

SPECIAL EDUCATION PROGRAMS LOCAL EDUCATION AGENCY

Special Education Services Division, Oklahoma State Department of Education (OSDE)

PURPOSE

Since 1975, the federal government has mandated a Free and Appropriate Public Education (FAPE) for all children with disabilities, including those children whose disabilities are multiple and severe. Oklahoma's public schools are responsible for ensuring that each student, regardless of disability, receives an appropriate educational program that meets his or her individual needs. The Special Education Services Division of the Oklahoma State Department of Education exists to help local school systems provide special education and related services so that all students with disabilities can develop into productive and successful citizens. Under federal special education law and state rules, students with disabilities who require AT devices or services in order to receive a FAPE are eligible for those devices and/or services as specialized in the student's Individualized Education Program (IEP). The Special Education Services Division provides technical assistance to local school systems concerning the provision of AT devices and services to students with disabilities, primarily through the Oklahoma Assistive Technology Center (OATC).

ELIGIBILITY

- See "Eligibility".

ELIGIBILITY

- Includes all children with disabilities, ages 3-21.
- For students who are not currently receiving special education services, a multidisciplinary team including the parents/guardians may request a referral for special education. If the team suspects the student to have a disability, the team implements the following sequence of events to determine if special education services are required and to evaluate if the child would benefit from education:
 - 1) evaluation and eligibility determination;
 - 2) program planning (development of an IEP);
 - 3) implementation of the IEP; and
 - 4) review of student progress and the IEP at least annually.
- As part of an initial evaluation, a group of qualified professionals and the parent/guardian shall review existing evaluation data and/or new evaluation data.
- If the student has unique physical, sensory or communication needs, the team will address a comprehensive evaluation to determine if 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 programs, 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.

AT SERVICES PROVIDED/COVERED

- Information & Referral
- Training for Consumer & Family
- Assessments & Evaluations
- Supporting Software
- Locating Alternate Funding
- Maintenance & Repairs
- Fabrication of Devices
- Advocacy/Other (Devices required by IEP)

AT DEVICES PROVIDED/COVERED

- | | |
|---|---|
|  Adapted Toys & Games |  Augmentative Communication |
|  Aids for Daily Living |  Computer Applications |
|  Aids for Hearing Impaired |  Educational Devices & Adaptations |
|  Aids for Vision Impaired |  Recreation & Leisure Devices |
|  Environmental Controls |  Seating & Positioning Equipment |
|  Wheelchairs & Mobility Aids | |

Special Education Programs (Local Education Agency), cont. . .

CONTACT

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FAX: (405) 522-3503

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University of Oklahoma
Health Sciences Center
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Oklahoma Assistive
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OU-Tulsa, Schusterman
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4502 E. 41st Sr.
Tulsa, OK 74135
(918) 660-3281
FAX: (918) 660-3297

Oklahoma Parents Center
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Oklahoma City, OK 73136-
2116
(877) 553-4332 (Voice/TDD)
Email: ptiofok@aol.com

See Appendix B for Early
Settlement Mediation Regional
Offices.

APPLICATION PROCESS

- 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. (See information above under "Eligibility" for a description of the evaluation process.)
- If the child is determined eligible, an Individualized Family Service Plan (IFSP) is developed.

APPEALS PROCEDURE

1. Oklahoma Parents Center is available to provide 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. Formal complaints should be filed with the Local Educational Agency (LEA) and be addressed to the superintendent or administrator of the school district. Assistance regarding complaints can also be provided through:

Complaints
Special Education Services Division
OK State Department of Education
2500 N Lincoln Blvd, Room 411
Oklahoma City, OK 73105-4599

Complaints must be written and include:

