

# Administration

## ADMINISTRATION OF EQUIPMENT

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**CONTENTS**

Administration of Equipment ..... 1

    What is Required ..... 1

        Equipment in Private Schools ..... 1

        Transfer of an ATD ..... 2

    Additional Procedures ..... 3

        Responsibility for Acquisition and Maintenance of Devices ..... 3

        Texas Assistive Technology Network ..... 4

        Transitions and Transfers ..... 4

    Evidence of Implementation ..... 5

    Resources ..... 5

CITATIONS ..... 5



# Administration of Equipment

## What is Required

If the Secretary of Education determines that a program authorized under the IDEA Part B will be improved by permitting program funds to be used to acquire appropriate equipment, the Secretary is authorized to allow the use of those funds for those purposes.

“Equipment” includes machinery, utilities, and built-in equipment, and any necessary enclosures or structures to house such machinery, utilities, or equipment; and all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as:

- Instructional equipment and necessary furniture;
- Printed, published, and audio-visual instructional materials;
- Telecommunications, sensory, and other technological aids and devices; and
- Books, periodicals, documents, and other related materials.

The ARD Committee for a student must also consider whether a student with a disability needs an assistive technology device (ATD) to receive FAPE. See [SPECIAL FACTORS – Assistive Technology]. An ATD means any device, including equipment or a product system, that is used to increase, maintain, or improve functional capabilities of the student with a disability. The District is responsible for providing the assistive technology device (“ATD”) that is required by the student’s IEP. If the student’s ARD Committee determines that the student needs access to school-purchased ATDs in the student’s home or in other settings in order to receive a FAPE, the District must provide it. This determination should be made on a case-by-case basis. Furthermore, when the student with a disability using an ATD that the District has purchased for the student enrolls in another campus within the District or leaves the District altogether, the District may transfer the ATD to the school or district in which the student enrolls, a state agency that provides services to the student following graduation from high school, or to the student’s parents or the adult student. See [CONSENT TO TRANSFER ASSISTIVE TECHNOLOGY DEVICES].

The District must comply with state and federal funding requirements when acquiring equipment and supplies. See [FUNDING].

## Equipment in Private Schools

The District must control and administer the funds used to provide special education and related services to students with disabilities parentally-placed in private schools, and hold title to and administer materials, equipment, and property purchased with those funds for the uses and purposes provided in the IDEA. See [CHILDREN IN PRIVATE SCHOOLS] and [PROPORTIONATE SHARE FUNDING FOR CHILDREN



WITH DISABILITIES PARENTALLY-PLACED IN PRIVATE SCHOOLS]. Any special education and related services provided to students with disabilities parentally-placed in private schools, including materials and equipment, must be secular, neutral, and nonideological.

The District may place equipment and supplies in a private school for the period of time needed for the IDEA Part B program. However, the District is responsible for ensuring that equipment and supplies placed in a private school are used only for IDEA Part B purposes and can be removed from the private school without remodeling the private school facility. Furthermore, the District must remove equipment and supplies from a private school if the equipment and supplies are no longer needed for IDEA Part B purposes or removal is necessary to avoid unauthorized use of equipment and supplies for other than IDEA Part B purposes.

### **Transfer of an ATD**

When a student with a disability using a device changes the school of attendance in the District or stops attending a school within the District, the District may transfer an ATD. Transfer means the process by which the District that has purchased an ATD may sell, lease, or loan the device for the continuing use by the student with a disability changing the school of attendance in the District or leaving the District.

The District may only transfer an ATD to:

- The school or District in which the student enrolls;
- A state agency that provides services to the student following graduation from high school; or
- The student's parent or the adult student, if the student has the legal capacity to enter into a contract.

All transfers must be in accordance with a transfer agreement. Specifically, in the transfer agreement, the transferor and transferee must represent and agree that the terms of the transfer are based on the fair market value of the ATD, determined in accordance with generally accepted accounting principles. The transfer agreement must also include the informed consent of the parent and adult student before transferring an ATD. See [CONSENT TO TRANSFER ASSISTIVE TECHNOLOGY DEVICES].

If the transfer is a sale, a Uniform Transfer Agreement must be completed. The Uniform Transfer Agreement must include the following:

- The names of the transferor and the transferee;
- The date of the transfer;
- A description of the ATD being transferred;



- The terms of the transfer, including the transfer of warranties, to the extent applicable; and
- The signatures of authorized representatives of both the transferor and the transferee.

Nothing in this section:

- Alters any existing obligation under federal or state law to provide ATDs to children with disabilities;
- Requires the District to transfer an ATD to any person or entity;
- Limits the District's right to sell, lease, loan, or otherwise convey or dispose of property as authorized by federal or state laws, rules, or regulations; or
- Authorizes any transfer of an ATD that is inconsistent with any restriction on transferability imposed by the manufacturer or developer of the ATD or applicable federal or state laws, rules, or regulations.

