



Fel (Assist. Tech.) ✓
Related Services

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

NOV 27 1991

Dear Ms. :

This is response to your recent letter to the Office of Special Education Programs (OSEP) requesting a copy of any OSEP policy clarifications on assistive technology, as well as asking specific questions concerning the assistive technology needs for your daughter. You also ask a question about the time limits for implementation of an individualized education program (IEP).

In response to your request, I am enclosing a copy of OSEP's August 10, 1990 letter to Ms. Susan Goodman concerning the obligations of public agencies under Part B of the Individuals with Disabilities Education Act (Part B), formerly cited as Part B of the Education of the Handicapped Act, to provide assistive technology to children with disabilities, along with some additional information on assistive technology and a copy of the Part B regulations. I would also like to provide you with OSEP's response to each of your specific questions as stated below.

I would like to make the request to the appropriate officials for another CCTV for home use to accomplish the same results as is done in school. (For homework, reading books, any assignment from school)

The IEP, which must be developed at a meeting that includes parents and school officials, must contain, among other things, a statement of the specific special education and related services to be provided to the child. See 34 CFR §§300.343-300.346. As stated in OSEP's letter to Ms. Goodman, if the IEP team determines that a child with disabilities requires assistive technology in order to receive a free appropriate public education (FAPE), and designate such assistive technology as either special education or a related service, the child's IEP must include a specific statement of such services, including the nature and amount of such services. See 34 CFR §300.346(c); App. C to 34 CFR Part 300 (Ques. 51). The need for assistive technology is determined on a case-by-case basis, taking into consideration the unique need of each individual child. If the

IEP team determines that a particular assistive technology item is required for home use in order for a particular child to be provided FAPE, the technology must be provided to implement the IEP.

If the committee approves this request, it will go to the School Board for approval. I would like to know what happens if the School Board doesn't approve the proposal? Is it impartial hearing time?

As part of the public agency's Part B obligation to provide FAPE to an eligible child with disabilities, the public agency must ensure that special education and related services are provided in conformity with an IEP which meets the requirements of 34 CFR §§300.340-300.349. One requirement, at 34 CFR §300.343(a), is that the public agency conduct a meeting to develop, review, and revise a child's IEP. The Regulations require that certain participants attend the IEP meeting. See 34 CFR §300.344. The role of the participants at the IEP meeting is to determine the specific special education and related services that a child needs in order to receive FAPE. Once the determination is made at a meeting convened pursuant to 34 CFR §300.343(a), Part B does not recognize any authority on the part of a local School Board to unilaterally change the statement of special education and related services contained in the IEP. After the IEP is developed and the placement decision is made by a group of persons knowledgeable about the child, the meaning of the evaluation data and placement options, the public agency must implement the IEP. See 34 CFR §300.533(a)(3). Without reconvening the IEP meeting, the local school board could not change the IEP.

Is there a time limit on implementation of updated IEP's[?] Every year I have long delays on implementation of Board approved IEP's[.]

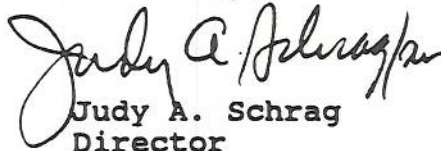
Part B imposes no specific time limits for the implementation of IEPs. The Part B regulations at 34 CFR §300.342(b) require that an IEP: (1) must be in effect before special education and related services are provided to a child; and (2) must be implemented as soon as possible following the meetings required to develop, review or revise a child's IEP. The answer to Question 4 in Appendix C to the Part 300 regulations states that no delay is permissible between the time a child's IEP is finalized and when special education and related services is provided. It is expected that the special education and related services set out in the IEP will be provided by the agency beginning immediately after the IEP is finalized. In certain

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circumstances such as when the IEP meeting occurs during the summer or a vacation period, or where there are circumstances which require a short delay (e.g. working out transportation arrangements) the implementation may not be immediate. See Comment 34 CFR §300.342.

I hope that this information is helpful to you. Please let us know if you have any additional questions or concerns.

Sincerely,



Judy A. Schrag
Director
Office of Special Education
Programs

Enclosures