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FACT SHEET

ASSISTIVE TECHNOLOGY AND SPECIAL EDUCATION

What is Assistive Technology?

Assistive Technology Device: An assistive technology (AT) device is any item used to maintain or improve the educational capabilities of a student with a disability. (See Attachment I)

Assistive Technology Service: An assistive technology (AT) service is any service that assists in choosing, getting, or using an assistive technology device. This includes evaluations, modifications, and maintenance and repair of AT devices. It also includes training for a student, family and school personnel in the use of such devices. (See Attachment II)

What does the law require?¹

- Individuals with Disabilities Education Act (IDEA) requires that AT devices and services be provided to a student with a disability, if needed for his/her educational program.
- As part of the Individual Education Program (IEP), consideration must be given to whether a student needs some kind of AT device in order to receive a free and appropriate education. (See Attachment II)
- Special education, including AT devices and services, must be funded by the district, not the student or his/her family, unless the family chooses to do so. (See Attachment II)
- IEP teams may not deny AT to students, based upon cost alone. However, if two different AT devices are recommended and each would allow the student to achieve the IEP goals and objectives, the team may choose the less expensive device.
- Generally, a school district is not responsible for providing personally prescribed devices such as hearing aids or eyeglasses.

Making sure that the IEP addresses AT devices and services

- The IEP team must consider whether there is any possibility that the student may need AT.

¹ Medical devices that are surgically implanted (e.g. cochlear implants) are not covered under IDEA and are not the responsibility of the school district. However, nothing limits the responsibility of the school district to appropriately monitor and maintain such devices in order to maintain the health and safety of the child. This also includes while a child is being transported to and from school. (34 CFR 300.34(b))

- Once AT devices and services have been properly considered for a student, the district must provide an AT evaluation of the student by a qualified professional within a reasonable time. If the AT evaluation is part of an initial special education evaluation, it should be completed within 60 days. (See Attachment II)
- When the evaluation is completed to everyone's satisfaction, the IEP team would meet to review the results of the evaluation and determine whether or not AT is needed.
- AT devices should be described in detail in the IEP. AT services, such as training, maintenance and repair of devices should be addressed in the IEP. (Attachment II)
- In addition, the student's use of the devices should be incorporated into the student's IEP goals (and short-term objectives if these are part of the IEP).
- If necessary to assist the child, school personnel should be trained.
- If the device is also to be used at home, family members must be trained in the use as well. All of these needs must be addressed in the IEP.

Places where Assistive Technology may appear in the IEP

- ✓ The annual goals.
- ✓ The short-term objectives if these are part of the student's IEP. (Note: under IDEA 2004, short-term objectives are now required only for students whose disabilities are severe enough that they participate in alternative standard testing).
- ✓ The list of supplementary aids and services necessary to maintain the student in the least restrictive environment.
- ✓ The list of related services necessary for the student to benefit for his/her education.
- ✓ As an accommodation the student may need.

What if parents disagree with what is proposed for their child?

If parents do not agree with their child's IEP, or if the district refuses to provide needed AT devices, they should first informally discuss the matter with the IEP team and other school personnel. If the parents still disagree, they have the right to ask for an independent evaluation at the school's expense, mediation or a due process hearing. They may also file a complaint with the SC Department of Education.

Can the student bring the device home?

Although AT devices are owned by the school, students may use the devices outside of school property whenever necessary to achieve the completion of IEP goals. For example, if an IEP calls for the use of an AT device in order for the student to do

his/her homework assignments, the student may bring the device home after school and on weekends. Generally, the school is responsible for damages and needed repairs unless damage is due to unauthorized use or unwarranted damage. In such case, parents may be held responsible.

What happens during Transition?

- Transition is planning for the time when the student leaves school.
- Consideration of a student's need for AT devices and services should continue during transition.
- All transition services, including AT devices, need to be included in the student's IEP.
- Transition in South Carolina should begin when a child turns 13 years old, and the transition plan should identify appropriate adult service providers and encourage a working relationship with those agencies.
- If a student will need to continue to use an AT device, parents may ask the school to transfer ownership or sell the device to the adult service provider. This prevents any gap in services between the special education system and the adult service system. Adult service providers include Department of Disabilities and Special Needs, South Carolina Commission for the Blind, Department of Mental Health and the Vocational Rehabilitation Department. If an AT device has been funded by the parent through private insurance, Medicaid or by other means, it is the property of the student and will go with the student upon graduation from high school.

What if a student has a disability but is not in special education?

