition says:

The term *assistive technology device* means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities. 29 U.S.C. § 3002(a)(4).

The term *assistive technology service* means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

- the evaluation of the assistive technology needs of an individual with a disability, including a functional evaluation of the impact of the provision of appropriate assistive technology and appropriate services to the individual in the customary environment of the individual;
- a service consisting of purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;
- a service consisting of selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, replacing, or donating assistive technology devices;
- coordination and use of necessary therapies, interventions, or services with assistive technology devices, such as therapies, interventions, or services associated with education and rehabilitation plans and programs;
- training or technical assistance for an individual with a disability or, where appropriate, the family members, guardians, advocates, or authorized representatives of such an individual;
- training or technical assistance for professionals (including individuals providing education and rehabilitation services and entities that manufacture or sell assistive technology devices), employers, providers of employment and training services, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities; and

- a service consisting of expanding the availability of access to technology, including electronic and information technology, to individuals with disabilities. 29 U.S.C. § 3002(5).

2. What are the goals of the ATA?

The ATA provides funds so that states can undertake activities that assist in maintaining and strengthening a permanent, complete statewide program of technology-related assistance for people with disabilities of all ages. The goals of California's program are to:

- increase the availability of, funding for, access to, provision of, and training about assistive technology devices and assistive technology services;
- increase the ability of individuals with disabilities of all ages to secure and maintain possession of assistive technology devices as such individuals make the transition between services offered by educational or human service agencies or between settings of daily living (for example, between home and work);
- increase the capacity of public agencies and private entities to provide and pay for assistive technology devices and assistive technology services on a statewide basis for individuals with disabilities of all ages;
- increase the involvement of individuals with disabilities and, if appropriate, their family members, guardians, advocates, and authorized representatives, in decisions related to the provision of assistive technology devices and assistive technology services;
- increase and promote coordination among State agencies, between State and local agencies, among local agencies, and between State and local agencies and private entities (such as managed care providers), that are involved or are eligible to be involved in carrying out activities under this chapter;
- increase the awareness and facilitate the change of laws, regulations, policies, practices, procedures, and organizational structures, that facilitate the availability or provision of assistive technology devices and assistive technology services; and

- increase awareness and knowledge of the benefits of assistive technology devices and assistive technology services among targeted individuals and entities and the general population.

3. What activities is California supposed to do to reach the goals of the ATA?

The ATA requires that California do the following activities:

- Collaborate with public or private agencies that serve individuals with disabilities, to develop and disseminate training materials, conduct training and provide technical assistance.
- Carryout the activities that enhance the knowledge, skills and competencies of individuals from local settings; including representatives of state and local educational agencies, hospitals, health care facilities, institutions of higher education and businesses.
- Training to ensure the appropriate application and use of AT devices, services and accessible technology.
- Provide public awareness activities designed to provide information to targeted individuals and entities relating to the availability, benefits, appropriateness, and cost of AT devices and services.
- Provide for the continuation and enhancement of a statewide information and referral system designed to meet the needs of targeted individuals and entities. 29 U.S.C. § 3003(e)(3)(B)(i)(I) and (II) and (III)(ii).

4. What activities has California chosen to undertake in order to meet the goals of the ATA?

California's assistive technology program is known as the California Assistive Technology System (CATS). It intends to do the following:

- 1) Increase percent of appropriate targeted individuals and entities who accessed device demonstration programs and/or device loan programs and made a decision about an AT device or service:
 - for educational purposes as a result of the assistance they received;

- for employment purposes as a result of the assistance they received;
 - for community living as a result of the assistance they received;
 - that meets and IT/telecommunications need as a result of the assistance they received.
- 2) Increase the percent of appropriate targeted individuals and entities who obtained AT:
- for educational purposes through state financing activities or reutilization programs who would not have obtained the AT device or service;
 - for employment purposes through state financing activities or reutilization programs who would not have obtained the AT device or service; and
 - for community living purposes through state financing activities or reutilization programs who would not have obtained the AT device or service.
- 3) Develop and disseminate training materials to increase the general awareness on the benefits of AT and funding sources throughout the State of California for students with disabilities. (California Assistive Technology State Plan – OMB Control # : 1820-0664 can be found at www.ed.gov).

5. How is the ATA implemented in California?

The ATA is implemented in California primarily through grant contracts from CATS to nonprofit organizations. The primary contractor is the AT Network. To meet the assistive technology needs of Californians, the AT Network was created in 2000 by the California Foundation for Independent Living Centers (CFILC), under a contract with the California AT System, a branch of the California Department of Rehabilitation. Today, the Network is coordinated by the Alliance for Technology Access (ATA) under contract with the California Department of Rehabilitation.

The AT Network goals are to expand the accessibility of tools, resources and technology that will help increase independence, improve personal productivity, and enhance the quality of life for all Californians. The AT Network provides information, referrals, training, and technical assistance to those who share an

interest in and commitment to the practical and effective use of technology by people with disabilities. The AT Network can be contacted by calling 1-800-390-2699 (voice) or 1-800-900-0706 (TTY) or through its website at www.atnet.org.

6. What advocacy services are available under the ATA?

Under the Act, the protection and advocacy agency in California, Disability Rights California provides legal services to people with disabilities with respect to assistive technology devices and assistive technology services. Where appropriate and when resources are available, Disability Rights California can represent people with disabilities in all phases of informal or formal administrative and judicial processes. You can contact Disability Rights California at (800) 776-5746.

The Act also allows states to provide additional advocacy services. These are services provided to assist people with disabilities and their family members, guardians, advocates, and authorized representatives to access assistive technology devices and services. This may include individual case management, representation, and training for successful self-advocacy. These activities will be undertaken by the CATS administrative offices and various ATA contractors.