AT AND AAC IN THE IEP

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Tennessee Talks

- Grant funded project by the TN Department of Education

- TN-DOE and regional centers are working together to positively impact the lives of students with complex communication needs

- The overarching goal of the project is to:
  - Connect students with appropriate AT-AAC systems for improved life outcomes
  - Provide education and support and build informed AAC school teams

http://tennesseetalks.org/

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Major Disclaimer:

We are not lawyers!

We are assistive technology specialists who have done a deep dive into the available resources in order to best support our students.

Seek legal counsel if you have specific questions related to a case.

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Learning Objectives

- Have a basic understanding of the legal precedence and requirements surrounding Assistive Technology (including AAC)
- Identify how, when and where to document AT and AAC devices and services throughout the IEP.

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Definitions

Individualized Education Program (IEP)

- The IEP is a legal document that is developed, reviewed, and revised at least annually by the IEP team (student and everyone involved with that particular student) in order to guide the student's educational program.
- It has certain requirements for statements regarding specific areas (present levels, goals, least restrictive environment, accommodations and modifications, etc).

SL https://sites.ed.gov/idea/regs/b/d/300.320
https://sites.google.com/a/pleasantonpta.org/snc/everthing-iep

Assistive Technology (AT) -

IDEA law mandates that IEP teams 'consider assistive technology', including use of communication supports

Assistive Technology Devices—equipment that helps a person with a disability maintain, increase, or improve their ability to do something.

Assistive Technology Services—service that directly helps a person with a disability select, buy, or use an assistive technology device.

- evaluating assistive technology needs
- purchasing/funding equipment
- selecting, fitting, and repairing equipment
- training the person, family, teachers, employers, and others in the use of the equipment

SL   https://sites.ed.gov/idea/statute-chapter-33/subchapter-i/1401

Definition of AAC

- **<u>Augmentative</u>**: supplemental support for impaired students

- **<u>Alternative</u>**: replacement options in the absence of speech

- **<u>Communication:</u>** the ability to share our thoughts, ideas, and information with others

AAC includes strategies and/or tools to foster active communication

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Augmentative and Alternative Communication (AAC) -

- AAC is any strategy, tool or device that an individual uses to solve everyday communicative challenges.

- Communication can take many forms: speech, text, gestures or facial expressions, touch, sign language, symbols, pictures, speech-generating devices, etc.

- AAC is one type of assistive technology

https://www.isaac-online.org/english/what-is-aac/

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Legalities

Four Acts to Know!

1. ADA - Americans with Disabilities Act (Title 2)

2. IDEA- Individuals with Disabilities Education Act

3. Section 504 of the Rehabilitation Act of 1973

4. Assistive Tech Act of 1998

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AT/AAC and the ADA

- The Americans with Disabilities Act (Title 2) states that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity".

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Americans with Disabilities Act (28 C.F.R. 35.160(a)(1))

ADA

PROS

- Require public entities to take steps towards making existing services not just accessible, but equally accessible to people with communication disabilities

- Not just schools, but all publicly funded entities

CONS

Only insofar as doing so does not pose an undue burden or require a fundamental alteration of their programs.

Compliance with IDEA does not equal ADA compliance.

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K.M. by Bright v. Tustin Unified School District (61 IDELR 182 (9th Cir. 2013) cert. denied

IDEA

PROS

- Requires schools to provide individualized supports necessary, regardless of cost, administrative burdens, or program alterations required.

- In order to ensure a Free and Appropriate Public Education (FAPE) materials must be accessible to the student.

- AT must be considered as a part of the IEP process for all students.

- AT systems must comply with the local and state policies.

