

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 735
SPONSOR(S): Ausley
TIED BILLS:

Assistive Technology Devices and Services
IDEN./SIM. BILLS: SB 2550

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Elder & Long-Term Care Committee		Walsh	Liem
2) Choice & Innovation Committee			
3) Education Appropriations Committee			
4) Health & Families Council			
5) _____			

SUMMARY ANALYSIS

HB 735 requires the development 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. The agreements are intended to ensure that any assistive technology device issued to a young person as part of his or her individualized plan remains with that child as he or she transitions through the educational system. The agreements are also intended to provide a system for ensuring that young persons with disabilities and their families, educators and employers are informed about the utilization and coordination of assistive technology devices and services that may assist in meeting the young person's transition needs.

There is no fiscal impact associated with this bill.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House principles.

B. EFFECT OF PROPOSED CHANGES:

Background¹

Assistive technology (AT) devices include any device that disabled children or adults might use to help them learn and function more effectively. Use of AT devices is appropriate for and encouraged at the earliest possible age in order to support the natural learning opportunities for infants, toddlers and young children at play, at home, and in the classroom. It is estimated that there are over 4,000 different AT devices, including everything from wheelchairs to hearing aids and amplification devices, voice-recognition software, screen magnifiers, and automated note-takers.

There are several public programs in Florida which provide AT devices or services to eligible persons:

- The Infants and Toddlers Early Intervention Program, known as Early Steps, is administered by Children's Medical Services in the Department of Health in accordance with Part C of the Individuals with Disabilities Education Act (IDEA).² Early Steps works with disabled children ages 0 to 3 and their families to develop Individualized Family Support Plans.
- The Division of Blind Services in the Department of Education provides services for visually-impaired children and their families. Approximately one-third of those served are pre-school children.
- The Bureau of Exceptional Education and Student Services in the Department of Education provides technical support to school districts in their efforts to provide exceptional student education programs for students ages 3 - 21 who have disabilities³ in accordance with IDEA requirements.⁴
- The Division of Vocational Rehabilitation of the Department of Education assists individuals with the most severe disabilities to pursue meaningful careers commensurate with their abilities and capabilities.

Because an assistive technology device is as useful to the disabled person at home and at play as it is in the classroom or workplace, it is important that the device move with the person as he or she transitions from one setting to another. It is particularly critical that disabled young persons retain age-appropriate AT devices as they move from one educational setting to another in order that their educational progress remain uninterrupted.

Effect of Proposed Changes

HB 735 requires that the agencies listed above, and the Voluntary Pre-Kindergarten Education Program administered by the Department of Education and the Agency for Workforce Innovation, enter into interagency agreements.

¹ See *generally Assistive Devices Help Challenged Kids Get the Most from Learning*, Education World, available at http://www.education-world.com/a_tech/tech/086.shtml; National Early Childhood Technical Assistance Center Clearinghouse on Early Intervention & Early Childhood Special Education, www.nectac.org/chouse/; *Family Guide to Assistive Technology*, Prepared by Parents, Let's Unite for Kids (PLUK) in cooperation with The Federation for Children with Special Needs, 1997, available at <http://www.pluk.org/AT1/html>.

² 34 C.F.R. Part 303, Early Intervention Program for Infants and Toddlers with Disabilities.

³ School districts are responsible for the provision of services to the disabled child.

⁴ 34 C.F.R. Part 300, Individuals with Disabilities Education Act.

- These agreements are intended to ensure that any assistive technology device issued to a young person as part of his or her individualized plan remain with that child as he or she transitions through the educational system. The bill requires that the disabled person or his or her parent or guardian request that the AT device remain with the person.
- The interagency agreements are also intended to provide a system for ensuring that young persons with disabilities and their families, educators and employers are informed about the utilization and coordination of assistive technology devices and services that may assist in meeting the young person's transition needs.

C. SECTION DIRECTORY:

Section 1: Requires development of interagency agreements among specified agencies relating to utilization and transition of assistive technology devices by young persons with disabilities.

Section 2: Provides an effective date of July 1, 2005.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not relate to counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The Infants and Toddlers Early Intervention Program reports that they do not have a transition relationship with the Division of Vocational Rehabilitation and the Voluntary Prekindergarten Program because those two programs do not serve children three years of age or younger.

The Department of Education (DOE) reports concerns about possible conflicts between the bill and IDEA requirements relating to possession and transfer of AT devices.

DOE also notes that the bill does not specify to whom the disabled person or his or her parent or guardian should make the request that the AT device remain with the person.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES