****

**Wyoming Department of Education (WDE)**

**Disposition of Assistive Technology Policy**

**July 2016**

***Wyoming Department of Education***

***Finance Division***

***Hathaway Building***

***2300 Capitol Avenue***

***Cheyenne, Wyoming 82002***

The Wyoming Department of Education does not discriminate on the basis of race, color, national origin,

sex age or disability in admission or access to, or treatment or employment in its educational programs or

activities. Inquiries concerning Title VI, Title IX, Section 504, and the Americans with Disabilities Act may be

referred to the Wyoming Department of Education, Office for Civil Rights Coordinator, 2nd Floor, Hathaway

Building, Cheyenne, Wyoming 82002-0050 or (307)-777-7675 or the Office of Civil Rights, Region VIII, U.S.

Department of Education, Federal Building, Suite 310, 1244 Speer Boulevard, Denver, CO 80204-3582, or

(307) 844-5695 or TDD (303) 844-3417. This publication will be provided in an alternate format upon

request.

**Disposition of Assistive Technology Policy**

**Purpose**

This document is designed to provide guidance under the Individuals with Disabilities Education Act (IDEA), related federal laws, Wyoming State Statutes and the Wyoming Department of Education Rules and Regulations relating to the disposition of assistive technology (AT) devices when a pupil with a disability ceases to attend the Local Education Agency (LEA).

**Authority**

IDEA: 20 U.S.C. § 1400 et seq.

34 C.F.R. Part 300

2 C.F.R. Part 200

Wyoming Statute § 21-13-310

Wyoming Statute § 21-13-321

WDE Rules and Regulations; Chapters 7 and 8

**Introduction**

Under the federal Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, State agency grantees and sub grantees are required to use, manage, and dispose of equipment, in accordance with State laws and procedures. 2 C.F.R. §200.313

In accordance with IDEA, public agencies are required to provide AT devices to a pupil with a disability if required as a part of the child's special education, related services, or supplementary aids and services. Determinations regarding whether an individual student with disabilities should receive AT devices and the nature and extent of those to be provided to the student must be made by the participants on a student’s individualized education program (IEP) team and documented in the student’s IEP.

An assistive technology deviceas 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. The term does not include a medical device that is surgically implanted, or the replacement of such device. 34 C.F.R. §300.5

The source and terms of funding determine ownership of an AT device acquired by a LEA for a pupil with a disability. Ownership then determines the permissible/required disposition of the AT device when the pupil ceases to attend the LEA.

**Disposition of Assistive Technology Purchased with State Funds**

Pursuant to W.S. 21-13-321(b) LEAs are reimbursed 100% for Special Education expenses incurred the previous year through the WDE401 Reimbursable Special Education Expenditures report. W.S. 21-13-321(g) states, “*Assistive technology equipment included within district expenditures for special education programs and services are reported under subsection (b) of this section, which was acquired to assist a student with a specific disability, shall to the extent practicable, transfer with that student if the student transfers to another school district within the state. Within the report required under subsection (d) of this section, districts shall separately document assistive technology equipment including an inventory of assistive technology equipment and the status of the usage levels of the equipment and shall report to the department equipment which is accordingly transferred to another school district or which is currently unused by the district. The provisions of this subsection requiring transfer of assistive technology equipment apply only if no other student within the district currently uses the equipment and the equipment is capable of transfer to another district.*” Assistive technology devices purchased with these funds are allowed to be transferred or sold to other districts, State agencies or the student the device was purchased for.

When original or replacement equipment acquired with state funds is no longer needed for the original project or program or for other activities, disposition will be made as follows:

* 1. Transfers between Wyoming school districts are governed by W.S. 21-13-321(g).
  2. Revenue from the sale of assistive technology reimbursed by the state should be coded to revenue source code 85312 regardless of the capitalization threshold. The amount will be counted as a local resource for funding model determinations.
  3. Complete Purchase/Sales Agreement Form for documentation.
  4. For equipment over $5,000
     1. Follow district policy to account for removal of fixed asset.

