UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

THE ASSISTANT SECRETARY

MAR - 2 2005

Dear Colleague:

The Assistive Technology Act (AT Act) was amended by P.L. 108-364 on October 25, 2004. These amendments make a number of important changes to the purpose of and activities under the Act, and transfer the administration of the AT Act within the Office of Special Education and Rehabilitative Services from the National Institute on Disability and Rehabilitation Research (NIDRR) to the Rehabilitation Services Administration (RSA). While the AT Act allows six months for this transition to take place, this transition has already been completed. Please refer all inquiries and correspondence regarding the AT Act to RSA using the contact information provided at the end of this letter.

Since the AT Act's initial passage in 1988, NIDRR's leadership has been invaluable in helping establish and support the fifty-six comprehensive statewide programs (Statewide AT Programs) and thirty-one alternative financing programs (AFPs), and fifty-seven Protection and Advocacy related to AT (PAAT) programs that exist today. NIDRR's contributions to these programs, and the contributions of the programs themselves, have improved the lives of thousands of individuals with disabilities who benefit from assistive technology.

Statewide AT Programs will be responsible for implementing changes to the AT Act beginning with the award of their Fiscal Year (FY) 2005 funds. RSA is currently developing an application for funds that reflects the AT Act's new requirements and plans to have this application available to the States in early spring. This timeline provides States with time to establish State Advisory Councils that meet the requirements of section 4(c)(2) of the AT Act by February 22, 2005, so that this Council can appropriately participate in developing the application. This timeline also will allow the application process to be completed and RSA to award FY 2005 funds in the summer of 2005.

However, if Congress provides funding for this program for FY 2006 and Congress completes action on appropriations before or at the beginning of the fiscal year, RSA will distribute funds to States for a project period that coincides with the Federal fiscal year. Therefore, all States will be awarded their FY 2005 funds in summer of 2005, and then, depending on congressional action on appropriations, all States will be awarded their FY 2006 funds a few months later in October of 2005.

A number of States may have FY 2003 or FY 2004 funds remaining at the end of their project periods. States that want to expend funds remaining from FY 2003 or FY 2004 should request an extension of their project periods. Those States wishing to extend their project periods should submit a request in writing to RSA no later than 45 calendar days

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before the end of their project period. If a State has both FY 2003 and FY 2004 funds remaining, the request can be made in a single letter, but the letter must provide the following information separately for each fiscal year in question:

(1) the amount of funds remaining;
(2) an explanation of why the extension is appropriate due to circumstances that delayed the completion of the project beyond the end of the project period for which the funds were awarded;
(3) the requested period for which the project needs an extension (note that States cannot request a period that exceeds twelve months);
(4) a narrative description of the activities to be conducted with the funds; and
(5) a budget reflecting the activities to be conducted with those funds.

Please note that FY 2003 and FY 2004 funds must be spent according to the requirements of the AT Act of 1998 prior to the 2004 amendments, not according to the requirements of the AT Act as amended. States that are granted extensions still will be awarded their FY 2005 funds on the same schedule as all other States, and must use those funds in accordance with the requirements of the AT Act as amended.

Until further notice, RSA expects that States will continue collecting data and reporting on activities conducted with FY 2003 funds and FY 2004 funds (as applicable) using the current data collection and reporting system. RSA plans to develop a new data collection and reporting instrument to reflect the new requirements of the amended AT Act. In the future, RSA plans to make available more information about new data collection and reporting requirements and any requirements for closing out grants under the AT Act of 1998 as in effect prior to the 2004 amendments.

Since early December, RSA has sponsored a series of meetings to discuss the AT Act with entities that are funded under the Act and stakeholders. RSA hopes to continue sponsoring such meetings as a way of gathering input during the implementation of the AT Act.

For further information, please contact:

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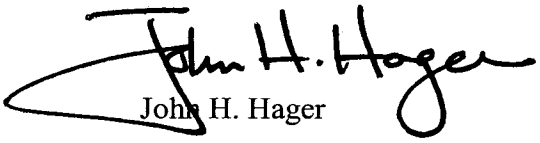
OSERS and RSA look forward to working with all of you during this exciting time and to improving access to assistive technology for all individuals with disabilities.

Sincerely,



John H. Hager