THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO:	P-12 Education Committee ACCES Committee Cultural Education Committee
FROM:	Cosimo Tangorra, Jr. Kevin G. Smith Jeffrey Cannell
SUBJECT:	Assistive Technology for Individuals with Disabilities
DATE:	February 2, 2015
AUTHORIZATION(S):	

SUMMARY

Issue for Discussion

Review of policy, initiatives and coordination across SED programs to improve access by individuals with disabilities to assistive technology devices and services.

Reason(s) for Consideration

For information.

Proposed Handling

This item will come before the Board of Regents for discussion at the February 2015 meeting. The item recommends further action and discussion by the Board at future meetings.

Background Information

Individuals with disabilities often need assistive technology devices and services to facilitate their success and independence in academic, social, communication, occupational and recreational activities. Use of assistive technology addresses

students' barriers to learning and can reduce a student's reliance on parents, siblings, friends and teachers, helping them to transition into adulthood. Assistive technology for individuals with sensory, mobility, cognitive and learning disabilities should provide them with the independence to compete effectively with peers while in school and in the working world. The Department, through programs in P-12, ACCES and OCE, administers or directly provides assistive technology devices and assistive technology programs to individuals with disabilities. These efforts provide a coordinated basis from which additional resources can be deployed and leveraged.

An **assistive technology device** is any device that helps a person with a disability complete an everyday task, increase independence and/or enhance quality of life. Some examples of assistive technologies include:

- wheelchairs, scooters, walkers, canes, crutches, prosthetic devices, and orthotic devices;
- hearing aids;
- computer software and hardware, such as voice recognition programs, screen readers, and screen enlargement applications;
- talking book readers;
- automatic page-turners, book holders, and adapted pencil grips;
- ramps, automatic door openers, grab bars, and wider doorways; and
- adaptive switches.

An **assistive technology service** is a service to assist an individual with a disability in the selection, acquisition, or use of an assistive technology device. Examples of assistive technology services include:

- assistive technology evaluations;
- purchasing or leasing an assistive technology device;
- selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
- coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- training or technical assistance for the individual with a disability or, if appropriate, that individual's family; and
- 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 person.

Universal Design for Learning

More and more teachers are designing the learning environment, materials and instruction using the principles of Universal Design for Learning[1] (UDL). UDL is a set of principles for curriculum development that gives all students equal opportunities to learn. UDL supports **all students** in the classroom, including students with disabilities, by enhancing the design of the classroom and instructional practices. When accessibility of learning and working environments, curriculum, materials and instruction are built into the design for all, this helps to ensure the inclusion of individuals with disabilities into the learning opportunities that are available to all children. However, use of UDL will not eliminate the need for assistive technology by individuals with disabilities in order for them to interact more fully with their environment.

Federal and State Policy

There are many federal laws that support the use of assistive technology devices and services. Four such laws include:

Technology-Related Assistance for Individuals with Disabilities Act of 1988 (Tech Act) P.L. 100-107

The "Tech Act" provided federal funds to states to develop training and delivery systems for assistive technology devices and services. It required states and territories to develop statewide, consumer-responsive programs of technology-related services for individuals with disabilities of all ages. This Act first defined Assistive Technology Devices and Services and promoted the availability and quality of assistive technology devices and services to all individuals, including children.

Provision of reading materials for the blind (P.L. 89-522)

This act establishes the National Library Service for the Blind and Physically Handicapped within the Library of Congress. The act provides funds and services to deliver books, music, and other reading materials to individuals through a system of regional library services. New York State operates two such regional library services, one based in Albany the other based in Manhattan.

Individuals with Disabilities Education Act (IDEA), 1990 (P.L. 101-476) and 1997 (P.L. 105-17)

IDEA established the school district's responsibility to provide assistive technology devices and services to students with disabilities. This law defines assistive

---

[1] *Universal design for learning (UDL) means a scientifically valid framework for guiding educational practice that—(A) provides flexibility in the ways information is presented, in the ways students respond or demonstrate knowledge and skills, and in the ways students are engaged; and (B) reduces barriers in instruction, provides appropriate accommodations, supports, and challenges, and maintains high achievement expectations for all students, including students with disabilities and students who are limited English proficient. [HEOA, P.L. 110-315, §103(a)(24)].*

technology devices and services and requires that individualized education program (IEP) teams consider, for each student, whether the student needs an assistive technology device and/or service in order for the student to receive a free appropriate public education.

<u>Rehabilitation Act (P.L. 102-569)</u>

The 1992 amendments to the Rehabilitation Act added four new state plan requirements in the area of the state Vocational Rehabilitation (VR) plan. States must describe:

- how a broad range of rehabilitation technology services will be provided at each stage of the rehabilitation process;
- how a broad range of such rehabilitation technology services will be provided on a statewide basis;
- the training that will be provided to vocational rehabilitation counselors, client assistance personnel, and other related services personnel; and
- the manner in which assistive technology devices and services will be provided, or worksite assessments will be made as part of the assessment for determining eligibility and vocational rehabilitation needs of an individual.

