



# DIRECTIONS

*Technology in Special Education*

Vol. 5 , No. 1

August 1998

## Bridging the Technology Gap in Schools

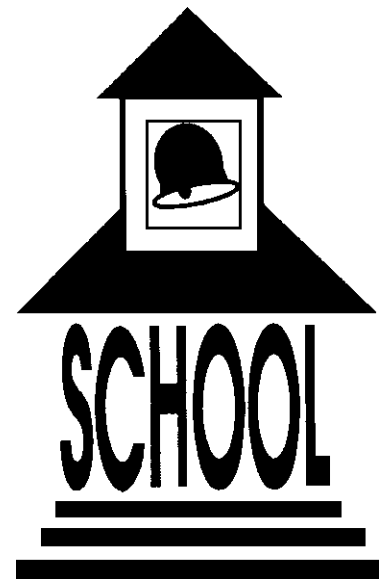
*Source: Community Update, June/July 1998  
U.S. Department of Education*

In an age where technology is becoming an important learning tool for classrooms and an essential skill in the workplace, we must ensure that no student is left behind regardless of race, income, or geographic location. Although 78 percent of our public schools are connected to the Internet, only 27 percent of our classrooms have Internet access. The numbers for our poorest communities are even more startling, with only 14 percent classroom connectivity.

Two recent studies demonstrate the important role of access to technology for minorities and at-risk students. Vanderbilt University reported in February 1998 that there is a significant difference between the use of the Internet by blacks and whites, and found that 73 percent of white high school and college students have a home computer compared to 32 percent of black students. The report also highlighted a disparity in Web usage: 59 percent of white students had used the Web in the last six months compared to 31 percent of black students. A City University of New York, Technology for Learning study (TELL) concluded that use of computers can improve learning and educational opportunities for at-risk students. Significant academic improvements were found, especially in reading, when computers were provided in the homes of at-risk middle school students.

“There is a growing concern as we enter the new century that the technology gap will worsen,” U.S. Secretary of Education Richard W Riley said. “The E-rate is the best way to make sure that all students in all schools have access to technology.”

The E-Rate provides discounts (20 percent-90 percent) on telecommunications services, Internet access and internal connections based on the percent of students eligible for the free and reduced price lunch



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# Accessible Learning

by Lorianne Hoenninger

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What better way to wind down the summer than by introducing your children to the world of computer art. Their creative juices will be stimulated, they will be learning about colors, shapes, design ... (and with luck, they will be occupied for hours!)

For students with special needs of course, computer art may not be so simple. They may have, well, special needs. Some children may need the software hot spots to be large and easily accessed. Some children may need a limited number of choices, enough to enhance creativity, but not so many as to cause confusion.

Computer art software is especially important for children with physical disabilities, who may not be able to hold a crayon or paintbrush independently, and thus rely on computer software for self expression. Fortunately, there are many commercial products worth investigating. **My Paint** by KidTECH (1-805-396-8676) is a beginning coloring program designed for young single switch artists using a Macintosh. **Switch Art** by Judy Lynn (732-390-8845) was designed for young single switch artists working in a DOS/Windows environment. The **Exploring Patterns, Holidays and Animals Coloring Books** from Intellitools (<http://www.intellitools.com>) are designed for PreK-2

students and are accessible by a mouse, an Intellikeys keyboard or a switch.

On the Internet, one site that everyone should visit is Trendmaster. I don't know why, but <http://www.trendmaster.com> has several well designed games, including coloring books, in both Mac and Windows format, free for the taking. All feature large buttons, a visually simple screen interface and are age appropriate for students from PreK to Junior High. Titles include such programs as **Gumby's Super Sneaky Disguise Kit**, **Starcastle Cosmetic Castle Activity** and **Dream of Jeannie Fashion Disk**.

MS DOS users should check out **Bert's Coloring Programs** from <http://www.kidsdomain.com>. Children can place images in 4 different sizes on a variety of backgrounds, then write about their picture.

Another excellent PC download from <http://www.kidsdomain.com> is **Z and Z Color**. This is a paint by number designed for children 4-8 with a twist. One is not limited to "paint by number". Picture sections can be labeled with numbers, letters or shapes, and printed out for coloring off-line.

**Child's Play**, also from <http://www.kidsdomain.com>, is a drawing program very similar to Kidpix, but

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## DIRECTIONS

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Vendors - We welcome product news. Please include pricing and contact name with press releases.

