

**HB**

**89**

# STATE OF ALASKA

## Department of Labor and Workforce Development

OFFICE OF THE COMMISSIONER

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February 1, 2010

The Honorable Bob Herron  
The Honorable Wes Keller  
Co-Chairs House Health and Social Services Committee  
State Capital Building  
Juneau, AK 99801-1182

Dear Representatives Herron and Keller,

Thank you for scheduling House Bill 89 which establishes a State Vocational Rehabilitation Committee (SVRC) in the House Health and Social Services Committee. The primary purpose of this legislation is to bring current state statute into compliance with federal law. The SVRC will function as the State Rehabilitation Council and the Assistive Technology Advisory Committee, both of which are required by federal law to accept funding from the U.S. Department of Education, Rehabilitation Services Administration to operate the Vocational Rehabilitation Client Services program and Assistive Technology grant. The SVRC will replace the Governor's Committee on Employment and Rehabilitation of People with Disabilities (GCERPD).

It is important that this legislation pass during this session. The Division of Vocational Rehabilitation is currently undergoing a federal review and monitoring of programs authorized under Title I of the Rehabilitation Act of 1973, as amended. Management and organization of the State Rehabilitation Council is included in this compliance review to determine whether the agency is fully constituted in accordance with federal law and regulations, including membership composition. Current state statutes are not in compliance with the federal laws related to the State Rehabilitation Council or the Assistive Technology Advisory Committee. Current statute was written for a committee that no longer exists, the President's Committee on Employment of People with Disabilities.

The GCERPD will continue to perform the duties of the State Rehabilitation Council and the Assistive Technology Advisory Committee until this matter is resolved. The Division of Vocational Rehabilitation could be sanctioned during the federal review. Similar legislation regarding SVRC was introduced during the 25<sup>th</sup> Legislative Session.

Federal compliance is critical to assist Alaskans with disabilities to become employed and have access to appropriate assistive technology services and devices. Thank you for your consideration of this important matter. Please contact me or my Legislative Liaison, Paula Scavera at 465-2700 if you would like to discuss this further.

Sincerely,



Clark Bishop  
Commissioner

## CS HB 89 (L& C)

An Act relating to the State Vocational Rehabilitation Committee

### Sectional Analysis

**Section 1** repeals the Governor's Committee on Employment of People with Disabilities (GCEPD). Creates the State Vocational Rehabilitation Committee and describes its purpose.

**Section 2** describes the appointment, number, composition of committee members. It states that the number and composition of the committee must consistent with the requirements of 29 U.S.C. 725 and 29 U.S.C. 3003, as amended.

**Section 3** addresses the selection and term of the Committee Chair. It eliminates the need for the Governor to appoint the Chair, allowing the voting members of the Committee to make a selection, subject to disapproval by the Governor. Term of Chair is one year.

**Section 4** provides for four (4) meetings per year. Meeting may be conducted telephonically.

**Section 5** addresses the transition of current members of the GCEPD. Current members, who on the day before the effective date of this Act meet the requirements for membership on the new committee, will continue to serve their original GCEPD term on the new committee until that term would have expired. They may apply to the Governor for reappointment after their term expires.

**Section 6** is a new section that changes the heading of art. 2 of AS 23.15 from the "Governor's Committee on Employment of People with Disabilities" to "State Vocational Rehabilitation Committee."

**Section 7** provides for an effective date.

Prepared by the Alaska Department of Labor and Workforce Development

February 1, 2010

# FISCAL NOTE

STATE OF ALASKA  
2010 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CSHB 89(L&C)  
 () Publish Date: \_\_\_\_\_

Identifier (file name): HB089CS(L&C)-DOLWD-CS-01-21-10 Dept. Affected: Labor and Workforce Development  
 Title: Vocational Rehabilitation Committee RDU: Vocational Rehabilitation  
 Sponsor: Rules Committee Component: Client Services  
 Requester: Governor Component Number: 1828

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
		FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
<b>OPERATING EXPENDITURES</b>							
Personal Services							
Travel		7.5	7.5	7.5	7.5	7.5	7.5
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>7.5</b>	<b>7.5</b>	<b>7.5</b>	<b>7.5</b>	<b>7.5</b>	<b>7.5</b>

<b>CAPITAL EXPENDITURES</b>							
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<b>CHANGE IN REVENUES ( )</b>							
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts		7.5	7.5	7.5	7.5	7.5	7.5
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
<b>TOTAL</b>	<b>0.0</b>	<b>7.5</b>	<b>7.5</b>	<b>7.5</b>	<b>7.5</b>	<b>7.5</b>	<b>7.5</b>

Estimate of any current year (FY2010) cost: None

**POSITIONS**

Full-time							
Part-time							
Temporary							

**ANALYSIS:** (Attach a separate page if necessary)

This bill will increase the number of individuals on the State Vocational Rehabilitation Committee to align with federal regulations by adding three additional seats. Additional costs estimated at \$7.5 will result from travel, per-diem, and lodging for the three additional members. The Client Services component will absorb the additional costs within currently budgeted funding.

Prepared by: Cheryl Walsh, Director  
 Division: Division of Vocational Rehabilitation  
 Approved by: Click Bishop, Commissioner  
 Agency: Department of Labor and Workforce Development

Phone 465-6926  
 Date/Time 1/22/10 12:15 PM  
 Date 1/22/10

CITE-

29 USC Sec. 725

-EXPCITE-

TITLE 29 - LABOR

CHAPTER 16 - VOCATIONAL REHABILITATION AND OTHER REHABILITATION  
SERVICES

SUBCHAPTER I - VOCATIONAL REHABILITATION SERVICES

Part A - General Provisions

-HEAD-

Sec. 725. State Rehabilitation Council

-STATUTE-

(a) Establishment

(1) In general

Except as provided in section 721(a)(21)(A)(i) of this title, to be eligible to receive financial assistance under this subchapter a State shall establish a State Rehabilitation Council (referred to in this section as the "Council") in accordance with this section.

