

## ELKO SCHOOL DISTRICT

### *GUIDELINES:*

### *ASSISTIVE TECHNOLOGY FOR STUDENTS WITH DISABILITIES*

#### INTRODUCTION

The purpose of these guidelines is to provide guidance for assessment and individualized educational program (IEP) planning teams regarding the provision of assistive technology services and devices to students with disabilities. The guidelines provide: (1) recommended practices that will assist IEP committees in making decisions about an individual student's need for assistive technology, and (2) a decision-making process that meets the legal requirements of the Individuals with Disabilities Education Act (IDEA) and the Nevada Administrative Code (NAC). In addition, the guidelines provide suggestions for addressing complex issues regarding the acquisition, maintenance, ownership, and disposition of assistive technology devices.

#### **ACKNOWLEDGEMENTS**

Major portions of these guidelines incorporate assistive technology technical assistance materials from North Dakota (Guidelines: Assistive Technology for Students with Disabilities, March 1999) and Wisconsin (WATI - ASNAT Manual, 5th Edition, Updated July 2, 2009). The school district gratefully acknowledges the work done by task forces in these states to create materials that assist teams in doing this important work.

## I. DEFINITIONS

The purpose of this section is to define terminology used in the guidelines, as defined by the IDEA.

**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 the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such device. (34 CFR 300.5)

**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) 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 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 a child with a disability 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 that child.

(34 CFR 300.6)

**Free appropriate public education or FAPE** means special education and related services that—

- (a) Are provided at public expense, under public supervision and direction, and without charge;
- (b) Meet the standards of the SEA, including the requirements of this part;
- (c) Include appropriate preschool, elementary school, or secondary school education in the State involved; and
- (d) Are provided in conformity with an individualized educational program (IEP) that meets the requirements of §§ 300.320 through 300.324.

(34 CFR 300.17)

### **Related services.**

- (a) General. Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training.
- (b) Exception; services that apply to children with surgically implanted devices, including cochlear implants.

- (1) Related services do not include a medical device that is surgically implanted, the optimization of that device's functioning (e.g., mapping), maintenance of that device, or the replacement of that device.
- (2) Nothing in paragraph (b)(1) of this section—
  - (i) Limits the right of a child with a surgically implanted device (e.g., cochlear implant) to receive related services (as listed in paragraph (a) of this section) that are determined by the IEP committee to be necessary for the child to receive FAPE.
  - (ii) Limits the responsibility of a public agency to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the child, including breathing, nutrition, or operation of other bodily functions, while the child is transported to and from school or is at school; or
  - (iii) Prevents the routine checking of an external component of a surgically implanted device to make sure it is functioning properly, as required in § 300.113(b).

(34 CFR 300.34)

**Special education** means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including including—(i) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and (ii) Instruction in physical education. (34 CFR 300.39(a)(1))

**Supplementary aids and services** means aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with §§ 300.114 through 300.116. (34 CFR 300.42)

## II. LEGAL REQUIREMENTS

In accordance with the IDEA, public schools are required to provide assistive technology devices and services to an eligible student under IDEA if the student's IEP committee determines that the student needs an assistive technology device and/or service to receive a free appropriate public education (FAPE).

Assistive technology may be a part of a student's special education program, a related service to special education, or a supplementary aid or service. The determination as to what is an appropriate program for each student must be identified in the content of the IEP.

IDEA regulations address the district's obligation for assistive technology, as follows:

### **Assistive Technology**

- (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).
- (b) 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 committee determines that the child needs access to those devices in order to receive FAPE. (34 CFR 300.105)

The IEP committee has responsibility for determining the student's needs for assistive technology devices and services, as follows:

**Consideration of Special Factors**

The IEP committee must ... consider whether the child needs assistive technology devices and services. (34 CFR 300.324(a)(2)(v))

Summaries of the important U.S. Department of Education policy letters that relate to assistive technology have been included for reference in Appendix A.