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# The "Inside Story" on the *Whitehead* Jury Verdict

Source: *The NEWSTAND*, Vol 1, Issue 5, July 1998

*Note: Although this article is not technology related, we felt that it represents what may be going on in a number of school districts around the country and wanted to pass it along. It is reprinted here in its entirety from the STAND newsletter -Ed.*

Many STAND members and NEWSTAND readers have inquired about the recent jury verdict against a Florida school district for acts of retaliation against parents of a child with disabilities. The case has generated a great deal of interest from school districts and parent advocates and attorneys across the country. Because the case involves a Florida school district and STAND board members, NEWSTAND wants to provide readers with the inside story of the *Whitehead* verdict. To do that, we inquired of the parents' attorney (and STAND board member) Laura L. Whiteside. The following is her response. It has been revised for NEWSTAND readers from her report to the Special Ed Advocate.

Dear NEWSTAND:

The *Whitehead* verdict was awarded against the Hillsborough County, Florida School District, the nation's twelfth largest school district with an annual budget of approximately \$1.3 billion. Part of that budget comes from federal funds that are distributed for the specific purpose of assisting states to provide appropriate educational services to children with disabilities. In exchange for IDEA funds, the Florida Board of Education and each local school district agree to provide a free appropriate public education to all children with disabilities in the state.

It was in connection with educational rights arising under the Individuals With Disabilities Education Act ("IDEA"), that the parents suffered retaliation. Retaliation against persons with disabilities and persons who advocate on behalf of persons with disabilities violates Section 504 of the Rehabilitation Act of 1973.

## Lengthy Litigation

The story is convoluted as a result of the circularity and ineffectiveness of the "procedural safeguards" available to children with disabilities in Florida. Procedural safeguards required by federal law are intended to bring rapid and final resolution to disputes between school districts and parents when issues arise involving the education of children with disabilities. The *Whitehead* case began in 1993 and is not yet concluded. The jury verdict is one step in lengthy, multi-faceted litigation that was necessary in order to give any meaning to rights arising under the IDEA

In the fall of 1992, Andrew Whitehead prepared to enroll in a kindergarten class in the public schools. His parents, Keith and Nikole Whitehead sought one hour per week of one-on-one speech/language services for Andrew, who has Down Syndrome. The genetic disorder, technically known as Trisomy 21, is known to impact on the acquisition of language and speech skills. Additionally, hypotonia, which frequently accompanies Down Syndrome, contributes to speech and articulation difficulties. Although Andrew's need for the services was

not in dispute, it was years before the parents were able to effectively enforce Andrew's right to a commitment of those services. That enforcement came on February 25, 1998, when the federal court entered an order holding that the school district could not continue to write Andrew's individualized education programs ("IEP") without specifying the educational services appropriate to Andrew.

On April 3, 1998, following a two-week trial, an eight-member jury awarded Keith and Nikole Whitehead \$300,000.00 each to compensate them for damages they endured as a result of acts of retaliation undertaken by the Hillsborough County School Board in response to their efforts to enforce Andrew's federal rights. The jury denied Andrew's claim for monetary damages for intentional discrimination. Unfortunately, the jurors did not have the benefit of the definition of discrimination under Section 504.

"Discrimination" under Section 504 includes creating a system of administration of programs for the disabled that has the effect of defeating the purposes of the program. The Whiteheads contended that the school district's special education programs are discriminatory under that definition. They asked for damages for the educational regression that Andrew suffered due to that discrimination. In order to recover monetary damages, the discrimination must be intentional.

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# ATFSCP Notes

## The Assistive Technology Funding and Systems Change Project

[http://www.ucpa.org/html/innovative/atfsc\\_index.html](http://www.ucpa.org/html/innovative/atfsc_index.html)

### WHAT DOES THIS HAVE TO DO WITH ASSISTIVE TECHNOLOGY?

*By Susan Goodman, Esq.\**

David Bradley is 16 years old. He likes videos, music, watching movies and going to the mall. He is a quiet, well-mannered young man. David was diagnosed, at the age of six, with autism and school phobia.