(2) Separate agency for individuals who are blind

A State that designates a State agency to administer the part of the State plan under which vocational rehabilitation services are provided for individuals who are blind under section 721(a)(2)(A)(i) of this title may establish a separate Council in accordance with this section to perform the duties of such a Council with respect to such State agency.

(b) Composition and appointment

(1) Composition

(A) In general

Except in the case of a separate Council established under subsection (a)(2) of this section, the Council shall be composed of -

(i) at least one representative of the Statewide Independent Living Council established under section 796d of this title, which representative may be the chairperson or other designee of the Council;

(ii) at least one representative of a parent training and information center established pursuant to section 671 of the Individuals with Disabilities Education Act [20 U.S.C. 1471];

(iii) at least one representative of the client assistance program established under section 732 of this title;

(iv) at least one qualified vocational rehabilitation counselor, with knowledge of and experience with vocational rehabilitation programs, who shall serve as an ex officio, nonvoting member of the Council if the counselor is an employee of the designated State agency;

(v) at least one representative of community rehabilitation program service providers;

(vi) four representatives of business, industry, and labor;

(vii) representatives of disability advocacy groups representing a cross section of -

(I) individuals with physical, cognitive, sensory, and mental disabilities; and

(II) individuals' representatives of individuals with disabilities who have difficulty in representing themselves

or are unable due to their disabilities to represent themselves;

(viii) current or former applicants for, or recipients of, vocational rehabilitation services;

(ix) in a State in which one or more projects are carried out under section 741 of this title, at least one representative of the directors of the projects;

(x) at least one representative of the State educational agency responsible for the public education of students with disabilities who are eligible to receive services under this subchapter and part B of the Individuals with Disabilities Education Act [20 U.S.C. 1411 et seq.]; and

(xi) at least one representative of the State workforce investment board.

(B) Separate Council

In the case of a separate Council established under subsection (a) (2) of this section, the Council shall be composed of -

(i) at least one representative described in subparagraph

(A) (i);

(ii) at least one representative described in subparagraph

(A) (ii);

(iii) at least one representative described in subparagraph

(A) (iii);

(iv) at least one vocational rehabilitation counselor described in subparagraph (A) (iv), who shall serve as described in such subparagraph;

(v) at least one representative described in subparagraph

(A) (v);

(vi) four representatives described in subparagraph

(A) (vi);

(vii) at least one representative of a disability advocacy group representing individuals who are blind;

(viii) at least one individual's representative, of an individual who -

(I) is an individual who is blind and has multiple disabilities; and

(II) has difficulty in representing himself or herself or is unable due to disabilities to represent himself or herself;

(ix) applicants or recipients described in subparagraph (A) (viii);

(x) in a State described in subparagraph (A) (ix), at least one representative described in such subparagraph;

(xi) at least one representative described in subparagraph (A) (x); and

(xii) at least one representative described in subparagraph (A) (xi).

(C) Exception

In the case of a separate Council established under subsection (a) (2) of this section, any Council that is required by State law, as in effect on October 29, 1992, to have fewer than 15 members shall be deemed to be in compliance with subparagraph (B) if the Council -

(i) meets the requirements of subparagraph (B), other than

the requirements of clauses (vi) and (ix) of such subparagraph; and

(ii) includes at least -

(I) one representative described in subparagraph (B) (vi); and

(II) one applicant or recipient described in subparagraph (B) (ix).

(2) Ex officio member

The Director of the designated State unit shall be an ex officio, nonvoting member of the Council.

(3) Appointment

Members of the Council shall be appointed by the Governor or, in the case of a State that, under State law, vests authority for the administration of the activities carried out under this chapter in an entity other than the Governor (such as one or more houses of the State legislature or an independent board), the chief officer of that entity. The appointing authority shall select members after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities. In selecting members, the appointing authority shall consider, to the greatest extent practicable, the extent to which minority populations are represented on the Council.

(4) Qualifications

(A) In general

A majority of Council members shall be persons who are -

(i) individuals with disabilities described in section 705(20)(B) of this title; and

(ii) not employed by the designated State unit.

(B) Separate Council

In the case of a separate Council established under subsection (a) (2) of this section, a majority of Council members shall be persons who are -

(i) blind; and

(ii) not employed by the designated State unit.

(5) Chairperson

(A) In general

Except as provided in subparagraph (B), the Council shall select a chairperson from among the membership of the Council.

(B) Designation by chief executive officer

In States in which the chief executive officer does not have veto power pursuant to State law, the appointing authority described in paragraph (3) shall designate a member of the Council to serve as the chairperson of the Council or shall require the Council to so designate such a member.

(6) Terms of appointment

(A) Length of term

Each member of the Council shall serve for a term of not more than 3 years, except that -

(i) a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and

(ii) the terms of service of the members initially appointed shall be (as specified by the appointing authority described in paragraph (3)) for such fewer number of years as

will provide for the expiration of terms on a staggered basis.

(B) Number of terms

No member of the Council, other than a representative described in clause (iii) or (ix) of paragraph (1)(A), or clause (iii) or (x) of paragraph (1)(B), may serve more than two consecutive full terms.

(7) Vacancies

(A) In general

Except as provided in subparagraph (B), any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment. The vacancy shall not affect the power of the remaining members to execute the duties of the Council.

(B) Delegation

The appointing authority described in paragraph (3) may delegate the authority to fill such a vacancy to the remaining members of the Council after making the original appointment.