**III. ASSISTIVE TECHNOLOGY CONSIDERATIONS IN THE EVALUATION PROCESS**

**Level 1  
IEP TEAM**

- Assistive Technology Consideration Guide
- Inventory of Functional Communication
- Determination if further assessment is needed

**Level 2  
Elko County School District  
Assistive Technology Team**

- PWN is sent to parent with permission to assess for AT Referral
- IEP team completes AT referral and sends to AT team
- AT Team determines needs and outlines trial and log of use

**Level 3  
Nevada Special Education Technology  
Assistance Project**

**IV. ADDRESSING ASSISTIVE TECHNOLOGY IN VARIOUS COMPONENTS OF THE STUDENT'S IEP**

### A. Present Levels of Academic Achievement and Functional Performance

These statements of the student's unique pattern of functioning lay the foundation for other components of the IEP. The statements of present levels set the stage for the assistive technology to be addressed elsewhere in the IEP.

Consider the following tips:

- Synthesize what is relevant for IEP development from the AT assessment report results (not just a cut/paste from the AT assessment report)
- Describe the student's "present levels" in ways that incorporate the student's present use of AT devices or services
- Describe how present AT devices or services contribute to the "present levels"
- Describe limitations in achievement or function that might be addressed through AT
- When describing the effects of the student's disability on the student's ability to participate in and make progress in general curriculum, consider these factors:
  - What knowledge and skill does the curriculum require for the next year?
  - Is the student struggling to complete one or more of these tasks? Or is the student anticipated to struggle given the upcoming demands?
  - Is the student unable to access specific aspects of the curriculum, if so, what?
  - Is the student unable to access the environment in some way, if so, where, to do what?
  - Is the student unable to communicate effectively, where, when, to do what?
  - Is the student as productive as he or she will need to be over the next year?

Examples for statements of present levels of academic achievement and functional performance are presented below, along with measurable annual goals and short-term objectives that relate to the present levels statements.

### B. Measurable Annual Goals

A statement of measurable annual goals must be included in the IEP, including academic and functional goals, designed to meet the child's needs that result from the disability, to enable the child to be involved in and make progress in the general education curriculum, and meet each of the child's other educational needs that result from the disability.

It is probably most logical to complete the IEP AT "consideration" after goals and objectives are established. Since assistive technology by definition is something that helps a child to "increase, maintain, or improve a functional capability" it is important to know what specific tasks the child will be expected to be able to accomplish in the next year. This information will make "consideration" more focused and concrete. The decision to provide assistive technology would logically be based on the recognition that the student is struggling to complete one or more specific tasks, is not able to access specific aspects of the curriculum or environment, is not able to communicate effectively, or is not as productive as will be needed over the course of the next year.

Although assistive technology devices or services may be either a part of a child's **special education services**, a **related service**, or a **supplementary aid or service**, documenting it in the IEP continues to be a challenge for many. Following are examples of assistive technology that has been included in the IEP document in each of these three ways.

### **C. AT as a part of the child's special education services**

Special education is specially designed instruction to meet the unique needs of a child with a disability that is provided at no cost to the child or the child's parents. It is provided in the classroom, in the home, in hospitals and institutions and in other settings.

When the assistive technology is provided as part of the child's specially designed instruction, it will be described in the goals and objectives.

In writing annual goals, both academic and non-academic, it is important to include four components: the area of need; the direction of change; and the level of attainment, and how progress will be measured. In addition, it is critical to relate it to the functional task that the child needs to complete. For instance, a technically correct annual goal might be, "Bobby will activate a single switch 75% of the time." However, it fails the "So what?" test. Why is it that you want Bobby to activate a switch in the first place? What will he accomplish? Will he operate a toy? Will he operate a computer? Will he use it to call for help? Will he use it to indicate he is ready to be moved to a new position? Will he greet a friend? If we always relate the use of the technology to a functional outcome, we will avoid the mistake of focusing on the equipment as an end in itself rather than a means to an end.

In some cases the child will need training and instruction on the use of the assistive technology and in other cases; it will be a material that the child is using to achieve a specific goal or objective. An augmentative communication device might be used under either of these conditions. Included here are a variety of examples of AT in annual goals and short-term objectives.

### **D. AT as a Related Service**

A related service means transportation and such developmental, corrective, and other supportive services that are required to assist a child with a disability to benefit from special education and includes assistive technology services. Examples of AT as a related service include walkers, wheelchairs, and various positioning devices. Augmentative communication devices and computers are also sometimes listed there. When AT is to be included in the IEP as a related service, it will appear in the list of related services.

