

Special Education Services Division

Local Education Agency (LEA)

Oklahoma State Department of Education (OSDE)

Purpose

The Special Education Services Division of the Oklahoma State Department of Education assists school districts in the provision of special education and related services so that all students with disabilities will be college, career and citizen ready upon graduation from high school. Under federal special education law and state rules, students with disabilities who require assistive technology devices or services in order to receive a Free and Appropriate Public Education (FAPE) are eligible for those devices and/or services as specified in the student's Individualized Education Program (IEP).

Contact(s)

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<http://www.ok.gov/sde/>

Financial Criteria

- none

Eligibility

- Children with disabilities, ages 3-21;
- to determine if a referral for special education service is appropriate, a multidisciplinary group including the parents will meet; and
- if the group has reason to believe the student has a disability, they will evaluate the child to determine if the student qualifies for special education.

AT Services Provided/Covered

- Information & Referral
- Training for Student & Family
- Assessments & Evaluations
- Supporting Software
- Locating Alternate Funding
- Maintenance & Repairs
- Fabrication of Devices

AT Devices Provided/ Covered

- Aids for Hearing Impaired
- Mobility/Seating & Positioning
- Speech Communication
- Environmental Adaptations
- Aids for Vision Impaired
- Aids for Daily Living
- Computers & Related
- Recreation & Leisure Devices
- Learning Cognition & Developmental

Application Process

- As part of an initial evaluation, a group of qualified professionals and the parent/guardian shall review existing and new evaluation data.
- Parents or educators of students with disabilities who have suspected AT needs should inquire regarding referral for evaluation of these needs by the local school system.
- If the child is determined eligible, an Individualized Education Program (IEP) is developed.

Dispute Resolution Process

1. Parents may contact the Oklahoma Parents Center or the Special Education Resolution Center for information on federal and state laws that guarantee a child's right to a Free Appropriate Public Education (FAPE) and parental rights and responsibilities.
2. Special Education Services encourage parties to resolve disputes at the earliest stage possible. Mediation regarding AT issues is available at any time a dispute arises. Neutral trained mediators are available at no cost to either party.
3. A parent or a school may initiate a due process hearing to resolve a dispute regarding the proposal or refusal to initiate or change the identification, evaluation or educational placement of a child or the provision of a FAPE to a child. A parent's request for a due process hearing must be in writing, signed and addressed to the local school administrator and include: child's name; date of birth; current grade or class placement; established or purported disability; and the reason for challenging identification, evaluation, placement, or appropriateness of the education for the child. A copy of the request must also be mailed to:

Attention: Due Process Hearings
Special Education Services
Oklahoma State Department of Education
2500 N Lincoln Blvd.
Oklahoma City, OK 73105-4599

4. The hearing officer's decision will be final and binding unless a request is made to appeal the decision. Any party unhappy with the decision may initiate an appeal process within 30 days of the hearing officer's decision. Appeals must be sent in writing to the State Department of Education, Special Education Services. Impartial appeals officers conduct the reviews.
5. Formal Written complaints should be filed with the Oklahoma State Department of Education (OSDE). Complaints to the OSDE should be addressed to the superintendent or administrator of the school district. Complaint forms can be downloaded from the website: <http://ok.gov/sde/sites/ok.gov.sde/files/SpecEd-ComplaintReqLEA.pdf>
6. Assistance regarding complaints can also be provided through Special Education Services Division by calling (405) 521-3351.
7. Complaints must be written and include:
 - how the LEA has violated a requirement under Part B of IDEA;
 - the basic facts which lead to the belief that the law has been violated;
 - the complaint must allege a violation that occurred not more than one year prior to the date the complaint is received by the LEA or OSDE;
 - complaints pertaining to a specific child with a disability that include the child's name, date of birth, and current educational status; and
 - the signature of person(s) filing the complaint.

