# California Assistive Technology Advisory Committee

**Bylaws of the Assistive Technology Advisory Committee (ATAC)**

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# ARTICLE I – AUTHORITY AND NAME

The name of this committee is the California Assistive Technology Advisory Committee, herein referred to as ATAC, as mandated by The Assistive Technology Act of 1998, as amended (29 U.S.C. 3001 et seq.)

# ARTICLE II – PURPOSE

The purpose of the ATAC is to:

1. Provide advice and guidance that assists the Department of Rehabilitation (DOR) with planning, implementation, and evaluation of the activities carried out through the State Plan for Assistive Technology plan, including setting measurable goals.
2. Provide guidance to the Implementing Entity and ensure compliance with the provisions of the Assistive Technology Act (Tech Act) of 2004, as amended.
3. Advise the Director of the DOR on ways to improve the delivery of AT services and devices, including policy, regulations, procedures, and practices to improve the delivery of AT services and devices throughout California.

# ARTICLE III – MEMBERS

## SECTION 1: COMPOSITION

The advisory committee shall be composed of—

1. Individuals with disabilities that use assistive technology or the family members or guardians of the individuals;
2. 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;
3. 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.);
4. A representative of the State workforce investment board established under section 111 of the Workforce Investment Act of 1998 (29 U.S.C. 2821);
5. A representative of the State educational agency, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801); and
6. Representatives of other State agencies, public agencies, or private organizations, as determined by the State.
7. The committee shall be comprised of no fewer than 9 and no more than 13 members.

## SECTION 2: REPRESENTATION

1. The Director of the Department of Rehabilitation, or designee, as Lead Agency, shall appoint one individual from each of the following departments of the State of California. These appointees shall be referred to herein as “committee members”:

* California Department of Education
* California Department of Rehabilitation
* California Workforce Development Board
* Independent Living Centers

1. All non-department members shall be referred to as “consumer members.” Of the consumer members, the Committee will strive for representation from the following disability groups:

* Blind and visually impaired
* Deaf and hard of hearing
* Developmental disabilities
* Physical disabilities
* Other disabilities

In addition, the Committee will strive to select consumer members representing the following populations of people using assistive technology:

* Representative of people aged 60 and older
* Representative of people aged 14 to 23
* Representative of a person with a disability, such as a family member or guardian of a person with a disability, who uses assistive technology

The committee 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, users of types of services that an individual with a disability may receive, and gender diversity of the State of California.

The Committee is open to members of the stakeholder community and representatives from aging, youth, and veterans’ organizations, as well as entities who are interested in assistive technology services in California.

## SECTION 3: MAJORITY

1. Majority committee membership requires that at least 51 percent of the consumer membership shall be persons with disabilities who use assistive technology or family members of persons with disabilities who use assistive technology.
2. Representatives of Agencies – Department members shall not count toward the majority membership requirement.

## SECTION 4: TERM

1. Committee members will serve three-year terms.
2. Terms will be staggered for Committee members to ensure membership continuity.
3. Consumer members will serve no more than two consecutive terms.
4. Term limits apply to all consumer members, except ex-officio.
5. Departments shall maintain the right to waive term limits for their members.

## SECTION 5: VACANCIES

Consumer membership vacancies will remain open until an appropriate candidate is appointed or nominated and approved by the Director of DOR. Consumer applications to join the ATAC will be accepted at all times and maintained by the DOR’s AT staff.

### Committee Membership

1. Selection Process - DOR staff will solicit nominations from ATAC members and individuals who reside in the State of California and who represent the wide and diverse interests of people with disabilities. The nominations will be forwarded to the Director of the DOR for review and appointment.
   * + 1. Interested candidates will submit a committee application form to [ATInfo@dor.ca.gov](mailto:ATInfo@dor.ca.gov).
       2. Recommendations for appointments will be made to the Director of DOR through the Chief of the Independent Living and Assistive Technology Section (ILATS).

# ARTICLE IV – OFFICERS

## SECTION 1: EXECUTIVE OFFICERS

1. Officers include Chairperson and Vice Chairperson.
2. Election of officers shall be held at the first meeting in odd-numbered years. If an officer vacancy occurs during the two-year term, the vacancy shall be filled by special election at the next meeting. To be eligible for officer positions, an individual shall have been a member of the ATAC for a minimum of one year. Ex-officio members are not eligible for officer positions.