### **E. AT as Supplementary Aids and Services**

Supplementary Aids and Services are those aids, services, and other supports which are provided to enhance or allow the student's placement in the least restrictive environment (LRE), especially when an LRE is the regular education classroom. Assistive Technology may be a Supplementary Aid or Service. Assistive technology is most logically included in the IEP as a Supplementary Aid when it provides more independence and requires little instruction in order to be used effectively. Items such as portable word processors, talking spell checkers, and other small, portable devices are often included under Supplementary Aids and Services.

### **F. Other Documentation**

As appropriate, there may be a need to create IEP provisions, agreements or other documentation to reflect plans and agreements concerning the assistive technology device(s) to be provided, the provider (school/parent/other), the funding source and ownership of equipment (if funds such as Medicaid or private insurance are to be used) and the anticipated date the device will be provided. If funding sources are being explored, record who is responsible for this activity, and timelines.

## V. ASSISTIVE TECHNOLOGY IMPLEMENTATION

Consideration should be given for day-to-day equipment operation and maintenance, such as who will check to see if the equipment is operating, what repairs are required, or if backup equipment is needed. It is important to identify a person who will be responsible for monitoring the assistive technology device as well as its implementation. It may be the special education teacher or another member of the staff who is knowledgeable of the student's program and the device(s) used. A contingency plan should be in place if a piece of equipment fails to operate. Time should be provided for staff to meet and coordinate the use of the student's technology in all settings.

### Technology Questions - Implementation of Assistive Technology Devices and Services

- Are the assistive technology devices and/or services that were provided being utilized?
- Are the assistive technology devices and/or services functioning as expected?
- Are the assistive technology devices supporting the student as expected? If no, why not?
- Who is responsible for each of these actions?
- Who is responsible for monitoring each aspect of the implementation of assistive technology goals and objectives?
- How will student progress on IEP goals be reported to the parents?

### A. TRIAL PERIODS

Trial periods are very useful to determine whether the assistive technology selected is an appropriate choice for the individual. The length of a trial period will vary with each individual, depending on the type of assistive technology. It may be necessary for the student to try several types of technology before the appropriate one can be selected.

### B. MAINTENANCE OF EQUIPMENT

#### 1. *What is the warranty?*

Check the length of the warranty and find out exactly what is covered. One-year warranties are common. Extended warranties and service contracts will probably be available. For some devices, the manufacturer suggests annual maintenance. Call someone who owns the device to find out about the costs and types of repairs they have experienced.

#### 2. *What kind of support is provided?*

The manufacturer should have a toll-free help line for you to call with questions about repairs or other problems. Knowledgeable school staff should be utilized to call the company representative to ask questions about the device or service. At what hours is the help line available?

#### 3. *Is the manual user-friendly?*

Look at the user's manual for the device you may be purchasing. Is it easy to understand? Does it have a section on common questions and answers?

*4. What happens if the device needs repair? Is a loan device available while your device is repaired and returned to you?*

Ask if the company will provide a loan device if your device cannot be repaired within a certain time frame. Some won't, but will promise a reasonable turnaround time for repairs. For example, one company promises a two-day turnaround for repairs to their voice-output scanner and overnight shipping both ways. Make sure the company's repair policies are convenient for you.

*5. What if you think you can repair the device yourself?*

If you have problems, you may void your warranty by tinkering with the device.

*6. What is the return policy for the device?*

It is important to know the return policy if the device just isn't the appropriate one for the student. Common return policies for devices can range from fourteen to forty-five days.

## **VI. FREQUENTLY ASKED QUESTIONS AND ANSWERS**

### **A. FUNDING: RESPONSIBILITY AND RESOURCES**

#### **1. Are schools required to pay for technology devices and services?**

It is the responsibility of the school district to provide the equipment, services, or programs identified in the IEP. The school district may pay for the equipment, service, or programs itself, utilize other resources to provide and/or pay for the device and/or services, or cooperatively fund the device(s) and or services. Other resources may include, but are not limited to, Medicaid, foundations, fraternal organizations, church or social groups, charitable organizations, businesses, and individuals.

