



## Education Issue Brief for State AT Programs

### **Transfer of School-Purchased Assistive Technology Devices**

Allowing assistive technology (AT) devices purchased by public school districts to follow students to settings after graduation (higher education, vocational training, employment, etc.) has long been a desirable policy/practice but one that has proven difficult to achieve. This document applies to devices purchased by schools (with the assumption that federal funds were used). A review of federal policies related to transferring AT devices from school to post-school settings for transitioning students, an overview of state/local policies and programs that have been implemented to support such equipment transfer and a discussion of options that might be considered to facilitate equipment transfer for transitioning students is provided. Other funding sources (such as schools billing Medicaid for AT devices) are not discussed, but remain important options to facilitate transfer of ownership.

#### **Federal Equipment Disposition Policy**

The controlling federal policy for equipment disposition is found in the Education Department General Administrative Regulations (EDGAR). EDGAR requirements for disposition of equipment have always allowed schools to transfer, or sell at fair market value, federally-purchased equipment as long as the equipment is "no longer needed" and it is considered federally purchased "equipment". The specific applicable EDGAR provisions are those that define "equipment" (34 CFR 80.3 – Definitions) and further address the use (34 CFR 80.32 (c)) and disposition (34 CFR 80.32 (e)) of equipment. In summary, EDGAR indicates that when equipment has a fair market value of less than \$5,000 (which would be the majority of AT devices purchased by schools) and is no longer needed by the school, it **may** be transferred to post-secondary settings **at the discretion of the school**. For items with a fair market value of more than \$5,000 the transfer is more complicated but would not typically apply to most AT devices purchased by schools.

In 1998, the Office of Special Education and Rehabilitative Services (OSERS) issued a policy letter that attempted to "interpret" EDGAR in a way that would encourage assistive technology equipment transfer from school to post-secondary services provided by the state Vocational Rehabilitation (VR) agency. In that letter, the previously described EDGAR provisions are reiterated and asserted two assumptions as rationale for more routine AT equipment transfer.

- 1) The letter assumes that most assistive technology devices are purchased **for an individual student** to use and "are **often** customized or otherwise modified to suit the individual needs of a particular child with a disability, making it **unlikely** that the local education agency (LEA) would need the device once the

child leaves school.” However, experience suggests that the majority of assistive technology devices purchased by LEAs are not so customized so as to make it unlikely that they could be used by other students with disabilities.

For example, a text-to-speech system used by a student with a learning disability could be used by a number of other students with disabilities or students who are English Language Learners or other non-disabled students who would benefit from the multi-sensory approach. There are, in fact, relatively few devices that would be so customized as to preclude use by other students. The assumption that most of the assistive technology purchased by LEAs will meet the criteria of “no longer needed” is not necessarily reflected in the design of 21<sup>st</sup> century technologies.

2) The letter also assumes that most assistive technology devices are purchased with IDEA or other federal dollars. Since IDEA funding makes up such a small portion of overall special education spending, it is far more likely that devices will be purchased with non-IDEA dollars.

In the end, the OSERS policy letter did not appear to have a significant direct impact on the degree to which AT transfers. However, the letter may have raised awareness of the issue in way that encouraged state and local education agencies to develop policies or practices that would support AT device transfer as a number were subsequently developed. In addition, it most certainly focused attention on the issue and highlighted the fact that EDGAR requirements in and of themselves should not pose a significant barrier to equipment transfer.

### **State/Local Equipment Disposition Policy**

Equipment disposition policies at a state/local level usually begin with the EDGAR provisions and then add requirements unique to the state or local agency. AT devices purchased with state/local funds are technically subject to only state/local policies but in reality those usually encompass the equipment disposition directive of EDGAR as well.

Most AT equipment disposition is done according to state/local policy provisions and unfortunately some of those provisions create disincentives for equipment transfer. Some define equipment at lesser initial acquisition costs than EDGAR (as low as \$1,000 per unit) and as a result require fair market value to be obtained for more devices. Others have policies specifying equipment retention for a set period of time, stipulating that items can be depreciated off inventory when they have been owned for that period of time. For example, a local policy might indicate that equipment with an initial purchase price of less than \$5,000 can be depreciated to zero at the end of 5 years. This kind of policy can simplify inventory control (e.g. items are moved off inventory automatically after the prescribed time has passed) but may prove to be a barrier to equipment transfer for students moving from school to other settings before that time period has elapsed.

Currently, it appears that the best case scenario is for state/local policies to provide the same or similar authority and flexibility as EDGAR does for AT device transfer.

The worst case scenario is for them to impose additional requirements that create barriers to such transfer.