- a. a statement that the LEA or other responsible public agency has violated a requirement under Part B of IDEA;
 - b. the facts on which the statement is based;
 - c. complaints which allege a violation has occurred not more than one year prior to the date the complaint was received by the LEA or Oklahoma State Department of Education (OSDE) unless the violation is ongoing or there is a request for compensatory devices for a violation that occurred no more than three years prior to the date the complaint is received by the LEA or OSDE;
 - d. complaints pertaining to a specific child with a disability that include the child's name, date of birth, and current educational status; and
 - e. the signature of person(s) filing the complaint.
3. Special Education Services encourages resolution of disputes between parents and schools through mediation and other informal means of dispute resolution as alternatives to due process hearings. Mediation services are available through the Early Settlement Centers of the Alternative Dispute Resolution (ADR) System of the Administrative Office of the Courts. For mediation information or referral contact (800) 426-2747; Sue Tate, Director of the ADR program, at (405) 521- 2450; or call Tom Bell, Associate Director, Special Education Services at (405) 521-4858.
 4. 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.

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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

5. The hearing officer's decision will be final and binding unless a request is made to appeal the decision. Either the parent or the school may initiate an appeal of the hearing officer's decision. Appeals must be initiated in writing to the State Department of Education, Special Education Services. Impartial appeals officers conduct the reviews.

PIECES OF THE PUZZLE

- It is the program planning process (the IEP) 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.
- The school system may provide the AT device or service by:
 - a. using existing resources (equipment) that they already have;
 - b. obtaining the needed device through equipment lending libraries;
 - c. locating other sources of funding outside the school district, such as Medicaid;
 - d. asking the parents if they want to obtain the device through their private insurance company, if coverage exists; or
 - e. 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 members of the committee. There is a process for resolving disputes if the parent feels that the IEP does not meet the needs of the child. (See "Appeals Procedures" 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 "Technical Assistance Document: Assistive Technology for Children and Youth with Disabilities."
- If required by the IEP, the AT must be made available to the student at no cost to the parents, as part of the student's FAPE.
- The Assistive Technology Program for Oklahoma Public Schools is a collaborative program between the Oklahoma State Department of Education and the Oklahoma Assistive Technology Center (OATC).
- OATC can assist public school personnel by providing information about the classroom use of AT in the following areas: positioning, access, environmental control, augmentative communication, assistive listening, visual aids, mobility, computer-based instruction, recreation/leisure and play, and activities of daily living.

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- OATC staff may also assist school personnel with referral to other appropriate service providers, agencies, vendors or manufacturers.
- OATC staff are also available to provide consultative services to schools. This service may include an on-site visit to consult with school personnel regarding issues related to AT devices and/or services. OATC staff will collaborate with local school personnel to assist in the assessment, recommendation, implementation, or follow-up phase of providing AT devices and/or services to students with disabilities.
- OATC also provides, for a fee, comprehensive evaluation services. These services include an assessment team of OATC staff who are responsible for all phases of the evaluation process:
 - collecting referral information,
 - planning and conducting the student assessment, and
 - generating an assessment report with recommendations regarding AT devices and/or services.Assistance is also provided in identifying potential funding sources for recommended devices.
- OATC provides school personnel opportunities for awareness and advanced level training through presentations at state and local education conferences and regional training courses. Additionally, school personnel may also arrange preview times in the OATC Computer Access or Augmentative Communication labs.
- School personnel have access to an assistive technology equipment loan program. Short-term loans are available for assessment, preview, and trial purposes.
- The AT Regional Loan Program for Oklahoma Public Schools has equipment available for loan to special educators, related service providers, and assistive technology team members who serve special education students in Oklahoma Public Schools. The equipment is for short-term loan purposes only. This limits its use to school assessment, field test or classroom preview. The equipment is not intended to be used as dedicated equipment for individual students.
- The OATC is a consumer-responsive program providing services and information to people with disabilities across the state. A component of the Division of Rehabilitation Sciences, College of Allied Health, University of Oklahoma Health Sciences Center, OATC's primary service site is in Oklahoma City, with a satellite site in Tulsa. (See "CONTACT" for OATC contact information.)
- For more information on the Individuals with Disabilities Education Act (IDEA), see Appendix A.
- For more information on how to utilize AT, you may request a free copy of *Assistive Technology for Children and Youth with Disabilities* from Oklahoma ABLE Tech by calling: (888) 885-5588.