Textbooks and lectures do not interest David in spite of the fact that he can "parrot back" anything he hears for the purposes of test taking. When verbally quizzed on the information presented in this way, however, he shows a complete lack of understanding. When quizzed on information he learned through the use of assistive technology devices and services, including the appropriate software, his performance vastly improves.

Assistive technology devices and services are a key feature of David's academic education. Six years ago, David was given an assistive technology evaluation. A computer and the appropriate software were recommended for David's use.

David has a computer at home and loves to use different types of software. This software was donated to David and his family because the school he attended refused to use the educational software recommended for David. The school stated that software is methodology and according to the law, teachers are not required to provide it for David's instruction. This is remarkable because the software is

available in the school library! However, the teachers do not know, nor do they want to learn, how to use it.

David's family requested a due process hearing to address this and other serious issues related to David's education. At the due process hearing, the school principal testified that having the software on the library shelf constituted implementation of David's evaluation recommendations for use of the software. The hearing officer found this statement astonishing, remarking that "it (the statement) almost defies common sense." However, she ruled against the Bradleys and a lawsuit was subsequently filed in the U.S. District Court for the Eastern District of Arkansas on failure to provide a free appropriate public education as well as issues related to violation of David and his family's civil rights because of physical and verbal abuse, harassment and violation of privacy rights under federal civil rights and other laws. David is not currently attending public school because of fears for his and his family's safety and the problems related to school phobia.

David's case illustrates a complete failure of the educational system to provide a free appropriate public education in a safe, educational environment. To say that this case is merely about the provision of appropriate assistive technology devices and services is an understatement of huge proportion. However, the failure of

the school system to provide appropriate assistive technology devices and services reflects the limitations of laws and regulations and underscore the insidious nature of ignorance and discrimination against individuals with disabilities and those who advocate on their behalf.

Nonetheless, without the laws we currently have (in this case, IDEA and its important procedural safeguards), we would not be aware of, nor could we attempt to remedy this devastating situation and prevent others like it. The tools are available to provide David and other individuals with disabilities with a free appropriate public education through IDEA. For example, IDEA requires that:

- Each student receive a free appropriate public education in the classroom where s/he would attend if s/he were not disabled, supported through the use of special education, related services and supplementary aids and services.
- Assistive technology devices and services should be considered for each student under any of the three categories mentioned above.
- Assistive technology services include, among other things, any service that directly assists a child

with a disability in the selection, acquisition, or use of an assistive technology device and training or technical assistance for professionals (including individuals

- The IEP include activities to help children with disabilities participate and progress in schools' general curriculum and activities.

- States have a comprehensive system of personnel development designed to ensure adequate training for special education, regular education, and related services personnel.

In addition, the new IDEA was authorized and money was appropriated by Congress for state improvement grants to improve the provision of services for students with disabilities. The opportunity for educators to learn about best practices is available if the states and local school districts will use it.

Laws and regulations cannot cure the widespread problems of discrimination against and devaluation of individuals with disabilities. However, appropriate training and technical assistance for teachers and awareness and support of administrators can and has changed the attitude and environment in some schools. And, after all, schools often form the center of our communities and are one of the keys to successful inclusion in the community for individuals with disabilities.

While the Bradleys' lawsuit is pending, David receives his education at home. His parents help him to use a computer with educational software

donated by The Learning Company and the Skillsbank Corporation, a subsidiary of the Learning Company.

Skillsbank gave the Bradleys a program called Skillsbank 4. When asked about the programs David was using and his progress as a result of this software, Mr. Bradley had the following comments: "This product is a comprehensive resource for diagnosing and remediating students' basic skills. To date, we have used a program on consumer skills which David has liked a lot. David has completed this lesson plan and has shown an improvement of an average of 33 percentage points over initial scores. In addition, we are using the Vocabulary Building, Reading Comprehension, Mathematics Computation, and Mathematics word problems, all part of Skills-bank 4 basic skills curriculum. We are also using Learning Company MECC Unlocking Fractions and Decimals. It has good animation, and it's great for younger kids. It also has MECC Super Munchers, and a trivia game. MECC is also a division of The Learning Company. David's vocabulary has increased dramatically, he's ASKING QUESTIONS when he does not understand, and is getting answers. He is able to do math without aid of a calculator, has learned meanings of words like, *equals*, *sum*, *divide*, etc. He is learning capitalization, reading for meaning, and gaining other important skills... David has really liked the consumer skills course work. It deals with real life problems, reading recipes, warranties, schedules,

filling out order forms for catalogs, etc. We want to really express our appreciation to the Learning Company for donating this software. We would never have been able to purchase this on our own, and the school had refused all efforts to help us provide David with software to help us teach him."