### **Examples of State/Local Equipment Transfer Agreements and Guidelines**

A number of states have entered into interagency agreements or adopted guidelines that attempt to facilitate transition of equipment from schools to other agencies such as Vocational Rehabilitation, post-secondary education, or employment. All are based on the idea that it is desirable for equipment to “follow the student” to their next environment, and all build on the federal provisions of EDGAR. None REQUIRE the equipment purchased by schools transfer and none prohibit local policies from exceeding EDGAR or the state agreement/guidelines. They attempt to clarify and support the process that can be used by schools if they decide to support equipment transfer under their local policies/procedures.

Examples of these initiatives include:

- Oklahoma developed a Purchase/Sale Agreement form that school districts can use to transfer AT to post-secondary settings, as well as adopting a methodology for depreciation.
- Colorado has a cooperative services agreement between the Department of Education and Vocational Rehabilitation (VR) that provides direction for transfer/sale of assistive technology to VR when the device will meet the student’s post-graduation needs and the school does not wish to retain the device.
- Texas regulations provide for transfer of equipment when the two parties agree “that the terms of the transfer are based on the fair market value of the AT device determined in accordance with generally accepted accounting principles.”
- Virginia code allows for “permissive transfer” when the student exits the school division and the device “continues to be necessary to the student’s functional capabilities”.
- Minnesota statute separately addresses transfer between agencies (e.g. Department of Education or school district to the state VR agency) and transfer between school districts.

### **Transfer Barriers**

Despite permissive provisions of federal, state and local policies, the following barriers may need to be addressed in order to implement device transfer practices:

- Under permissive policies, schools are simply reluctant to turn loose of AT devices “just in case” they might need or be able to use them someday.
- There is difficulty in determining fair market value when a “buy-out” is proposed to the school. Many schools do not have staff expertise to identify an appropriate “sale price” and many of the purchasing entities lack that same expertise.
- The relationship between schools and other agencies may not be supportive of voluntary device transfer. This can be the case when there have been less than positive interactions between the school and other agencies in past efforts to collaborate.

- There is little incentive to take on responsibility for establishing or implementing procedures that support equipment transfer especially if such procedures require any kind of investment of resources.
- Transfer of AT devices is a low priority compared to other high-profile topics and it is difficult to elevate the issue to a priority level.

## **Policy/Program Options**

A variety of policy and program options have been suggested to support AT transfer. All have advantages and disadvantages that influence their viability.

### *1) State device transfer policy directive for school purchased AT.*

One option for increasing AT transfer would be to establish a state policy applicable to all school-purchased AT that presumes devices used by a particular student are no longer needed by the school when that student transitions out of school. Such a policy could affirmatively require that devices transfer with the student to their next environment unless there is documentation that the device is not appropriate for or needed in the post-graduation setting. Parameters would need to be established to provide direction for how a school would document the voiding of that presumption and procedures would need to be established for determination of a fair market reimbursement to the school.

*Advantages:* A policy that establishes an affirmative requirement to transfer AT devices would shift the policy from an option to a mandate for schools. If the presumption is that a device used primarily for an individual student will transfer with them to a post-graduation setting unless documentation verifies otherwise, the number of devices that follow transitioning students once they leave school would increase. If such a policy was implemented on a statewide or national basis it could serve as a foundation for transferring AT between districts, eliminating duplicative purchases for those students who move between schools.

*Disadvantages:* Establishing this type of blanket policy applicable to all school AT purchases would likely be met with much opposition. Shifting from a permissive policy to a requirement that schools transfer equipment unless documented otherwise would create significant additional administrative paperwork requirements and would be seen as highly intrusive on district property rights, especially if applied to equipment not purchased with federal funding. It does not appear this kind of directive policy approach has been tried to date, probably because of concerns about widespread opposition.

### *2) Federal policy that supersedes all others on transfer of school purchased AT.*

Another option would be to apply the current permissive EDGAR provisions to all school purchased AT (regardless of what funding source was used) and prohibit the adoption of state/local policies that exceed EDGAR in any way.

*Advantages:* A policy like this would provide uniformity across the country. Prohibiting state/local policies that exceed EDGAR would eliminate the introduction of barriers that might be unintentional. While it probably would not go as far as an affirmative directive in supporting AT transfer, it might increase the ease with which such transfers occur.

*Disadvantages:* It may be difficult to find an appropriate vehicle in which to establish this kind of universal requirement. It is not something that could be added to EDGAR as those regulations apply only to Department of Education funding. It might be possible to include this kind of requirement in IDEA but would need to be structured to apply to all purchases of AT for students who are IDEA eligible, not just purchases using IDEA dollars. Prohibiting accounting and inventory control policies that exceed a provision of IDEA might also be difficult to do and could be met with opposition as overly intrusive.

