

## Setting up FM system doesn't meet IDEA documentation rules

**Case name:** *Detroit City Sch. Dist.*, [115 LRP 31115](#) (SEA MI 06/12/15).

**Ruling:** Not documenting whether a student with a hearing impairment was provided use of an FM amplification system led the state ED to conclude that a Michigan district did not comply with IDEA regulations that compel districts to keep records of how they followed an IEP.

**What it means:** Tech savvy is only one piece of the puzzle when it comes to providing students with the assistive technology set forth in their IEPs. In addition to having a working understanding of the equipment a student needs and how to operate and maintain it, a district also must keep records indicating that its provision of AT to a student followed IEP directions. This district did not have records indicating that a student was provided with daily access to an FM amplification system.

**Summary:** Failing to document whether it daily provided a student who had a hearing impairment with the FM amplification system called for her in her IEP showed that the district did not comply with IDEA regulations. The Michigan ED found that while the district did the right thing in having the equipment delivered and making sure that it worked properly, that **lack of recordkeeping indicating its daily use by the student violated [34 CFR 76.731](#)**.

The parents filed a complaint with the state ED, contending that the district was not providing the system as the IEP required. The district countered that it was and had logs from the audiologist indicating that the system was checked and programmed to work with the student's hearing aids. Under [34 CFR 76.731](#), districts must keep records to show compliance with IDEA requirements.

The IEP called for the student to have daily access to the FM amplification system, but without the appropriate documentation, the state ED was not in position to say whether the district met this requirement. Thus, **the district was noncompliant and was directed to keep records demonstrating compliance with program rules, including implementation of the student's IEP.**