
SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2019 - 2020 Regular

Bill No: AB 605 **Hearing Date:** June 5, 2019
Author: Maienschein
Version: April 3, 2019
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: Special education: assistive technology devices.

SUMMARY

This bill requires local educational agencies (LEAs) to allow students the use of school-purchased assistive technology devices at the student's home or in other settings if the student's individualized education plan (IEP) team determines that the device is needed.

BACKGROUND

Existing law:

- 1) Requires that children with exceptional needs between the ages of three and five be provided with a free and appropriate education. (EC 56026)
- 2) Defines "assistive technology device," as any item, piece of equipment, or product system, whether acquired commercially without the need for modification, modified, or customized, that is used to increase, maintain, or improve functional capabilities of an individual with exceptional needs. (EC 56020.5)
- 3) Requires that on a case-by-case basis, the use of school-purchased assistive technology devices in a child's home or in other settings is required if the child's IEP team determines that the child needs access to those devices in order to receive a free and appropriate public education. (34 CFR § 300.105)
- 4) States that LEAs are responsible for providing other specialized equipment for use at school that is needed to implement the individualized education program. States that this does not include medical equipment. (EC 56363.1)
- 5) Requires that, when developing each pupil's IEP, the IEP team consider whether the pupil requires assistive technology devices. (EC 56341.1)

ANALYSIS

This bill:

- 1) Requires, pursuant to federal regulations, that an LEA provide, on a case-by-case basis, the use of school-purchased assistive technology devices in a child's

home or in other settings if the individualized education plan (IEP) team determines that the child needs access to those devices in order to receive a free appropriate public education.

- 2) Requires that an local educational agency (LEA) be responsible for providing an individual with exceptional needs who requires the use of an assistive technology device with continued access to that device, or to a comparable device, when that individual, due to graduation or enrollment in another LEA, ceases to be enrolled in that LEA.
- 3) Makes this requirement in force until alternative arrangements for providing continuous access to the device, or access to a comparable device, can be made, or until six months have elapsed from the date that the individual ceased to be enrolled in that LEA, whichever occurs first.
- 4) Defines LEA, for purposes of these requirements, to include school districts, county offices of education, and charter schools.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Students who use interactive communication devices have a need for communication inside as well as outside the classroom. When a student is required to leave their assistive technology in the classroom, they are essentially losing their voice when they go home."

The author has further indicated that the specific concern the bill is intended to address is the use of communication devices by students who have either limited or no verbal communication skills. Assistive technology is a broad category which includes many different types of equipment, including voice recognition software, voice output devices and hearing aids, among many others.

- 2) ***What is assistive technology?*** Assistive technology consists of devices and services. An assistive technology device is an item or piece of equipment that helps a person with a disability increase, maintain, or improve a student's functional capabilities. Assistive technology devices can be high-tech or low-tech. Examples of assistive technology devices are wheelchairs, voice-activated computers, electronic note takers, large-print books, pencil grips, hearing aids, and more. Medical devices that are surgically implanted are not considered assistive technology devices.
- 3) ***How do students obtain assistive technology devices?*** Students qualifying for special education services have an IEP team that creates and implements an IEP. Assistive technology devices are typically included in an IEP as a special education or a related service and/or to ensure a student is educated in the least restrictive environment.
- 4) ***Arguments in support.*** Portview Preparatory School writes, "We have seen, firsthand, the benefits of continuity for augmentative communication devices (or talkers). One of the best ways to encourage the use of augmentative communication and to make it reinforcing for the student or child is for the

community around that child to engage in conversation with the device itself. When loved ones and practitioners alike engage in conversation that is reciprocal and reinforced we have seen, in our own data, that communication increases. Furthermore, we have also documented research that shows that by increasing functional communication we will see decreases in challenging or maladaptive behaviors. We support this bill because it will lead to increases in independence and quality of life for our exceptional students and it will aid our devoted practitioners in teaching and assisting students to increase their communication ability, thus providing these wonderful students with greater access to their environment and the individuals within."

SUPPORT

Alta Loma Little League Challenger Division
ARC
Autism Society of California
Autism Society San Diego
Cal-TASH
California Association for Parent-Child Advocacy
California In-Home Supportive Services Consume Alliance
Coalition of California Welfare Rights Organizations
Disability Rights California
Early Start Family Resource Network
Educate. Advocate.
Empower Family California
Families for Early Autism Treatment
Los Angeles Learning Disabilities Association
National Association of Social Workers, California Chapter
Newport Beach Developmental Optometry Group
Port View Preparatory School
San Francisco Senior and Disability Action
Service Center for Independent Life
The Food Bank of Contra Costa and Solano
United Cerebral Palsy California Collaboration

OPPOSITION

None received

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