



Assistive Technology & the IEP

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Objective

Identify key factors in how an IEP Team should consider a student's need for Assistive Technology (AT) and why.




2012 ADAP Parent AT Survey

For Children NOT Using AT, Was it Considered at IEP Meetings?

Response	Percentage
No	~75%
Yes	~25%

IDEA's Definition of Assistive Technology Device

Any item, piece of equipment, or product system, whether


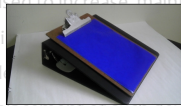





acquired commercially off the shelf, modified, or customized that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The device is surgically implanted, or the replacement of such device.

20 U.S.C. § 1401(i); 34 CFR § 300.5

IDEA's Definition of Assistive Technology Device

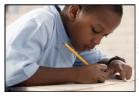


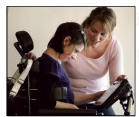


Any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The device is surgically implanted, or the replacement of such device.

20 U.S.C. § 1401(i); 34 CFR § 300.5

IDEA's Definition of Assistive Technology Device


Any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The device is surgically implanted, or the replacement of such device.

20 U.S.C. § 1401(i); 34 CFR § 300.5



IDEA's Definition of Assistive Technology Device



An assistive technology device is any item, piece of equipment, or system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of an individual with a disability. **The term does not include a medical device that is surgically implanted, or the replacement of such device.**

20 U.S.C. § 1401(i); 34 CFR § 300.5

Assistive Technology Service

“Any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device,” including:

- Evaluating a child's AT needs;
- Purchasing, leasing, or otherwise acquiring an AT device;
- Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing AT devices;

Assistive Technology Service (cont.)

- Coordinating and using other therapies, interventions, or services with AT devices;
- Training or technical assistance for a child with a disability or, if appropriate, that child's family; and
- Training or technical assistance for professionals, employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that child.

20 U.S.C. § 1401(i); 34 CFR § 300.6

Where does AT fit into the IEP?

- Special education under § 300.36
- Related services under § 300.34
- Supplementary aids and services under § 300.38 and § 300.114(a)(2)(ii)

SPECIAL INSTRUCTIONAL FACTORS

Items checked “YES” will be addressed in this IEP:


• Does the student have behavior which impedes his/her learning or the learning of others?	YES []	NO []
• Does the student have limited English proficiency?	[]	[]
• Does the student need instruction in Braille and the use of Braille?	[]	[]
• Does the student have communication needs (deaf or hearing impaired only)?	[]	[]
• Does the student need assistive technology devices and/or services?	[]	[]
• Does the student require specially designed P.E.?	[]	[]
• Is the student working toward alternate achievement standards and participating in the Alabama Alternate Assessment?	[]	[]
• Are transition services addressed in this IEP with an annual goal(s)?	[]	[]

34 CFR § 300.32(a)(3)(i)-(v)

The IEP shall **consider** whether the child requires assistive technology devices and services.

34 CFR § 300.316 (a) (2)

To Consider



To think about something carefully before making a decision or developing an opinion.

Have you ever considered buying a Car?

- * Why do you need a new car?
- * What do you need the new car to be able to do?
- * Research
- * Test Drive
- * Crunch the numbers
- * Decision
- * Not always happy
 - * Live with it?
 - * Pimp your ride?
 - * Sell and buy another?



Consideration Pointers

- All students with disabilities
- It's a TEAM activity
- Informed by knowledge and skills
- Guided by the student's IEP goals and objectives
- "Show me the money" (i.e. data, evidence)
- Not just what you have in the closet or what's the cheapest
- Document the process and its results in the IEP, including supporting evidence

http://natri.uky.edu/assoc_projects/qiat/qualityindicators.html


Possible Decisions

- AT not needed
- AT already being used
- AT needs to be tried
- Not sure if or what AT is needed

Adapted from WATI

Considering AT for Matt


- 4th Grader
- Illegible, slow handwriting
- Does not like to write
- OT has tried various pencil grips, lined paper, visual motor activities
- No spelling concerns
- No language organizational concerns
- Beginning typing skills (6-8 words per minute)



Matt


Decision: AT needs to be tried

Matt will try using the classroom computers to type assignments requiring more than a paragraph to see if it can increase his speed and quality of writing.



Considering AT for Brian


- 10th Grader
- Independently uses the computer to type using joystick and onscreen keyboard
- Is taking Calculus
- Enjoys reading electronic books and listening to audio books



Brian

Decision: AT already being used


- Uses a wireless joystick to access the computer in the classroom and an onscreen keyboard to type all notes and assignments (IT Joystick & Click N Type Keyboard)



Brian


Decision: AT already being used

- Uses specialized math software to enable him to type formulas (efofex)
- Due to his print disability, he receives electronic and audio books from AIDB, Bookshare, Learning Ally, and NLS.