#### **2. Can schools require the parents to pay for assistive technology device(s) or service(s) identified in the student's IEP or require the parents to use their own private health insurance to pay for the device and/or services?**

The "free" in "Free Appropriate Public Education" is significant regarding students with disabilities who may require assistive technology devices or services. As stated in IDEA and its regulations, all special education and related services identified in the student's IEP must be provided "at no cost to the parents". The term "free" is interpreted broadly and goes far beyond the simple paying of deductibles and co-payment. The courts have interpreted "free" to apply to, but not be limited to, future insurability, depletion of maximum lifetime caps, raised premiums, discontinuation of policies, and pre-existing condition exclusions. Parents' health insurance and/or Medicaid may be used to pay for assistive technology devices and services. However, parents must give permission to use their private insurance and Medicaid.

#### **3. Are there other options for schools to consider in lieu of purchasing the assistive technology device?**

Yes. There are times when the outright purchase of equipment or devices is not necessary or even advisable. In such instances, schools might consider rental or long-term lease options. There are certain advantages worth considering, depending on the individual needs of the student. For example, renting equipment might be a reasonable strategy if the student's needs change significantly, or when it is necessary to try out the equipment before purchase for a student. Long-term leasing or lease/purchase agreements also have potential benefits for schools which include: no obligation on behalf of the school to purchase the device, reduction of obsolete inventory, flexible leasing terms, use of equipment without a lump-sum purchase, upgrading of equipment as more improved technology becomes available, and upgrading of equipment as the student's needs change.



## **B. EQUIPMENT OWNERSHIP AND USE OF EQUIPMENT**

### **4. Who owns the assistive technology that is purchased for a student?**

If the school district purchases the equipment, the equipment belongs to the district. If the device(s) is purchased by using private insurance funds, then the device belongs to the student and is meant for the exclusive use of that student.

### **5. Under what circumstances is the school district required to permit a child to use a school-purchased assistive technology device in the child's home or in another setting?**

Each child's IEP team must consider the child's need for assistive technology (AT) in the development of the child's IEP; and the nature and extent of the AT devices and services to be provided to the child must be reflected in the child's IEP. The school district must permit a child to use school-purchased assistive technology devices at home or in other settings, if the IEP team determines that the child needs access to those devices in nonschool settings in order to receive FAPE (to complete homework, for example). (1999 IDEA Regulations, Appendix A)

### **6. If a piece of assistive technology is no longer needed or relevant to a student and the device was paid for by Medicaid or private insurance, can it be donated for another student's benefit?**

Yes, it is a parental decision. The parent(s) could donate the device to the school for use by other students with disabilities.

### **7. When a student moves from one level of schooling to another, such as from elementary school to middle school, does the device follow the student?**

If an assistive device is necessary to fulfill the requirements of a student's IEP, such a device must be provided in the school the student attends. The same device may not necessarily follow the student from one school to another, but a comparable device which fulfills the IEP requirements would need to be provided in the new school.

### **8. What happens to assistive technology devices when students leave the school system?**

A. If the school district purchased the device, the device is the property of the school. The school could keep the device for use by other students, sell it, or decide to transfer the device to another district in which the student enrolls. If the family purchased the device, it is the property of the student and the family. See *Disposition of Assistive Technology Devices*, Nevada Department of Education, July, 2010, for additional information.

## **C. REPAIR, MAINTENANCE, INSURANCE**

### **9. Are schools responsible for customization, maintenance, repair, and replacement of assistive technology devices?**

Assistive technology services such as customization, maintenance, repair, and replacement are included as considerations in the acquisition of equipment or devices purchased/provided by the school. Responsibilities for these services should be discussed at the IEP meeting and identified in the IEP document.

If family-owned assistive technology is used by the school and is listed in the IEP as necessary for providing free appropriate public education, the school might also be responsible for maintenance, repair, and replacement.

**10. If a device is broken and is beyond repair, who replaces the broken device?**

If an assistive device is necessary for the student's IEP to be implemented, the school district will have to replace a broken device. If the device is broken at home through negligence, the parents could be held responsible for the repair costs. Parents cannot be charged for normal use, wear and tear.

Nevada Revised Statutes (NRS) 393.170 contains the following provision:

3. The parents and guardians of pupils are responsible for all books and any and all other material or equipment loaned to the children in their charge, and shall pay to the clerk of the board of trustees, or to any other person authorized by the board to receive the same, the full purchase price of all such books, material or equipment destroyed, lost or so damaged as to make them unfit for use by other pupils succeeding to their classes. The board of trustees shall establish reasonable rules and regulations governing the care and custody of such school property, and for the payment of fines for damage thereto.