### 3) *Central buying and ownership of school needed AT*

A centralized buying approach is an option that has been tried in various forms in a number of states to support AT transfer. In this kind of program, a central entity purchases AT and can either loan it to the student for as long as it is needed – regardless of where the student goes - or can provide it to the school with an agreement that the device will be tracked annually and reassigned to follow the student as appropriate. In many cases, the centralized buying is done by a regional unit that serves a number of districts in its catchment area. There have also been some limited attempts to do central buying at a statewide level for some specific types of AT.

*Advantages:* A centralized buying approach can provide specialized AT expertise and cost savings through volume purchases in addition to supporting AT transfer between settings. Such programs can also establish maintenance agreements and provide loaner equipment when devices are in need of repair.

*Disadvantages:* Central buying mechanisms tend to require a large investment of dollars up front to establish the equipment pool and seem to support equipment transfer between districts better than transfer of equipment from schools to post-school settings. This is largely because the programs have been funded and operated as an extension of the State Education Agency, local district cooperatives or education intermediate units and all education dollars were used to fund the program. To make a centralized buying approach work effectively for school to post-school transition, funding would likely need to be a combination of various funding sources such as education, Vocational Rehabilitation, etc.

### 4) *Collaborative buying policies/procedures for school purchased AT*

A more cross-agency approach that has been tried in some places is a collaborative buying system where two agencies enter into an agreement to jointly purchase AT devices with a specific plan for the device to transfer with the student as they move from responsibility of one agency to another. This approach has been used most effectively with schools and VR agencies where they agree to jointly purchase equipment while a student is still in high school with an understanding that the equipment will go with the student to college or other post-school setting. This kind of agreement tends to be informal, localized, effected on a voluntary basis without generalizing into a routine process, and dependent on a good working relationship of the two agencies and staff at the time.

*Advantages:* A policy that required collaborative purchasing would need to be coupled with a broader policy that also required collaborative delivery of transition services for students with disabilities. This kind of policy could have a positive impact on many transition outcomes along with supporting AT device transfer.

*Disadvantages:* Required collaboration is difficult to do through policy directive as it is dependent on relationships at the implementation level. Mandating non-school agencies participate in the delivery of transition services before a student finishes high school would require significant new resources or reallocation of current resources.

#### 5) *Refurbish/reassign school purchased AT*

Some states have implemented equipment refurbish/reassignment programs focused specifically on schools and similar programs have been established within large districts and at a regional or intermediate unit level. To date these programs have been operated on a voluntary basis, i.e. there have not been requirements for equipment to go to such programs when specific conditions are met.

*Advantages:* For AT that is fairly ubiquitous (e.g. multipurpose use adaptive keyboards) and even some AT whose use is more limited to certain types of students (e.g. video magnifiers or inexpensive communication devices) these programs can offer a cost-effective way of transferring devices. They can also provide valuable AT expertise and equipment repair/refurbishment services.

*Disadvantages:* These programs have not enjoyed widespread acceptance or comprehensive use by schools, making it difficult to establish a pool of equipment that is able to meet most school AT needs. Attempts to develop or implement a policy that requires equipment to be obtained from a reutilization program would likely meet with opposition from schools and potentially, from parents.

### **Conclusion**

Almost everyone agrees that it would be helpful for assistive technology devices to seamlessly follow students between schools and from school to post-school settings. However, existing equipment disposition policies are not particularly supportive of such transfers. Virtually all current policies at a federal, state or local level allow districts to keep equipment they determine has a continued use and even when equipment is determined to be “no longer needed”, there is no affirmative requirement or incentive for the district to transfer or sell AT devices. In addition, some state/local policies may have disincentives (albeit probably unintentional) for device transfer. The simplest course of action for schools seems to be to utilize procedures that are the least difficult to implement – which means most tend to hold on to AT devices “just in case”.

This document identifies a number of options that might be considered as mechanisms to improve AT transfer policies and practices. Further discussion with appropriate stakeholders could identify additional ideas that are viable approaches or alternatives could be combined to support AT transfer. For any option

considered, two core principles will be critical for successful implementation that achieves the desired goal of AT transfer:

- Schools need to see some readily identified benefit associated with transferring the AT. This could be fair market reimbursement, removing items off their inventory and eliminating storage, options for obtaining different devices for reduced costs, etc. Without a clear benefit, there is little incentive for schools to engage in transfer initiatives or commit to implementing transfer policies/procedures (even if they are mandatory).
- The administrative requirements associated with AT transfer must be minimal. The process and procedures should require few school resources and should be as simple as possible to implement. If schools perceive an administrative burden, their participation and engagement level will drop significantly.