David's progress is heartening for his parents. However, they lament over the progress he could have made if proper use had been made of AT in his school. Their advice to other parents is this:

"We would like to emphasize that this software is extremely good for working one on one with any student. It is not something to simply give to a student to use on his own, but is best used as a catalyst for starting interaction. The teacher and student can ask questions. The teacher can monitor everything and can redirect a student(s). With these programs, we work with the computer, read instructions, give explanations, and answer David's questions. We can make sure David understands the question he is asked to answer. When he enters his answer into the computer, the computer responds. If the answer is incorrect, the computer dispassionately shows the answer is incorrect and prompts David to ask for a hint or shows him the correct answer. This is all done in a nonthreatening, dispassionate computer generated voice. It helps David learn that the wrong answer is not the end of the world, just a wrong answer, this time. We love it! David thinks it is 'COOL'."

*Please see ATFSCP on page 8*

# New Special Education Regulations on Assistive Technology

*Adapted by Susan Goodman from an article written by Nancy Faccone, Staff Attorney, New Jersey Protection and Advocacy, Inc., Technology Assistive Resource Program & Richard Dodds, Director of Technology Services, United Cerebral Palsy Associations*

## **Tech Express - Summer 1998**

Since 1990, the Individuals with Disabilities Education Act (IDEA) and its accompanying regulations, have defined and included assistive technology (AT) devices and services as components of special education, related services, and free, appropriate public education (FAPE). Until recently, however, the New Jersey Special Education Department regulations contained potentially confusing language. It required provision of "any specialized equipment and materials." On November 13, 1997, the Appellate Division of the Superior Court of New Jersey issued a decision invalidating the regulation and directing the Department to adopt a new regulation to clarify that "assistive technology devices and services" must be considered and provided through the IEP process. The Court's decision resulted from an appeal filed by the New Jersey Protection and Advocacy, Inc. (NJP&A) which argued that the phrase "any specialized equipment and materials" was narrower than the terms "assistive technology device" and "assistive technology service" as they are defined in IDEA. NJP&A argued that under the definition contained in IDEA, AT devices and services would be much broader than "specialized equipment and materials". The following examples were used to illustrate this:

1. A wheelchair accessible desk

would enable a child to complete classroom assignments.

2. Customized cushions would enable a child to be properly and comfortably positioned so s/he would be able to concentrate and participate in classwork and discussions.

3. A communications device would enable a child without speech or hearing to communicate with teachers and other students.

Similarly, examples of assistive technology services include: 1) an evaluation, and, 2) training for the student and his or her teachers, aides and parents. The Court agreed that the Department's language did not include any assistive technology services.

The Department's regulation contained another provision requiring consideration of "assistive technology, including environmental adaptations" as an option for a child's education in the classroom. However, the Court noted that IDEA specifically requires assistive technology devices and services to be considered as a component of each student's special education, related services and supplemental aids and services.

N.J. P&A also argued that the Department's regulatory language reduced the effectiveness of the policy behind IDEA. It is necessary to clarify the broad range of devices and services available to students. We

must try to eliminate confusion on the part of local school district personnel and parents about students' rights to receive assistive technology and the districts' responsibilities to provide such technology.

Although the Department stated that assistive technology devices and services were implicitly included within "any specialized equipment and materials," the Court agreed with NJP&A's arguments. It expressed concern that local school district personnel would look primarily to the state regulations, rather than IDEA for guidance. As a result, they would follow the explicit meaning of the regulation rather than its unexpressed intention.

To ensure that parents and local school district staff are on an equal playing field and not subject to varying knowledge and interpretive abilities, the Court directed the Department to adopt a new regulation to clarify that assistive technology devices and assistive technology services, as defined by IDEA be considered and provided in developing each child's IEP.

