

Comments in Response to the Federal Register Notice/Outside Consultation

As required by 5 CFR 1320.8(d), ACL published a 60-day Federal Register Notice in the Federal Register on March 26, 2024, in Vol. 89, No. 59 pages 20977-20978. A 30-day Federal Register Notice published on June 28, 2024, in Vol. 89, No. 125 pages 54006-54008. ACL received 6 total comments. A public comment summary and ACL responses is provided below.

Comment Summary: Proposed overall updates to the State Plan for Assistive Technology (AT) information collection (IC) instrument and instruction manual to align with the reauthorization of the Assistive Technology Act. Two State AT Act Program grantees and the Association of Assistive Technology Act Programs (ATAP) commented in support of the proposed updates to the State Plan for AT IC as reasonable changes to align with the *21st Century Assistive Technology Act*.

Comments:

(1) Wisconsin Assistive Technology Program: “I have reviewed the proposed State Plan for AT Instrument and Instructions and also reviewed it with our Statewide Assistive Technology Advisory Council. The reporting structure and requirements appear to satisfy the *21st Century Assistive Technology Act*. The updated components and information do not appear that they will cause our program any undue burden or increase our level of reporting for completion of the State Plan for Assistive Technology. I look forward to submitting our next three-year State Plan to ACL once this is finalized.”

(2) Michigan Assistive Technology Program: “I just wanted to submit a comment on the proposed changes to the state plan—the proposed changes look great and won't be a burden for our state. Thank you for all you are doing.”

(3) Association of Assistive Technology Act Programs: “On behalf of the Association of Assistive Technology Act Programs (ATAP), we would like to respond to the U.S. Department of Health and Human Services, Administration for Community Living (ACL)'s Federal Register Notice (FRN) published on March 26, 2024 in 89 FR 20977 regarding the proposed updates to the State Plan for Assistive Technology.

ATAP represents State and Territory Assistive Technology Act Programs formula funded under Section 4 of the Assistive Technology (AT) Act. State and Territory AT Act Programs operate in all 50 states, the District of Columbia, Puerto Rico and four territories and are available for persons with all types of disabilities, all ages, in all environments (education, employment, community living, and information technology). State and Territory AT Act Programs are able to best match the proper assistive technology (AT) with individuals' needs, provide a device demonstration, loan a device, and provide training and support for the use of the device. Assistive technology and/or adaptive equipment can facilitate, support, and improve functionality so every individual with disability can obtain an education, gain, and maintain employment, and live independently in their community.

ATAP supports ACL's proposed updates to the State Plan for Assistive Technology that mirror the changes made to the Assistive Technology Act in the 2022 reauthorization, retitling the law to the *21st Century Assistive Technology Act*.

ATAP appreciates the opportunity to comment. Please let me know if we can provide any additional information.”

ACL Response: ACL acknowledged receipt of comments in support of the updates to the State Plan for AT.

Comment Summary: The Texas Assistive Technology Act Program submitted three comments on proposed changes for clarification of terms and activities consistent with the reauthorization of the AT Act.

Comment 1: Advisory Council

“While I completely agree in the proposed representation on the Advisory Committee, unless the other agency has a commensurate data point or a fiscal incentive, they may not be inclined to participate on a state AT Program Advisory. I would assume a state AT program would do their due diligence to acquire representation, and could likely document doing so, it still may not occur. I would hope the plan would provide an opportunity for a State AT Program to document such efforts.

As a specific example for Texas’ SEA has been reluctant to engage the state AT Program in any respect. While TTAP has been able to gain participation at Regional levels (Education Service Centers which serve under Texas’ SEA—so in essence are representatives but are not directly employed by the SEA), and local levels (LEAs that engage the TTAP Advisory in some capacity), we have not been able to get an actual SEA employee to participate in our Advisory. We speculate, there are many possible reasons—understaffing, frequent turn over, lack of support for AT/assumption that LEAs are “doing fine” with AT, etc. I have heard from other programs similar issues- also extending to VA, housing, Medicaid/HHS, and transportation representation.

To summarize, I see the value of this expectation but think many programs will not be able to make the mark. I am hopeful there will be a mechanism to share efforts programs have made to fulfill this grant obligation even if it was not realized—perhaps some place to record future plans to encourage engagement.”

ACL Response: ACL acknowledged receipt of comment. The updated State Plan for AT instrument enables grantees to describe their efforts to secure required Advisory Council membership.

Comment 2: Education/training, technical assistance, and public awareness

“I think this section does not capture the dept of work State AT programs put into this activity. This changes practice which eventually affects outcomes. We can provide access to technology all day long but if people (professionals, care givers, and people with disabilities) do not know what to do with it, it is useless. The collection tool asks for no more than three examples, but education/training, and technical assistance are what make the biggest difference. Anecdotal and narrative information does not measure the impact these activities have on the provision of AT devices and services. I would also like to be able to highlight more than one or two public awareness event plans. These state leadership activities drive increased state level activities. State AT programs should be able to share this robust information and possibly outline 1-3-5-year plans for increasing leadership to better support state level programs.”

ACL Response: ACL acknowledged receipt and agrees with the comment, which is specific to data collection and reporting for the AT Annual Progress Report (APR) Information Collection (IC) instrument. The State Plan for AT is a high-level three-year planning document outlining projected AT Act activities. The AT APR provides an expansive mechanism to report annually on these activities.

Comment 3: Coordination/Collaboration and State improvement initiatives

“I did not see this reflected in the State AT planning document though we do collect data on this annually. It also highlights the local control afforded state programs to determine specific needs for our consumers which is a positive aspect of the grant.”

ACL Response: ACL acknowledged receipt and agrees with the comment that is specific to the AT APR IC. The State Plan for AT is a high-level three-year planning document outlining projected AT Act activities. The AT APR provides an expansive mechanism to report annually on these activities.

Efforts to consult with persons outside the agency.

Following the reauthorization of the Assistive Technology Act in December 2022, ACL worked with the Association of AT Act Programs (ATAP), the Assistive Technology Act Technical Assistance and Training Center (AT3 Center), and the Center for Assistive Technology Act Data Assistance (CATADA), the project responsible for coordinating the development of the current State Plan for AT instrument, to facilitate virtual meetings with the state and territory AT Act grantees on proposed updates to the data collection instrument and instruction manual. ACL met with Statewide AT Programs and solicited suggestions for revisions from the states and territories. Key ACL webinar presentations include, “ACL Meeting with State and Territory AT Programs & National Activity Grantees,” conducted August 23, 2023, and “Input from AT Act Grantees on Potential Changes to AT Data Collection Instruments: APR and State Plan for AT,” presented September 28, 2023.