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MEMORANDUM

TO: District School Superintendents

FROM: Dr. Michael Grego

DATE: October 12, 2011

SUBJECT: Overview and Implementation of House Bill 1255, Section 24 Assistive Technology – Amended Memo

Contact Information:

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The 2011 Florida Legislature passed House Bill 1255 entitled *Education Accountability*, which was signed into law by Governor Rick Scott on June 17, 2011. Section 24 of the bill adds statutory language regarding a timeline for assistive technology assessments. The text of House Bill 1255 may be viewed at <http://www.myfloridahouse.gov>.

House Bill 1255 amends section 1003.575, Florida Statutes, to require that if an individual educational plan (IEP) team makes a recommendation for a student with a disability to receive an assistive technology assessment, that assessment must be completed within 60 school-days after the team's recommendation.

This memo was originally released on August 25, 2011. However, upon further review, a revision has been made to our responses to questions two and four. The revised language is in bold. The Department of Education is currently developing a technical assistance paper and tools for IEP teams regarding assistive technology and assistive technology assessments.

If you have any questions regarding the implementation of this legislation, please contact Ms. Leanne Grillo, Program Specialist, via e-mail at Leanne.Grillot@fldoe.org or by telephone at (850) 245-0478.

BJL/lgd

Attachment

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CHANCELLOR OF PUBLIC SCHOOLS

House Bill 1255, Section 24, Assistive Technology

QUESTIONS AND ANSWERS

1. What is an assistive technology assessment (evaluation)?

Assistive technology evaluation is a term included in Rule 6A-6.03411(1)(c), Florida Administrative Code (F.A.C.), *Definitions, ESE Policies and Procedures, and ESE Administrators*. Assistive technology service is defined to mean “any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device.” The term includes “the evaluation of the needs of a student with a disability, including a functional evaluation of the student in the student’s customary environment.”

2. What does the 60 school-days timeline mean?

During an individual educational plan (IEP) team meeting, if the IEP team recommends an assistive technology assessment (evaluation), then the parent would be asked to sign consent to conduct a reevaluation. **The 60 school-days timeline begins when the IEP team makes the recommendation for such an assessment (evaluation). Please note that the statute does not make any provision for the adjustment of the timeline due to student absences.**

As indicated in Rule 6A-6.0331(7)(e), F.A.C., “the informed parental consent for reevaluation need not be obtained if the school district can demonstrate that it made reasonable efforts to obtain such consent and the student’s parent has failed to respond.” Once reasonable attempts have been made to secure parental consent, barring refusal from the parent, the evaluation may begin.

3. Is the IEP team’s consideration of whether a child needs assistive technology devices and services as required by Section 300.324 (a)(2)(v) of Title 34 of the Code of Federal Regulation the same as an assistive technology assessment (evaluation)?

No. The consideration by the IEP team of whether a child needs assistive technology devices and services is not a formal evaluation. Questions that will assist the IEP team in addressing the requirement include, “What is it we want this student to do that he/she isn’t able to do because of his/her disability? Would assistive technology enable this student to meet this goal?” If the IEP team decides that an assistive technology evaluation is needed beyond this consideration, then procedures for reevaluations must be followed.

4. How does the IEP team respond to a parent’s request for an assistive technology assessment (evaluation)?

The IEP team must consider the parent’s request and determine if the need for such an assessment is appropriate. As noted above, if the IEP team decides that an assistive technology evaluation is needed beyond this consideration, then procedures for reevaluation must be followed. **The IEP team may decline to recommend the assessment and provide a written notice of refusal. The written notice must follow the specific provisions in Rule 6A-6.03311(1), F.A.C.**

5. Will the Department of Education be monitoring the assistive technology timeline in the data collected for the State Performance Plan (SPP) Indicator 11?

No. Since the assistive technology assessment (evaluation) pertains to a student already determined to be a student with a disability, this data will not be collected for purposes of the SPP. Indicator 11 of the SPP addresses the initial evaluation timeline for a student suspected of having a disability.

6. Does the 60 school-days timeline apply to students with Section 504 plans?

No. The law specifically refers to students with disabilities as defined in section 1003.01(3)(a), Florida Statutes. Students with Section 504 plans are not included in this definition.