**11. What about the warranty for new equipment?**

The school should check the length of the warranty and find out exactly what is covered. One-year warranties are common. Extended warranties and service contracts will probably be available. For some devices, the manufacturer suggests annual maintenance. The school districts will weigh the cost of warranties with the cost of the device. Contact the school district special education director for assistance.

## Appendix A

### OSEP Letters of Clarification on Assistive Technology

23 IDELR 565

**Fisher, Letter to (IEEs/Assistive Technology Devices)**

Office of Special Education Programs

Digest of Inquiry

[Date Not Provided]

*· Must a local school system pay for independent assistive technology evaluations as they must for independent educational evaluations?*

Digest of Response

December 4, 1995

**Right to IEE Includes Evaluation of Needs for Assistive Technology**

A public agency must evaluate a student in all areas of suspected disability, including, if warranted, whether a student's functional capabilities require the use of assistive technology devices or services. Likewise, a parent's right to seek an independent educational evaluation (IEE) includes an assessment that will enable an IEP committee to determine a student's needs for assistive technology. The right to an IEE extends to situations where the school neglects to evaluate the student for assistive technology needs as well as instances where the parent disagrees with the school's evaluation in that area. Alternatively, a parent can also request that the school conduct a reevaluation of the student's need for assistive technology.

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22 IDELR 888

**Naon, Letter to (Assistive Technology Devices)**

Office of Special Education Programs

Digest of Inquiry

March 6, 1995

*· What obligation do educational agencies have to provide assistive technology?*

*· Is there a list of types of assistive technologies and equipment for each type of disability?*

Digest of Response

January 26, 1995

**District Must Provide Assistive Technology/Devices Necessary for FAPE**

34 CFR 300.5 and 34 CFR 300.6 of the Part B regulations require each public agency to ensure that a student with a disability receives the assistive technology devices and services which are necessary for FAPE. The determination as to whether the assistive technology devices and services are necessary for FAPE is to be made by the student's IEP committee, and the relationship that must exist is between the student's educational needs and the device or service.

**Need for Assistive Technology Devices/Services Must Be Based Upon Individual**

There are no predetermined listings of assistive technology devices and or services which relate to particular types of disabilities. Rather, the need for a particular device or service must be based upon the unique needs of each individual student.

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22 IDELR 629

**Bachus, Letter to (Eyeglasses/Hearing Aids)**

Digest of Inquiry

April 12, 1994

*· Is a public agency required to provide eyeglasses to a visually impaired student whose parents cannot afford them? If so, who is responsible for the evaluation expense to determine the need for glasses, and for a hearing aid?*

*· Is a public agency responsible for providing eyeglasses to a student with a disability other than a vision impairment?*

Digest of Response

January 13, 1995

**LEA Must Provide Eyeglasses if They Are Necessary for FAPE and Included in IEP**

If a student with a vision impairment requires eyeglasses regardless of whether he or she was attending school, then a public agency will NOT be required to provide them to the student. However, if the public agency determines that the child with a disability requires eyeglasses in order to receive FAPE and the child's IEP specifies that the child needs eyeglasses, then the public agency must provide the eyeglasses at no cost to the parents and could seek funds from outside of the agency to do so. When evaluating a student, the public agency must assess in all areas related to suspected disability, including if appropriate, vision and hearing. Thus, if the student is suspected to have visual or hearing deficits, then the public agency is responsible for the costs of the vision and hearing assessments.

**For Students with Disabilities Other than Visual Impairment, IEP committee Must Determine Whether Eyeglasses Are Necessary for FAPE**

The determination as to a public agency's duty to provide eyeglasses to a student with a disability other than a visual impairment is to be made by the student's IEP committee in light of a consideration of whether the eyeglasses are necessary in order to receive FAPE.

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21 IDELR 1057

**Anonymous, Letter to (Assistive Technology)**

Digest of Inquiry

June 9, 1994

*· Is a school district responsible for an assistive technology device, purchased by the parent, if that device is utilized by the student in completion of his/her IEP goals and therefore his/her academic work?*

Digest of Response

August 9, 1994

**Although Not Mandatory, Assuming Liability for Family-Owned Assistive Technology Devices is Reasonable**

Although a district must provide assistive technology devices that are necessary for FAPE at no cost to parents, federal law does not specify whether a district must assume responsibility for such a device when it is purchased by the parent and used by the district to implement the student's IEP, either in school or at home. However, it is reasonable for states to require districts to assume such liability, since the district is responsible for providing services and devices specified in a student's IEP, and without the use of the family-owned device, the public agency would be required to provide and maintain a needed device. However, there may be some instances when assuming such liability would create a greater responsibility for the district than exists under federal law.

