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New Law Helps Ensure Assistive Technology for Students Who Need It

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BACKGROUND

The Illinois Assistive Technology Program (IATP) helps individuals of all ages with disabilities gain greater access to assistive technology (AT) devices and services, and increases information and knowledge in the realms of education, employment, and community living. One approach IATP takes to achieve these goals is by implementing change from the ground up with legislative advocacy and policy.

While IATP has worked to pass a number of bills in the past, this publication will focus on passing Public Act 100-0993. This bill requires the following:

“At the child’s initial IEP [individualized education plan] meeting and at each annual review meeting, the child’s IEP team shall provide the child’s parent or guardian with a written notification that informs the parent or guardian that the IEP team is required to consider whether the child requires assistive technology in order to receive free, appropriate public education. The notification must also include a toll-free telephone number and internet address for the State’s assistive technology program.”

This requirement goes beyond the Individuals with Disabilities Education Act (IDEA) mandate for IEP teams to consider AT as part of every IEP meeting. IATP staff estimates that in Illinois a substantial number of IEPs were written every year without incorporating any information on AT. Many parents and school personnel do not understand how AT can help students with disabilities.

Prior to the enactment of this legislation, many districts followed a practice of simply checking the “no” box to indicate the child did not need AT. This was done with no explanation on the IEP and without having a meaningful discussion and consideration of whether the child would benefit from AT. There was a superficial level of implementation of the IDEA AT consideration requirement. Even if a student could benefit from AT, if no one on the IEP team was knowledgeable about AT, the AT consideration would be cursory and the “no” box was checked

Ensuring that families receive a written notice that AT must be discussed as part of the IEP meeting and are connected to IATP, empowers family members to advocate for their children’s AT needs. This legislation will foster a better understanding of AT and make parents and districts aware of IATP as the main Illinois resource for information about AT.

Ella is a 1st grader with a diagnosis of cerebral palsy. Significant deficits in her fine motor skills make writing a difficult task. IATP examined several tools to give Ella greater access to her Chromebook. A large button keyboard was used to give Ella a larger target area, a joystick mouse was added, and the cursor was slowed down to provide greater control. Jelly bean buttons were attached to provide simple access to left and right clicks. Word prediction was used to reduce the number of keystrokes necessary.

IATP also examined speech recognition as an alternative writing method using voice typing. While Ella’s speech is affected by her CP, the program was able to recognize her commands to some degree. Ella adapted to these new tools very quickly and wanted to show all of her friends and teachers what she could do.



Ella uses modifications and tools to make using her Chromebook easier and faster.

INNOVATIVE PRACTICE

AT in education is essential for a great number of students. AT can be as simple as text-to-speech devices or apps, which let a student listen to what's being read while they read the assignment themselves. Another example is speech-to-text software, which allows the student who struggles with writing to dictate what they're trying to write and then edit their writing, either alone or with a teacher's help.

AT is crucial not only for academic success, but also for functional independent living, socialization, and (as the student gets older) in the work force. Many AT options are low-cost and easy to acquire and incorporate into a student's daily school routine. Many times, everyday items may be used, such as a slant board to bring material closer to the student's face or a fat pencil to help them write, or paper with larger lines to help them be more successful in paper-to-pencil tasks.

To address the lack of AT access in schools, IATP worked with the state board of education and state legislators to pass Public Act 100-0993. Providing a written notice to families about the need to consider AT during IEP meetings ensures they are aware this consideration is a federal requirement and helps better position them to advocate for appropriate AT.

In addition, providing contact information for IATP provides families with a readily available resource to learn about AT and obtain additional advocacy support if needed. Finally, providing this written notice informs other IEP team members (especially regular education staff) about AT and IATP resources.

Now that this legislation has passed, the IEP team must document that they discussed AT options in their IEP meetings with parents and explain why or why not AT was ultimately pursued. Although schools are doing better discussing AT, they are still not very proficient in articulating why AT is not being considered for a particular student. Because AT is a new concept for many parents, they often don't know what questions to ask. This is what makes being informed about IATP such a valuable tool for parents.

