

# **ASSISTIVE TECHNOLOGY FOR STUDENTS WITH DISABILITIES**

HOW TO BE YOUR CHILD'S BEST ADVOCATE

# WOULD YOUR CHILD BENEFIT FROM HAVING ACCESS TO ASSISTIVE TECHNOLOGY?



IN ORDER TO EFFECTIVELY ADVOCATE FOR YOUR CHILD'S COMMUNICATION NEEDS, YOU MUST BE FAMILIAR WITH WHAT FEDERAL LAW SAYS ABOUT ASSISTIVE TECHNOLOGY FOR STUDENTS WITH DISABILITIES.



# RELEVANT FEDERAL LAWS

- IDEA (Individuals With Disabilities In Education Act)
  - FEDERAL LAW THAT SETS FORTH THE EDUCATIONAL RIGHTS OF STUDENTS WITH DISABILITIES
  - PRIMARY RIGHT OF EACH STUDENT IS THE RIGHT TO RECEIVE A “FREE, APPROPRIATE PUBLIC EDUCATION” (FAPE)
- ADA (Americans with Disabilities Act)
  - Addresses public schools’ obligation to provide “auxillary aids and services”

# IMPORTANCE OF UNDERSTANDING IDEA

AS A PARENT OF A CHILD WITH A DISABILITY, IT IS IMPORTANT TO BE FAMILIAR WITH IDEA IN GENERAL – THIS LAW GOVERNS THE PROVISION OF SPECIAL EDUCATION SUPPORTS AND SERVICES TO STUDENTS WITH DISABILITIES



# NO “IPAD” PROVISION IN IDEA

- There is nothing in federal or state law that speaks specifically to whether or not a child is entitled to an Ipad or other specific type of device in school
- This issue falls under the larger umbrella of whether the student needs “Assistive Technology.”



# WHAT IS ASSISTIVE TECHNOLOGY?



# TWO IMPORTANT DEFINITIONS FROM IDEA

- “Assistive Technology Device”
- “Assistive Technology Services”



# DEFINITION OF ASSISTIVE TECHNOLOGY DEVICE

## §300.5 Assistive Technology Device

*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 functional capabilities of children with disabilities. (Authority: 20 U.S.C. Chapter 33, Section 1401 (25))*

# DEFINITION OF ASSISTIVE TECHNOLOGY SERVICE

## §300.6 Assistive Technology service

*Any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. Such terms include:*

- (A) the evaluation of needs including a functional evaluation, in the child's customary environment;*
- (B) purchasing, leasing or otherwise providing for the acquisition of assistive technology devices;*
- (C) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of assistive technology devices;*

# DEFINITION (CONT.)

*(D) coordinating with other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;*

*(E) training or technical assistance for an individual with disabilities, or where appropriate that child's family; and*

*(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers or others(s) who provide services to employ, or are otherwise, substantially involved in the major life functions of children with disabilities.*

*[Authority 20 U.S.C., Chapter 33, Section 1401(26)]*

# WHEN MUST ASSISTIVE TECHNOLOGY BE PROVIDED?



### **§300.105 Assistive Technology**

***Each public agency shall ensure that assistive technology devices or assistive technology services or both, as those terms are defined in 300.5 - 300.6 are made available to a child with a disability if required as a part of the child's***

***(a) Special education under 300.36;***

***(b) Related services under 300.34; or***

***(c) Supplementary aids and services under 300.114(a)(2)(ii).***

# SO, IN PLAIN ENGLISH...

Your child has a right to assistive technology if it is required as part of his or her:

- Special education,
- Related services, OR
- Supplementary Aids and Services



**WHO MAKES THIS  
DETERMINATION?**



IDEA specifically states that as part of the IEP team's consideration of special factors:

*The IEP Team must consider whether the child needs assistive technology devices and services.*

Section 300.324(a)(2)





**THE BOTTOM LINE IS THAT YOUR CHILD'S IEP TEAM MUST DISCUSS  
WHETHER YOUR CHILD NEEDS ASSISTIVE TECHNOLOGY**



# AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act (“ADA”) also addresses communication needs of students.

- Specifically, it states that public schools must provide “auxillary aids and services” where necessary to provide effective communication.
- Importantly, it goes on to state that public schools must give “primary consideration” to the auxillary aid or service requested by the student when considering what is appropriate.