(c) Functions of Council

The Council shall, after consulting with the State workforce investment board -

(1) review, analyze, and advise the designated State unit regarding the performance of the responsibilities of the unit under this subchapter, particularly responsibilities relating to -

(A) eligibility (including order of selection);

(B) the extent, scope, and effectiveness of services provided; and

(C) functions performed by State agencies that affect or that potentially affect the ability of individuals with disabilities in achieving employment outcomes under this subchapter;

(2) in partnership with the designated State unit -

(A) develop, agree to, and review State goals and priorities in accordance with section 721(a)(15)(C) of this title; and

(B) evaluate the effectiveness of the vocational rehabilitation program and submit reports of progress to the Commissioner in accordance with section 721(a)(15)(E) of this title;

(3) advise the designated State agency and the designated State unit regarding activities authorized to be carried out under this subchapter, and assist in the preparation of the State plan and amendments to the plan, applications, reports, needs assessments, and evaluations required by this subchapter;

(4) to the extent feasible, conduct a review and analysis of the effectiveness of, and consumer satisfaction with -

(A) the functions performed by the designated State agency;

(B) vocational rehabilitation services provided by State agencies and other public and private entities responsible for providing vocational rehabilitation services to individuals with disabilities under this chapter; and

(C) employment outcomes achieved by eligible individuals receiving services under this subchapter, including the availability of health and other employment benefits in connection with such employment outcomes;

(5) prepare and submit an annual report to the Governor and the Commissioner on the status of vocational rehabilitation programs operated within the State, and make the report available to the public;

(6) to avoid duplication of efforts and enhance the number of individuals served, coordinate activities with the activities of other councils within the State, including the Statewide Independent Living Council established under section 796d of this title, the advisory panel established under section 612(a)(20) of the Individuals with Disabilities Education Act [20 U.S.C. 1412(a)(20)], the State Council on Developmental Disabilities established under section 15025 of title 42, the State mental health planning council established under section 300x-3(a) of title 42, and the State workforce investment board;

(7) provide for coordination and the establishment of working relationships between the designated State agency and the Statewide Independent Living Council and centers for independent living within the State; and

(8) perform such other functions, consistent with the purpose of this subchapter, as the State Rehabilitation Council determines to be appropriate, that are comparable to the other functions performed by the Council.

(d) Resources

(1) Plan

The Council shall prepare, in conjunction with the designated State unit, a plan for the provision of such resources, including such staff and other personnel, as may be necessary and sufficient to carry out the functions of the Council under this section. The resource plan shall, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan.

(2) Resolution of disagreements

To the extent that there is a disagreement between the Council and the designated State unit in regard to the resources necessary to carry out the functions of the Council as set forth in this section, the disagreement shall be resolved by the Governor consistent with paragraph (1).

(3) Supervision and evaluation

Each Council shall, consistent with State law, supervise and evaluate such staff and other personnel as may be necessary to carry out its functions under this section.

(4) Personnel conflict of interest

While assisting the Council in carrying out its duties, staff and other personnel shall not be assigned duties by the designated State unit or any other agency or office of the State, that would create a conflict of interest.

(e) Conflict of interest

No member of the Council shall cast a vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest under State law.

(f) Meetings

The Council shall convene at least four meetings a year in such places as it determines to be necessary to conduct Council business and conduct such forums or hearings as the Council considers appropriate. The meetings, hearings, and forums shall be publicly announced. The meetings shall be open and accessible to the general public unless there is a valid reason for an executive session.

(g) Compensation and expenses

The Council may use funds allocated to the Council by the designated State unit under this subchapter (except for funds appropriated to carry out the client assistance program under section 732 of this title and funds reserved pursuant to section 730(c) of this title to carry out part C of this subchapter) to reimburse members of the Council for reasonable and necessary expenses of attending Council meetings and performing Council duties (including child care and personal assistance services), and to pay compensation to a member of the Council, if such member is not employed or must forfeit wages from other employment, for each day the member is engaged in performing the duties of the Council.

(h) Hearings and forums

The Council is authorized to hold such hearings and forums as the Council may determine to be necessary to carry out the duties of the Council.

-SOURCE-

(Pub. L. 93-112, title I, Sec. 105, as added Pub. L. 105-220, title IV, Sec. 404, Aug. 7, 1998, 112 Stat. 1151; amended Pub. L. 105-277, div. A, Sec. 101(f) [title VIII, Sec. 402(c)(6)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-415; Pub. L. 106-402, title IV, Sec. 401(b)(3)(A), Oct. 30, 2000, 114 Stat. 1737; Pub. L. 108-446, title III, Sec. 305(h)(2), (3), Dec. 3, 2004, 118 Stat. 2805.)

-REFTEXT-

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsec. (b)(1)(A)(x), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, as amended. Part B of the Act is classified generally to subchapter II (Sec. 1411 et seq.) of chapter 33 of Title 20, Education. For complete classification of this Act to the Code, see section 1400 of Title 20 and Tables.

-MISC1-

PRIOR PROVISIONS

A prior section 725, Pub. L. 93-112, title I, Sec. 105, as added Pub. L. 102-569, title I, Sec. 126(a), Oct. 29, 1992, 106 Stat. 4381; amended Pub. L. 103-73, title I, Sec. 107(d)(1), Aug. 11, 1993, 107 Stat. 721, related to State Rehabilitation Advisory Council, prior to the general amendment of this subchapter by Pub. L. 105-220.

AMENDMENTS

2004 - Subsec. (b)(1)(A)(ii). Pub. L. 108-446, Sec. 305(h)(2), substituted "671 of the Individuals with Disabilities Education Act" for "682(a) of the Individuals with Disabilities Education Act (as added by section 101 of the Individuals with Disabilities Education Act Amendments of 1997; Public Law 105-17)".

Subsec. (c)(6). Pub. L. 108-446, Sec. 305(h)(3), substituted "section 612(a)(20)" for "section 612(a)(21)" and "Individuals with" for "Individual with" and struck out "(as amended by section 101 of the Individuals with Disabilities Education Act Amendments of 1997; Public Law 105-17)" before ", the State Council".

2000 - Subsec. (c)(6). Pub. L. 106-402 substituted "the State Council on Developmental Disabilities established under section

15025 of title 42" for "the State Developmental Disabilities Council described in section 6024 of title 42".

1998 - Subsec. (b)(3). Pub. L. 105-277, Sec. 101(f) [title VIII, Sec. 402(c)(6)(A)], substituted "Governor or, in the case of a State that, under State law, vests authority for the administration of the activities carried out under this chapter in an entity other than the Governor (such as one or more houses of the State legislature or an independent board), the chief officer of that entity" for "Governor" in first sentence and "appointing authority" for "Governor" in second and third sentences.