### **Additional Procedures**

If the ARD Committee determines that a student with disabilities requires ATDs in order to receive a FAPE, the IEP must include a specific statement of such services, including the nature and amount of the services. See [SPECIAL FACTORS – Assistive Technology]. The District does not satisfy its responsibility to provide an ATD required by the student's IEP by allowing the student to use a personal device, absent an agreement to that effect.

Any decision as to whether a student may take home an ATD issued by the District must be made by the ARD Committee based on a student's individual needs and circumstances. The District may not implement a blanket policy prohibiting students with disabilities from bringing their ATDs home.

### **Responsibility for Acquisition and Maintenance of Devices**

The District is responsible for the acquisition and maintenance of an ATD belonging to the District. Furthermore, all ATDs provided for in the student's IEP must be provided at no cost to the parents and parents cannot be charged for normal use, wear and tear. While the District cannot consider the cost of an ATD to select a device that is inconsistent with the student's needs, the District does not need to select a more costly device that may provide more or better assistance to the student and maximize the student's education.



## Texas Assistive Technology Network

The Texas Assistive Technology Network (TATN) is a partnership between Education Service Center (ESC) Region 4 and the TEA. Contacts from each of the 20 ESCs collaborate to provide statewide assistive technology (AT) training and technical assistance. The purpose of the assistance and training is to build school district capacity related to AT and to improve literacy skills of all students who need access to instructional materials in alternate formats. Training modules, assistive technology resources, and other useful links can be accessed on the TATN website at [www.texasat.net](http://www.texasat.net).

## Transitions and Transfers

The TEA will develop and annually disseminate standards for a school district's transfer of an ATD. The standards will include a uniform transfer agreement to convey title to an ATD and applicable warranty information, a method for computing the fair market value of an ATD, including a reasonable allowance for use, and a process for obtaining written consent to the transfer from the student's parents or the adult student. In accordance with these standards, District Special Education Administration will determine whether the District will donate, loan, sell, or lease the device during the transfer. Should the District decide to transfer the device, District Special Education Administration will determine the current fair market value of the ATD, in accordance with these standards.

After the current fair market value is determined, the District must determine whether a financial obligation to the TEA exists if the ATD was purchased with federal funds. If the ATD has a current per-unit fair market value of less than \$5,000, the District may sell or otherwise transfer the ATD with no obligation to the TEA. However, if the ATD has a current per-unit fair market value of more than \$5,000, the TEA will have a right to an amount calculated by multiplying the current market value or proceeds from the sale by the TEA's share of the equipment.

The District must continue using equipment it purchases with Part B funds for as long as it needs the equipment to carry out the purposes of its Part B program. Since transition planning and services are essential aspects of a Part B program, students with disabilities who are provided ATDs should continue to use the devices as needed during their transition. Once the student leaves the District, the District can transfer ownership of the equipment to the state agency if the District has determined that it no longer needs the device in connection with its Part B program or for any other Federally-supported project or activity that the District conducts.

ATDs are often customized or otherwise modified to suit the individual needs of a particular student with a disability. Thus, it may be possible that the District will no longer need the ATD once the student leaves the District. If that is the case, the District may transfer the device to the new district or state agency that is serving the former student for whom the device was originally purchased.



## **Evidence of Implementation**

- ARD/IEP
- Withdrawal Paperwork
- Enrollment Paperwork From New School
- Request for Transfer of ATD
- Transfer Agreement
- Uniform Transfer Agreement
- Consent to Transfer ATD
- Communication Log

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Administration of Equipment - Region 18](#)

[OSEP Letter to Picard \(June 22, 2006\) - U.S. Department of Education](#)

[OSEP Letter to Picard \(Apr. 5, 2005\) - U.S. Department of Education](#)

[OSEP Letter to Anonymous \(Nov. 27, 1991\) - U.S. Department of Education](#)

[OSERS Questions and Answers on Serving Children with Disabilities Places by Their Parents in Private Schools \(April 2011\) - U.S. Department of Education](#)

[OSEP Letter to Goodman \(June 21, 1998\) - U.S. Department of Education](#)

[Uniform Transfer Agreement - Texas Education Agency](#)

[Assistive Technology - SPEDTex](#)

[Texas Assistive Technology Network \(TATN\)](#)

## **CITATIONS**

Board Policy EHBAE; 34 CFR 300.105, 300.138, 300.14, 300.144, 300.718(a); 2 CFR 200.313; Texas Education Code 30.0015(a)-(d); 19 Texas Administrative Code 89.1056(b),(d)