



The AT Messenger

bringing technology to you

Delaware Assistive Technology Initiative (DATI) • Volume 13, No. 1 • Winter 2005

New Legislation Impacts AT Access

Beth Mineo Mollica
DATI Director

President Bush signed two bills into law recently that will have significant impact on access to AT. The Assistive Technology Act of 2004 (HR 4278) supports continuation of the Delaware Assistive Technology Initiative (DATI) and its counterpart programs throughout the country. The new AT Act requires states to offer services that will ensure direct access to technology, such as equipment demonstration and loan programs, device reutilization programs, and alternative financing programs such as low-cost financial loans. In addition, AT Programs nationwide are responsible for implementing training and technical assistance, public awareness, information-and-referral services, and coordination and collaboration with public and private entities. The DATI's existing structure aligns closely with the new mandates, so there will be no need to retool the program as other states are now having to do. The AT Act of 2004 also supports state grants for protection and advocacy programs related to AT and national activities such as a national public awareness toolkit, research and development, technical assistance and training, data collection, and a national public internet site.

Many Delawareans took the time to tell members of Congress how they had benefited from DATI services and to urge them to support the AT Act of 2004. Thank you for making your voices heard!

**Focus on
Community
Living**

Congress realized how much the nation depends on AT Act Programs and took action to ensure that they will continue.

The other new legislation is the long-awaited reauthorization of the Individuals with Disabilities Education Act (IDEA). Page 9 of this issue provides an overview of the new law, but I want to highlight a few important provisions related to AT access. The first is that the definition of AT and related services was amended to exclude medical devices that are "surgically implanted." The law also authorizes states to reserve up to 10 percent of their federal dollars for "state level activities" that can include the improved use of technology, including universal design principles and AT, in the classroom for enhanced access to the general curriculum and enhanced learning. Another exciting provision is the establishment of the National Instructional Materials Access Center, which will receive and maintain a repository/catalog of accessible, electronic textbooks that conform to the National Instructional Materials Accessibility Standard (NIMAS). IDEA requires schools to provide accessible instructional materials in a timely manner to students who are blind or have other print disabilities, and schools can opt to enter into agreements with publishers to get the materials in the NIMAS digital format or have the publisher produce the specialized format directly. State education agencies are required to work with the AT Act program in the state to implement the requirements for access to instructional materials. ■

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Meet the DATI's New Funding and Policy Specialist

As of December 2, 2004, the DATI has a new Funding and Policy Specialist, Debbie Wright. Mrs. Wright comes to the DATI from the Delaware Division of Developmental Disabilities Services (DDDS) where she served as a Social Services Senior Administrator for over eight years. Prior to that, Mrs. Wright worked as a Medicaid Facility Compliance Reviewer for the Division of Social Services.

Her educational background includes an Associate of Arts in Biological Sciences from the University of Delaware, a Bachelor of Arts in Psychology from Salisbury University, and a Master of Arts in Counseling Psychology from Salisbury University. She is currently working toward her Doctorate of Education at Wilmington College.

As the new Funding and Policy Specialist, Mrs. Wright's responsibilities at DATI will include ana-

lyzing and monitoring assistive technology funding options, facilitating the adoption of laws and policies that will assist individuals in securing funding for AT devices and services, and managing the day-to-day operations of the low-interest loan program.

Mrs. Wright is available to answer any funding and policy questions you may have. To contact her, please call (302) 651-6792 or email her at wright@asel.udel.edu. ■



Debbie Wright, DATI Funding and Policy Specialist

Working Around the House: Selecting the Right Tools

*Eden Melmed, AT Specialist
New Castle County ATRC*

With the snowy winter weather keeping you locked indoors, now is the time to start many of those household repair projects you have been putting off for so long.

Whether you are planning on doing some small projects around the house such as hanging photographs or painting a room, or are planning some major household tasks such as building an entertainment center or upgrading your bathroom's plumbing, here are some things to keep in mind when purchasing the tools you will need for any household project.

Tools and tool handles should be selected to eliminate or minimize the following:

- Force or grip strength needed
- Repetitive motion
- Awkward body postures and wrist positions
- Vibration.