CONS

- Sets only a floor of access to education for children with communications disabilities

- Many states do not have a formal policy, but many districts do have policies

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K.M. by Bright v. Tustin Unified School District (61 IDELR 182 (9th Cir. 2013) cert. denied

AT/AAC and Section 504

Section 504 states that "No otherwise qualified individual with a disability in the United States… shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance…"

No explicit reference to "assistive technology" in statute or regulations BUT implicitly requires

- Assistive Technology provided as an accommodation or related services
- Necessary assistive technology documented in the student's 504 plan
- AT accommodations for non-students

Section 504 (29 U.S.C. 794(a))
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Assistive Tech Act - The "TECH ACT" forerunner to the AT Act of 2004

- Defined an assistive technology device as "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 individuals with disabilities."
- Improve the ability for individuals with disability of all ages to be able to secure and maintain AT devices through a variety of methods (including lending programs, reutilization programs and financial loan or support programs.
- It also set up training, technical assistance and increase public awareness programs throughout every state

https://www.atrc.org/the-tech-act/

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https://www.youtube.com/watch?v=58H7f7D-5w4&ab_channel=Region10ESC

Karen Haase - Assistive Technology Within The IEP Process: Developing Legally Compliant Best Practices

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Where and How do we Place AT and AAC in the IEP?

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Placing AT and AAC in the IEP

There is no one set place where you must list AT and AAC use; can be in one or many places, depending on the student's needs. But it should be addressed in one of these areas but it is the team's choice of where makes the most sense!

Provision of AT/AAC is EQUALLY binding no matter where in the IEP it is located.

Here are the places where it **may** be addressed.

1. Within Special Education (present levels and goals)

2. In the list of Related Services

3. In the List of Supplementary Aids and Services

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Special Instructional Factors

Checking yes to this question on the IEP does not offer suggestions on how the IEP team will proceed with considering the students needs. You are stating only that the the IEP team has considered the student's AT necessity and that AT has been deemed necessary.

If there is a narrative box after this question in your state, you may just put the generic type of support currently provided.

Ex. Augmentative and alternative communication (AAC). See present levels and goals for more information.

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Special Instructional Factors

What if AT consideration occurs and the team is unsure if AT/AAC is necessary?

"Additional information is needed and LIST TYPE OF ASSISTANCE NEEDED"

- AT/AAC Evaluation
- Consultation with AT professionals
- AAC trials
- Include time frames during which it is expected that a decision will be reached
- Include any necessary services under SUPPLEMENTARY AIDS AND SERVICES

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Within Special Education -Present Levels

AAC needs change and Present Level area is a perfect area to discuss current needs!

1. Current AAC is no longer effective for the student (explain why it is no longer effective and state if further assessment is needed)
2. Current Trials and the results
3. The need for future assessments
4. Student's current AAC system is effective (include examples!)

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Present Level Examples

"STUDENT is non-speaking. With his school provided speech-generating device (which includes XXXXX features) he is able to respond to questions during group circle times and communicate basic wants and needs."

Adding specific names of devices may be done in the following way:

"STUDENT has received instruction and is beginning to effectively use a speech generating device with customizable core and fringe vocabulary during engaging, social conversation with peers. STUDENT has been successfully using a school provided iPad with Coughdrop app (Core 60 vocabulary set) to accomplish this at this time."

"STUDENT is able to communicate for a variety of functions using total communication methods. STUDENT communicates using vocalizations, gestures, and pictures at this time. STUDENT currently uses one hit speech generating buttons, and 4 choice picture boards. The DEVICE TRIALED was trialed and is currently in the approval process with STUDENT'S private insurance (as of X DATE) as this device accounts for vision and motor deficits but is a robust language system. During the trial period, STUDENT used the device to direct other people's actions, express feelings and wants/needs and socially engage with family. STUDENT also selected meaningful core words as well as fringe vocabulary in order to request objects, greet others, continue activities, and cease activities."

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Additional Present Level Examples
Additional Resources for adding Present Levels and Goals

http://www.wati.org/free-publications/assessing-students-needs-for-assistive-technology/page/2/

Chapter 15

https://qiat.org/resources/

Guiding Document for including AT in the IEP

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Within Special Education - IEP Goals

Assistive technology may be included in the annual goals if:

- It states how the assistive technology will contribute to achieving the goal

- It states why the technology will be used to accomplish a specific goal

- States that the device will be utilized to acquire the goal

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Where in the goals do I document it?

Program Modifications/Supports for School Personnel

Can be in the wording of the goal but also include any needed assistive technology, related services direct support, or training needs to this area!

Example:

GOAL: "STUDENT will use her dynamic display communication device to participate in a three turn conversational exchange at least once a day, 4 out of 5 days per week."

