ASSISTIVE TECHNOLOGY (AT)/TEXTBOOKS AND THE IEP/504 TEAM
Non-NIMAS Student Guidance
2007-2008

1. **The Law:** Local Education Agencies (LEAs) and Area Education Agencies (AEAs) are to ensure that children with disabilities who need assistive technology (AT) devices and services and who need instructional materials in accessible formats, but are not included under the National Instructional Materials Accessibility Standards (NIMAS) definitions (blind, visually impaired, physically disabled, and reading disabled) or who need materials that cannot be produced from NIMAS files, receive those devices, services, and instructional materials in a timely manner. **(34 C.F.R. Section 300. 210 (b) (3)) As part of the eligibility determination process under IDEA, the team must consider the presence of a disability and the need for special education. When educationally relevant, assistive technology may be a component of both "disability" and "the need for special education." The effectiveness of assistive technology is also a factor when considering whether a student is protected by Section 504.**
2. **Definition of timely manner:** the Office of Special Education Programs (OSEP) has interpreted "timely manner" language as "at the same time as other children receive instructional materials". The regulation requires the Department to "ensure that all public agencies take all reasonable steps to provide instructional materials in accessible formats to children with disabilities who need those instructional materials at the same time as other children receive instructional materials." Reasonable steps, for example, would include requiring publishers or other contractors to provide instructional materials in accessible formats by the beginning of the school year for children whom the public agency has reason to believe will be attending its schools. Reasonable steps also might include having a means of acquiring instructional materials in accessible formats as quickly as possible for children who might transfer into the public agency in the middle of the year. Reasonable steps would not include withholding instructional materials from other children until instructional materials in accessible formats are available.
3. **Possible Accessible formats**: Audio, Large Print, Text to Speech or Digital Text. Braille format is covered under NIMAS regulations**,** because students requiring Braille format would always be NIMAS eligible.

4. **Process:**

Before an IEP/504 Meeting: General Intervention Process (Student or Building Assistance Teams)

1. General Education Teacher reviews information regarding the student's abilities, educational tasks that are difficult for the student, interventions that have been implemented and makes referral to local building team.
2. Local team should ask the following questions in regard to assistive technology (AT) services and devices and accessible formats:
   - What are the rest of the students' doing that this student can't do?
   - Is there available AT (either devices, tools, or software) or accessible formats that could be used to address what the student can't do?

3. Collect information about possible AT interventions and accessible formats. This might include having the student try different devices or software to see what works or not. Specifically gather evidence that the specified educational needs are being met in the least restrictive environment, and that the student's programming is appropriate with these interventions. This information can be obtained from the AEA.
4. Implement the chosen intervention(s) and collect sufficient data, typically 6-8 weeks worth of data about the interventions effectiveness. This time frame should be based on the device or format being assessed, the student's needs, and the severity of the intervention problem.
5. If the AT/accessible format intervention does not work, try another intervention and collect additional data (see #4) or make a referral for special education services.
6. Make decision to refer for special education services or write a 504 Plan based on data collected AT/accessible format interventions and on other interventions implemented.

IEP Meeting (AT Team members, and others should be in attendance, if appropriate. If they cannot be present, their reports need to be available to IEP team members).

1. Review pre-IEP interventions and data on AT/accessible formats and other interventions.
2. Address: "Does the student require AT devices and/or services?"
   - If the current interventions are working and AT is not required, discuss evidence of progress and proceed with the development of the IEP
   - If AT is already being used effectively, this AT intervention must be described in the IEP (Special Considerations Section – Page B)
   - If there has been a trial with an AT intervention and the IEP team determines that it is a requirement to meet the student's needs, include a specific statement of such services, including the nature and amount of such services. The inclusion of assistive technology in the IEP requires a degree of specificity so that it is clear how and why the technology will be used to

accomplish a particular goal and the anticipated frequency, location, and duration of the technology (Services Section – Page F)

- If the IEP team determines that AT should be tried, describe what AT intervention will be tried, for what specific educational tasks, under what conditions, and the criteria for determining whether or not the need is being met by the AT intervention (Services Section – Page F)

3. Establish student-learning goals, AT devices and services, and accessible formats on Pages B and D of the IEP form including how AT/accessible formats will be implemented and utilized to meet these learning goals. Also describe the textbooks and related core materials to be converted to accessible formats.
4. Establish review dates of progress of AT/textbook intervention on IEP learning goals (this is not the annual review of the IEP).
5. Identify methods and dates to monitor progress of AT implementation
6. Identify training needs of student, family members, and any related staff, who will provide the training and by when.
7. Discuss timely manner issues (when student needs the device, accessible format, or service, who needs to be trained, trial periods on devices, how device/software will be ordered and installed or implemented).
8. Discuss maintenance and repair issues and responsibilities. The LEA is responsible for maintenance and repair of the AT it owns.
9. Team discusses transition issues such as course-to-course, grade-to-grade, post-secondary, and early access to school. Timely manner should be the focus of these discussions.
10. LEA representative on the Team is responsible for monitoring the provision of AT in a timely manner

After the IEP Meeting

1. Implement interventions
2. Document the effect on student performance.
3. Review effectiveness of AT/accessible formats on a periodic basis using data.
4. LEA representative is responsible for monitoring the provision of AT/accessible formats in a timely manner.

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