**Current Language:**

B.’ Election of officers shall be held at the first meeting in odd-numbered years. If an officer vacancy occurs during the two-year term, the vacancy shall be filled by special election at the next meeting. *To be eligible for officer positions, an individual shall have been a member of the ATAC for a minimum of one year. Ex-officio members are not eligible for officer positions.*

**Proposed Language:**

Election of officers shall be held at the first meeting in odd-numbered years. If an officer vacancy occurs during the two-year term, the vacancy shall be filled by special election at the next meeting. *To be eligible for officer positions, an individual shall be a current member of the ATAC. Ex-officio members are not eligible for officer positions.*

1. The Chairperson shall:
2. Preside over all meetings of the ATAC and keep record of all action items.
3. Appoint the members of all standing or Ad Hoc committees of the Commission.
4. Provide leadership in fulfilling the ATAC mandate.
5. The Vice Chairperson shall:
6. Preside in the absence of the Chairperson and keep a record of all action items.
7. In the absence of the Chair, preside at ATAC meetings.
8. Serve as acting Chair in the event of a vacancy in the position until a new Chair is duly elected by the ATAC.

## SECTION 2: VOTING

DOR, as the Lead Agency, and the contractor, as the Implementing Entity, shall be ex-officio, non-voting members of the Committee. All other members are voting members.

## SECTION 3: RESPONSIBILITIES OF COMMITTEE MEMBERS

1. Participation in Meetings

Members shall read materials, prepare for and regularly attend regular ATAC meetings, and when appointed, fulfill the charge given to subcommittees or workgroups.

DOR ex-officio member shall provide staff support for the business activities and administrative needs of the ATAC.

1. Avoiding Impropriety

Members may have financial interests in, personal relationships with, and fiduciary responsibility for entities that provide goods and services to individuals with disabilities including providing assistive technology. The committee provides advice to the DOR. DOR staff and management consider the committee’s advice as well as advice from other stakeholders and makes decisions. DOR decisions may have a financial impact on entities in which members have an interest, relationship or obligation.

To preserve the integrity of the DOR and the credibility and efficiency of the committee, members must act consistent with the goals of the Assistive Technology Act, and must avoid impropriety and the appearance of impropriety.

Therefore, when the committee discusses and votes on a recommendation that if acted on by the DOR could have an impact on a specific person or entity and the member has a financial interest, a personal relationship or a fiduciary obligation to that person or entity, the member shall disclose it to the committee. The committee shall record the disclosure in the minutes of the meeting.

Any committee member shall recuse him/herself from voting on committee actions when the member’s financial interest in, personal relationship with or fiduciary responsibility to an entity:

* Prevents the member from providing advice consistent with the purposes of the Assistive Technology Act; or
* The member’s participation in the vote gives the appearance of impropriety.

1. Termination

The ATAC Chairperson shall notify the Director of the DOR and request the termination of ATAC membership when either of the following situations occurs:

1. When a member ceases to belong to the group that the member was selected to represent, in accordance with Committee Composition Guidelines.
2. When a member does not attend three consecutive meetings, except when an absence occurs at special meetings that have been called with less than 30 days’ notice.

# ARTICLE V – MEETINGS

1. Frequency and Location of Meetings

The ATAC will meet at least twice a year. Meetings will be scheduled at least 30 days in advance. Additional general, special, and subcommittee meetings may be called by the Director, the officers, or a majority of the members.

* + - 1. Reimbursement for Travel

Subject to available State funds and the State Administrative Manual Travel Guidelines (<http://sam.dgs.ca.gov>), reimbursable expenses shall include:

* intra-state transportation to and from meetings (including mileage, parking, and toll charges) ;
* lodging for overnight stays; and
* meals, in accordance with the applicable state allowable per-diem rates.

Receipts for all expenses shall be submitted to the DOR within 30 days following each meeting.

1. Communication Accessibility

All ATAC meetings are fully accessible through the provision of appropriate services and technologies, as requested.

1. Meeting Notices

Public notice of all meetings will be made in accordance with the Bagley-Keene Open Meeting Act.

1. Majority Vote

Decisions of the ATAC shall be made by a majority vote of members present. Any vote taken shall be recorded in the minutes of the meeting and kept on file by DOR AT staff.

1. Rules of Order

All ATAC meetings shall be conducted according to the most current edition of *Robert’s Rules of Order*.

1. No decisions of the ATAC may be acted on unless a quorum is present. A simple majority of the current members of the ATAC shall constitute a quorum.

Proxy votes are not allowed. Members may attend and vote at meetings by conference call in accordance with the Bagley-Keene Open Meeting Act. With the exception of ex-officio members, each member will be entitled to exercise one vote.

# ARTICLE VI – SUBCOMMITTEES

Subcommittees may be established or dissolved by a directive of the Chair or by the majority of the ATAC members present. Subcommittee recommendations are brought to the committee as a whole for subsequent action.

# ARTICLE VII– AMENDMENTS TO BYLAWS

These bylaws may be amended at any regular meeting of the ATAC by a two-thirds vote of those present and voting, provided that the amendment has been submitted at the previous regular meeting or by written notice to all members 30 days in advance of the meeting.

June 29, 2016