



**POLICIES AND PROCEDURES TO GUIDE THE IMPLEMENTATION OF ASSISTIVE
TECHNOLOGY SERVICES WITHIN THE SPECIAL EDUCATION SETTING**

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PREFACE

Rationale

As the result of the Individuals with Disabilities Education Act (IDEA) and subsequent re-authorizations, assistive technology is increasingly providing new opportunities for students with disabilities. Emphasis has been placed on addressing the need for assistive technology as a part of special education, as a related service, or as a supplementary aid for students with disabilities. In fact, assistive technology must be considered as a part of the Individual Education Program (IEP) process for every student.

Assistive technology devices and services are an integral component of specially designed instruction for students with physical and/or intellectual disabilities. Mandated by federal law, school systems must now "consider" assistive technology in the planning process when addressing the academic needs of children with disabilities. This process is meant to help team members determine the most appropriate tools, devices, and/or strategies for the student and develop plans for implementation into the curriculum. While this is a positive step towards removing barriers due to disabilities, it has led to numerous questions about the consideration process, the need for formal evaluations, training needs, funding, and protocols for implementing the use of assistive technology.

While the process must be individualized to meet the specific needs of each student, systems must comply with state and/or district policies governing their use. Although many districts across the state of Tennessee have formally adopted policies and procedures to guide the implementation of assistive technology within their particular school system, the State Department of Education has not.

The Tennessee Association for Assistive Technology (TAAT) is a non-profit educational entity whose members include assistive technology specialists, school administrators, special education teachers, clinicians, parents and others who are actively engaged with (or interested in learning more about) the use of assistive technologies in the school setting. In an effort to offer guidance, the TAAT has created a uniform set of terms, definitions and descriptions, as well as general policies and procedures to support consistency with the use of assistive technologies in the educational setting. These policies are intended to support, not replace those adopted by individual districts.

Purpose

These guidelines have been adopted by the TAAT to help ensure consistent policies and practices among school districts and to provide stakeholders with a clear understanding of assistive technology and related policies. The information herein is designed to provide guidance for educators, parents, clinicians, advocates, and agency personnel regarding the delivery of assistive technology services for students with disabilities. It includes a thorough description of issues to consider from the start of screening through the provision of assistive technology services and on-going evaluation of its use for educational purposes.

Philosophy

This document is based on the philosophy that children have a right to technology in order to improve, remediate, or compensate for deficits in their educational performance (Bowser & Reed, 1995) and that using technology will result in better

student outcomes. With this premise, the implementation and use of "appropriate" technology will result in definite improvements in the functioning of children with disabilities.

According to standards identified by ASHA (1996), in order for students with disabilities to accomplish these goals, one must also take into account the following best practices:

- Employ technology as a tool to facilitate the achievement of educational goals
- Evaluate the student's performance in his/her "usual and customary functional environment" to support the selection of the most appropriate assistive equipment
- Select assistive technology based on individual student needs, not on equipment availability
- Evaluate student use of assistive technologies as an on-going process within the education program to adapt as needed to meet their changing needs
- Consider the related skills of environmental control, communication, and mobility in addition to academic achievement when determining educational goals
- Utilize a team approach when assessing needs and prescribing technology
- Integrate technology, where appropriate and as needed, across all learning environments of the individual and throughout the academic year
- Place students in programs based on educational abilities, not disabling condition or need for specialized technological devices, and
- Promote interactions with typically developing peers in natural environments.

Note: When determining assistive technology for an individual, the basic principle of using the lowest level of technology that will meet an individual's needs should first be considered.

Legalities

Several substantive changes have been made to IDEA legislation relating to public agencies' responsibilities to provide special education and related services for children with disabilities. Among those changes, IDEA includes specific requirements for public agencies to make assistive technology devices and services available for certain children who have disabilities.

The requirement that every child must be "considered" for assistive technology remains intact. The regulations state:

Mandate for Consideration of Assistive Technology (§ 300.105)

(a) Each public agency must ensure that assistive technology devices or assistive technology services, or both, as those terms are defined in §§ 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 § 300.36;
- (2) Related services under § 300.34; or
- (3) Supplementary aids and services under §§ 300.38 and 300.114(a) (2) (ii).