AT - Dynamic display communication device with core and fringe vocabulary pages

Related Services- Direct speech/language therapy in a small group setting to provide modeling, prompting, expansion, shaping, and feedback for language skills using her augmentative communication system

Support for School Personnel- Train teacher, parent, and paraprofessional to program device with relevant vocabulary

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IEP GOALS SHOULD BE
SMART
Specific | Measurable | Attainable | Realistic & Relevant | Timely

- An IEP goal for AAC should have all of the same components as any other IEP goal

- IEP goals need to be objectively measurable and have a baseline.

- IEP goals should follow your state and district guidelines like any other IEP goal.

SL https://praacticalaac.org/praactical/how-i-do-it-writing-iep-goals-for-students-who-use-aac-with-lauren-enders/

AAC Goal Examples

- Linda Burkhart - Writing IEP Goals and Objectives for Receptive and Expressive Communication for Children with Complex Communication Needs
https://lindaburkhart.com/handouts/

- The Communication Matrix - Assessment Tool
https://communicationmatrix.org/

- DAGG-2 by Tobii Dynavox and Dynamic Therapy
https://learn.tobiidynavox.com/Courses/CourseContent?courseId=395

- Lauren Enders boq post on how to write AAC qoals using the SMART acronym
https://praacticalaac.org/praactical/how-i-do-it-writing-iep-goals-for-students-who-use-aac-with-lauren-enders/

- PrAACtical AAC blog - Writing Goals that Matter, Carole Zangari
https://praacticalaac.org/praactical/praactical-goals-that-matter/

- SETT framework by Joy Zabala
https://www.researchgate.net/publication/338686563_The_SETT_Framework_Is_It_What_You_Think_It_Is_in_New_Zeland

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LIST OF RELATED SERVICES

- The law states that the list of related services is not exhaustive and may include other developmental, corrective, or support services (including AAC)

- Related Service area should be utilized for training of the technology.

- In order for students to be successful with assistive technology devices, they need to receive proper training on the use of the equipment, which can occur as a related service. Training on assistive technology devices can be written into the IEP as a related service.

- Preparation for the use of assistive technology devices can be worked into multiple 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.)

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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 (including times when the AT/AAC will be available).

- Students with disabilities are guaranteed the right to placement in the educational setting which is the least restrictive environment and are afforded whatever supplementary aids and services are necessary.

- Supplementary aids includes a variety of assistive devices that compensate for the disability and allow the student to perform educational and social tasks in the general education setting.

- **Assistive technology is necessary as a supplementary aid if its presence (along with other necessary aids) supports the student sufficiently to maintain placement in a least restrictive environment, provides more independence and requires little instruction.**

- (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.)

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Other places in the IEP AAC may be recorded

- Strengths statement
- Accommodations and Modifications/ Alternate Assessments
- Transition Services
- Nonacademic and Extracurricular Activities
- Meeting Minutes (consideration and results of consideration)

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Accommodations and Modifications/ Alternative Assessment

- AT as an accommodation cannot invalidate the construct being tested
- Important to review state and local guidelines for allowable testing accommodations for standardized testing.
- AAC should be regularly used for participation in educational activities in order for it to be a testing accommodation.
- On the flip side, AT/AAC should be provided if deemed necessary within the classroom, even if it cannot be used in state assessments.