Considering AT for Emilio


- 2nd Grader
- Intellectual Disability
- Primer Reading Comprehension
- Struggles with oral comprehension
- Extended standards
- Mastered all IEP goals with accommodations & modifications



Emilio

Decision: AT not needed

IEP team has no concerns with Emilio being able to access his curriculum in the least restrictive environment.



Considering AT for Angelina

- 8th Grader
- Struggles with organization
- Late turning in assignments
- Forgets project due dates
- Misses afterschool activities including cheerleading
- Diagnosed with executive function disorder




Angelina

Decision: Not sure if or what AT is needed.

Angelina has not been successful using a daily planner or calendar. She has an android based smart phone and would like to use that.

The IEP team is not sure which app could help her but will explore options and begin trying various apps after spring break to determine which one may best assist her in high school.



Assistive Technology Legal Basics

(i.e. enough to get you started)

Denial of AT can be a Denial of FAPE

Each public agency must ensure that a student with a disability receives the AT necessary for FAPE. The determination as to whether the AT is necessary for FAPE is to be made by the student's IEP team, and the relationship that must exist is between the student's educational needs and the device or service.

Letter to Noon, 22 IDELR 888 (OSEP 1995).

Failure to provide a student with AT is a denial of FAPE if that student is unable to obtain a meaningful education without such technology.

High v Exeter TP School Dist. WL 369832, 5, E.D.Pa. 2010.

Assessing the Need for AT

“[E]ach public agency must ensure that, as part of its Part B educational evaluation when warranted by the child's suspected disability, it assesses, in accordance with the [IDEA's] evaluation requirements ..., the student's functional capabilities and whether they may be increased, maintained, or improved through the use of assistive technology devices or services. ... The evaluation should provide sufficient information to permit the IEP team to determine whether the student requires assistive technology devices or services in order to receive FAPE.”

Letter to Fisher, 23 IDELR 565 (OSEP 1995)

Assessing the Need for AT

District failed to do any assessment prior to providing an AT device to a nonverbal child with an intellectual disability, citing to Letter to Fisher regarding the obligation to evaluate the need for AT.

Clark County School District, 111 LRP 60397 (SEA NV 07/21/11).

Assessing the Need for AT

State Department of Education investigation determined that IEP Team violated the IDEA when it provided no documentation of why it disagreed with an AT evaluator's recommendation that a student be provided AT to assist with her reading and writing needs.

Baltimore City Public Schools, 110 LRP 72182 (June 21, 2010).



IEEs for AT Evaluations?

Yes, Independent Educational Evaluations (IEEs) may be sought for AT evaluations.

Letter to Fisher, 23 IDELR 565 (OSEP 1995)

Cost Considerations

If an AT device is required by an IEP, the school must provide it at no cost to the student or his or her family. Further, receipt of the device cannot be contingent on parents having filed an insurance claim to help defray the cost.

Letter to Cohen, 19 IDELR 278 (OSEP 1992).

Cost Considerations

When deciding what type of AT device to provide, a school may take cost into consideration, but cannot use it as a determining factor. The availability of similar, cheaper models and the life span of the device should be taken into consideration as well.

Greenwood County Sch. Dist. 52, 19 IDELR 355 (CA SEA 1992).

Best?

The school district is not required to provide a student with the best available AT device if there are other options available that will address the student's educational deficits.

In re: Student with a Disability, 56 IDELR 120 (NY SEA 2011).

District is not obligated to provide the most technologically advanced AT device, or a device that would serve other purposes."

Los Angeles Unified School District, 111 LRP 75098 (CA SEA 2011)

Points to Remember

- AT is considered for all students with disabilities regardless of type or severity of disability.
- AT is not just a device; it's also services.
- Match the AT to the need.
- AT is NOT just a checkbox on an IEP form.

For More Information

Technology Assistance for Special Consumers (TASC) <small>A Program of United Cerebral Palsy of Huntsville and Tennessee Valley</small> 1856 Keats Drive Huntsville, AL 35810 (256) 859-8300 (256) 859-4332 (FAX) tasc@ucphuntsville.org http://www.ucptasc.org/index.htm	Alabama Disabilities Advocacy Program (ADAP) Box 870395 Tuscaloosa, Alabama 35487 (205) 348-4928 (205) 348-3909 (FAX) 1-800-826-1675 (for clients) ADAP@adap.ua.edu http://www.adap.net
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