Subsec. (b)(4)(A)(i). Pub. L. 105-277, Sec. 101(f) [title VIII, Sec. 402(c)(6)(B)], substituted "section 705(20)(B)" for "section 705(20)(A)".

Subsec. (b)(5)(B). Pub. L. 105-277, Sec. 101(f) [title VIII, Sec. 402(c)(6)(C)], substituted "chief executive officer" for "Governor" in heading and "appointing authority described in paragraph (3) shall" for "Governor shall" in text.

Subsec. (b)(6)(A)(ii), (7)(B). Pub. L. 105-277, Sec. 101(f) [title VIII, Sec. 402(c)(6)(D)], substituted "appointing authority described in paragraph (3)" for "Governor".

-End-

29 USC SEC. 3003

-EXCISE-

TITLE 29 TABLE

CHAPTER 31 - ASSISTIVE TECHNOLOGY FOR INDIVIDUALS WITH DISABILITIES  
CHAPTER 311

-FED-

Sec. 3003. State grants for assistive technology

SEC. 3003 - STATE GRANTS FOR ASSISTIVE TECHNOLOGY

-STATUTE-

(a) Grants to States

The Secretary shall award grants under subsection (b) to States to maintain comprehensive statewide programs of technology-related assistance to support programs that are designed to maximize the ability of individuals with disabilities across the human lifespan and across the wide array of disabilities, and their family members, guardians, advocates, and authorized representatives, to obtain assistive technology, and that are designed to increase access to assistive technology.

(b) Amount of financial assistance

(1) In general

From funds made available to carry out this section, the Secretary shall award a grant to each eligible State and eligible outlying area from an allotment determined in accordance with paragraph (c).

(2) Calculation of State grants

(A) Base year

Except as provided in subparagraphs (E) and (C), the Secretary shall allot to each State and outlying area for a fiscal year an amount that is not less than the amount the State or outlying area received under the grants provided under section 3011 of this title (as in effect on the day before October 25, 2004) for fiscal year 2004.

(B) Ratable reduction

(i) In general

If funds made available to carry out this section for any fiscal year are insufficient to make the allotments required for each State and outlying area under subparagraph (A) for such fiscal year, the Secretary shall ratably reduce the allotments for such fiscal year.

(ii) Additional funds

If, after the Secretary makes the reductions described in clause (i), additional funds become available to carry out this section for the fiscal year, the Secretary shall ratably increase the allotments, until the Secretary has allotted the entire base year amount.

(C) Higher appropriation years

Except as provided in subparagraph (D), for a fiscal year for which the amount of funds made available to carry out this section is greater than the base year amount, the Secretary shall -

(i) make the allotments described in subparagraph (A);

(ii) from a portion of the remainder of the funds after the Secretary makes the allotments described in clause (i), the Secretary shall -

(I) from 50 percent of the portion, allot to each State

or outlying area an equal amount; and

(II) from 50 percent of the portion, allot to each State or outlying area an amount that bears the same relationship to such 50 percent as the population of the State or outlying area bears to the population of all States and outlying areas,

until each State has received an allotment of not less than \$410,000 and each outlying area has received an allotment of \$125,000 under clause (i) and this clause;

(iii) from the remainder of the funds after the Secretary makes the allotments described in clause (ii), the Secretary shall -

(I) from 80 percent of the remainder allot to each State an amount that bears the same relationship to such 80 percent as the population of the State bears to the population of all States; and

(II) from 20 percent of the remainder, allot to each State an equal amount.

(D) Special rule for fiscal year 2005

Notwithstanding subparagraph (C), if the amount of funds made available to carry out this section for fiscal year 2005 is greater than the base year amount, the Secretary may award grants on a competitive basis for periods of 1 year to States or outlying areas in accordance with the requirements of subchapter III of this chapter (!) (as in effect on the day before October 25, 2004) to develop, support, expand, or administer an alternative financing program.

(E) Base year amount

In this paragraph, the term "base year amount" means the total amount received by all States and outlying areas under the grants described in subparagraph (A) for fiscal year 2004.

(c) Lead agency, implementing entity, and advisory council

(1) Lead agency and implementing entity

(A) Lead agency

(i) In general

The Governor of a State shall designate a public agency as a lead agency -

(I) to control and administer the funds made available through the grant awarded to the State under this section; and

(II) to submit the application described in subsection (d) on behalf of the State, to ensure conformance with Federal and State accounting requirements.

(ii) Duties

The duties of the lead agency shall include -

(I) preparing the application described in subsection (d) and carrying out State activities described in that application, including making programmatic and resource allocation decisions necessary to implement the comprehensive statewide program of technology-related assistance;

(II) coordinating the activities of the comprehensive statewide program of technology-related assistance among public and private entities, including coordinating efforts related to entering into interagency agreements, and

maintaining and evaluating the program; and

(III) coordinating efforts related to the active, timely, and meaningful participation by individuals with disabilities and their family members, guardians, advocates, or authorized representatives, and other appropriate individuals, with respect to activities carried out through the grant.

(B) Implementing entity

The Governor may designate an agency, office, or other entity to carry out State activities under this section (referred to in this section as the "implementing entity"), if such implementing entity is different from the lead agency. The implementing agency shall carry out responsibilities under this chapter through a subcontract or another administrative agreement with the lead agency.

(C) Change in agency or entity

(i) In general

On obtaining the approval of the Secretary, the Governor may redesignate the lead agency, or the implementing entity, if the Governor shows to the Secretary good cause why the entity designated as the lead agency, or the implementing entity, respectively, should not serve as that agency or entity, respectively. The Governor shall make the showing in the application described in subsection (d).

(ii) Construction

Nothing in this paragraph shall be construed to require the Governor of a State to change the lead agency or implementing entity of the State to an agency other than the lead agency or implementing entity of such State as of October 25, 2004.

(2) Advisory council

(A) In general

There shall be established an advisory council to provide consumer-responsive, consumer-driven advice to the State for, planning of, implementation of, and evaluation of the activities carried out through the grant, including setting the measurable goals described in subsection (d)(3).

