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Augmentative Communication Devices, Fidgets, and Pencil Grips to name a Few:
The Use of Assistive Technology

Jamie Turner, Attorney

Austin, Texas

"For people without disabilities, technology makes things easier.
For people with disabilities, technology makes things possible." – IBM Training manual, 1991

Assistive Technology (AT)

- Devices

- Services

Assistive Technology Device

"any item, piece of equipment, or product system used to increase, maintain, or improve the functional capabilities of a child with a disability" - IDEA

AT Device Examples

Computers, tablets, calculators, speech-to-text software, text-to-speech software, spell checkers, word prediction software, communication devices, color overlays, fidget spinners

AT Device Examples

Pencil grips, positioning devices, alternative keyboards, large print books, fidget spinners, audiobooks, FM system, augmentative communication software, magnification devices, power lifts, eye-gaze trackers

Assistive Technology Service

"any service that directly assists a child with a disability in the selection, acquisition, or use of an AT device"

AT Service Examples

Evaluating the student's needs;

Purchasing, leasing, or otherwise providing for the acquisition of AT devices;

Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing AT devices;

Coordinating and using other therapies, interventions, or services with AT devices;

Providing training or technical assistance to a child with a disability or, if appropriate, the child's family; and

Providing training or technical assistance for professionals, employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the child's major life activities.

Consider Purpose of AT

- Access
- Reduce barriers
- Impact on LRE
- Increase independence

IDEA Mandates

IEP teams (ARD committees) determine whether a student requires an AT device or an AT service in order to receive a FAPE

Evaluating Need for AT

- Need for FAPE v. could benefit from
- Part of the FIE
- Ongoing review and updating (at least annually)
- SLPs, OTs, PTs, LSSPs, Diags, teachers

Evaluating Need for AT

- Not every child in special education needs a formal AT evaluation
- ARD committee makes that call (formal v. informal)
- District choose assessments or strategies
- Detailed review and analysis

IDEA Mandates

AT devices and services must be included in the IEP (to the extent that they are necessary in order for the student to make progress appropriate in light of the child's circumstances)
- *Citing S.Ct. FAPE standard in Endrew F.*

IDEA Mandates

AT: description of device; not required to list a brand (unless that's important)

AT: description of service; frequency, location, duration

What if every kid has access to the device?

Even if every child has access to a device (ex: calculator, laptop), the ARD committee must still consider whether it is necessary for a student to receive a FAPE.

Must the school allow the student to take the device home?

Maybe. If the answer is yes, the ARD committee should specify that.

Example: *If a student needs to take home an AT device to complete homework assignments, the school should allow back and forth and make sure to provide appropriate training.*

Who is responsible for buying and maintaining a device?

School district

What if parent wants the child to bring their own device?

- Doesn't absolve the district of the FAPE obligation
- Document that district would provide if parent did not
- District using family-owned device that is part of IEP assumes liability

What if the AT breaks?

- Don't delay in replacing
- Examples of denial
  - Student had a laptop but not the appropriate software
  - Communication device cracked; student didn't have one for 16 weeks

Tablet Considerations

- ❑ Under IDEA, not required to provide a device that maximizes a student's potential
- ❑ Ensure the "essence" of the device satisfies what is called for in the IEP if technology is different than what a child used in the past, etc. (ex: transfer student)
- ❑ Ensure the device is able to accommodate the appropriate software
- ❑ Make sure that restrictions / monitoring programs do not impede a student's provision of FAPE (ex: passwords, inability to access camera features, internet filters or blocks)

What if a student refuses to use an AT device?

- Go back to ARD
- Consider whether additional evaluation / data is needed
- Update IEP to reflect any changes and document deliberations of committee

What is excluded from AT?

- Eyeglasses
- Hearing aids
- Other personally prescribed devices
- Cochlear implants
- Surgically implanted devices
- Oxygen tanks

But remember…

- Maintenance and ensuring appropriate functioning of hearing aids are IDEA services….
- External device of cochlear implant needs to be working properly (ex: red lights flashing, not working)

What about a prosthetic arm?

- Hearing officer determined school was not financially responsible for a prosthetic arm.

  New Fairfield Bd. of Educ., 6 ECLPR 36 (SEA CT 2008), aff'd, J.C. v. New Fairfield Bd. of Educ., 56 IDELR 207 (D. Conn. 2011).

High Tech v. Low Tech

Picture Exchange Communication System (PECS) v. iPad with communication software and voice output

- will depend on the student

- need an evaluation to determine what is appropriate

High Tech v. Low Tech

Child made educational progress using a PECS while an AT assessment was pending and the court held that the district's year-long delay in reviewing the results of the AT evaluation did not violate the IDEA. *R.P. v. Alamo Heights Indep. Sch. Dist., 60 IDELR 60 (5th Cir. 2012).*

What about Effective Communication?

Difference between IDEA and Title II of the ADA for students with hearing, vision, or speech disability.

- FAQ US DOJ & US DOE, *Effective Communication for Students with Hearing, Vision, or Speech Disabilities in Public Elementary and Secondary Schools*

What must a school provide for effective communication?

Auxiliary aids and services where necessary to provide effective communication...

So that students with disabilities have an equal opportunity to participate in, and enjoy the benefits of, the services, programs, and activates of the public school district....

What must a school provide for effective communication?

Must give primary consideration to the aid or service requested by the student with the disability in determining what is appropriate....

Must provide unless fundamental alternation in the nature of the service, program, or activity, or be an undue financial and administrative burden...

Still must provide – to the maximum extent possible – an effective auxiliary aid or service...

Some Examples

Interpreters

Note takers

Exchange of written materials

Real-time computer-aided transcription services (e.g., CART)

Assistive listening systems

Accessible electronic and information technology

Open and closed captioning

Some Examples

Writing materials

Qualified sign language interpreters

Portable text-to-speech / speech-to-text device

Recorded texts

Braille

Screen reader software

Secondary auditory programs (SAP)

Examples of FAPE v. Title II requirements

- Case by case determination
- IDEA doesn't require district comparison of the effectiveness of communications of a student with a disability to students without disabilities
- Districts must meet both legal standards
- Sometimes, IDEA services may be the same or greater than services provided under Title II
- Sometimes, Title II may require a student receive more services and aids than those required under IDEA
- Analysis is key

Special Considerations

❑ Evaluation and IEEs
❑ AT for LD
❑ AT for Transition to Adulthood
❑ AT for Communication

Things to Remember

❑ Evaluation
❑ Training
❑ Implementation
❑ Review of Effectiveness
❑ Description of need v. identification of brand name
❑ Maintenance and upkeep
❑ Effect on LRE
❑ Provision of FAPE

Additional Resources

- ❑ Texas Assistive Technology Network – texasat.net
- ❑ ESC Network Contacts
- ❑ Transfer of AT Devices (TEA form)

Jamie Turner

505 E. Huntland Drive, Suite 600
Austin, Texas 78752
WalshGallegos.com

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