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The Future is Here: From iPads to Robots, the Next Generation of Accommodation

In *Warren Hills Regional High Board of Education*, 70 IDELR 57 (SEA NJ 2017), a New Jersey administrative law judge recently held that a district's offer of FAPE which included a provision for home instruction was insufficient. Instead, the district should have included a provision into the IEP for a robot that would allow the student to have virtual interaction with his classmates and teacher while he was on medical leave from school.

In this case, student was a 14-year old ninth grader with Marfan syndrome who had undergone several heart surgeries that required hospitalizations and home recovery¹. Because the student felt isolated from his inability to participate in the classroom due to his medical condition, parents requested a robot which would allow the student to participate in class virtually while at home. Through video communication, the robot would allow the student to see, interact, and participate in the classroom. However, the district had concerns that the robot would either malfunction or the student would be unable to use the robot due to his medical issues. As a result, the district opted for home instruction instead of including the robot in the student's IEP. Parents subsequently filed a due process complaint against district to include the robot in the student's IEP. The administrative law judge found that the district did not even attempt to contact other districts to ask about the use of robots in the classroom nor did the district make an effort to investigate how using a robot could be feasible in the classroom. Ultimately, the administrative law judge held that the district's decision to opt for home instruction instead of using a robot in the classroom did not comply with the least restrictive environment requirements under the IDEA.

Under the IDEA, school districts must comply with least restrictive environment requirements including:

1. Determining whether the district can educate the student in a regular classroom with the use of supplementary aids and services; and

¹ Marfan syndrome is a genetic disorder that affects the body's connective tissue and is characterized by long arms, legs, and fingers. Generally, people with Marfan syndrome have visual difficulties and heart problems.

2. Determining whether the district is mainstreaming the student to the maximum extent possible.

Generally, students with disabilities are expected to receive their education in a general education environment to the maximum extent appropriate or if such placement is inappropriate due to the nature and severity of the disability, in an environment with the least possible amount of segregation from the student's nondisabled peers and community. Districts are encouraged to use supplementary aids and services to assist students in accessing the general education environment. Supplementary aides and services typically include a 1:1 aide or curriculum adaptations. However, districts cannot simply dismiss the use of assistive technology devices including robots in the classroom as an accommodation under the least restrictive environment.

Although the New Jersey administrative law judge's decision is not binding in California, districts should consider this case a good illustration of the consequences of a district's decision to dismiss parent's requests for the use of assistive technology without exploring alternatives. A good rule of thumb is that if a district simply ignores an assistive technology request from a parent, it may be bound to honor the request later.

In summary, districts should consider and evaluate all available technological resources to allow students to access direct instruction in a general education environment.

If you have any questions concerning this or related issues, do not hesitate to contact our office.

— Christina J. Oleson

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