PROBLEMS/IMPLEMENTATION

During the January–May 2018 legislative session, IATP began to look for sponsors and talk to legislators about the need for AT in schools for students with disabilities. IATP brought Dragon NaturallySpeaking text-to-speech software and a pair of accessible scissors to a testimony about AT to show how useful AT can be for students with disabilities and it was the scissors that stole the show for the legislators. Our bill, SB454, passed the Illinois Senate on April 24, 2018 by a unanimous vote of 52-0. It then passed the House Elementary and Secondary Education School Curriculum and Policies Committee 16-0. After legislators made changes requested by the Illinois State Board of Education, the bill passed as amended 94-13 and the Senate voted unanimously to concur.

When first introduced, the bill required changes to the IEP form, which was opposed by school administrators. To pass the legislation, IATP staff and partners negotiated a compromise: parents would be provided written notification of the IDEA requirement and the contact information for IATP.

The most significant problem IATP staff encountered was the initial opposition from the Special Education Administrators Association, whose representatives argued that there was nothing improper with just checking a box on the IEP form and that additional changes were not needed. When association members realized there was bipartisan support for this bill, their opposition changed to the IEP. This led to compromise and a final accepted version.

Hudson is at home e-learning due to COVID-19. He is doing speech therapy remotely using a program his speech and language pathologist has downloaded for him to use. Hudson has progressed from being almost nonverbal a year ago to putting sentences together and becoming much more easily understandable.



AT has helped transform Hudson from being almost nonverbal to using language effectively.

“This legislation is a good example of the cooperation and work that needs to go on among different groups, and the give and take necessary to make a bill like this happen. With patience and a willingness to appreciate others’ positions, this bill shows that good legislation that will benefit many will happen.”

–Susy Woods (IATP Education and Policy Liaison)

IMPACT

This new mandate has increased AT awareness among parents, school districts, special education and general education teachers, and students about the availability of AT and its benefits. It has also led to schools better documenting that AT was discussed in IEP meetings. Parents are given flyers with information on AT and referrals for where to acquire it, increasing the likelihood families and students can learn about AT and advocate for devices and services that will benefit their educational outcomes.

Since the passage of this bill, the number of students IATP worked with in 2018 for whom AT became a part of the IEP increased from 288 to 864. As the discussion about AT was held at IEP meetings, schools and parents began to realize that the student was using some type of AT to help them be successful. After seeing this evidence of success, it became easier to look for other tools that might help students achieve even more academically.

HUMAN AND FISCAL RESOURCES

The largest resource used for this endeavor was staff time. To move this bill through, staff had to travel back and forth to their capitol. This was just one mile away, but this could be an obstacle for agency staff in more remote locations. Two IATP staff—a public policy and education liaison and an attorney who writes legislation—had expertise tailored to this line of work. Both these staffers are registered lobbyists who work

well with legislators and their staff to get issues like this resolved.

As time went on, the rest of the IATP staff was kept informed on how the bill was moving along and what they could do to help. This included supporting the legislative bill as a private citizen since this legislation would impact so many of the families with whom we work.

REPLICATION RECOMMENDATIONS

If other AT programs have the human resources to do this kind of work, IATP suggests that it is important to build a relationship with legislators and their staff. Staff often are as crucial as the legislator since they have the policy-maker’s ear all the time and get needed information to them.

Some AT programs may already have a relationship with their board of education. Laying the groundwork to launch or strengthen these relationships means the board of education will become more active in the AT program, understand the benefits of AT, and be more willing to take on issues around AT and education.

Halley is a soon-to-be eighth grader. She is on the autism spectrum and has serious intellectual, behavioral, ADHD, sensory, feeding, and auditory processing disabilities. Halley’s parents have advocated for her to get all the AT she needs for success.

Halley uses an FM system to assist her with auditory processing. The system also helps her to maintain her focus and attention on the task at hand. With the help of this and other AT, Halley now likes school, works hard at her classes, and makes straight A’s.



Halley is heading off to her first day of 7th grade



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QUESTIONS?

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The Innovative AT Practices Series are topical case studies that describe innovative or high-impact activities conducted by state AT programs that result in increased access to and acquisition of AT.

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