A student with a disability that does not require special education would not be protected under IDEA. However, he or she would be protected by Section 504 of the Rehabilitation Act of 1973. This Act prohibits discrimination in providing educational services to students with disabilities, whether they are in regular or special education. AT may be requested as an accommodation in the regular classroom under a 504 Plan.

Resources:

S.C. Department of Education AT Specialists: <http://ed.sc.gov/agency/programs-services/48/documents/AssistiveTechnologyResources.pdf>² and South Carolina Assistive Technology Program: <http://www.sc.edu/scatp/resourcecenter.htm>³

Sources of Information for this Fact Sheet: 34 CFR 300.34; 34 CFR 300.324

Cross Reference: P&A Fact Sheet, School Transition Services

² SCDE AT Specialists are available statewide to all schools and school districts and provides services such as; trainings, workshops, assistance in inventorying assistive technology hardware in different regions, assists with skills needed to conduct appropriate evaluations and assessments, and in obtaining funding through various grants.

³ The SCATP AT Resource Center provides free consultation for individuals with disabilities, their families and school districts. While they do not provide formal assessments, the SCATP provides demonstrations, loans AT equipment to students, answers questions related to different AT devices and can provide limited consultation to a student's AT team.

Attachment I

Assistive Technology Devices in the IEP

- **Sensory enhancers**- help students with sensory deficiencies (e.g., visual, hearing, orthopedic impairment) access their environments. Sensory enhancers can include augmentative communication devices, text magnifiers, and scanners with speech synthesizers and voice analyzers.
- **Keyboard adaptations and emulators**- are alternatives to using standard keyboard to input data into a computer. They include joysticks, light pens, touch screens, sketch and graphics pads, and fist/foot keyboards.
- **Environmental controls and manipulators**- modify the operation of a device to compensate for environmental restrictions caused by a disability. Examples include adaptations of timers, light switches and telephones; robotics; additional external switches activated by pressure, eyebrows or breath; telecommunications devices for individuals who are deaf (TTY), and control mechanisms with sonar sensing devices.
- **Instructional uses of technology**- use computer software to allow students full educational opportunity. Some examples are computer-assisted instruction, which uses software for drill and practice, and computer-managed instruction, in which software displays and analyzes grades, schedules, placement, and information management items.
- **Motivational devices**- encourage the student to interact with his or her environment through exploration, manipulation, and play. These devices include battery-operated or modified toys and games.

The following list gives examples of the kinds of AT devices which might be helpful to a student with a disability

- Books on tape for a student who cannot read
- Word processors, laptop computers for a student who has a problem with writing
- Augmentative communication devices such as Dynamyte, Alpha Talk or Cheap Talk for a student who has communication problems
- A ramp or a special desk or chair for a student with mobility issues
- A large monitor or JAWS software for a student who is visually impaired

Attachment II

Assistive Technology Services in the IEP

- **Evaluation** of technology needs, including a functional evaluation of the student's customary environment.
- **Purchasing, leasing, or otherwise providing for attainment** of assistive technology devices for students with disabilities.
- **Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing** assistive technology devices.
- **Coordinating and using other therapies, interventions or services** with AT devices, such as those associated with existing education and rehabilitation plans and programs.
- **AT training and technical assistance** for an individual with a disability, or where appropriate, the family of an individual with a disability.
- **AT training or technical assistance** for teachers, professionals, or other individuals who provide services to or otherwise are substantially involved in the major life functions of students with disabilities.

Who pays for Assistive Technology for children?

- **Individuals with Disabilities Educational Act (IDEA)** - which covers early intervention services, services for preschoolers, and children and youth from ages 3-21.
- **Vocational Rehabilitation** - especially when transition services are being considered for the child at age 16
- **BabyNet** - funding under Part C of IDEA (for individuals from birth to age 3).
- **Children's Rehabilitative Services**
- **Private Insurance**
- **Medicaid**

P&A would like to acknowledge that some of the information shared in this fact sheet was made available from the South Carolina Assistive Technology Project (SCATP) (<http://www.sc.edu/scatp/>) and South Carolina Department of Education (<http://ed.sc.gov/>).

This publication provides legal information, but is not intended to be legal advice. The information was based on the law at the time it was written. As the law may change, please contact P&A for updates. This publication is funded by the U.S. Department of Education. It does not necessarily represent the official views of the funding authority. P&A does not discriminate on the basis of disability, race, color, creed, national origin, ethnicity, ancestry, citizenship, age, religion, sex or sexual orientation, veteran status, or any other class protected by law in the provision of its programs or services. Pete Cantrell is P&A's designated coordinator for Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

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