**Disposition of Assistive Technology Purchased with Federal IDEA Part B Funds**

In accordance with 2 C.F.R. §200.313, the equipment purchased with IDEA Part B funds must be used in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When no longer needed for the original program or project, the equipment may be used in other activities currently or previously supported by a Federal agency. The equipment is required to be available for use on other projects or programs currently or previously supported by the Federal Government, providing such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use shall be given to other programs or projects supported by the awarding agency. Therefore, an LEA is required to continue using equipment it purchases with Part B funds for as long as it needs the equipment to carry out the purposes of its Part B program.

When original or replacement equipment acquired under a Federal award is no longer needed for the original project or program or for other activities currently or previously supported by a Federal agency, disposition will be made as follows:

1. Equipment with a current per-unit fair market value of less **than $5,000** may be retained, sold or otherwise disposed of with no further obligation to the WDE.
   1. Submit a request for disposition to WDE for approval.
   2. Complete a Purchase/Sales Agreement Form for documentation.
   3. Revenue received from equipment and supplies that no longer carry an obligation to the federal grant or awarding agency should be coded to the general fund using revenue source code 85313. The amount will be excluded from local resource computations for funding model determinations.
2. Equipment with a current per unit fair market value **in** excess **of $5,000** may be retained or sold and the WDE or awarding agency shall have a right to an amount proportionate to its share in the cost of the equipment. This amount is calculated by multiplying the current market value or proceeds from sale by the WDE or awarding agency's share of the equipment. Pursuant to 2 C.F.R. §200.313(e)(2), LEAs may deduct and retain from the Federal share $500 or ten percent of the proceeds, whichever is less, for its selling and handling expenses.
   1. Submit a request for disposition to WDE for approval.
   2. Complete Purchase/Sales Agreement Form for documentation.
   3. If sold and the federal program fund is still open, monies received should be coded as a reduction of expenditures from the account it was purchased from.
   4. If sold and the federal program fund is closed, monies received should be coded as a revenue and funds returned to the Federal awarding agency.
   5. If transferred and federal program fund is still open, fair market value monies need to be transferred as a reduction of expenditures.
   6. If transferred and federal program fund is closed, fair market value monies need to be returned to the Federal awarding agency.
3. The district may transfer title of property to the Federal Government or to an eligible third party provided that the district must be entitled to compensation for its attributable percentage of the current fair market value of the property.

**Transition Planning and Transfer to State Vocational Rehabilitation (VR) Agency**

Since transition planning and services are essential aspects of the Part B program, it is appropriate for students with disabilities, who are furnished AT devices, to continue to use needed devices during their transition into a program of VR services. Once the student leaves school for the VR program, the LEA can transfer ownership of the equipment to the State VR agency provided the LEA has determined that it no longer needs the device in connection with its Part B program or for any other Federally-supported project or activity that it (the LEA) conducts. Please follow the proper procedures for disposition of AT according to the funding source utilized for the purchase.

**Determining Fair Market Value**

In order to determine the applicable requirement for the disposition of an AT device, a LEA must determine the "fair market value" of the equipment at the time of disposition, including the depreciation of the device based on factors such as the type of construction, nature of the equipment, historical usage patterns, and technological development. Attachment 1: Sample Depreciation Worksheet provides guidance on determining the “fair market value”.

**Maintenance of Property Records**

For all equipment purchased with IDEA Part B funds, the LEA must maintain property records "...that include a description of the property, a serial number or other identification number, the source of property, who holds title, the acquisition date, and cost of the property, percentage of Federal participation in the cost of the property, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property." (2 C.F.R. §200.313(d)(l)) As such, regardless of the manner of disposition of the property purchased with IDEA Part B, the required disposition data must be recorded and maintained.

