

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: Education Committee

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BILL: CS/SB 2550

SPONSOR: Education Committee and Senator Wise

SUBJECT: Assistive Technology Device/Services

DATE: April 12, 2005

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>deMarsh-Mathues</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Fav/CS</u>
2.	_____	_____	<u>CM</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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## I. Summary:

This bill requires interagency agreements for assistive technology devices for individuals with disabilities. The bill delineates the parties to these agreements, including the Voluntary Pre-kindergarten Education Program and entities within the Department of Health and the Department of Education. One of the purposes of the agreements is to ensure that individuals with disabilities who are given assistive technology devices may retain these devices as they transition through the home, educational system, employment, and independent living. A request to retain an assistive technology device for use during transitions must be made to the owner by the individual or his or her parent or guardian.

This bill creates an undesignated section of the Florida Statutes.

The bill takes effect July 1, 2005.

## II. Present Situation:

### *Assistive technology (AT) Devices*

Federal funding under the Assistive Technology Act provides state assistance for improving access to assistive technology devices for individuals with disabilities.<sup>1</sup> Assistive technology devices generally mean any item, piece of equipment, or product system (whether acquired off the shelf, modified, or customized) that is used to increase, maintain, or improve the capabilities

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<sup>1</sup> The Assistive Technology Act of 2004 (P.L. 108-364) renewed federal assistance technology aid to states.

of a person with a disability.<sup>2</sup> AT devices may be categorized as no technology, low technology, or high technology.<sup>3</sup> "No-technology" assistive devices are not electronic and range from a piece of foam glued onto the corners of book pages to make turning easier to a study carrel to reduce distraction. "Low-technology" devices are electronic but do not include highly sophisticated computer components, such as an electronic voice-recording device or a "talking watch." "High-technology" devices use complex, multifunction technology and usually include a computer and associated software.<sup>4</sup>

#### *Individual Education Plans and Individualized Family Support Plans*

An individual education plan (IEP) is the key document developed by the parent and the other members of the IEP team. The IEP sets forth a child's academic achievement and functional performance, describes how the child will be included in the general education curriculum, establishes annual goals for the child and describes how those goals will be measured, states what special education and related services are needed, describes how the child will be appropriately assessed, including the use of alternate assessments, and determines what accommodations may be appropriate for the child's instruction and assessments. An individualized family support plan IFSP is the equivalent of an IEP. Unlike an IEP, the IFSP explicitly integrates the needs of the family with those of the child and presents a comprehensive plan that enables the family to meet its goals.<sup>5</sup>

#### *Possession and Transfer of Devices*

Public and private funding sources (including school districts) that assist individuals with disabilities have their own policies, limits, and requirements for the possession and transfer of AT devices. School districts are responsible for providing the equipment, services or programs recommended in the IEP. If the assistive technology devices and services appear in the IEP, then the school is responsible for providing for the identified assistive technology needs of the student.

The Infants and Toddlers Early Intervention Program (Early Steps) is administered by Children's Medical Services (within the Department of Health), in accordance with Part C of the Individuals with Disabilities Education Act (IDEA).<sup>6</sup> The program serves eligible children with developmental delays and disabilities from birth to age 3 and their families. Early intervention services are authorized through the family support plan process and AT devices are authorized in the ISFP for eligible children.

The Department of Health notes that it is standard practice for AT devices obtained through this process to remain with infants and toddlers during the transition from Early Steps to other programs. Families are not required to return AT devices. In some areas of the state in which

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<sup>2</sup> 20 U.S.C. § 1401.1 The term does not include a medical device that is surgically implanted, or the replacement of the device.

<sup>3</sup> Behrmann, M. and Jerome, M. K. *Assistive Technology for Students with Mild Disabilities*. 2002. Arlington, Virginia: ERIC Clearinghouse on Disabilities and Gifted Education. See [http://www.eric.ed.gov/ERICDocs/data/ericdocs2/content\\_storage\\_01/0000000b/80/2a/35/4c.pdf](http://www.eric.ed.gov/ERICDocs/data/ericdocs2/content_storage_01/0000000b/80/2a/35/4c.pdf)

<sup>4</sup> Ibid.

<sup>5</sup> *Individuals with Disabilities Education Improvement Act: Frequently Asked Question*, Committee on Education and the Workforce, U.S. House of Representatives, February 17, 2005.

<sup>6</sup> IDEA Part C is the formula program for infants and toddlers with disabilities.

adequate storage space is available, the family may be asked to voluntarily return devices that are in good condition when the child no longer uses them. This makes devices available to other children who need them and occurs only when the child can no longer use the device.

#### *Current Interagency Agreements*

Infants and toddlers who have been served by Early Steps may transition to local school districts or to the Division of Blind Services' programs on their third birthday or prior to their third birthday in certain circumstances. According to the Department of Health, Early Steps has interagency agreements with the Bureau of Exceptional Education and Student Services and the Division of Blind Services.<sup>7</sup> Both entities agree to provide education and training to local intervention programs and local school districts to ensure that the appropriate transfer and use of assistive technology and equipment occurs during the child's transition. The agreement also provides for collaboration and shared resources between local school districts and local intervention programs. The agreement with the Division of Blind Services does not address assistive technology devices.

According to the Department of Health, Early Steps does not have a transition relationship with the Division of Vocational Rehabilitation or the Voluntary Pre-kindergarten Program because neither of these programs serve children three years of age or younger.

#### *Florida's Alliance for Assistive Services and Technology (FAAST)*

Florida law (s. 413.407, F.S.) establishes an Assistive Technology Advisory Council to provide oversight for statewide policy development and advocacy of technology related assistance to persons with disabilities. The law also requires the Council to provide direction for Florida's Alliance for Assistive Services and Technology (FAAST), a project for the coordination and delivery of appropriate, cost-effective, state-of-the-art assistive technology services and devices.

### **III. Effect of Proposed Changes:**

The bill requires the development and execution of interagency agreements by the Florida Infants and Toddlers Early Intervention Program, the Division of Blind Services, the Bureau of Exceptional Education and Student Services, the Division of Vocational Rehabilitation, and the Voluntary Pre-kindergarten Education Program. One of the purposes of the agreements is to ensure that individuals with disabilities who are given assistive technology devices may retain these devices as they transition through the home, educational system, employment, and independent living. Also, the agreements are intended to inform persons with disabilities and others about the use and coordination of AT devices and services to meet a person's transition needs. A request to retain an AT device for use during transitions must be made to the owner by the individual or his or her parent or guardian.

The bill takes effect July 1, 2005.

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<sup>7</sup> The Bureau of Exceptional Education and Student Services and the Division of Blind Services are located within the Florida Department of Education.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

The bill requires interagency agreements. There are some existing agreements. However, not all of the agencies specified in the bill are a party to these agreements. There may be some minimal expenses associated with the development of additional agreements.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

## **VIII. Summary of Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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