State regulations will now clearly reflect the important and expanding assistive technology provisions contained in IDEA. For example, recent amendments to IDEA specifically require that each child's IEP include consideration of assistive

*Please see REGULATIONS on page 8*

*STAND Continued from page 3*

## **Bench Trial Scheduled**

Although monetary damages for intentional discrimination were denied, the issue of discrimination is yet to be resolved. The parents have asked the court to enter declaratory and injunctive relief requiring the School Board to correct unlawful aspects of its special education system. A five-day hearing will begin on September 21, 1998 on these claims. The trial will take place before United States Magistrate Elizabeth Jenkins in the United States federal courthouse in Tampa.

## **The Dispute**

Initially, this case involved the school district's failure to provide Andrew with the speech/language services that were written on his first IEP. Without providing his parents with any notice, the district decided not to provide the

individual speech/language services. His parents did not learn of the school district's decision until after they noticed that Andrew was regressing. They then discovered that the school was not providing the agreed-upon services. The parents tried, without success to resolve these problems directly with the school district.

## **Administrative Assistance Sought**

After receiving no response from the school district, the parents asked the Office for Civil Rights (OCR) to intervene. At that point, the district agreed to an early resolution process and began providing Andrew with individual speech/language services. The district promised the OCR that it would meet quickly with the parents to consider whether Andrew required compensatory education for the losses

during its failure to implement the IEP. The OCR required the school district to report back after that meeting.

Despite the commitment to the OCR, the district convened a meeting to review Andrew's IEP. The district representatives claimed that new testing showed that Andrew did not need the individual services after all! The school district proposed to remove the services once again from Andrew's IEP. When questioned about the failure to consider whether Andrew needed compensatory services, school district representatives claimed that the team would meet again to consider the issue. Before convening the second meeting, the school district reported to the OCR that it had held the meeting the OCR required. Consequently, the OCR closed its case. The Whiteheads were unaware of the false

*Please see STAND on page 10*

# **AT Survival Kit**

**A Comprehensive Assistive Technology Resource**

## **INCLUDES.....**

- *DREAMMS Guide to Assistive Technology - extensive AT reference anthology of local, state and national agency literature - value \$39.95*
- *A full year subscription to "DIRECTIONS: Technology in Special Education" - value \$14.95*
- *The DIRECTIONS Electronic Digest - the past 2 years on diskette (Mac or PC format) - value \$39.95*
- *Product information from over 50 vendors of assistive and adaptive devices and services - invaluable*

**Receive this \$95.00 value for only \$59.95  
(Parents receive a 50% discount!)**

### **Call us today!**

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273 Ringwood Road  
Freeville, NY 13068-9618

*TECHNOLOGY Continued from page 1*

program. Connecting all classrooms to the information superhighway by the year 2000 is a primary goal of President Clinton's Technology Literacy Challenge. Connecting classrooms with the help of E-Rate discounts will provide a major contribution to end the growing digital divide.

On June 12, 1998 the FCC voted to maintain the 1998 collection levels for E-Rate discounts at

\$325 million per quarter resulting in \$1925 billion over 18 months ending June 30, 1999. The FCC decision ensures that all eligible schools and libraries will receive full support for telecommunications services and Internet access, and the neediest applicants will receive support for internal connections. In spite of this decision, some members of Congress are threatening to reduce or eliminate the E-Rate altogether. Secretary Riley opposes any effort to reduce or eliminate this important telecommunications discount.

For more information about the E-rate, call the Schools and Libraries Corporation at (888) 203-8100 or visit <http://www.slcfund.org>. For general education technology information, call 1-800-USA-LEARN, or visit <http://www.ed.gov/Technology>. The publications *Investing in School Technology: Strategies to Meet the Funding Challenge* and the *Parents Guide to the Internet* are available by calling 1-877-4ED-PUBS. §

*ATFSCP Continued from page 5***Action Steps**

Proper technology, including software, offers great opportunities for all students including students with disabilities. Some of the steps parents can take to access AT for their child include the following:

1. Focus on the functional outcome you want through the use of technology. Determine whether a technology solution could be made available to your child. You can do this by insisting on obtaining an appropriate AT evaluation.
2. If a computer and software is needed, conduct your own research to find out what is available.
3. Visit computer stores or other places that sell software to see what is available.
4. Talk to other parents who have used software or who are also interested in obtaining software.
5. If possible, get a home computer and put software on it. Some bulletin board services provide free, trial, downloadable versions of software. Software may be usable by more than one family member so it can become a family purchase.
6. Strongly advocate for AT assessments and evaluations that are very specific about technology and the software from which your child will benefit.
7. Some libraries may have access to computers and software. Contact your

local library to see if they have a resource such as this.

