

Guidelines to Allow for the Transfer of Assistive Technology When a Student Moves from School Jurisdiction to Higher Education, Other Human Services Agency or Employment

July 1996

TO: District Superintendents
Presidents of Boards of Education
Superintendents of Schools
VESID District Office Managers
New York City Board of Education
Principals of Public Schools
Directors of Special Education
Chairpersons of Committees on Special Education
School District Business Officers
SETRC Project Directors and Training Specialists

FROM: H. Carl McCall, State Comptroller
Richard P. Mills, Commissioner of Education

SUBJECT: Guidelines to Allow for the Transfer of Assistive Technology When a Student Moves
from School Jurisdiction to Higher Education, Other Human Services Agency or
Employment

The purpose of this memorandum is to clarify issues associated with the transfer of technology property to support students with disabilities as they transfer from local educational agencies to other settings or opportunities.

Historical Background:

In 1991, the State Board of Regents established a Select Commission on Disability. The focus of the Commission was on services to people with disabilities under the auspices of the Board of Regents and the State Education Department. The Commission also made recommendations for the coordination of such services, and suggested appropriate actions to be taken by the State.

The Commission, in its 1993 final report, made 13 specific recommendations. One of the recommendations dealt with the Appropriate Use and Transfer of Assistive Technology.

It read as follows:

A task force was established to examine and make recommendations to eliminate barriers to transferring Assistive Technology between agencies. The task force's membership includes representatives from schools, BOCES, and higher education institutions. As a result of recommendations from this task force, the Education Department and the Office of State Comptroller have conferred and agreed to the distribution of this memorandum.

Definition:

Assistive technology is defined

Issue:

School districts periodically provide assistive technology to students with disabilities as part of their Individualized Education Program. This technology is often adapted to that individual and may be of little value to others. However, the technology often continues to be necessary for that individual when they leave school. A number of school districts have expressed a reluctance to sell technology property when a student leaves that district. It was determined that this is due partly to an uneasiness over selling an item, for a price they set, to interested parties. The greater reason for reluctance has been an uncertainty over how the Office of State Comptroller will treat these actions, should there be an audit.

Resolution:

While statutory provisions address the obligations of local school officials, there are no specific provisions which address the ability to transfer such technology, whether hardware or software. However, Boards of Education do have clear authority to manage the general affairs of the district, and this includes the authority to dispose of property the district no longer needs. Boards of Education need to consider the following aspects in preparing to dispose (opo has)14 (be2at)2 .wpe10 T od6 (c)4 tgreaterateedsp8 >

condition and, therefore, need replacing, or even if usable, whether they are no longer needed for the district's own purposes. The situation is no different when the items involved are technological in nature. Generally, there should be no known, immediate or currently foreseeable use of the property for the district's needs. If that condition is met, the district may regard the item(s) as surplus, and therefore disposable.

Disposition at Fair Market Value: School officials are always required to make a good faith effort to obtain an item's actual value when disposing of property owned by the district. Determining their fair market value, however, may pose some difficulty for school officials who are required to set that value before there may be a proper transfer of ownership. Not all items have a ready market, nor is there a certain, established method for determining value. This may be particularly so when the property consists of technology items provided for a specific student's use and the student has used it for a long time. School officials should reasonably consider such things as the age and