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Transition Services

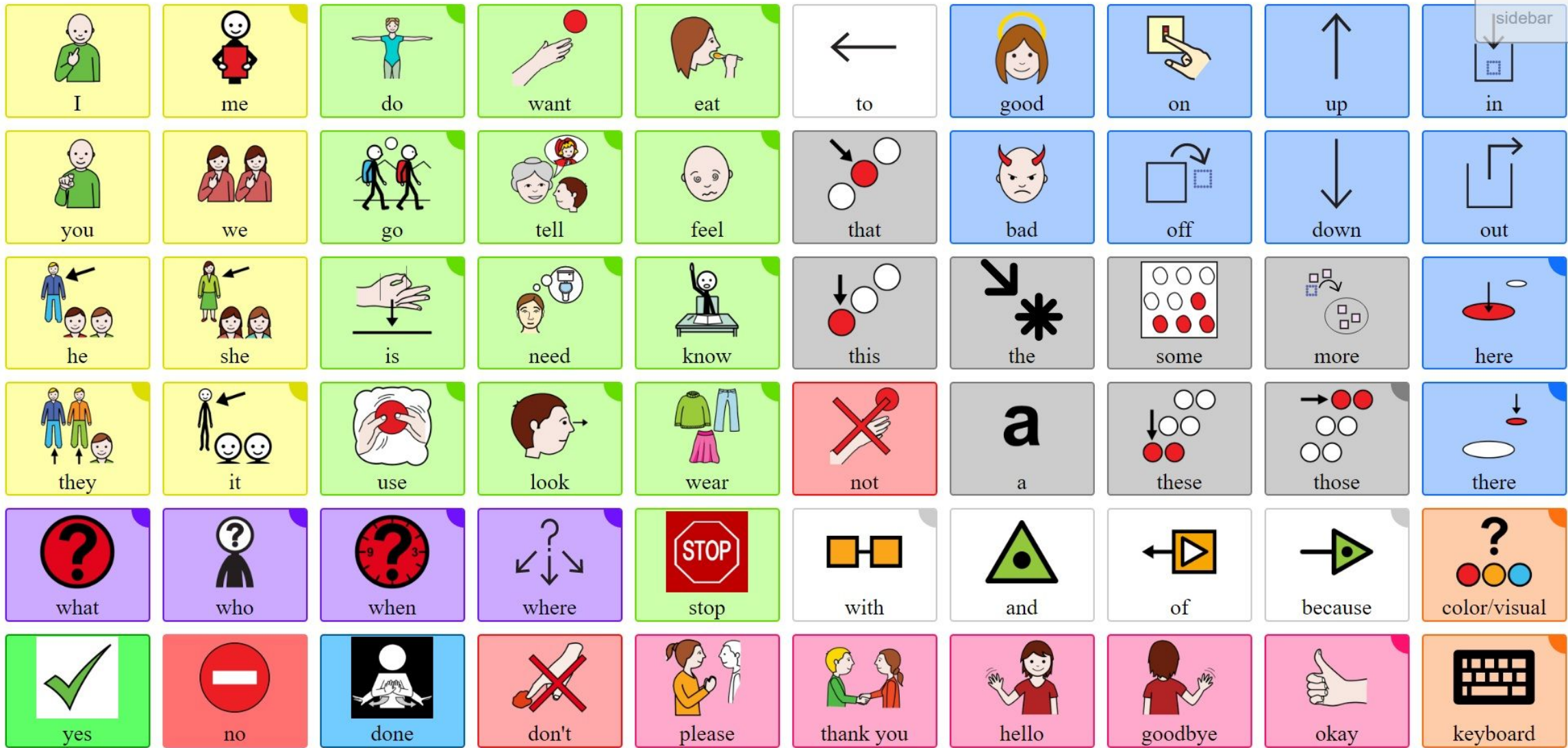- AT/AAC may need to be listed with Transition Services.

Example: "The case manager from the Department of Human Services will contact public and private agencies to assist with obtaining funding for the AAC device for STUDENT before the team's annual IEP meeting. The speech language pathologist will identify potential sources for technical support after he leaves high school to give to the family."

Questions Relating to Adding AT / AAC into the IEP?

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If you had a student with a device that has CoughDrop on it how would you document this in the IEP?

Photo courtesy of www.mycoughdrop.com

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I	me	do	want	eat	to	good	on	up	in
you	we	go	tell	feel	that	bad	off	down	out
he	she	is	need	know	this	the	some	more	here
they	it	use	look	wear	not	a	these	those	there
what	who	when	where	stop	with	and	of	because	color/visual
yes	no	done	don't	please	thank you	hello	goodbye	okay	keyboard

Coughdrop

https://coughdrop.zendesk.com/

Present Levels: STUDENT currently uses a dynamic display device that contains customizable core and fringe vocabulary and has remote modeling capabilities for team members during virtual learning due to Covid-19. STUDENT has been successfully utilizing CoughDrop app on a school provided iPad during virtual learning for the past year. STUDENT has demonstrated......