(B) Composition and representation

(i) Composition

The advisory council shall be composed of -

(I) individuals with disabilities that use assistive technology or the family members or guardians of the individuals;

(II) a representative of the designated State agency, as defined in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705) and the State agency for individuals who are blind (within the meaning of section 101 of that Act (29 U.S.C. 721)), if such agency is separate;

(III) a representative of a State center for independent living described in part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796f et seq.);

(IV) a representative of the State workforce investment board established under section 111 of the Workforce Investment Act of 1998 (29 U.S.C. 2821);

(V) a representative of the State educational agency, as defined in section 7801 of title 20; and

(VI) representatives of other State agencies, public agencies, or private organizations, as determined by the

State.

(ii) Majority

(I) In general

A majority, not less than 51 percent, of the members of the advisory council, shall be members appointed under clause (i)(I).

(II) Representatives of agencies

Members appointed under subclauses (II) through (VI) of clause (i) shall not count toward the majority membership requirement established in subclause (I).

(iii) Representation

The advisory council shall be geographically representative of the State and reflect the diversity of the State with respect to race, ethnicity, types of disabilities across the age span, and users of types of services that an individual with a disability may receive.

(C) Expenses

The members of the advisory council shall receive no compensation for their service on the advisory council, but shall be reimbursed for reasonable and necessary expenses actually incurred in the performance of official duties for the advisory council.

(D) Period

The members of the State advisory council shall be appointed not later than 120 days after October 25, 2004.

(E) Impact on existing statutes, rules, or policies

Nothing in this paragraph shall be construed to affect State statutes, rules, or official policies relating to advisory bodies for State assistive technology programs or require changes to governing bodies of incorporated agencies who carry out State assistive technology programs.

(d) Application

(1) In general

Any State that desires to receive a grant under this section shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.

(2) Lead agency and implementing entity

The application shall contain information identifying and describing the lead agency referred to in subsection (c)(1)(A). The application shall contain information identifying and describing the implementing entity referred to in subsection (c)(1)(B), if the Governor of the State designates such an entity.

(3) Measurable goals

The application shall include -

(A) measurable goals, and a timeline for meeting the goals, that the State has set for addressing the assistive technology needs of individuals with disabilities in the State related to -

(i) education, including goals involving the provision of assistive technology to individuals with disabilities who receive services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

(ii) employment, including goals involving the State vocational rehabilitation program carried out under title I

of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);  
(iii) telecommunication and information technology; and  
(iv) community living; and

(B) information describing how the State will quantifiably measure the goals to determine whether the goals have been achieved.

(4) Involvement of public and private entities

The application shall describe how various public and private entities were involved in the development of the application and will be involved in the implementation of the activities to be carried out through the grant, including -

(A) in cases determined to be appropriate by the State, a description of the nature and extent of resources that will be committed by public and private collaborators to assist in accomplishing identified goals; and

(B) a description of the mechanisms established to ensure coordination of activities and collaboration between the implementing entity, if any, and the State.

(5) Implementation

The application shall include a description of -

(A) how the State will implement each of the required activities described in subsection (e), except as provided in subsection (e) (6) (A); and

(B) how the State will allocate and utilize grant funds to implement the activities, including describing proposed budget allocations and planned procedures for tracking expenditures for activities described in paragraphs (2) and (3) of subsection (e).

(6) Assurances

The application shall include assurances that -

(A) the State will annually collect data related to the required activities implemented by the State under this section in order to prepare the progress reports required under subsection (f);

(B) funds received through the grant -

- (i) will be expended in accordance with this section; and
- (ii) will be used to supplement, and not supplant, funds available from other sources for technology-related assistance, including the provision of assistive technology devices and assistive technology services;

(C) the lead agency will control and administer the funds received through the grant;

(D) the State will adopt such fiscal control and accounting procedures as may be necessary to ensure proper disbursement of and accounting for the funds received through the grant;

(E) the physical facility of the lead agency and implementing entity, if any, meets the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding accessibility for individuals with disabilities;

(F) a public agency or an individual with a disability holds title to any property purchased with funds received under the grant and administers that property;

(G) activities carried out in the State that are authorized under this chapter, and supported by Federal funds received under this chapter, will comply with the standards established

by the Architectural and Transportation Barriers Compliance Board under section 508 of the Rehabilitation Act of 1973 (20 (12) U.S.C. 794d); and

(H) the State will -

- (i) prepare reports to the Secretary in such form and containing such information as the Secretary may require to carry out the Secretary's functions under this chapter; and
- (ii) keep such records and allow access to such records as the Secretary may require to ensure the correctness and verification of information provided to the Secretary under this subparagraph.

(7) State support

The application shall include a description of the activities described in paragraphs (2) and (3) of subsection (e) that the State will support with State funds.

(e) Use of funds

(1) In general

(A) Required activities

Except as provided in subparagraph (B) and paragraph (6), any State that receives a grant under this section shall use a portion of the funds made available through the grant to carry out activities described in paragraphs (2) and (3).

(B) State or non-Federal financial support

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.

(2) State-level activities

(A) State financing activities

The State shall support State financing activities to increase access to, and funding for, assistive technology devices and assistive technology services (which shall not include direct payment for such a device or service for an individual with a disability but may include support and administration of a program to provide such payment), including development of systems to provide and pay for such devices and services, for targeted individuals and entities described in section 3002(16) (A) of this title, including -

- (i) support for the development of systems for the purchase, lease, or other acquisition of, or payment for, assistive technology devices and assistive technology services; or
- (ii) support for the development of State-financed or privately financed alternative financing systems of subsidies (which may include conducting an initial 1-year feasibility study of, improving, administering, operating, providing capital for, or collaborating with an entity with respect to, such a system) for the provision of assistive technology

devices, such as -

- (I) a low-interest loan fund;
- (II) an interest buy-down program;
- (III) a revolving loan fund;
- (IV) a loan guarantee or insurance program;
- (V) a program providing for the purchase, lease, or other acquisition of assistive technology devices or assistive technology services; or
- (VI) another mechanism that is approved by the Secretary.