Reducing Force or Grip Strength

A user's ability to apply grip strength to a tool

depends upon the tool's handle type, size, and length. Improving the handle may greatly reduce the force required to use the tool. In general, tools with longer or thicker handles require less force. A longer handle allows the user to generate leverage by applying a small amount of force at a greater distance. The thicker a handle is, the more surface area is available for grasping and/or increasing the torque necessary to use the tool. In some situations, a hand tool with a pistol grip may require less gripping force than an in-line handle.

Hand tools with cushion grips may also provide improved comfort. Depending upon the texture of the material used on the handle, the grip may provide additional slip resistance and reduce the grip force needed. Typically, the diameter of a cylindrical handle should be approximately the size of the "O" formed when your thumb and index finger touch. To save some money, you may want to try to modify your current tools by adding bicycle

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Selecting the Right Tools (continued)

grips or pipe insulation to the handles. Just make sure the grip is secure on the handle to keep the tool from slipping out of your hand while it is being used.

Reducing Repetitive Motion

To avoid repetitive motions and strain injuries associated with using a hand tool over a prolonged period of time, use ratcheting tools or adjustable tools



Craftsman® Professional Robo-Grip® Pliers

with spring-loaded returns. It is also important to keep your hand tools properly maintained and sharpened to reduce grip force and repetition. Many people do not think about this,

but if a saw blade is dull, it will take much longer to cut through a piece of wood than it would if the blade were sharp.

Changing to a power tool will also reduce repetitive motions. However, power tools have drawbacks too. Some problems associated with power tools are possible vibration, different types of repetitive strain (e.g., trigger finger), and increased operator demand to handle and react to the forces generated by the power tool.

Minimizing Awkward Body Postures and Wrist Positions

Poor wrist positioning can diminish grip strength and lead to repetitive strain injuries. Hand tools

that minimize flexion, extension, and deviation and maintain a more natural wrist position are preferred. Many tools are now ergonomically designed. Other

tools can be modified with an add-on pistol grip to maintain a



more natural wrist position.

Proform Technologies Ergonomic Paintbrush

Some tools, rather than requiring the user to bend an arm or wrist, have the bend already built-in.

Reducing Vibration

Power tools may be used to reduce the amount of force and time needed to operate a tool. However, as mentioned above, there may be drawbacks to using power tools. One of the most worrisome drawbacks is possible vibration. Localized exposure to large amounts of vibration over a prolonged period of time may increase the risk of chronic disorders of the muscles, nerves, and tendons. If you need to use a power tool for a prolonged period of time, consider using an external support to handle the power tool and wearing anti-vibration gloves. Anti-vibration gloves are made from materials which help to dampen the vibration before it reaches your hands, wrists, and arms.

For more information about these and other tools, please contact your local ATRC. ■

DATI Offers Workshop on Universal Design and Home Modification

The DATI will offer a two-day workshop titled **Access to the Environment: Universal Design, Home Modifications and Assessment for Safety and Independent Living**. The workshop will be held April 13-14, 2005 at the Delaware Technical and Community College Stanton Campus and will run from 9:00 a.m. to 4:00 p.m. both days.

Shoshana Shamberg, a licensed and registered occupational therapist and president of Abilities OT Services Inc., an architectural accessibility consult-

ing firm, will lead the workshop. Topics covered will include legislative history of accessibility, maximizing function and minimizing intervention, functional and environmental assessments, building and remodeling for accessibility, universal and barrier-free design, and team building strategies and marketing. The workshop is free for all Delaware residents and \$350 for all others. For more information or to register, please contact the DATI at (800) 870-DATI, (302) 651-6790, or dati@asel.udel.edu. ■

Community Legal Aid Society Works for Fair Housing

Daniel Atkins, Legal Advocacy Director
Laura Waterland, Senior Attorney
Disabilities Law Program

The Disabilities Law Program (DLP) and the Fair Housing Unit (FHU), programs within Community Legal Aid Society, Inc. (CLASI), advocate for the rights of people with disabilities throughout Delaware.¹ In the last few years, the DLP has worked hard to ensure that housing applicants, tenants, and buyers have access to housing free of discrimination. Since the passage of the federal Fair Housing Amendments Act in 1988 (FHAA), which added people with mental or physical disabilities to the protected classes, there has been increased emphasis on addressing the problem of housing discrimination against people with disabilities.