8. Attend technology exhibitions set up for people with disabilities and the general population. Free software is often available from these exhibitions.

To secure general information contact: Assistive Technology Funding & Systems Change Project, 1600 L Street, NW, Suite 700, Washington, D.C. 20036, Tel: (202) 776-0406 Fax: (202) 776-0414 E-mail: [atproject@ucpa.org](mailto:atproject@ucpa.org) Internet: [http://www.ucpa.org/html/innovative/atfsc\\_index.html](http://www.ucpa.org/html/innovative/atfsc_index.html). §

*REGULATIONS Continued from page 7*

technology devices and services. This requirement will now be clearly reflected in the state regulations.

In spite of the clarified state regulation resulting from the Court's decision, some local districts may continue to misinterpret and wrongfully deny assistive technology to children. NJP&A. Through its Technology Assistive Resource Program (TARP)), will continue to provide advocacy services and legal representation, free of charge to children and their families and will continue to work cooperatively with the Department to achieve systemic solutions. TARP has available a variety of guides to help individuals obtain funding for assistive technology, including funding through special education programs.

TARP can be reached at 1-800-3424832 (voice) or (609)633-7106 (TDD/TTY). §



*STAND Continued from page 7*

representations to the OCR because the school district refused to provide the records to them. They were even denied the opportunity to see the educational testing on which the school district based its conclusion that Andrew did not require the services.

The school district ignored their request. The school district also refused to consider information from a private sector evaluation provided by the parents. In fact, both the school evaluation and the private evaluation showed that Andrew's language skills had regressed.

**No Notice**

Meanwhile, both the school district and the Florida Department of Education failed to provide the parents with notice about IDEA's state complaint procedures. Neither gave notice about the alternative administrative procedures required under Section 504. The district also failed to provide the parents with any written explanation of its refusal to provide Andrew with compensatory education services.

**The Due Process Hearing**

During the summer of 1993, Andrew's parents asked for a due process hearing, as required by the IDEA. The due process hearing was held in September, 1993. The Florida Division of Administrative Hearings assigned an impartial Hearing Officer to hear evidence in the case.

On January 11, 1994, the administrative Hearing Officer entered an order in favor of the parents. (This order is published at 21 IDELR 191.) He made the following award: Andrew would receive the individual speech/language services for the next academic year, Andrew

would receive a year of compensatory education services; and Andrew's parents would be reimbursed for the expenses they incurred for evaluations and substitute educational services.

The Hearing Officer determined that the school district violated the IDEA in 17 ways, acted in bad faith, and retaliated against the parents. These violations included its failure to honor the "stay put" provision of IDEA, its failure to make records available to parents and its reliance on an unlawful policy to refuse to specify necessary services on IEPs.

**The Unwritten Policy**

In defense of its failure to provide Andrew appropriate services the school district claimed that it had an unwritten "implemented practice" that precluded it from writing individual services in students' IEPs. The school district also claimed to the Hearing Officer that no child in the State of Florida had individual services written into his or her IEP. The school district insisted that decisions about the child's need for one-on-one speech/language services are within the unilateral discretion of the speech therapist (who may or may not be experienced, licensed, or meet the state's qualifications as a speech pathologist). The only portion of the Final Order challenged by the School Board was the award of attorney's fees.

Five months after the administrative order was entered, in June of 1994, the school district reasserted its unlawful policy at the annual review of Andrew's IEP. The parents requested the court to give emergency relief by enforcing the administrative Final Order. That request was denied. Apparently, the court accepted the school district's contention that, although the aggrieved party had not challenged the administrative order, it

**Conferences & Events****Date: September 15, 1998**

Gadgets & Electronics: Total Technology 2, New Haven, CT  
Contact: 860-424-4871, Fax: 860-424-4850, E-mail: cttap@aol.com

**Date: September 15 - 17, 1998**

AVIOS, '98 - Speech Technology Conference, San Jose, CA  
Contact: Phone: 408-323-1783, Fax: 408-323-1782; E-mail: avios@pilot.net

**Date: September 25 - 27, 1998**

Abilities Expo, Washington, DC  
Contact: 203-256-4700, x 114 for general info and 203-256-4700 x 123 exhibitors.