(E) Device reutilization programs

The State shall directly, or in collaboration with public or private entities, carry out assistive technology device reutilization programs that provide for the exchange, repair, recycling, or other reutilization of assistive technology devices, which may include redistribution through device sales, loans, rentals, or donations.

(C) Device loan programs

The State shall directly, or in collaboration with public or private entities, carry out device loan programs that provide short-term loans of assistive technology devices to individuals, employers, public agencies, or others seeking to meet the needs of targeted individuals and entities, including others seeking to comply with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(D) Device demonstrations

(i) In general

The State shall directly, or in collaboration with public and private entities, such as one-stop partners, as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801), demonstrate a variety of assistive technology devices and assistive technology services (including assisting individuals in making informed choices regarding, and providing experiences with, the devices and services), using personnel who are familiar with such devices and services and their applications.

(ii) Comprehensive information

The State shall directly, or through referrals, provide to individuals, to the extent practicable, comprehensive information about State and local assistive technology vendors, providers, and repair services.

(3) State leadership activities

(A) In general

A State that receives a grant under this section shall use a portion of not more than 40 percent of the funds made available through the grant to carry out the activities described in subparagraph (B). From that portion, the State shall use at least 5 percent of the portion for activities described in subparagraph (B) (i) (III).

(B) Required activities

(i) Training and technical assistance

(I) In general

The State shall directly, or provide support to public or private entities with demonstrated expertise in collaborating with public or private agencies that serve individuals with disabilities, to develop and disseminate

training materials, conduct training, and provide technical assistance, for individuals from local settings statewide, including representatives of State and local educational agencies, other State and local agencies, early intervention programs, adult service programs, hospitals and other health care facilities, institutions of higher education, and businesses.

(II) Authorized activities

In carrying out activities under subclause (I), the State shall carry out activities that enhance the knowledge, skills, and competencies of individuals from local settings described in subclause (I), which may include -

(aa) general awareness training on the benefits of assistive technology and the Federal, State, and private funding sources available to assist targeted individuals and entities in acquiring assistive technology;

(bb) skills-development training in assessing the need for assistive technology devices and assistive technology services;

(cc) training to ensure the appropriate application and use of assistive technology devices, assistive technology services, and accessible technology for e-government functions;

(dd) training in the importance of multiple approaches to assessment and implementation necessary to meet the individualized needs of individuals with disabilities; and

(ee) technical training on integrating assistive technology into the development and implementation of service plans, including any education, health, discharge, Olmstead, employment, or other plan required under Federal or State law.

(III) Transition assistance to individuals with disabilities

The State shall directly, or provide support to public or private entities to, develop and disseminate training materials, conduct training, facilitate access to assistive technology, and provide technical assistance, to assist -

(aa) students with disabilities, within the meaning of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), that receive transition services; and

(bb) adults who are individuals with disabilities maintaining or transitioning to community living.

(ii) Public-awareness activities

(I) In general

The State shall conduct public-awareness activities designed to provide information to targeted individuals and entities relating to the availability, benefits, appropriateness, and costs of assistive technology devices and assistive technology services, including -

(aa) the development of procedures for providing direct communication between providers of assistive technology and targeted individuals and entities, which may include partnerships with entities in the statewide and local workforce investment systems established under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et

seq.), State vocational rehabilitation centers, public and private employers, or elementary and secondary public schools;

(bb) the development and dissemination, to targeted individuals and entities, of information about State efforts related to assistive technology; and

(cc) the distribution of materials to appropriate public and private agencies that provide social, medical, educational, employment, and transportation services to individuals with disabilities.

(II) Collaboration

The State shall collaborate with entities that receive awards under paragraphs (1) and (3) of section 3005(b) of this title to carry out public-awareness activities focusing on infants, toddlers, children, transition-age youth, employment-age adults, seniors, and employers.

(III) Statewide information and referral system

(aa) In general

The State shall directly, or in collaboration with public or private (such as nonprofit) entities, provide for the continuation and enhancement of a statewide information and referral system designed to meet the needs of targeted individuals and entities.

(bb) Content

The system shall deliver information on assistive technology devices, assistive technology services (with specific data regarding provider availability within the State), and the availability of resources, including funding through public and private sources, to obtain assistive technology devices and assistive technology services. The system shall also deliver information on the benefits of assistive technology devices and assistive technology services with respect to enhancing the capacity of individuals with disabilities of all ages to perform activities of daily living.

(iii) Coordination and collaboration

The State shall coordinate activities described in paragraph (2) and this paragraph, among public and private entities that are responsible for policies, procedures, or funding for the provision of assistive technology devices and assistive technology services to individuals with disabilities, service providers, and others to improve access to assistive technology devices and assistive technology services for individuals with disabilities of all ages in the State.

(4) Indirect costs

Not more than 10 percent of the funds made available through a grant to a State under this section may be used for indirect costs.

(5) Prohibition

Funds made available through a grant to a State under this section shall not be used for direct payment for an assistive technology device for an individual with a disability.

(6) State flexibility

(A) In general

Notwithstanding paragraph (1)(A) and subject to subparagraph (B), 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).

(B) Special rule

Notwithstanding paragraph (3)(A), any State that exercises its authority under subparagraph (A) -

(i) shall carry out each of the required activities described in paragraph (3)(B); and

(ii) 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).

(F) Annual progress reports

(1) Data collection

States shall participate in data collection as required by law, including data collection required for preparation of the reports described in paragraph (2).

(2) Reports

(A) In general

Each State shall prepare and submit to the Secretary an annual progress report on the activities funded under this chapter, at such time, and in such manner, as the Secretary may require.