Discrimination typically manifests itself in one of three illegal actions:

- 1) Providing housing which is physically inaccessible for people with disabilities.
- 2) Refusing to make reasonable accommodations to allow people with disabilities to use and enjoy their housing.
- 3) Denying zoning permits to allow congregate housing for people with disabilities.

Accessible Housing

The FHAA has established minimum requirements of accessible design for multi-family housing. In non-elevator-serviced residential buildings with four or more dwelling units, all ground floor units designed and constructed for first occupancy after March 13, 1991 must include basic features of accessible and adaptable design. In properties with elevators, all units must have these features. Examples include accessible common areas; doorways wide enough to accommodate individuals who use wheelchairs; an accessible route into and through the dwelling; accessible light switches, electrical outlets, and thermostats; and kitchens and bathrooms that can be maneuvered in by people in wheelchairs.

The DLP, along with the U.S. Department of Justice, recently settled a federal court case against a large Delaware developer and architects who designed and built large apartment and condominium complexes that did not have adequate accessibility features. These apartments and condominiums had numerous violations of the FHAA, including steps at entrances, narrow doors, high thresholds, and switches and thermostats that were not accessible. In addition to the cost of retrofitting all of these first floor units, the defendants were required to pay over \$60,000 to several aggrieved individuals and to place \$400,000 in a settlement fund for other aggrieved individuals. This case should serve to inform other builders and developers in Delaware about their responsibility to build accessible housing.

Additionally, individuals with disabilities and their advocates should be aware of the affirmative obligations that owners and developers of housing built with federal money (e.g., public housing, Community Development Block Grant programs, Tax Credit, Section 811, and 202 properties) have under Section 504 of the Rehabilitation Act to make their units accessible for people with disabilities. In newly constructed or substantially renovated properties, 5 percent of all units must be wheelchair accessible. Additionally, owners of these properties must make reasonable modifications to existing units at their expense or offer to transfer the tenant requesting the modification to an accessible unit. Typical modifications include widening doorways, providing accessible appliances, and installing ramps and grab bars.

In private housing or in housing where the rent is subsidized through the Section 8 Voucher Program, landlords must allow tenants to make reasonable modifications at the tenant's expense. Under certain

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1. The Fair Housing Unit at CLASI represents all protected classes under the Fair Housing Amendments Act, including race, color, religion, sex, familial status, or national origin, in addition to representing people with disabilities.

CLASI Works for Fair Housing (continued)

circumstances, landlords and owners may be required to make modifications to common property (e.g., sidewalks, parking lots, and clubhouses) at their own expense.

Advocates should be aware that the Department of Housing and Urban Development has made federal funding available to facilitate home modifications by home owners and renters. It is incumbent upon advocates to make sure that these federal funds, available through the HOME Investment Partnership Program and Community Development Block Grant programs, are being allocated in Delaware.

Reasonable Accommodations

Public and private landlords, as well as condominium and homeowners' associations, must make reasonable accommodations to rules and policies in order to allow tenants and owners with disabilities to use and enjoy their dwellings. Typical reasonable accommodation requests include the creation of designated parking spots, waiver of "no pets" policies, early termination of leases because of medical conditions, and under certain circumstances the acceptance of late rent. The DLP and FHU have handled numerous "reasonable accommodations" cases in federal court and before administrative agencies. Remediation typically includes monetary settlements in addition to the provision of the accommodation requested.

Public Housing Authorities (PHAs) operating public housing and administering the Section 8 Voucher Program have heightened requirements under Section 504 of the Rehabilitation Act and the FHAA. They must make their programs accessible to people with disabilities. Reasonable accommodations in this context include assisting in the application process, including home visits if necessary, provision of additional time to complete applications, modifying screening criteria for admission, allowing additional time to find an accessible unit once a voucher has been issued, providing a higher payment standard to allow the tenant to lease an accessible unit, allowing the rental of a larger unit if necessary to accommodate a disability, and modifying rules to allow tenants with disabilities to avoid eviction.