**Date: October 20 - 24, 1998**

16th Annual Closing the Gap Conference, Minneapolis, MN  
Contact: Phone: 507-248-3294, Fax: 507-248-3810, E-mail: info@closingthegap.com

**Date: October 23 - 25, 1998**

Abilities Expo, San Mateo, CA  
Contact: 203-256-4700 x 114 for general info and 203-256-4700 x 123 exhibitors.

**Date: December 6 - 9, 1998**

14th Annual DEC International Early Childhood Conference on Children with Special Needs. Chicago, IL  
Contact: 1-888-232-7733

had no enforceability in a court. (In its order of February 25, 1998, the court reversed this position.) The school district asserted that the parents must reprove their claims in federal court. Consequently, the parents amended their complaint to seek enforcement of the administrative order pursuant to the Civil Rights Act, 42 U.S.C Sec. 1983. On February 25, 1998, 49 & 1/2 months after the Final Order (and just three weeks before the damages trial began), the United States District Court for the Middle District of Florida entered an order declaring that the administrative order was final and enforceable.

### The Continued Use Of The Policy

Despite that order, school district representatives testified at the trial that decisions about students' need for individual services is within the unilateral discretion of the school's speech language therapists. Although the Hearing Officer determined that the School Board illegally denied the parents access to their son's

educational records, the jury learned that the school district continued to maintain separate "private files" of correspondence between the school district and the OCR and that the school district continued refuse to provide those records to the Whiteheads.

On May 24, 1998, an injunction was entered prohibiting the school district from failing to specify special education and related services in all Andrew's future IEPs. The hearing in September will determine whether that protection will be afforded to all children attending Hillsborough County schools.

The Statewide Advocacy Network on Disabilities, Inc. (STAND) is a non-profit organization in Florida with a commitment to individuals with disabilities and to those concerned with their needs. They offer education to expand knowledge and skills necessary to fully realize educational rights and responsibilities under the law. You can reach them at 813-258-5700 or on the web at [www.members.aol.com/standweb1](http://www.members.aol.com/standweb1). §

