

The Case of Sharon

Consider Sharon, who is 17 years old and has cerebral palsy, a diagnosis she has had since birth. She is completing her junior year in high school, has above average grades, and plans to attend college to become an attorney. Sharon's 18th birthday will occur in December of her senior year in high school. Although Sharon attends all regular classes, she receives support services from a special education teacher in the classroom, as well as speech pathology, occupational therapy, and physical therapy services from her school's special education department.

Sharon resides with her mother, stepfather and a 12 year old brother who does not have a disability. Her father died when Sharon was young and she now collects \$420 in Social Security survivor's benefits on her father's Social Security record. Her parents' combined annual income is about \$60,000, which makes her ineligible for SSI at this point because both the parent's and stepparent's income is considered available to Sharon.

Sharon has already visited the School of Industrial and Labor Relations at Cornell University in Ithaca, New York and hopes to attend undergraduate school there. Her good grades and SAT scores should

ensure her acceptance at the school. Her home is a 30-mile, round-trip commute from the campus, but public transportation is not available for this travel. Sharon plans to continue living at home and commute to the campus.

Sharon and her parents have identified the following AT, which is needed presently or is an expected need over the next three to five years:

- ***A power wheelchair:*** Sharon's existing lightweight wheelchair is something she can self propel on level terrain for distances up to about 200 feet. If she attends college at Cornell (the university and the village of Ithaca are extremely hilly), she will not be capable of independent mobility without a power wheelchair. Even in flat areas, the buildings on this campus (and most campuses) are spaced far enough apart that she could not propel her manual wheelchair between classes.
- ***An augmentative and alternative communication (AAC) device:*** Sharon's speech is understandable only to familiar listeners. She currently has a seven year old device that allows her to speak by electronic means. This device is constantly in for repairs and it has become more difficult to find the parts to repair it.
- ***A laptop computer with adapted keyboard and voice input software:*** Sharon has extreme difficulty writing and currently has a note taker in school, funded through the special education program. She uses her family's six-year old personal computer at home, with an adapted keyboard, to do all school assignments. Despite her severe speech problems, a local university's evaluation recommends the latest in software technology to allow her to dictate notes, assignments and papers into the computer. The evaluators tell Sharon that the software program will be able to pick up her speech patterns

and capture what she says with up to 90 percent accuracy. (Sharon's speech pathologist is recommending that she consider a combination laptop computer/AAC device that can meet both the speech input and personal computer functions at a fraction of the cost of the two devices combined.)

- ***A ceiling track lift:*** Currently, Sharon's parents use a traditional Hoyer lift (i.e., a hydraulic model) to get her into and out of bed, and to meet her needs in the bathroom. Her mother finds it increasingly difficult to operate the lift and her stepfather's business requires frequent out-of-town trips. The more expensive, state-of-the art ceiling track lift would allow Sharon to more safely and efficiently meet her needs in order to get out of the home to attend college.
- ***Access ramp at the home:*** Currently, Sharon and her wheelchair must go up and down stairs to enter or exit the home. The family uses a makeshift method with two long planks to allow her to move up and down the stairs. She also needs two persons to guide the wheelchair up or down. A ramp will allow Sharon to safely come and go without a second person to help her. The ramp will become particularly important when Sharon starts using the heavier power wheelchair.
- ***A van, specifically modified for a wheelchair user:*** Based on a recent driver evaluation, Sharon was found capable of driving a van equipped with the various modifications that allow her to drive from her wheelchair (hydraulic lift, wheelchair lock down, hand controls, etc.). If she can obtain the van while she is in college, she will avoid the expense of a private wheelchair van service to take her to college. The van will be needed for travel to work after she leaves college.

The parents have opted to request the combination laptop computer/AAC device from the school district and VR and each of the respective agencies has denied the request. That is the sole issue at the hearing.

Parents' Expert's Evaluation

YOURTOWN University Speech and Hearing Clinic
Bee Sharp, MA, Communication Disorders, SLLP
Evaluation of Sharon Jones, March 15, 2020

EVALUATION PROTOCOL

Sharon was seen for an evaluation on March 15, 2020. Prior to the evaluation, the clinic obtained Sharon's most recent psychological and educational evaluations from the school district, which were conducted in the Spring of 2018, and the current year's IEP. Sharon has been identified as having an orthopedic impairment which also affects her expressive and written language. She does not have any indications of a learning disability.