Pieces of the Puzzle

- If the team determines the student would need AT to receive FAPE, the team will address a comprehensive evaluation to determine what type of AT devices and/or services are needed. The evaluation may include an assessment of the student's functioning in several areas: cognitive, academic, auditory, vision, speech/language, and motor skills, and must consider AT needs and identify appropriate devices and/or services.
- If the student is determined ineligible for Special Education Services, AT may be accessed through the provisions of the Americans with Disabilities Act (ADA) or Section 504 of the Rehabilitation Act. See Appendix A for more information on obtaining AT through ADA or Section 504.
- It is the IEP planning process that is important in determining whether the school system is the appropriate entity to obtain AT for a child. If the IEP team determines that an assistive device and/or service is needed for the child to successfully meet the goals and objectives of the IEP, the school system **MUST** provide the individual with the specified AT device and/or service at no cost to the parents, as part of the student's FAPE.
- The school system may provide the AT device or service by:
 - using existing resources (equipment) that they already have;
 - obtaining the needed device through equipment lending libraries;
 - locating other sources of funding outside the school district, such as Medicaid;

- asking the parents if they want to obtain the device through their private insurance company, if coverage exists; or
- purchasing the device with district funds. Thus, once the need for AT is written into an IEP, the school district MUST ensure that the student obtains the specified AT device and/or service. If parents choose not to use their private insurance, school systems cannot require them to do so.
- Once the school has made a commitment to obtain the specific AT, the child should receive proper training and follow-up to insure that the child will benefit from using the device. In addition, the child's parents, teachers, and support staff should receive training on how to use the device and how to maximize the child's use of the device at school, at home, and in the community.
- Just because a parent wants a particular device for his/her child does not mean that the need for that device will be written into the IEP. Although the parent is a member of the IEP team, any and all decisions are TEAM decisions. The IEP team must decide whether a particular assistive technology is educationally necessary for the child. Team decisions can occasionally place the parent at odds with other team members. There is a process for resolving disputes if the parent feels that the IEP does not meet the needs of the child. (See "Appeals Process" above.)
- If the school district purchases an AT device, the device remains the property of the school system. On a case-by-case basis, the use of school-purchased AT devices in a child's home or in other settings is required if the child's IEP team determines that the child needs access to those devices in order to receive a FAPE.
- When developing transition service plans, be sure to address any AT issues. For example, if the school district has purchased the device, the device stays with that school system when the student graduates, leaves school or even moves to another district. However, a formal mechanism allows school districts to sell or transfer AT devices to parents, other state agencies, or other school districts. For more information, refer to the "Assistive Technology Technical Assistance Guide" at: <http://ok.gov/sde/documents-forms>
- The Assistive Technology & Information Services Program is a collaborative program between the Oklahoma State Department of Education, Special Education Services and ABLE Tech.
- The Assistive Technology & Information Services Program provides school personnel opportunities for awareness and advanced level training through presentations at state and local education conferences and regional training courses.
- School personnel and families have access to ABLE Tech's AT short-term loan program. Short-term loans are available for assessment, preview, trial purposes, accommodation, as a loaner while the student is waiting for device repair and professional development. The AT short-term loan is for six weeks.
- The AT available for demonstration and short-term loans can be found at the ABLE Tech's fully accessible website.

- ABLE Tech provides information services that assists school personnel with referrals to other appropriate service providers, agencies, vendors or manufacturers.
- IDEA requires that states and school districts provide accessible versions of educational materials to students with disabilities in a timely manner, as an essential component of FAPE. The National Instructional Materials Accessibility Standard (NIMAS) is a uniform electronic format for textbooks and related materials from which accessible formats can easily be made.
- Accessible Educational Materials (AEM) are for students with sensory, physical, or specific learning disabilities that impair the ability to access printed materials. ABLE Tech contracts with the State Department of Education and provides:
 - information and demonstration of AT devices and services;
 - technical assistance and training for educators and/or parents;
 - assistance to schools and parents in determining student eligibility to curriculum resources and availability dependent upon IEP or 504 status;
 - access to repositories of digital textbook files and curriculum downloads from the National Instructional Materials Access Center (NIMAC);
 - the facilitation of braille or large print curriculum content to vendors such as Liberty Braille and the AIM Center that are authorized to create specialized formats; and
 - the needed AT for the student to access AEM and facilitate the delivery of AT the same time as specialized format is delivered.
- For more information on the Individuals with Disabilities Education Act (IDEA), see Appendix A.