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## Agora Cyber Charter School

### Board of Trustees Policy

## ASSISTIVE TECHNOLOGY (AT) POLICY AND PROCEDURES

The Board of Trustees of Agora Cyber Charter School (“Charter School”) recognizes that Assistive Technology devices and/or services may be essential factors in meeting the educational needs of children with disabilities.

Both federal and state special education laws explicitly define Assistive Technology to include both Assistive Technology devices and/or services, the purpose of which are to improve the functional capabilities of a student with a disability. Such Assistive Technology must be provided for a child with a disability, at no cost to parents, if determined by the IEP team to be necessary for the student to receive a free appropriate public education (FAPE). Such services may be required as part of special education, related services, or supplementary aids and services required to enable a child to be educated in the least restrictive environment.

The Board further recognizes that the IEP team is responsible for determining if an Assistive Technology device and/or service is necessary for a child with a disability to receive FAPE. It is important to remember that Assistive Technology devices and/or services are not always enough by themselves. The IEP team should focus on whether or not Assistive Technology devices and/or services are necessary for the eligible child to meet educational demands and therefore receive FAPE.

### Definitions

#### **Assistive Technology device**

As defined in both federal and state law, this 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 children with disabilities. Assistive

Technology devices range from a simple switch for a child with particular physical limitations to a sophisticated vocal output augmentative communication device for a child with severe speech impairment. The term does not include a medical device that is surgically implanted, or the replacement of such device.

## **Assistive Technology service**

As defined in both federal and state law, this means any service that directly assists a child with a disability in the selection, acquisition, or use of an Assistive Technology device. Assistive Technology services are those that are necessary to enable the student and/or IEP Team to use any Assistive Technology services specified in the IEP. Such services may include:

- 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 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;
- 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 involved in the major life functions of that child.

By virtue of these expansive definitions, an exhaustive yet specific list of what constitutes Assistive Technology devices and/or services does not exist.

## **Guidelines**

Consideration of Assistive Technology, in the context of IEP development, review or revision, is intended to be a collaborative process in which team members determine whether AT devices or services are needed for the student to access the general education curriculum or meet IEP goals. Consideration may necessitate that the IEP team include (or have access to) someone who has knowledge about Assistive Technology or who can guide the Team in considering Assistive Technology in the context of what they know about the student. Team members who are considering Assistive Technology should examine available data and observations about the student and ask whether the student may need Assistive Technology:

- A. To be in the LRE;
- B. To meaningfully participate in the general education curriculum;
- C. To participate in activities;
- D. To access educational/print materials, including textbooks;
- E. To access auditory information;
- F. For written communication/computer access;
- G. For augmentative communication;
- H. To participate in state and local assessments.

Therefore, to the extent that Assistive Technology devices and/or services may be required as part of special education, related services, or supplementary aids or services, a child's IEP must include a statement describing the full extent of devices (e.g., no, low, and high technology and back-up strategies) and service(s) as well as the amount of such service(s). When describing the Assistive Technology needed by the student, it is considered best practice to describe the features rather than the brand name, because most devices and software have multiple features, not all of which may be required by the student to have FAPE. The provision of Assistive Technology devices and/or services may not be made conditional on subsequent approval by entities outside the IEP process (i.e., IU availability, Medical Access Reimbursement, etc.).

All procedural safeguards and time lines set forth in federal and state laws for completing multidisciplinary evaluations, reevaluations, and developing and implementing IEPs are fully applicable to Assistive Technology devices and/or services when they are necessary to ensure eligible children receive FAPE.

It is the Charter School's responsibility to provide Assistive Technology devices and services when included as part of a student's IEP. State and federal law do **not** require that the Charter School purchase Assistive Technology as needed in the IEP. However, it is appropriate for the Charter School to purchase, rent or borrow Assistive Technology or utilize Assistive Technology that is acquired through the student's insurance. The Charter School may not require the family to utilize insurance or any other funding source. The Charter School remains responsible for any costs related to repair, maintenance, or replacement of required Assistive Technology that is specified in the IEP.

The CEO or the designee is directed to seek any necessary assistance from the Commonwealth regarding the purchase and payment for Assistive Technology. According to PDE, the CEO or the designee should inform the family not to assume the device will be billed to Medical Assistance (MA), even if a child's MA number is provided on an equipment acquisition form. If the device is billed to MA, the CEO or the designee will notify the parents by sending a transfer of ownership letter. When the parents are in receipt of the transfer of ownership letter, the billing process has begun. If the billing is ultimately rejected by MA, the parents will be informed by letter. The CEO or the designee may not delay or deny a student's receipt of Assistive Technology while it attempts to secure MA funding and is directed to comply with any applicable procedures as modified by PDE.

The CEO or the designee is charged with implementing procedures to ensure that devices are properly maintained and functioning, including hearing aids and external components of surgically implanted medical devices.

Routine checks and tests of those devices will be administered and results logged or otherwise noted when necessary. The CEO or the designee is directed to implement a process to address: the need for AT, effective maintenance of all AT devices, the selection of age and developmentally appropriately AT devices, review of recommendations from qualified personnel including speech language pathologists regarding AT, and the maintenance of AT by the Charter School. All AT devices are to be maintained in a manner deemed appropriate for their intended use and purpose as directed by the manufacturer to the maximum extent possible.

The need for AT services and devices are to be identified with specificity in students' IEPs and AT services and devices are to be reviewed at least annually in the course of an IEP team meeting, or as requested by the IEP team and/or parent.

The CEO or the designee is directed to have AT devices promptly repaired when needed and in the interim a device or back up plan is to be in place while the device is being repaired/maintained.

The CEO or the designee is further directed to have a plan in place to provide AT services without interruption.

The CEO or the designee is charged with making personnel aware of the availability of AT resources.

**TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.**