## RESOURCES

*Disclaimer: Many of these resources do not exist in accessible format, but are included below for their value as references/exemplars.*

[EDGAR: Code of Federal Regulations Title 34 §80.32](https://www.gpo.gov/fdsys/pkg/CFR-2000-title34-vol1/xml/CFR-2000-title34-vol1-sec80-32.xml)

<https://www.gpo.gov/fdsys/pkg/CFR-2000-title34-vol1/xml/CFR-2000-title34-vol1-sec80-32.xml>

OSEP letter: [Clarification on use of assistive technology devices purchased with federal funds](http://fw.esc18.net/FrameworkAuthoringSystem/Documents/AdditionalResources/OSEP%20Letter%20to%20Goodman%206.21.1998.pdf)

<http://fw.esc18.net/FrameworkAuthoringSystem/Documents/AdditionalResources/OSEP%20Letter%20to%20Goodman%206.21.1998.pdf>

COLORADO: [Clarification of DVR/CDE cooperative agreement regarding AT](http://hermes.cde.state.co.us/drupal/.../CDE_DVR_cooperative_services_agreement.pdf)

[hermes.cde.state.co.us/drupal/.../CDE\\_DVR\\_cooperative\\_services\\_agreement.pdf](http://hermes.cde.state.co.us/drupal/.../CDE_DVR_cooperative_services_agreement.pdf) (Section G, pages 9-11);

<https://static1.squarespace.com/static/57c86c3cff7c506bc7a8fdbf/t/599f3afdf5e231b03da72246/1503607549321/DVR+CDE+Agreement+2015.pdf>

MINNESOTA:

[125A.58 Purchasing Guidelines](https://www.revisor.mn.gov/statutes/?id=125A.58) (Note: between districts)

125A.58 <https://www.revisor.mn.gov/statutes/?id=125A.58>

[125A.59 Interagency Agreement to Purchase Used Assistive Technology Devices](https://www.revisor.mn.gov/statutes/?id=125A.59)

125A.59 <https://www.revisor.mn.gov/statutes/?id=125A.59>

OKLAHOMA:

[State Department of Education PreK - 12th and State Systemic Improvement Plan](https://www.ok.gov/abletech/Programs_for_Children_and_Youth/OSDE_PK-12_and_SSIP/)

[https://www.ok.gov/abletech/Programs\\_for\\_Children\\_and\\_Youth/OSDE\\_PK-12\\_and\\_SSIP/](https://www.ok.gov/abletech/Programs_for_Children_and_Youth/OSDE_PK-12_and_SSIP/)

[Assistive Technology in Public Schools](https://www.ok.gov/abletech/documents/Assistive_Tech.pdf) (see Appendix B)

[https://www.ok.gov/abletech/documents/Assistive\\_Tech.pdf](https://www.ok.gov/abletech/documents/Assistive_Tech.pdf) (see Appendix B)

TEXAS: [SECTION 89.1056. Transfer of Assistive Technology Devices](#)  
[http://txrules.elaws.us/rule/title19\\_chapter89\\_sec.89.1056](http://txrules.elaws.us/rule/title19_chapter89_sec.89.1056)  
Texas Administrative Code (last updated December 2014)  
Chapter 89. Adaptations for Special Populations  
Subchapter AA. Commissioner's Rules Concerning Special Education Services  
§89.1056. Transfer of Assistive Technology Devices

VIRGINIA:

[Transfer of Assistive Technology Devices Guidelines](#)

[http://www.doe.virginia.gov/administrators/superintendents\\_memos/2013/239-13.shtml](http://www.doe.virginia.gov/administrators/superintendents_memos/2013/239-13.shtml)

[Guidelines for School Division Transfer of Assistive Technology Devices](#)

Virginia Code § 22.1-129.1.

[http://www.doe.virginia.gov/administrators/superintendents\\_memos/2013/239-13a.pdf](http://www.doe.virginia.gov/administrators/superintendents_memos/2013/239-13a.pdf)

*This document is part of a series of issue brief documents developed and produced by the Assistive Technology Act Technical Assistance and Training (AT3) Center funded by Grant #90ATTA0001-01-00 from the Administration for Community Living (ACL). Any opinions reflected herein are solely the responsibility of the authors and do not necessarily represent the official views of ACL.*

*Last updated November 2017 – [www.at3center.net](http://www.at3center.net)*