(a) On a case-by-case basis, the use of school-purchased assistive technology devices in a child's home or in other settings is required if the child's IEP Team determines that the child needs access to those devices in order to receive a FAPE.

While there are no specific requirements as to where assistive technology must be addressed in the IEP, there are three places where it commonly appears.

A. Within IEP Goals

Assistive technology may be included in the annual goals and benchmarks established in an IEP. How assistive technology will contribute to achieving the goal must be clearly stated. The inclusion of assistive technology in the IEP requires an explanation of how and why the technology will be used to accomplish a particular goal. A goal which includes assistive technology should indicate that the device will be part of conditions needed to acquire the specific skill.

B. List of Supplementary Aids and Services

Supplementary aids and devices or modifications to the regular education program must be identified in the student's IEP. Students with disabilities are guaranteed the right to placement in the educational setting which is the least restrictive environment. In order to be successful in the least restrictive environment, students are to be afforded whatever supplementary aids and services are necessary. Among the supplementary aids which may allow a student to remain in a less restrictive environment are a variety of assistive devices that compensate for the disability and allow the student to perform educational and social tasks.

Assistive technology is necessary as a supplementary aid if its presence (along with other necessary aids) supports the student sufficiently to maintain the placement and, the absence of the aid would require the student's removal to a more restrictive setting. For example, if a student with multiple physical disabilities can make independent, educational progress on his or her IEP goals in the regular classroom with the use of a computer and an augmentative communication device, and cannot make such progress in that setting without the devices, those devices are necessary supplementary aids.

C. LIST OF RELATED SERVICES

Training on assistive technology devices can be written into the IEP as a related service. The law states that the list of related services is not exhaustive and may include other developmental, corrective, or support services. It is through this provision in the law that many school districts are providing assistive technology devices and services for students with disabilities.

In order for students to be successful with assistive technology devices, they need to receive proper training on the use of the equipment. Training to use a computer, an augmentative communication device, or large print viewer can occur as a related service which supports the student's educational program. Preparation for the use of assistive technology devices can be worked into other related services. Examples of this include situations where occupational therapy is needed prior to being able to access assistive technology devices or exercises are needed to prepare the student to use a computer keyboard or a communication board.

Definition of Terms

Children With Disabilities - refers to all students identified as having a physical and/or intellectual disability and deemed eligible to participate in a school district's special education program.

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 children with disabilities" (IDEA, P.L. 105-17, 707 KAR 1:230).

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. The term includes -

- a) the evaluation of the needs of a child with a disability, 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 children with disabilities
- c) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of assistive technology devices
- d) coordinating other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs
- e) training assistance for a child with or, if appropriate, that child's family; and
- f) training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to employ, or are otherwise substantially involved in the major life functions of children with disabilities." (IDEA, P.L.105-17, Section 1401 (a) (26).)

Accommodations - includes specific processes or tools that help a student access and complete the same school work and activities as his or her peers. This may involve the use of assistive technology devices or services. While they do not

reduce learning expectations or alter the content of the material to be mastered, accommodations provide access to receiving information and demonstrating what has been learned.

Modifications - refer to practices that change or reduce learning expectations and academic content. Modifications generally increase the achievement gap between students with disabilities and expectations for proficiency at a particular grade level. Examples of a modification include requiring a student to learn less material or fewer standards at a grade level or providing out-of-grade level materials.

Rehabilitation Technology - means the systematic application of technologies, engineering methodologies, or scientific principles by individuals with disabilities in areas which include education, rehabilitation, employment, transportation, independent living, and recreation. The term rehabilitation technology includes rehabilitation engineering, assistive technology devices, and assistive technology services. (P.L. 103-73).

NOTE: The 1997 reauthorization of IDEA, (P.L. 105-17) specifies that all children who are identified as having special education needs must be considered for assistive technology.

Categories of Assistive Technology

Types of assistive technology have been classified into categories according to its purpose. Each category below is identified with an explanation of the type of devices/adaptation that might be considered within each category. It should be noted that the examples are not an exhaustive list, rather they illustrate the types of devices/adaptations for each category.