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Do I name the specific device in the IEP?
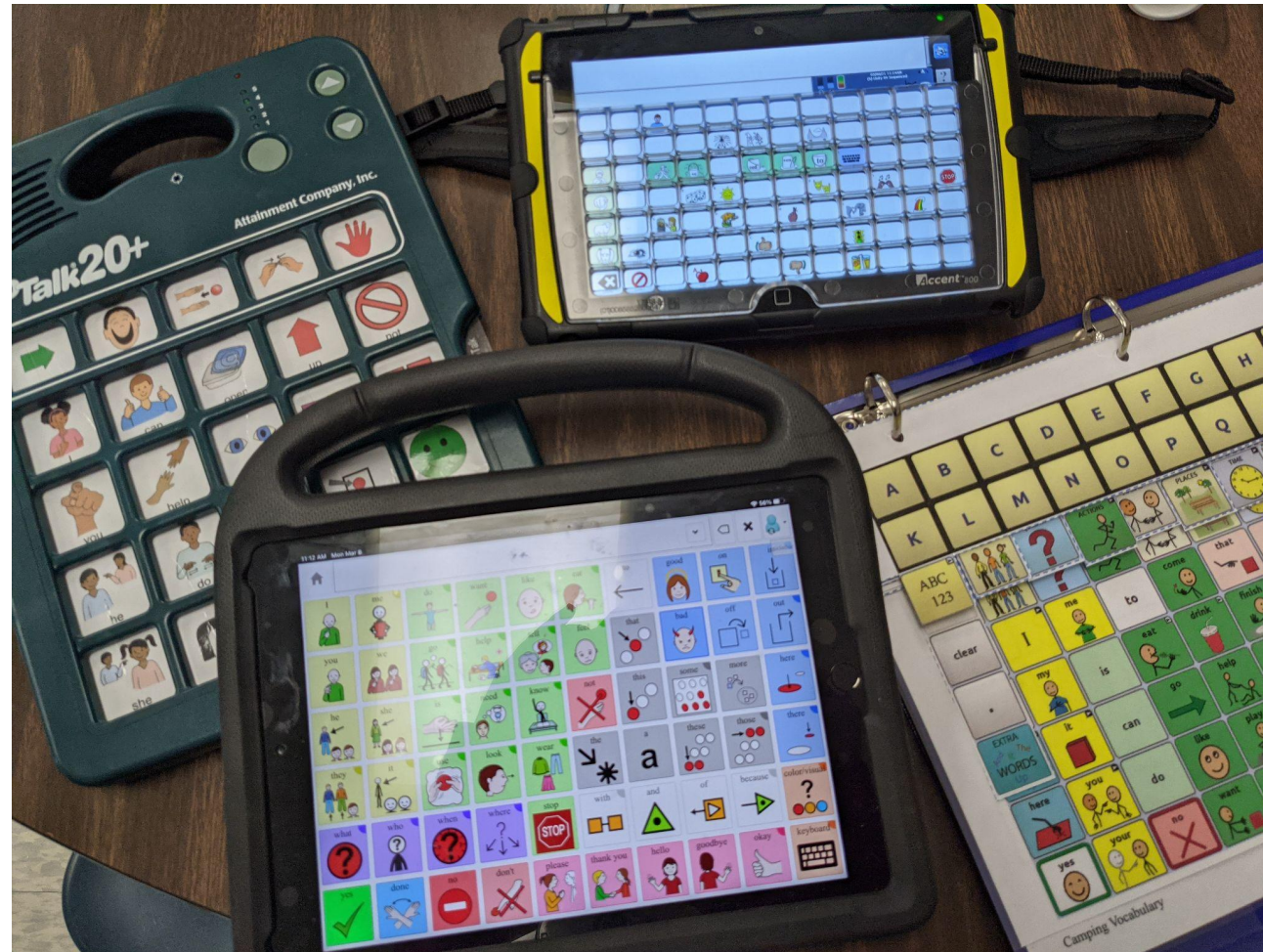
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Multiple products may offer the needed features, specific products change over time, and new products are created! ONLY describing the features of used AAC may be valuable when a substitute for the original device is needed.