(B) Contents

The report shall include data collected pursuant to this section. The report shall document, with respect to activities carried out under this section in the State -

(i) the type of State financing activities described in subsection (e)(2)(A) used by the State;

(ii) the amount and type of assistance given to consumers of the State financing activities described in subsection (e)(2)(A) (who shall be classified by type of assistive technology device or assistive technology service financed through the State financing activities, and geographic distribution within the State), including -

(I) the number of applications for assistance received;

(II) the number of applications approved and rejected;

(III) the default rate for the financing activities;

(IV) the range and average interest rate for the financing activities;

(V) the range and average income of approved applicants for the financing activities; and

(VI) the types and dollar amounts of assistive technology financed;

(iii) the number, type, and length of time of loans of assistive technology devices provided to individuals with disabilities, employers, public agencies, or public accommodations through the device loan program described in subsection (e)(2)(C), and an analysis of the individuals with disabilities who have benefited from the device loan program;

(iv) the number, type, estimated value, and scope of assistive technology devices exchanged, repaired, recycled, or reutilized (including redistributed through device sales, loans, rentals, or donations) through the device reutilization program described in subsection (e)(2)(B), and an analysis of the individuals with disabilities that have benefited from the device reutilization program;

(v) the number and type of device demonstrations and

referrals provided under subsection (e) (2) (D), and an analysis of individuals with disabilities who have benefited from the demonstrations and referrals;

(vi) (I) the number and general characteristics of individuals who participated in training under subsection (e) (3) (B) (i) (such as individuals with disabilities, parents, educators, employers, providers of employment services, health care workers, counselors, other service providers, or vendors) and the topics of such training; and

(II) to the extent practicable, the geographic distribution of individuals who participated in the training;

(vii) the frequency of provision and nature of technical assistance provided to State and local agencies and other entities;

(viii) the number of individuals assisted through the public-awareness activities and statewide information and referral system described in subsection (e) (3) (B) (ii);

(ix) the outcomes of any improvement initiatives carried out by the State as a result of activities funded under this section, including a description of any written policies, practices, and procedures that the State has developed and implemented regarding access to, provision of, and funding for, assistive technology devices, and assistive technology services, in the contexts of education, health care, employment, community living, and information technology and telecommunications, including e-government;

(x) the source of leveraged funding or other contributed resources, including resources provided through subcontracts or other collaborative resource-sharing agreements, from and with public and private entities to carry out State activities described in subsection (e) (3) (B) (iii), the number of individuals served with the contributed resources for which information is not reported under clauses (i) through (ix) or clause (xi) or (xii), and other outcomes accomplished as a result of such activities carried out with the contributed resources; and

(xi) the level of customer satisfaction with the services provided.

-SOURCE-

(Pub. L. 105-394, Sec. 4, as added Pub. L. 108-364, Sec. 2, Oct. 25, 2004, 118 Stat. 1714.)

-REFTEXT-

REFERENCES IN TEXT

Section 3011 of this title, referred to in subsec. (b) (2) (A), was omitted in the general amendment of this chapter by Pub. L. 108-364, Sec. 2, Oct. 25, 2004, 118 Stat. 1707.

Subchapter III of this chapter, referred to in subsec. (b) (2) (D), which consisted of sections 3051 to 3058 of this title, was omitted in the general amendment of this chapter by Pub. L. 108-364, Sec. 2, Oct. 25, 2004, 118 Stat. 1707.

The Rehabilitation Act of 1973, referred to in subsecs. (c) (2) (B) (i) (III) and (d) (3) (A) (ii), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355, as amended. Title I of the Act is classified generally to subchapter I (Sec. 720 et seq.) of chapter 16 of this title. Part C of title VII of the Act is classified generally to

subpart 3 (Sec. 796f et seq.) of part A of subchapter VII of chapter 16 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 701 of this title and Tables.

The Individuals with Disabilities Education Act, referred to in subsecs. (d) (3) (A) (i) and (e) (2) (C), (3) (B) (i) (III) (aa), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, as amended, which is classified generally to chapter 33 (Sec. 1400 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see section 1400 of Title 20 and Tables.

The Americans with Disabilities Act of 1990, referred to in subsecs. (d) (6) (E) and (e) (2) (C), is Pub. L. 101-336, July 26, 1990, 104 Stat. 327, as amended, which is classified principally to chapter 126 (Sec. 12101 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

The Workforce Investment Act of 1998, referred to in subsec. (e) (3) (B) (ii) (I) (aa), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of Title 20, Education, and Tables.

-FOOTNOTE-

(!1) See References in Text note below.

(!2) So in original. Probably should be "(29)".

-End-

# STATE OF ALASKA

## Department of Labor and Workforce Development

### DIVISION OF VOCATIONAL REHABILITATION

Governor's Committee on Employment & Rehabilitation  
Of People with Disabilities

Sean Parnell, Governor

801 West 10<sup>th</sup> Street, Suite A  
Juneau, AK 99801

V/TTY: (907) 465-2814

Fax: (907) 465-2856

January 26, 2010

Dear Representative:

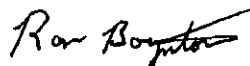
The Governor's Committee on Employment & Rehabilitation of People with Disabilities strongly supports CS House Bill 89(L&C). This legislation will bring state statute into compliance with federal law. It will also eliminate the need to change state statute every time federal law changes. This committee will also function as the assistive technology advisory council which is also required under federal law and has similar membership requirements.

The Governor's Committee on Employment and Rehabilitation of People with Disabilities, which operates as Alaska's State Rehabilitation Council, is mandated by 29 U.S.C. 725 as amended, to have a very specific composition that is comprised of employers, service providers and individuals with disabilities. This varied composition provides an avenue for the Division of Vocational Rehabilitation to receive direct public feedback from a variety of stakeholders throughout Alaska. The Division utilizes this valuable feedback to continuously improve and refine its program.

We support the name change of the Governor's Committee on Employment of People with Disabilities to the State Vocational Rehabilitation Committee. Since this committee provides oversight to the Vocational Rehabilitation program, the name will clearly align it with the State of Alaska, Department of Labor and Workforce Development, Division Vocational Rehabilitation. The name change will also reduce the on-going confusion between this committee and the Governor's Council on Disability and Special Education.

Thank you for considering the CS HB 89(L&C). It is important that this committee is compliant with federal law to ensure continued funding which is critical to assist Alaskans with disabilities to become employed and have access to appropriate assistive technology services and devices. Please contact us if we can be of any assistance or provide any additional information.