- Aids for Daily Living/self-help aids for use in activities such as eating, bathing, cooking, dressing, toileting, and home maintenance.
- Augmentative and Alternative Communication (AAC) strategies or devices that provide a means for expressive and receptive communication for persons with limited speech.
- Computer applications input and output devices (voice, Braille), alternative access aids (touchscreens, mouth sticks, light pointers), modified or alternative keyboards, switches, special software, and other devices that enable persons with disabilities to use a computer.
- Environmental control systems that enable someone without mobility to control various devices such as appliances, electronic aids, and security systems in her or his room, home or other surroundings.
- Home/Worksite modifications Structural adaptations, fabrications in the home, worksite or other area (ramps, lifts, bathroom changes) that remove or reduce physical barriers for an individual with a disability.
- Prosthetics and orthotics replacements, substitution or augmentation of missing or malfunctioning body parts with artificial limbs or other orthotic aids (splints, braces, etc.).
- Seating and positioning accommodations to a wheelchair or other seating system to provide greater body stability, trunk/head support and an upright posture, and reduction of supports.
- Aids for vision/hearing aids for specific populations including magnifiers, braille and speech output devices, large print screens, hearing aids, text telephones (TDD), and visual alerting systems.
- Wheelchair/mobility aids manual and electric wheelchairs, mobile bases for custom chairs, walkers, three-wheel scooters and other utility vehicles used for increasing personal mobility.

- Vehicle modifications adapting driving aids, hand controls, wheelchairs, and other lifts, modified vans or other motor vehicles

Determining Need for Evaluation

By definition, the term "assistive technology service" clearly states that evaluations include assessing the individual's need for and potential to benefit from assistive technology. The IEP team must consider the student's functional capabilities and determine whether they may be increased, maintained, or improved through the use of (AT) devices or services. If the IEP team lacks of awareness of what technology exists to meet specific instructional needs, or determines that they do not have the skills necessary to select and acquire the appropriate assistive technology services and devices for the student, a formal evaluation may be necessary.

School districts will need to identify individuals or agencies to assist them in evaluating the needs of the student and to help with the selection, design, customization, adaptation, application, and/or repair of assistive technology devices. Districts may contract for evaluations with other school systems or agencies. School districts may also choose to contract with outside resources to provide staff development and/or consultation in order to expand their skills.

Independent Evaluations

If the parents disagree with an evaluation obtained by the district, they may request an independent evaluation at the district's expense. At the time of the request, the district will provide information to parents about where an independent educational evaluation may be obtained. If the district believes that its evaluation is appropriate, it may initiate a hearing to determine the appropriateness of the evaluation. If the final

hearing decision is that the district's evaluation is appropriate, the parents still have the right to an independent educational evaluation, but not at public expense.

Evaluation Specific to Assistive Technology

Key areas to be considered in an assistive technology evaluation include both intrinsic and extrinsic factors. Intrinsic factors can affect one's ability to obtain valid evaluation information.

Intrinsic factors relate primarily to characteristics of the individual and include:

- Cognitive skills
- Vision
- Hearing
- Medical characteristics
- Physical characteristics
- Academic and literacy levels
- Language and communication skills
- Attitudes and preferences of the student regarding acceptance of an assistive technology device.

Extrinsic factors relate primarily to characteristics of the context and the opportunities for learning to which the student has been exposed, and including:

- Exposure to learning opportunities
- Acceptance of technology by peers and other persons working with the student
- Identification of a range of technology options, and adaptive behavior, including behavior at home and in the community.

Assistive Technology Use with Assessments

States are required to include children with disabilities, with accommodations when necessary, in state and district-wide

assessment programs. The IEP must clearly identify those assistive technologies required by the student to participate with the curriculum. Only those devices and/or services identified on the IEP will be allowed use during high-stakes testing.