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20 IDELR 1216

**Seiler, Letter to (Assistive Devices)**

Office of Special Education Programs

Digest of Inquiry

April 21, 1993

*· If a student needs a hearing aid and the device is put on the student's IEP, does the IDEA require the school district to purchase the device?*

Digest of Response

November 19, 1993

**Hearing Aid Must be Provided at No Cost When Specified in IEP**

A hearing aid is considered a covered device under the definition of "assistive technology device." Thus, where a district has determined that a child with a disability requires a hearing aid in order to receive FAPE and the child's IEP specifies that the child needs a hearing aid, the district is responsible for providing the hearing aid at no cost to the child and his or her parents in accordance with 34 CFR 300.308.

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19 IDELR 278

**Cohen, Letter to (Assistive Technology)**

Digest of Inquiry

April 6, 1992

*· How can school districts be expected to provide potentially expensive assistive technology services and devices with limited available resources?*

Digest of Response

July 9, 1992

**Alternate Funding Sources Are Available for Assistive Technology**

State and local educational agencies (SEAs and LEAs) may access alternative funding sources such as Medicaid, Maternal and Child Health (MCH), and private insurance proceeds in order to defray the costs of providing assistive technology services and devices to children with disabilities. However, pursuant to 34 CFR 300.601, the use of alternative sources of public funding may not result in a reduction of the medical or other assistance available to children with disabilities or in an alteration of their eligibility under the Medicaid or MHC programs. Furthermore, any use of private insurance proceeds to provide assistive technology services or devices must comply with the Notice of Interpretation on the Use of Insurance Proceeds and must not pose a realistic threat of financial loss to parents of children with disabilities.

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18 IDELR 1037

**Anonymous, Letter to (Assistive Technology)**

Digest of Inquiry

October 18, 1991

*· Under what circumstances must a local school district allow a student with a hearing impairment to use an FM auditory training system as an assistive technology device?*

Digest of Response

April 6, 1992

**Use of FM Training System Should Be Discussed During IEP Process**

If a student with a hearing impairment has a current IEP, but the IEP does not discuss the use of an FM auditory training system, then the parent may request that an IEP meeting be convened to consider the use of such a system. On the other hand, if the student does not have a current IEP, the parent may request an evaluation and, if a disability is identified, an IEP must be developed, at which time the use of an FM system can be discussed. In either case, if the parent believes that the student is entitled to, but is not receiving FAPE due to the denial of an FM system, then a request can be made to the school district to conduct an impartial due process hearing, or a complaint can be filed with the state educational agency.

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18 IDELR 627

**Anonymous, Letter to (Assistive Technology)**

Office of Special Education Programs

Digest of Inquiry

[Date Not Provided]

*· Is a school district responsible to provide assistive technology devices for home use?*

*· May a school board overrule a determination by an IEP committee that a child with a disability needs access to an assistive technology device at home?*

*· What is the time limit on implementation of an IEP?*

Digest of Response

November 27, 1991

**Assistive Technology Devices May Be Required for Home Use**

If an IEP committee determines that a child with a disability needs access to an assistive technology device at home as a matter of FAPE, then the school district must provide the device for home use in order to implement the child's IEP.

**School Board May Not Change IEP committee's Determination**

Under Part B, a school board has no authority to unilaterally change any statement of special education or related services contained in an IEP, including a statement of a child's need to have access to an assistive technology device at home. Without reconvening the IEP committee, the school board may not change the IEP, and the school district is obligated to implement the IEP requirements, regardless of the school board's objections.

**IEPs Must Generally Be Implemented Immediately**

Under Reg. 300.342(b), an IEP must be in effect before the provision of special education or related services and must be implemented as soon as possible following the conclusion of the IEP meeting(s). In accordance with Appendix C to the Part 300 regulations, an IEP should generally be implemented without delay after being finalized, although a reasonable delay may be permissible in limited circumstances.