

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 735 CS

Assistive Technology Devices and Services

SPONSOR(S): Ausley

TIED BILLS:

IDEN./SIM. BILLS: SB 2550

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Elder & Long-Term Care Committee</u>	<u>8 Y, 0 N</u>	<u>Walsh</u>	<u>Liem</u>
2) <u>Choice & Innovation Committee</u>	<u>7 Y, 0 N, w/CS</u>	<u>Aldis</u>	<u>Aldis</u>
3) <u>Education Appropriations Committee</u>	<u>14 Y, 0 N</u>	<u>Hammock</u>	<u>Hamon</u>
4) <u>Health & Families Council</u>	<u>9 Y, 0 N, w/CS</u>	<u>Walsh</u>	<u>Moore</u>
5) _____	_____	_____	_____

SUMMARY ANALYSIS

Committee Substitute for 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 Prekindergarten Education Program. The agreements are intended to ensure that any assistive technology (AT) device issued to a young person as part of his or her individualized education 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 AT devices and services that may assist in meeting the young person's transition needs.

The bill appears to have an insignificant fiscal impact; however, the transfer of equipment could affect individual agencies. See FISCAL COMMENTS and DRAFTING ISSUES OR OTHER COMMENTS for details.

The bill provides for an effective date of July 1, 2005.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Safeguard individual liberty -- The bill allows assistive technology devices for individuals with disabilities to transition with the individual as he or she progresses through the educational system.

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 wheelchairs, hearing aids, 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 careers commensurate with their abilities and capabilities.

Because an assistive technology device is needed by a disabled person in the classroom and may be needed at home or in the workplace, it could be useful for the device to move with the person as he or she transitions from one setting to another. If a disabled young person is not able to retain age-appropriate AT devices as he or she moves from one educational setting to another the student's educational progress may be interrupted.

Effect of Proposed Changes

HB 735 requires that the agencies listed above, and the Voluntary Prekindergarten Education Program administered by the Department of Education and the Agency for Workforce Innovation, enter into interagency agreements. The agreements are:

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.

- Designed to ensure that any assistive technology device issued to a young person as part of his or her individualized education plan remain with that child as he or she transitions through the educational system, from early intervention through employment.
- 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.

The bill also requires the disabled person or his or her parent or guardian to request that the AT device remain with the person.

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:

The bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

The bill appears to have an insignificant fiscal impact on state expenditures since it allows an AT device to follow a child as he or she transitions through the educational system. Since this device will then be used under another eligible program, the device will not have to be repurchased by another state agency.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

Though the bill appears to have insignificant fiscal impact, there will probably be a negative fiscal impact on individual state agencies. As a child transitions through the education system, the AT devices (assets) of one agency will be transferred to another agency.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to expend funds or to take any action requiring the expenditure of funds.

The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

The bill does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

This bill does not grant additional rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill provides that agencies shall enter into interagency agreements, as appropriate. AT devices purchased with federal funds may be subject to 34 C.F.R. 80.32, regarding the use of equipment acquired with federal funds. Therefore, in some cases, certain AT devices may not be eligible for transfer to other agencies.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 29, 2005, the Choice and Innovation Committee adopted three amendments, a strike-all amendment and two amendments to the amendment, and reported the bill favorably with a committee substitute. The strike-all amendment provided for a section number and catchline for the proposed section, and corrected the drafting of the proposed section. One amendment to the strike-all amendment corrected a technical error and the other amendment to the strike-all amendment made consistent the term "parent" as defined in the Education Code.

At its April 18, 2005, meeting, the Health and Families Council adopted two amendments to the Choice and Innovation Committee Substitute. The amendments included in the bill specific references to transition from early intervention to preschool, and individualized family support plans (developed by the early intervention program), in order to ensure that the young person's entire educational experience is covered.

This analysis is drawn to the committee substitute.