The Act also requires that the technology needs of each VR consumer be addressed in the Individualized Plan for Employment (IPE) by including "a statement of the specific rehabilitation technology services to be provided to assist in the implementation of intermediate rehabilitation objectives and long-term rehabilitation goals" for the individual.

The 2014 Workforce Innovation and Opportunity Act, Title IV-Amendments to the Rehabilitation Act of 1973 Section 103, specifically calls for the establishment, development or improvement of assistive technology demonstration, loan, reutilization, or financing programs in coordination with activities authorized under the Assistive Technology Act of 1998 to promote access to assistive technology for individuals with disabilities and employers.

New York State Requirements and Policy

Special Education

Consistent with federal law, section 200.4(d) of the Regulations of the Commissioner requires the Committee on Special Education (CSE) or the Committee on Preschool Special Education (CPSE) to consider if the student requires assistive technology devices and services, including whether or not the use of school-purchased assistive technology devices is required to be used in the student's home or in other settings in order for the student to receive a free appropriate public education. CSEs must also consider whether or not students will continue to need assistive technology as they transition to postsecondary experiences and should document the use of assistive technology in the transition services portion of the IEP. Districts are required to provide

assistive technology devices and services to students with disabilities as recommended by the CPSE/CSE and documented in the student's IEP at no cost to the parents.

Transition

In 1996, the State Comptroller and the NYS Commissioner of Education jointly issued "Guidelines to Allow the Transfer of Assistive Technology When a Student Moves from School Jurisdiction to Higher Education, Other Human Services Agency or Employment." These guidelines, based on recommendations of a Select Commission on Disabilities established by the Board of Regents, included a strategy to enable transfer of Assistive Technology as an individual with disabilities moves through his or her life course. The Task Force found that, while statutory provisions address the obligations of local school officials to provide assistive technology devices and services, there are no specific provisions which address the ability to transfer such technology, whether hardware or software. However, Boards of Education do have clear authority to dispose of property the district no longer needs. Boards of Education need to consider the following aspects in preparing to dispose of assistive technology. These areas focus on accountability for the disposition and transfer of property, including consideration of whether the property in question was deemed not usable by the district, e.g., whether it is surplus, and whether a proper attempt was made to place and obtain a reasonable or fair monetary value on the property when it was transferred.

Rehabilitation Services

ACCES-VR supports rehabilitation technology within its scope of services when necessary to achieve the individual's vocational objectives and goals. ACCES-VR policies delineate how assistive technology services and assistive technology devices will be provided to individuals with disabilities. Rehabilitation technology is an individualized service that assists individuals with disabilities to achieve full participation in education, rehabilitation, employment, transportation, independent living and recreation. Assistive technology services and devices are provided to individuals with disabilities on a statewide basis.

An individual's need for rehabilitation technology is considered at any stage of the vocational rehabilitation process. Rehabilitation technology is provided if necessary to assess and develop an individual's capacity to perform in a work environment. Rehabilitation technology must be considered when determining eligibility and in the development of the Individualized Plan for Employment. Before a person can be determined ineligible for ACCES-VR services due to the severity of disability and its impact on the individual's capacity to work, assistive technology must be considered.

ACCES-VR uses VR funds for assistive technology at every stage of the rehabilitation process through purchase, lease or loan to eligible consumers who otherwise could not access services. Three ACCES-VR policies that provide in-depth information about the provision of a broad range of technology services are: 1370.00 Rehabilitation Technology Policy; 1340.00 Home Modification, Adaptive and Household Equipment Policy; and 441.00 Vehicle Modifications, Adaptive and Automotive Equipment Policy.

ACCES-VR has service contracts in place with community rehabilitation programs for assistive technology services from qualified providers.

Assistive Technology in Practice in NYS Schools

In 2010, the National Center for Technology Innovation, a part of the American Institutes for Research, released an issue brief on assistive technology entitled *Unleashing the Power of Innovation for Assistive Technology*. This publication highlighted the growing availability and importance of "state-of-the-art" assistive technology. However, very little national data are available about how schools and teachers are evaluating students for assistive technology, determining the best tool for the task, providing assistive technology services, or monitoring the implementation. The limited national data that is available suggests assistive technology is not used to the extent necessary to support student success. Additionally, they cite the need for increased teacher training in the use of assistive technology devices and the provision of assistive technology services to help students succeed in the general curriculum and recommend improved coordination with other service providers and families.

Almost unanimously, members of the P-12: Office of Special Education's Youth Advisory Panel named assistive technology as a major area of need in special education programming in New York State schools and colleges. The students indicated clear inconsistencies between schools and districts across New York State in the consideration, evaluation, documentation, provision and implementation of assistive technology. In addition, qualitative data based on instructional observation information obtained by New York State's Regional Special Education Technical Assistance Support Centers (RSE-TASC) highlighted the low incidence of observed instances of students with disabilities receiving supports through assistive technology.

Assistive Technology in Vocational Rehabilitation

Obtaining a job is just the first step for an employee. Being able to get to the job every day, on time, and being able to function on an equal level with colleagues can be more challenging.

ACCES-VR provides a wide range of assistive technology to help individuals obtain and maintain employment. The technology needed might be simple such as voice recognition software, or it might be much more involved, such as modifying a vehicle or a home.

ACCES-VR is continuously seeking ways to use evolving technology to assist individuals with disabilities.

Resources for Support to Schools and Families

The New York State Justice Center administers the Technology-Related Assistance for Individuals with Disabilities (TRAID) Program. Although TRAID provides assistive technology device loans, device demonstrations, training on assistive technology, information and referral services through its 12 regional centers, their

resources are limited as is their capacity for outreach to schools. http://www.justicecenter.ny.gov/services-supports/assistive-technology-traid/locations. TRAID partners with the New England Exchange Program, to create getATstuff, an Assistive Technology Exchange in New England and New York. "getATstuff is an electronic matching program that helps connect individuals who need assistive technology devices with persons who are selling or donating devices they no longer need. This new program replaces the former TRAID-IN Equipment Exchange Program. Participation in getATstuff will improve the quality and functionality of the equipment exchange system and increase the likelihood of matches. The site enables users to search for items within a seven-state area, including New York. Effective September 8, 2014, users can log onto http://www.getatstuff.com/ and create an account to request equipment or list equipment for sale or donation."2

The New York State Commission for the Blind has listed resources available relating to assistive technology for individuals who are blind or visually impaired. See http://www.ocfs.state.ny.us/main/cb/assistiveDatabase.asp.

The Office of Cultural Education operates the New York State Talking Book and Braille Library. Together with New York Public Library's Andrew Heiskell Braille and Talking Book Library, these institutions provide reading materials including reading devices for individuals and school-age children who are visually impaired. These resources include digital books, magazines and musical scores available through mail delivery or download and braille books and magazines. The materials are provided free of charge as a component of the National Library Service for the Blind and Visually Handicapped.

NYSED's Office of Special Education's website lists resources for assistive technology. See http://www.p12.nysed.gov/specialed/aim/. These resources include, the Family Information Guide to Assistive Technology and Transition Planning (in English and Spanish) which was developed by the Family Center on Technology and Disability as administered by the Academy for Educational Development (AED), in partnership with the Parent Advocacy Coalition for Educational Rights (PACER Center), the Alliance for Technology Access (ATA), and InfoUse. The Family Center is funded by the U.S. Department of Education's Office of Special Education Programs. http://www.fctd.info/assets/assets/8/FCTD-AT-Transition-Guide.pdf?1281716039.

NYSED's Office of Special Education has issued guidelines for the consideration of assistive technology devices and services in the development of an IEP. See http://www.p12.nysed.gov/specialed/publications/iepguidance/att2.htm and http://www.p12.nysed.gov/specialed/publications/policy/alterformat502.htm.

Through the Regional Special Education Training Specialists from the RSE-TASC, the Office of Special Education provides regional training on Accessible Instructional Materials which includes opportunities for hands-on experience with low–

---

2 http://www.justicecenter.ny.gov/services-supports/assistive-technology-traid/traid-in-eep

and high-technology items that can enhance learning opportunities for all students. See http://www.p12.nysed.gov/specialed/techassist/rsetasc/AIM.pdf.

The New York State School for the Blind's website, "Assistive Technology Resources: Tutorials and Tips," provides resources for book readers, screen readers, screen magnification and other useful assistive technology devices and resources. See http://www.p12.nysed.gov/specialed/nyssb/departments/atc_resources.html.

Recommendations

Rapid changes in assistive technology, along with other forms of instructional technology, have resulted in a merge with consumer-driven technology (e.g., smart phones, tablets, apps). Our systems and procedures must support students with disabilities in obtaining the tools they require, including "state-of-the-art" assistive technology devices, to progress in a rigorous academic curriculum and prepare them for college, career and life. Guidance and support for assistive technology that is reflective of current trends and advancements should be available to schools, students with disabilities and families.

With support of the Board of Regents, the Department will take the following steps to review policy and supports to schools and individuals with disabilities to promote greater access to state-of-the-art assistive technology supports and services:

1. Engage stakeholders to discuss issues impacting availability of assistive technology in schools, jobs and postsecondary training programs and institutions of higher education.
2. Increase awareness of existing services from state operated/state supported programs for the blind and visually handicapped.
3. Survey the field to identify challenges related to assistive technology and supports and services.
4. Explore ways to enhance existing technical assistance and support resources in the provision of assistive technology to students and adults with disabilities.
5. Develop and issue updated policy guidance on assistive technology, as necessary, to improve the quality of services based on the above activities and to leverage additional resources to supplement existing policy, programs and services.
6. Collaborate with the Governor's Office regarding the use of Smart Schools Bond Act funds in support of assistive technology purchases to support students with disabilities.