Sincerely,



Ron Boynton  
Committee Chair



3903 Taft Drive  
Anchorage, AK 99517-3069  
(907)248-7770  
1(800)770-7517  
(907)248-7517 fax  
info@AlaskaBVI.org www.AlaskaBVI.org

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*Equipping Alaskans who are blind and visually impaired with skills for success in life and work*

February 3, 2009

To Whom It May Concern:

This letter is to express strong support for HB 89, changing the name of the Governor's Committee on Employment of People with Disabilities to the State Vocational Rehabilitation Committee. Since this committee provides oversight of Vocational Rehabilitation, the name will clearly align it with the State of Alaska, Department of Labor and Workforce Development, Division of Vocational Rehabilitation. The name change will also reduce the ongoing confusion between this committee and the Governor's Council on Disabilities and Special Education.

This legislation will bring state statute into compliance with federal law. It will eliminate the need to change statutes every time federal law changes. This committee will also function as the assistive technology advisory council as required under federal law.

Thank you for considering HB 89. It is important that this committee is compliant with federal law to ensure continued funding which is critical to assisting Alaskans with visual and other disabilities to be employed and have access to assistive technology services. Please contact me if I can be of any assistance or provide additional information.

Sincerely,

Karla Jutzi  
Executive Director





**SARAH PALIN, GOVERNOR**  
State of Alaska

**GOVERNOR'S COUNCIL ON DISABILITIES AND SPECIAL EDUCATION**

P.O. Box 240249 • Anchorage, Alaska 99524-0249 • Phone: 907-269-8990 • Fax: 907-269-8995 • Toll Free 888-269-8990

February 3, 2009

To Whom It May Concern:

The Governor's Council on Disabilities and Special Education strongly supports HB 89 and SB 83 to change the name of the Governor's Committee on Employment of People with Disabilities to the State Vocational Rehabilitation Committee. Since this committee provides oversight to the Vocational Rehabilitation program, the name change will clearly align it with the State of Alaska, Department of Labor and Workforce Development, Division Vocational Rehabilitation. The name change will also reduce the on-going confusion between this committee and our Council.

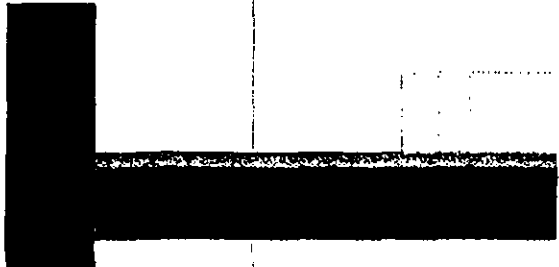
This legislation will bring state statute into compliance with federal law and ensure continued funding, which is critical to assist Alaskans with disabilities to become employed and have access to appropriate assistive technology services and devices. It will also eliminate the need to change state statute every time federal law changes.

Thank you for considering HB 89 and SB 83. Please contact me if I can be of any assistance or provide any additional information.

Sincerely,

Millie Ryan  
Executive Director

**ALASKA STATEWIDE INDEPENDENT LIVING COUNCIL, INC.**



1057 W. Fireweed Lane, Ste. 206  
Anchorage, AK 99503

Toll Free 1 888 284 7452  
Phone 907 263-2092, 2011  
Fax 907 263-2012

February 2, 2009

To Whom It May Concern:

The Statewide Independent Living Council strongly supports HB 89. This legislation will bring state statute into compliance with federal law. It will also eliminate the need to change state statute every time federal law changes. This committee will also function as the assistive technology advisory council as required under federal law.

We support the name change of the Governor's Committee on Employment of People with Disabilities to the State Vocational Rehabilitation Committee. Since this committee provides oversight to the Vocational Rehabilitation program, the name will clearly align it with the State of Alaska, Department of Labor and Workforce Development, Division Vocational Rehabilitation. The name change will also reduce the on-going confusion between this committee and the Governor's Council on Disability and Special Education.

Thank you for considering HB 89. It is important that this committee is compliant with federal law to ensure continued funding which is critical to assist Alaskans with disabilities to become employed and have access to appropriate assistive technology services and devices. Please contact us if we can be of any assistance or provide any additional information.

Sincerely,

Jim Beck  
Chair

**Sarah Palin, Governor**

801 West 10<sup>th</sup> Street, Suite A  
Juneau, AK 99801  
V/TTY: (907) 465-2814  
Fax: (907) 465-2856

**Department of Labor and Workforce Development**

**DIVISION OF VOCATIONAL REHABILITATION**

Governor's Committee on Employment  
of People with Disabilities

January 26, 2009

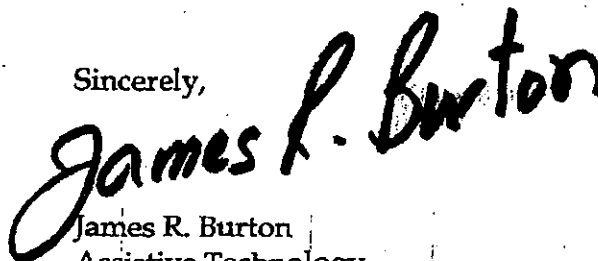
To Whom It May Concern:

The Governor's Committee on Employment of People with Disabilities strongly supports HB 89. This legislation will bring state statute into compliance with federal law. It will also eliminate the need to change state statute every time federal law changes. This committee will also function as the assistive technology advisory council as required under federal law.

We support the name change of the Governor's Committee on Employment of People with Disabilities to the State Vocational Rehabilitation Committee. Since this committee provides oversight to the Vocational Rehabilitation program, the name will clearly align it with the State of Alaska, Department of Labor and Workforce Development, Division Vocational Rehabilitation. The name change will also reduce the on-going confusion between this committee and the Governor's Council on Disability and Special Education.

Thank you for considering HB 89. It is important that this committee is compliant with federal law to ensure continued funding which is critical to assist Alaskans with disabilities to become employed and have access to appropriate assistive technology services and devices. Please contact us if we can be of any assistance or provide any additional information.

Sincerely,



James R. Burton  
Assistive Technology  
Sub-Committee Chairperson  
GCEPD