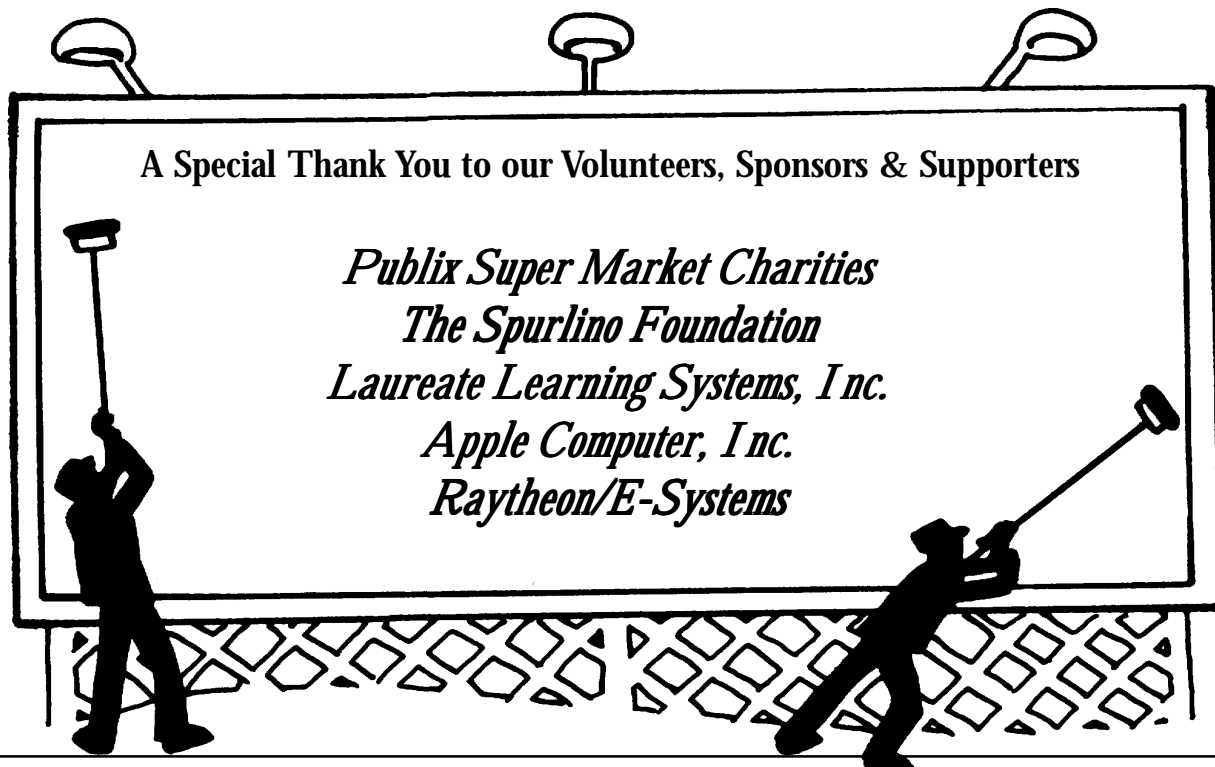
*AL Continued from page 2*

with large, easily accessible hot spots. The registered version contains a MIDI soundtrack, 180 rubber stamps and pattern filled shapes.

I'm sorry Mac users, but **Magic Schoolbus Sandcastle Builder** is only available as freeware for Windows users at <http://www.microsoft.com/kids/freestuf.htm>. Children can build sandcastles using 36 different 3-D shapes, each in 3 different sizes. The graphics and screen design are large, visually simple and hot spots are easy to access!

Next month, let's look more closely at the Intellikeyboard and Intellitools Activity Exchange site. They have lots of fresh ideas for a fresh school year.

If you have a specific question in the meanwhile, do not hesitate to e-mail me at [lorianne@erols.com](mailto:lorianne@erols.com) or write c/o: Accessible Learning Technology Associates, P.O. Box 597, Shirley NY, 11967. See you on the internet! §



# The Steps to Funding Assistive Technology

**Kids Together, Inc.**

<[www.kidstogether.org/at\\_steps.html](http://www.kidstogether.org/at_steps.html)>

**Step 1: Identify the need:** This step involves determining the purposes for which the assistive technology (AT) is needed. For ex. it may be necessary for communication, in order to obtain employment, or benefit from a free and appropriate public education.

**Step 2: Document the need:** At this point, a comprehensive evaluation may be necessary. This can be accomplished through qualified professional, such as therapists, and rehabilitation engineers.

**Step 3: Determine what AT is necessary:** Once the evaluation is completed, the service provider will be able to make the appropriate recommendations for AT devices and services. Recommendations may include discussion of possible alternatives and their pros and cons.

**Step 4: Identify the funding source(s) and eligibility criteria:** To begin this process, some questions to ask are, "what funding does the individual currently have available?" or "is there a potential source through which the individual may be eligible to receive assistive technology?" Some other points that should be considered here are the types of AT covered, and the amount of funding that may be provided by each source. Sometimes, it may be necessary

to secure funding from a variety of sources in order to cover the total cost of the AT.

**Step 5: Obtain prescriptions and other supporting documentation:** A prescription will be required if the request is being made to funding sources such as private insurance, Medical Assistance, or Medicare. It is important to have written reports and convincing letters of support as part of the funding package.

**Step 6: Submit required paperwork:** If not already known, find out what specific information should accompany the funding request (ex. application, prescription, summary of medical history and reports, letters of support, pictures of the AT).

Make sure the funding package is complete. Sign wherever a signature is needed. This will prevent unnecessary delays or denials. It is also a good idea to include a cover letter that lists the contents of the package.

**Step 7: Appeals.** When requests for AT are denied by insurance carriers and public sources, consumers should request a written explanation of why

the request was denied, and file an appeal. Information about the steps for filing an appeal can be obtained from the insurance company or public agency to which the request for funding was made. Although the process may involve time and energy, it is likely that a decision to approve a request for funding will be the outcome.

If a request is denied by private funding sources, it is important to find out why. It may be helpful to meet with a staff person to discuss the decision, and based on the outcome, submit the request again. Do not give up! Remember: Persistence, along with knowledge and patience will increase the likelihood that the vision of assistive technology for a person with a disability will become a reality.

Kids Together, Inc. is a non-profit organization co-founded by parents, and organized by volunteers. The Goals of Kids Together, Inc. include a desire to remove barriers that exclude people with disabilities. We support the belief that children with disabilities, like all children, have the need to be welcomed, cherished and embraced in our communities. §

 **DREAMMS  
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