The DLP and FHU have worked with Delaware PHAs to encourage them to be flexible when applying rules in all of these contexts, filing complaints when necessary. Moreover, we have prevented evictions and terminations of assistance for many clients when a reasonable accommodation in rules or policies would allow the tenant to remain. A recent example involved an individual terminated from a local Section 8 program as a consequence of behavior resulting from his mental illness. The DLP requested that the tenant be allowed to seek additional treatment and supervision in order to keep his voucher. As a result of litigation filed by the DLP, the individual was reinstated into the voucher program and is no longer homeless. In another case, the DLP persuaded a court to order a local PHA to allow a client tenant with cognitive impairments to be placed back in his unit after establishing that the client would be able to avoid future lease violations if he were allowed to obtain housekeeping services from an outside agency.

Zoning

The DLP has also devoted significant resources over the last few years to cases involving local resistance to congregate living for people with disabilities. Typically, in order for group homes for people with disabilities to be established, local zoning boards must approve the building plans by issuing a variance. Zoning laws have historically outlawed large groups of unrelated people living in residential areas—hence the need for a variance. The DLP has worked to amend zoning ordinances in several jurisdictions to remove this impediment to construction of congregate housing for people with disabilities.

Unfortunately, it is not uncommon for neighbors and local government officials to resist the location of group homes in their communities. The DLP has been involved in cases throughout the state on behalf of groups trying to open residential homes for adults with mental illness and traumatic brain injury, children with serious mental illness, and a day center for young adults with significant physical disabilities. In each case, the programs have eventually opened, though not without significant

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Working for Fair Housing (continued)

transactional and litigation costs for both sides.

The federal and Delaware Fair Housing Acts provide important civil rights and remedies for people with physical and mental disabilities in Delaware. If you or someone you know has been discriminated against in the provision of housing, please contact the Disabilities Law Program, which has

offices in each of Delaware's three counties. The Fair Housing Unit is located in our Wilmington office and can be contacted at (302) 575-0660. The DLP may be reached at (302) 575-0690 in New Castle County, (302) 674-8500 in Kent County, and (302) 856-0038 in Sussex County. ■

The AT Bargain Basement

*Marvin Williams, AT Specialist
Kent County ATRC*

Hello friends, and welcome to another edition of the AT Bargain Basement. For those of you unfamiliar with this column, this is where I, your humble AT Specialist, bring you glad tidings of AT bargains priced under \$100. I also try to find AT that is available from local stores throughout Delaware. In this installment, we return to the land of independent living. I have some new devices for you, as well as a new website that might help you find the AT you need.

The first device is the **Lamp Commander™** by **Salton**. The device allows the user to control a lamp via speech recognition. It is available at **Lowe's®** for about \$39.96, and it really works. Unlike other systems that use speech recognition for device control, the **Lamp Commander** does not require the user to do any voice training prior to using it. Just take it out of the package, plug it into the wall, plug a lamp into it, and it is ready to use. The **Lamp Commander** can control up to two lamps using the same unit. Now, this does not mean each lamp can be independently controlled, but if there are two lamps that need to be turned on at the same time, this device will do that. I have been able to find this product online for around \$19.95.

The next device is a great asset to any kitchen. It is the **Lids-Off™ Automatic Jar Opener** from **Black & Decker®**. The **Lids-Off** allows the user to open a variety of different sized jars with just the press of a button. Simply place the jar in the machine's

bed, spin the bed to hold the jar in place, lower the top of the jar opener to the top of the jar, and... tada!... the jar is open! You will have that jelly jar open in no time with no more effort than it takes to press the button on the top of the device. The jar opener retails for \$25.00 at the **Black & Decker** outlet store in Rehoboth. A few drawbacks of this device are its size (about the size of a blender, so it does take up some counter space) and the fact that it does not work with extra-large jars (e.g., pickle jars). But, the opener is a great device to have on hand for those who have trouble opening jar lids.



Lids-Off Automatic Jar Opener by Black & Decker

The next item on my list is the **Motion Activated Light Adapter** by **Dimango®**. This handy little device lets the user turn most any light into a motion-sensitive light that will turn on whenever someone walks into its activation range. This device might be of better use outdoors rather than inside the home because the light will turn off automatically. So, this device would be good where having some light would be beneficial, such as at an entrance to a house or a garage. Just make sure the unit will work with the light bulb that is put into it. I have found that automatic controls like these do not work well with fluorescent bulbs in cold weather because it can sometimes take the bulb a little while to warm up and provide the

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The AT Bargain Basement (continued)

needed light. Even then, it can take a while for the light bulb to reach full brightness, so keep that in mind when selecting bulbs for this device.

