

Emerging Technologies: FAPE and Data Privacy Considerations

**MASE Best Practices
Conference**

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Emerging Technologies

Location Monitoring
and
Telepresence Robots

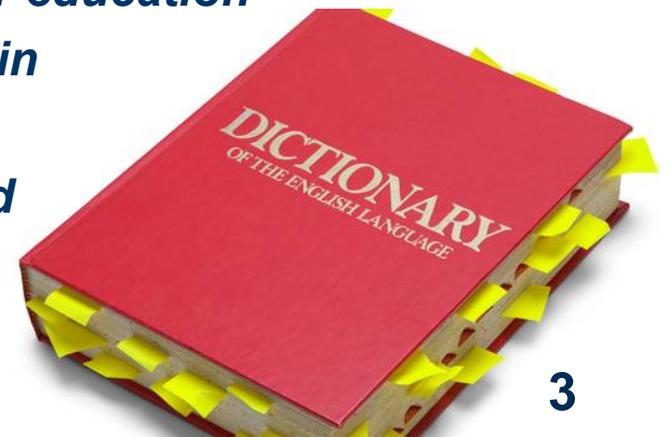
Applicable Legal Definitions

Assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability.

34 C.F.R. § 300.5

Supplementary aids and services means aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate.

34 C.F.R. § 300.42



Location Monitoring Devices

1. AngelSense

- GPS-tracking
- Alarm and first responder alerts
- Two-way voice calling feature
- One-way “listen-in” feature



Location Monitoring (continued)

- **FAPE Considerations:** Present Levels identify elopement or other safety-related concerns
- **Confidentiality Considerations:**
 - 1-Way Voice & Wiretapping (Minn. Stat. § 626A.02)
 - School Visitor Policies
 - AngelSense Template Voice Deactivation Agreements



Location Monitoring (continued)

*J.W., by and through his
Parents, J.W. & B.W.*

v.

Clark Cnty. Sch. Dist.

(Apr. 22, 2019)



Telepresence Robots



2. The VGo Robot

- Sees, hears, talks, and moves
- Homebound or hospitalized students
- Temporary home-based services

Telepresence Robots (continued)

- **FAPE Considerations:** Movement Along the LRE Continuum
 - Greater exposure to peers and teachers
 - Maintenance of relationships
 - Smoother transition back to school
 - Access to advanced subject areas
 - Does not require homebound instructors



Handling Requests

- Avoid kneejerk responses, whether that be yes or no.
- Fully research the device: capabilities, functionality, short- and long-term costs.
- Talk with medical providers, if needed.

Handling Requests (continued)

Convene an IEP Team meeting to answer these questions:

1. **Is *this* technology appropriate for *this* student?**

AngelSense:

- Frequency and severity of safety concerns

VGo:

- Technical/Physical capabilities necessary for operation
- Suitability for low-stamina or off-task students
- Increased parental involvement

Handling Requests (continued)

2. Does this technology provide FAPE in the child's LRE?

- For VGo determinations, more often than not, the answer will likely be answered affirmatively

3. Are alternatives available that can meet the student's needs?

- AngelSense Alternatives: Additional supervision or one-on-one aide
- VGo Alternatives: Skype or Google Hangouts

Implementation Considerations

1. Training

- Staff
- Peers
- Student



2. Technology Infrastructure

3. Pricing and Subscriptions

Emerging Technologies

E-Learning Days

Minnesota Law

A school board's annual school calendar may include plans for up to five days of instruction provided through online instruction due to inclement weather.

Minn. Stat. § 120A.41(b).

A school district or charter school that chooses to have e-learning days may have up to five e-learning days in one school year. An e-learning day is counted as a day of instruction and included in the hours of instruction under section 120A.41.

Minn. Stat. § 120A.414, subd. 1.

A school's e-learning day plan must provide accessible options for students with disabilities under chapter 125A.

Minn. Stat. § 120A.414, subd. 2.

IEP Drafting Implications

Frequency of Direct Service Minutes

- Minutes delivered “per week” vs. “per month” vs. “per quarter” vs. “per semester”

Number of Direct Service Minutes

- Special education vs. paraprofessional instructional support

Available Accommodations

- Are there accommodations that will help the student effectively access the e-materials?



Questions, Comments, or Constructive Criticism



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