However, if a device has particular characteristics that require the child to learn operational skills that are unique to the specific device, or the child has become accustomed to a feature/style that would make it detrimental to change to a different product, name the product!

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You are ready to write the evaluation for a device and are concerned about funding. How does your district deal with issues regarding funding and procurement of needed AAC devices? Who has to fund the device?


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The school district is "on the hook" to provide assistive technology needs as documented in the IEP. They do not have to BUY the device, but can rent, borrow, purchase, or assist the family with going through their private insurance.

A school district cannot require a family to go through insurance, HOWEVER, if the student's device is purchased through insurance, it is theirs and stays with them no matter what!

A school district IS NOT required to provide a student with the best or most advanced technology, but it must meet the student's needs to make some meaningful educational benefit.

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If your student has it written in their IEP that they have a SGD, but it is broken or forgotten at home what could you do during your speech therapy sessions to maintain IEP compliance?

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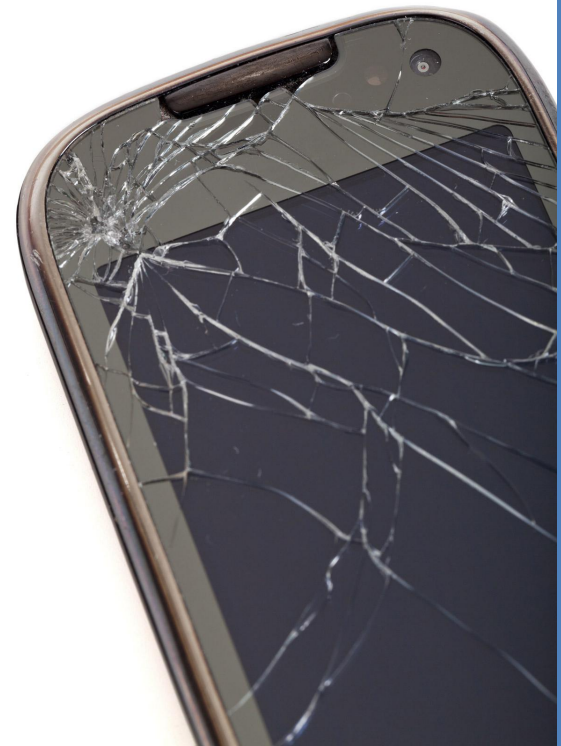
This is why you write the specifics in the Present Levels area and leave the rest of the areas as generic AAC (and specifically include paper-based backup systems!)

District is still obligated to provide FAPE.

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Which comes first?
Home use or school use of AAC?

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Either!

- In the schools, AT formal evaluation are driven by student need, not parent request.
- A lack of an effective means to communicate is obvious and should trigger a more informative evaluation of communication needs.
- On the flip side, mention of AAC use at home triggers an obligation to consider use at school.

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E.F. V. Newport Mesa Unified School Distrcit (65 IDELR 265 (C.D. Cal. 2015)). and 116 LRP 9970 (SEA MT 2016t)

Does AAC get sent between school and home environments?

Maybe, but it is an IEP Team Decision!

IDEA states that "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 FAPE**." and an AAC user needs access across environments to communication.

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We have decided to send it back and forth between home and school. Where do we document that in the IEP?

A good place to document that a device is being sent between home and school environments is within the Special Considerations - Communication Section or AT Section of the IEP.

student's language and communication mode?	
5. Is Assistive Technology necessary in order to implement the student's IEP?	Yes ✓
5a. If Assistive Technology is required to implement the IEP, describe the Assistive Technology that is needed?	AAC (including paper-based and/or speech generating device). AAC system will travel from school to home daily. abc✓
6. Does the student's behavior impede his/her learning or that of others?	Yes ✓

Your Questions

Contident Us!

Contact Us!

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National Assistive Technology Act Technical Assistance and Training (AT3) Center

https://www.at3center.net/stateprogram

Find your state AT program

ISAAC

https://isaac-online.org/english/home/

ISAAC's mission is to promote the best possible communication for people with complex communication needs.

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References

[Special Education Framework Updated August 2018](#)

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