My final item is something many individuals may have seen but disregarded. It is the non-slip shelf liner that can be found at most any store from **Super Fresh** to **Wal-Mart®**. Prices range from \$1.50 a roll to \$10 for a very large roll depending on where and how much you purchase. The shelf liner can be used to keep plates from sliding around on a table or to keep a book from moving while writing in it. The liner can even be used to keep rugs in place, but you can—and probably should—get heavier duty material for that use if rug movement is a chronic problem. At any rate, this stuff is great to have on hand if you need to keep something in place.

My final recommendation is a website called **Spin**

Life (www.spinlife.com). **Spin Life** is a great site because it has lots of durable medical equipment available for some pretty low prices. Granted, you will not find everything for under \$100, but you can find some great deals on most anything under the sun. The site's ramps are reasonably priced and range in size from the small threshold ramps for entrance into a house to the large ramps used to get up stairs; it even has ramps for use in getting in and out of vehicles.

Well, that brings another chapter of the AT Bargain Basement to a close. I hope you found it fun and informative. All of the products I've mentioned can be seen at your local ATRC. As usual, please feel free to send in the bargains you find so that I can share them with others. And remember, just because it's cheap doesn't mean it's a bargain; and just because it's a bargain doesn't mean it's cheap! ■

In Case of an Emergency—Create a Plan

*Dan Fendler, AT Specialist
Sussex County ATRC*

Help, I've fallen... That classic commercial featuring an elderly woman has been used many times in the context of a joke, but emergency situations are no laughing matter. And if an individual has a disability, emergency situations can potentially be life threatening if planning is not done in advance.

Planning Is Critical

The 2003 hurricane season was an active one with seven hurricanes and 14 named storms. One particularly bad storm, Isabel, which made landfall near Ocracoke Island, North Carolina on September 18, had implications for Delaware. A few days before the storm hit, I received a call from the mother of a child on a ventilator. The mother was preparing for the possibility of a power outage due to storm damage. She needed to ensure that she had a backup plan to keep her child's ventilator running. The mother was willing to purchase or rent a backup generator, but due to a run on generators, could not find one anywhere in Delaware. She called the

ATRC asking for resources. The call and the follow-up we did underscored the importance of planning for emergencies.

Gather Information

Do not wait for a looming catastrophe. Do research when you are not under the pressure of a potentially lethal deadline. Contact the local police station, fire department, or emergency management office to see if they maintain a registry of people with disabilities. Being on this list can prove useful if help must be provided quickly in an emergency situation. Make sure to ask what precautions should be taken given your particular disability. Find out what type of aid may be available in an emergency. If you work, find out if your workplace has an emergency plan in place. If there is a plan in place, what is it and will it accommodate your disability? If you are a person with a hearing disability and an audible alarm is used to alert workers at your office in an emergency, it may not do you much good.

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In Case of an Emergency (continued)

Make a Plan

Based on the information gathered, make a plan. Be self-reliant. Assume responsibility for your safety—even if your business or locality has a plan that takes into account your disability. Consider the type of emergencies that are relatively common in Delaware and have a plan ready for each of those circumstances. For example, if you use a wheelchair and the plan for a tornado is to head to the basement, how will you get there? How will you evacuate in the event of a hurricane if you do not have a wheelchair accessible vehicle? Your knowledge of your needs and what may be available in your area should help you develop a plan.

Fortunately for the mother of the child on a ventilator, a contractor loaned her a generator in case an electrical power outage did occur. It turned out that much of Delaware missed the brunt of the storm and never lost power. But, this story could have turned out much differently. The lesson learned here is to be prepared.

Emergency Preparedness Resources

There are a number of organizations, both at a national and state level, that are potential resources for emergency preparedness information. They are good resources, but do not assume that any of them have an emergency plan in place that will accommodate your specific disability. In the case of the mom who called looking for a generator, the Delaware Emergency Management Agency (DEMA) informed me that the child should be moved to a hospital capable of caring for someone with her specific needs. For more information on DEMA, visit their Website at www.state.de.us/dema/ or contact the agency at (877) SAY-DEMA.