**Conclusion**

Assistive technology devices are required to be available to a pupil with a disability as a part of the pupil's special education, related services, or supplementary aids and services if required to provide a free appropriate public education. The pupil’s IEP team should make the determination of the AT devices needed to aid in the instruction of that pupil. The disposition of such devices when a pupil ceases to attend the LEA is prescribed by the manner and source of funding used to acquire the device.

**Contact Information**

For questions or concerns related to processes and financial coding, contact Trystin Green at [trystin.green@wyo.gov](mailto:trystin.green@wyo.gov) or 307-777-6206.

For questions, concerns or approvals, contact Federal Programs Administrator at [?.?@wyo.gov](mailto:?.?@wyo.gov) or 307-777-????.

**Attachment 1: Sample Depreciation Worksheet**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Depreciation Worksheet** | | | | | | |
| **Assistive Technology Device** | **Estimated Useful Life**  **(A)** | **Device Age**  **(B)** | **Estimating Remaining Life (C)** | **Original Purchase Price**  **(D)** | **Depreciation**  **(E)** | **Current Value**  **(F)** |
| Alpha Smart Pro | 5 | 2 | 3 | $ 279.00 | $ 111.60 | $ 167.40 |
| Macintosh cable | 7 | 2 | 5 | $ 10.00 | $ 2.86 | $ 7.14 |
| Software | 7 | 2 | 5 | $ 19.00 | $ 5.43 | $ 13.57 |
| Carry case | 7 | 2 | 5 | $ 25.00 | $ 7.14 | $ 17.86 |
| **Total** |  |  |  | **$ 333.00** | **$ 127.03** | **$ 205.97** |
|  |  |  |  |  |  |  |
| \* Formula for Depreciation is (D / A \* B = E) | | | | | | |
| \* Formula for Current Value is (D - E = F) | | | | | | |

### \*Note: Computers/AAC devices utilizing computer technology: 5 years.

Other types of devices: 7 years.

The Alpha Smart Pro is a word processing keyboard that the school purchased to implement a student's IEP writing objectives. The cable and software enable the student (or teacher) to upload information from the keyboard to computer or vice-versa.

The above example illustrates how the depreciation model works for this package of device when the device in question is 2 years old. The depreciation is figured by taking the original purchase price ($279) and dividing it by the estimated useful life (5). The figure attained ($55.80) is multiplied by the device age (2) and subtracted from the original purchase price ($279.00). This figure will be the current value ($167.40) for the remaining life. Spreadsheet examples that continue on the next page, age other device packages to provide an idea of how this process works for a range of devices.

**SAMPLE PURCHASE/SALES AGREEMENT**

**Statement of Purpose for Agreement**

The school districts and public agencies that are signatories to the agreement, hereinafter referred to as "the Parties," recognize the need for continued use of assistive technology devices that were originally purchased for individual students when the student moves from one school district to another or transitioning to other public agency service systems.

As a result, the parties hereby agree to the continued use of such devices by the student when the student changes school districts or transitions to other public agency service systems. Such continued use can be through one of the following methods: (a) by transfer or sale of the devices by the school district or agency to the student's new school district; (b) by the transfer or sale of the devices by the school district or agency to the student or the student's parents or legal guardians; or (c) by any other legal means that are acceptable to the student, and the parties to the agreement.

The parties further agree that in the event of a transfer or sale of assistive technology devices, they may use the "Purchase/Sales Agreement Form."

All transfers or sales of assistive technology devices will be made according to applicable state and federal law, rules, and regulations.

**Purchase/Sales Agreement**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ agrees to sell or transfer “as is” the assistive technology device(s) listed

(District or Agency)

below to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for use by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in the amount of $\_\_\_\_\_\_\_\_.

(District or Agency) (Child/Client)

Device Description Price

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is not liable for any nonconformities in the device(s) after it is

(district or agency)

purchased.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_

(*Signature of Purchaser’s authorized official)* (Date)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_

(*Signature of Seller’s authorized official)* (Date)

**Request for Disposition of Assistive Technology**