SUMMARY AND CONCLUSIONS

Sharon is 17 years old and has cerebral palsy, a diagnosis she has had since birth. She is completing her junior year in high school, has above average grades, and plans to attend college to become an attorney. Although Sharon attends all regular classes, she receives support services from a special education teacher in the classroom, as well as speech pathology, occupational therapy and physical therapy services from her school's special education department.

Sharon was evaluated for recommendations concerning her oral and written communication needs:

- § ***An augmentative and alternative communication (AAC) device (often called a speech generating device):*** Sharon's speech is understandable only to familiar listeners. She currently has a seven year old device that allows her to speak by electronic means. This device is constantly in for repairs, and it has become more difficult to find the parts to repair it. Sharon's current device is large and weighty. She will soon start vocational training and her current device will be cumbersome and poorly accessible when she is engaging in

vocational activities. Given her severe expressive language limitations, and the age of her current device, Sharon is in dire need for a replacement device.

§ ***A laptop computer with adapted keyboard and voice input software:*** Sharon has extreme difficulty writing and currently has a note taker in school, funded through the special education program. She uses her family's six year old personal computer at home, with an adapted keyboard, to do all school assignments. Despite her severe expressive communication difficulty, based on my evaluation, I recommend the use of speech recognition software technology to allow her to dictate notes, assignments and papers into a computer. The software program will be able to pick up her speech patterns and capture what she says with up to 90 percent accuracy. Given Sharon's severe oral and written communication needs, I recommend a combination laptop computer/AAC device that can meet both the speech input and personal computer functions at a fraction of the cost of the two devices combined.

Additional facts about Bee Sharp:

Graduated from Yourtown State College with a BA in Communication Disorders in 1996.

Graduated from Yourtown State College with a MA in Communication Disorders in 1998.

Began working as a Speech Language Pathologist at the YOURTOWN University Speech and Hearing Clinic in September 1998.

Facts for Mr. D. Test, District's Expert

Graduated from Yourtown State Teachers College with a BA in Psychology in 1996.

Graduated from Yourtown State Teachers College with a MA in School Psychology in 1998.

Began working as a school psychologist with the Yourtown Central School District in September 1998.

Was promoted to Director of Pupil Personnel Services, which includes the position of Chairperson of the IEP Team, in July 2007, while continuing to do evaluations for the district as a school psychologist.

As the person who evaluated Sharon and the chair of the IEP Team, feels he is fully informed and up to date on all of the issues involving Sharon. He has known Sharon since he took over as IEP Team Chair in 2007.

Sharon's cognitive functioning and the results of achievement testing are not issues in this hearing. Sharon has been identified as having an orthopedic impairment which also affects her expressive and written language. She does not have any indications of a learning disability. The last psychological and educational testing of Sharon was in the Spring of 2018, so she is not due for a triennial at this time.

He agrees with all of the factual statements contained in the Sharon fact sheet.

He believes it is not the school district's responsibility to provide the dual purpose AAC device/laptop as Sharon is doing very well in school without them. Additionally, the school district is meeting all of her needs through the support services or a special education teacher in her regular classroom, speech pathology, OT and PT, as well as a full time aide. Therefore, in his (and the IEP Team's) opinion, the school district is providing Sharon with a FAPE.

Facts for Ms. Nice, VR Counselor

Graduated from Yourtown State College with a BA in Psychology in 1996.

Graduated from Yourtown State College with a MA in vocational rehabilitation in 1998. Is a certified rehabilitation counselor.

Began working as a rehabilitation counselor with Your State VR Services in September 1998. Was promoted to Senior Counselor in July 2007.

She took over Sharon's case once Sharon was found eligible for VR services. Sharon's parents had pushed for VR services and contacted CAP when told that Sharon had to be a senior before VR would even consider an application. She has read the school district's evaluations, the most recent IEP, and the outside speech pathologist's report. She also met with Sharon and her parents for an hour. She feels she is fully informed and up to date on all of the issues involving Sharon.

Sharon's cognitive functioning and the results of achievement testing are above average. The school district identified Sharon as having an orthopedic impairment which also affects her expressive and written language. She does not have any indications of a learning disability. The last psychological and educational testing of Sharon was conducted by the school district in the Spring of 2018. The VR agency has asked that Sharon undergo another psychological test and has suggested, but not yet asked, that she undergo updated educational testing.

She agrees with all of the factual statements contained in the Sharon fact sheet.

She believes it is not the VR agency's responsibility to provide VR services to Sharon at this time, as Sharon is still in school. Typically, VR does not even open a file for a student until their Senior year, which is next year.