Here are some points that the Federal Emergency Management Agency (FEMA) website, www.fema.org, suggests individuals keep in mind when formulating an emergency plan:

- People with disabilities often need more time than others to make necessary preparations in an emergency.
- Because disaster warnings are often given by audible means such as sirens and radio

announcements, people who are deaf or hard of hearing may not receive early disaster warnings and emergency instructions. They need others to be their source of emergency information as it comes over the radio or television.

- Some people who are blind or visually-impaired may be extremely reluctant to leave familiar surroundings when the request to evacuate comes from a stranger.
- A guide dog could become confused or disoriented in a disaster. People who are blind or partially sighted may have to depend on others to lead them, as well as their dog, to safety during a disaster.
- People with impaired mobility are often concerned about being dropped when being lifted or carried. Find out the proper way to transfer or move someone in a wheelchair and what exit routes from buildings are most convenient.
- Some people with developmental disabilities may be unable to understand the emergency and could become disoriented or confused about the appropriate way to react.
- People with epilepsy, Parkinson's Disease, and other conditions often have very individualized medication regimes that cannot be interrupted without serious consequences. Some may be unable to communicate this information in an emergency situation.

To view these and other pointers from FEMA, visit www.fema.gov/rrr/assistf.shtml or contact the agency at (202) 566-1600.

The National Center on Emergency Preparedness for People with Disabilities has a website (www.disabilitypreparedness.com) or can be reached at (202) 338-7158, ext. 201. This organization may be a useful resource for local emergency response professionals. The center has resources to assist local emergency planning organizations (both public and private) in planning for individuals who need specialized communication, transportation, and medical supports. The center's primary focus is on emergency preparedness.

Please remember, the greatest resource you have in an emergency situation is being prepared. ■

The New IDEA, Still Great But Different

Marie-Anne Aghazadian, Executive Director
Parent Information Center of Delaware

On November 19, 2004, Congress passed landmark legislation to reauthorize the Individuals with Disabilities Education Act (IDEA) and on December 3, 2004, the President signed it into law. The reauthorization of this historic bill, the first since 1997, follows three years of development. A comparison of major changes from the 1997 legislation to the 2004 version follows.

Enforcement

Monitoring and enforcing the IDEA were not specifically addressed in the 1997 version. In the 2004 version, states must establish goals and a plan that:

- Meet the requirements and purposes of the IDEA law
- Are the same as the No Child Left Behind (NCLB) definition of adequate yearly progress, including the definition of progress for students with disabilities
- Address graduation and drop out rates and any other indicators as appropriate.

A state's performance will be evaluated annually. The requirements and purposes of their plan will be reviewed based on the following criteria. Does the plan:

- Meet the requirements and purposes?
- Need assistance?
- Need intervention?
- Need substantial intervention?

The Secretary of Education has numerous options for actions should the plan's performance not be up to par, including technical assistance, withholding funds, and even referring the state to the Department of Justice for appropriate enforcement.

Discipline

Unlike the 1997 version of IDEA, the 2004 version states that when it is found that a child's behavior is not a result of his/her disability, services will continue, but the educational placement may be changed. This removes the burden of a change in placement from the school and places it on the par-

ent to appeal the school's decision. A change was also made in the amount of time a student can be removed from school. In the original legislation, a student could be removed for 45 days; the law now allows removal for 45 *school* days.

Intervention without Special Education

In the new version of IDEA, schools are able to use up to 15 percent of IDEA funds to support students who have academic and behavior problems in regular education, but are not in need of special education services. This will provide services to children earlier and help prevent future problems.

Transition

With the approval of the updated legislation, schools must now plan for transition by setting goals and providing services beginning at age 16. A three-year education plan focusing on post-secondary goals can be developed for students. Also, the vocational rehabilitation system will now become more involved in secondary schools and transition planning.

Teachers and Teacher Preparation

State standards for special education teachers are more defined in the new IDEA. The revised version states that special education teachers must possess full state special education certification or pass a state special education licensing exam and hold some sort of state license. There are also additional NCLB requirements for special education teachers teaching multiple subjects and students working on "alternate achievement standards."

