AT & the IEP

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ADAP's Survey of Parents Survey of How Schools Plan for and Provide AT
http://www.startraining.org/mod/quiz/view.php?id=634

IDEA's Definition of Assistive Technology:
(A) In general.--The term `assistive technology device' means 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 functional capabilities of a child with a disability.

(B) Exception.--The term does not include a medical device that is surgically implanted, or the replacement of such device.

IDEA's Definition of Assistive Technology Services:
The term `assistive technology service' means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes:

(A) the evaluation of the needs of such child, including a functional evaluation of the child in the child's customary environment;

(B) purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by such child;

(C) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

(D) coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(E) training or technical assistance for such child, or, where appropriate, the family of such child; and

(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of such child.

Authority: 20 U.S.C. 1412(a)(1), 1412(a)(12)(B)(i)

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IDEA Sec. 300.105 Assistive technology.

(a) Each public agency must ensure that assistive technology devices or assistive technology services, or both, as those terms are defined in Sec. Sec. 300.5 and 300.6, respectively, are made available to a child with a disability if required as a part of the child's--

(1) Special education under Sec. 300.36;

(2) Related services under Sec. 300.34; or

(3) Supplementary aids and services under Sec. Sec. 300.38 and 300.114(a)(2)(ii).

Alabama's IEP:

- Student Profile
    - Results of the most recent evaluations
    - The academic, developmental, and functional needs of the student
- Special Instructional Factors
    - Does the student need assistive technology devices and or services?
- Special Education and Related Services
    - Assistive Technology
- IEP Goals
    - How the assistive technology device helps meet the goal
    - Goal specifically related to developing operational skills of using the device

300.346 (a)(2) Consideration of Special Factors. (IDEA '97, unchanged 2004)

The IEP Team shall ....

(v) **consider** whether the child requires assistive technology devices and services.

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

http://www.adap.net/   www.StarTraining.org

What are the outcomes of the consideration? (Adapted from WATI)

1. Current interventions and accommodations are meeting the student's needs in accessing the curriculum and assistive technology is **not needed.**
2. Assistive Technology is **already being used** (describe the function and features).
3. New assistive technology should be **tried** to determine if it will enable the student to access their education and in the least restrictive environment (describe the function and features).
4. The IEP team is **not sure if or what AT is needed**. Additional research or student may be referred for evaluation to identify tools which may help the student with specific barriers to access the curriculum.

Legal Basics

- Denial of AT can be denial of FAPE
    - *Letter to Naon*, 22 IDELR 888 (OSEP 1885)
    - *High v Exeter TP School Dist. WL* 363832, 5. E.D.Pa. 2010
- Assessing the need for AT
    - *Letter to Fisher*, 23 IDELR 565 (OSEP 1995)
    - *Clark County School District*, 111 LRP 60397 (SEA NV 07/21/11)
    - Baltimore City Public Schools, 110 LRP 72182 (June 21, 2010)
- Independent Educational Evaluations (IEEs) may be sought for AT evaluations
    - *Letter to Fisher*, 23 IDELR 565 (OSEP 1995)
- Cost Considerations
    - *Letter to Cohen*, 19 IDELR 278 (OSEP 1992)
    - *Greenwood County Sch. Dist. 52*, 19 IDELR 355 (CA SEA 1992)
- Best
    - *In re: Student with a Disability*, 56 IDELR 120 (NY SEA 2011)
    - *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.

References & Resources

ADAP's AT Survey Results 2012
http://www.adap.net/Issue%20Areas/ATinschools1.pdf

STAR Training Online Learning & Resources (content created by T.A.S.C.)
http://www.StarTraining.org

Family Center for Information- Family Guides, Fact Sheets, Resource Reviews
(http://www.fctd.info/

Wisconsin's Assistive Technology Initiative – Great Free Assessment Tool!
http://www.wati.org

Quality Indications of Assistive Technology –Indicators of assistive technology, planning forms, resources, and e-mail list.
http://natri.uky.edu/assoc_projects/qiat

SETT Framework for Considerations
http://www.joyzabala.com/uploads/Zabala_SETT_Scaffold_Consideration.pdf

Wright's Special Education Law & Advocacy
http://www.wrightslaw.com/info/atech.index.htm

Texas Assistive Technology Network
http://www.texasat.net

Assistive Technology Tools for Living
http://www.atnet.org/

Assistive Technology Internet Modules (part of OCALI)
http://www.atinternetmodules.org

Education Tech Points-ABC's of Effective AT Consideration
http://www.educationtechpoints.org/