Issues Regarding Assistive Technology

Professional Credentials of those Performing Assistive Technology Evaluations

There are no federal or state statutes or regulations that specifically define what the professional credentials or qualifications of those performing AT evaluations must be. However, in conducting AT evaluations, districts should be mindful of the regulations that apply to all special education evaluations provided by districts. The same regulations that govern the qualifications and certification standards established for teachers by the State Board for Education or the Tennessee Board of Health for clinicians should be applied to those conducting assistive technology assessments.

The Tennessee Commissioner of Education Rules require that individuals who provide special education and related services must be certified, endorsed, or licensed in the areas in which they are assigned. This provision refers to the IDEA definition of "qualified personnel" as individuals who have met state agency-approved or recognized certification, licensing, or registration. The IDEA requires that certain related services be provided by individuals with particular credentials. State law mandates that services to be provided by an audiologist, occupational therapist, physical therapist, physician, nurse, school psychologist, associate school psychologist, social worker, or speech language pathologist must be provided only by

a person holding the appropriate credential from the appropriate state agency.

Ownership of and Responsibility for Devices

Often, a family-owned AT device is used at school or a district-owned device is used at home. These situations can sometimes lead to confusion regarding who should be responsible for the upkeep and maintenance of the device. In a 1994 letter, the Office of Special Education Programs (OSEP) at the U.S. Department of Education opined that, *"Although federal special education laws do not require school districts to assume liability for AT devices that are family-owned, it is reasonable for states to require such"*. It would be reasonable to expect the district to assume liability for family-owned devices included in IEPs because, under IDEA, the district would have to provide and maintain the AT device if the parent did not. This is recommended by the TAAT as a reasonable practice, but NOT mandated by the Tennessee Department of Education rules and regulations.

Devices Purchased by Private Insurance

In some instances, the purchase of the AT device or services that a child with a disability requires may be covered by public insurance such as Medicaid or by his or her parents' private insurance. Given IDEA's mandate that services be provided to students with disabilities free of cost, lawmakers have included in the statute the stipulation that a district may not use Medicaid or other public insurance of a family to purchase services if doing so would cause the family to incur costs of any sort or would cause the available benefits of the family to decrease.

In addition, a school district may not access the private insurance of parents unless the district has fully informed the

parents of their rights under the IDEA and the parents have provided informed consent to the use of their insurance. The information that the parents must receive from the district must include the fact that they could incur financial consequences from the use of their private insurance to pay for services that the school district is required to provide, and that they should contact their insurance provider so that they may understand the foreseeable future financial costs of the arrangement before providing consent. In addition, parents must be told that their refusal to allow the district to access their private insurance proceeds does not relieve the district from its obligation to ensure that all of the services required in their child's IEP are provided free of cost.

Some parents may wish to use their insurance to purchase AT devices, and that is permissible, provided that the district has obtained their informed consent. A district's failure to provide this information and obtain the informed consent would be a violation of the IDEA. The decision to use a family's private insurance may be made only by the parent, and in most situations, a district will have to provide the required AT device without using any private insurance coverage. If parents use their private insurance to purchase an AT device, they are the owners of that device.

Liability for Damages

When considering the use of a district-owned device at home, OSEP has stated that state law will govern liability for the loss, theft or damage due to negligence or misuse of publicly-owned equipment that is used at home in accordance with a child's IEP. Though a district cannot charge parents for normal use and wear and tear, it could charge parents for loss or theft to the extent state law provides that individuals lawfully in the possession of the property of another are financially responsible for the property's loss or damage.

Transfer of Assistive Technology Devices

Transfer" shall mean the process by which a school district, having purchased an assistive technology device for use by a student with a disability, may sell, lease, or loan the device for the continuing use of the student when changing the school of attendance in the district or leaving the district.

The device may be transferred to:

- the school or school district in which the student enrolls
- a state agency that provides services to the student following the student's graduation from high school, or
- the student's parents, or the student if the student has the legal capacity to enter into a contract.

Districts are encouraged to complete such transfers using

- a uniform transfer agreement to convey title to an assistive technology device, along with applicable warranty information;
- a method for computing the fair market value of an assistive technology device, including a reasonable allowance for use; and
- a form of written consent by the student's parents, or the student where appropriate, to the transfer.

This section does not alter any existing obligation under federal or state law to provide assistive technology devices to students with disabilities.