With today's IDEA, at least 90 percent of state personnel development grants must be used for professional development activities in partnership with other agencies and organizations concerned with the education of children with disabilities, including at least one institution of higher education. Grants will provide support for educators to ensure they possess the skills and knowledge to help students with disabilities succeed, including creating a new grant program for institutions of higher educa-

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The New IDEA (continued)

tion focused on training beginner special educators through an extended clinical experience or teacher-faculty partnerships. Funding for such grants may be appropriated annually by Congress.

Preschool and Early Intervention Services

With the 2004 IDEA, states will have the flexibility to develop a collaborative system to serve eligible children from ages birth through six. Early on in the program, parents will be given the option to have their child remain in the early intervention program or to receive free and appropriate education in a preschool program.

Due Process and Attorney Fees

The new bill requires that both the parent and school submit a due process complaint notice before accessing a due process hearing. The new bill also allows mediation to be requested prior to the filing of a complaint and strengthens the provisions for developing a written, binding, confidential agreement. A two-year statute of limitations will now be in place on a parent's ability to file a complaint, and there is a 90-day limit on appeals.

With the new IDEA, in addition to awarding attorney fees to parents who prevail in a hearing, a state or local education agency that prevails against a parent who files a frivolous complaint can also be reimbursed reasonable attorney fees.

Accountability

With the 2004 legislation, alternate assessments will still be included as part of the state and local accountability systems. Contrary to current practice, alternate assessments will now be aligned to state standards. A national study of alternate assessments will be conducted to ensure that these assessments measure the progress of students with considerable disabilities and that they meet appropriate standards.

Funding

Mandatory full funding is not provided for the new bill, but Congress has stated its commitment to reach full funding by 2011 through \$2.3 billion annual increases. Congress did not change the funding formula for early intervention and preschool programs for which it can authorize

sums as may be necessary.

Meetings

Education plans still must include goals for all students and short-term objectives for students on alternate assessments. Now, schools must also report quarterly to a parent on how the child is progressing toward their goals and how that progress is measured. Schools and parents can develop and change IEPs using conference calls or by writing rather than the face-to-face meetings that were required by the 1997 version. For minor changes, not all IEP team members need even be present.

Over-identification

Although not addressed in the 1997 version, over-identification of minority students was discussed in the 2004 version. The new bill requires districts with significant over-identification of minority students to operate a pre-referral program to reduce inappropriate referrals to special education. If states fail to meet targets, federal sanctions will be applied, including withholding or directing funds or denying the flexible use of funds.

Specific Learning Disabilities

The 2004 IDEA allows for the development of new approaches to determine whether students have specific learning disabilities without relying solely on the IQ achievement discrepancy model as was done in the past. ■

Information for this article was obtained from the Council for Exceptional Children.

The Parent Information Center of Delaware has a mission to provide families of children with disabilities and their service providers with knowledge, skills, and support that enable them to fully access resources and our services. Our vision is that children with disabilities fulfill their potential to lead productive and independent lives in their communities. Please visit our website, www.picofdel.org or contact us at (888) 547-1412.

DATI Equipment Loan Policy

DATI has a wide variety of equipment at the Assistive Technology Resource Centers for the primary purpose of demonstration and short-term loan. The policy for the loan of the equipment is as follows:

The standard loan period is two weeks, defined as the day borrowed (e.g., Monday the 10th) to the same day two weeks later (e.g., Monday the 24th). Loans may be extended providing there are no names on the waiting list and/or that an extension will not interfere with an existing reservation. The maximum loan period is four weeks.

A maximum of four devices may be borrowed during any single loan period. However, combinations of devices may be treated as a single device if the components are interdependent—either operationally, or because one component is required for the user to access another. Equipment loans across state lines are not permitted. Equipment must also remain in Delaware throughout the loan period. ■



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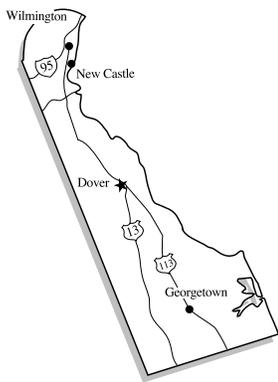


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