- **So, you might be asking yourself:**
  - What does all of this mean for my child?



# GREAT NEWS!

It means that you have an absolute right to require your child's IEP team to consider whether he or she needs assistive technology

Questions to be asked:

- *Does the student need an assistive technology device?*
- *Does the student need assistive technology services?*
- *What aid/device is being requested by the student/parent?*

Remember, under IDEA, 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 functional capabilities of children with disabilities.

# SO.....

If you believe that an Ipad or other device for communication would increase, maintain or improve the functional capabilities of your child, you should share that opinion with your child's IEP team and ask the team to consider providing that particular device as part of your child's educational program.



# LIKE A GOOD BOY SCOUT, YOU MUST BE PREPARED!!!

- Be prepared to explain why you believe that an Ipad for communication would increase, maintain or improve the functional capabilities of your child.
- If you have an outside evaluation or letter from a private SLP stating that your child needs an Ipad for communication, bring that to the meeting with you to present as evidence supporting your position.




**WHAT IS LIKELY TO HAPPEN ONCE  
YOU MAKE THE REQUEST?**






# **MOST LIKELY POSSIBILITIES:**

- SCHOOL TEAM WILL SUGGEST THAT AN ASSISTIVE TECHNOLOGY EVALUATION BE COMPLETED (NOTE THAT THIS WOULD TECHNICALLY BE AN ASSISTIVE TECHNOLOGY SERVICE)
  - SCHOOL TEAM WILL DISAGREE WITH THE SUGGESTION OR TRY TO IGNORE IT
  - SCHOOL TEAM WILL REFUSE TO EITHER EVALUATE OR TO PROVIDE THE REQUESTED DEVICE OR SERVICES
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**WHAT DO YOU DO NEXT?**

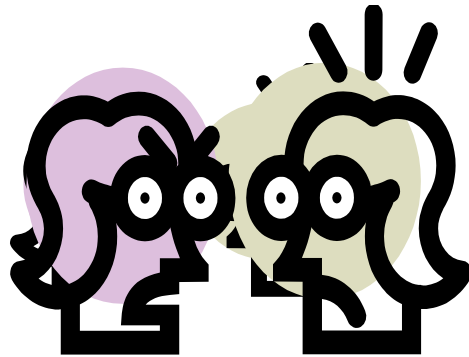


## IF TEAM AGREES TO YOUR REQUEST FOR EVALUATION:

- MAKE SURE THAT THE DECISION REGARDING THE EVALUATION IS INCLUDED EITHER IN THE IEP OR IN THE PRIOR WRITTEN NOTICE
  - FOLLOW UP TO MAKE SURE THAT THE EVALUATION HAS BEEN SCHEDULED
  - ASK FOR A COPY OF THE EVALUATION REPORT BEFORE MEETING AGAIN
  - ASK FOR ANOTHER IEP MEETING TO DISCUSS EVALUATION
  - IF YOU DISAGREE WITH EVALUATION, YOU CAN ASK FOR AN INDEPENDENT EDUCATIONAL EVALUATION AT PUBLIC EXPENSE
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## IF TEAM DISAGREES OR REFUSES REQUEST:

- IF TEAM DISAGREES WITH YOU, OR REFUSES TO CONDUCT AN EVALUATION, ASK FOR PRIOR WRITTEN NOTICE EXPLAINING THE REASONS FOR SUCH REFUSAL, AND CONSIDER SEEKING AN OUTSIDE EVALUATION TO SUPPORT YOUR POSITION



# **OTHER CONSIDERATIONS**

# DEVICE AS SUPPLEMENTARY AID/SERVICE

- Some children may require an assistive technology device as a supplementary aid or service to enable the student to be educated satisfactorily in the general education environment.
- In cases where a device or service is needed in order to maintain a less restrictive educational placement, and to avoid removing the student into a more restrictive placement, the device or service is considered a supplementary aid.
- Ex: if a student with Autism can make independent, educational progress on his or her communication goals in the regular classroom with the use of an Ipad, and cannot make such progress without the Ipad, then the Ipad would be considered a necessary supplementary aid.

# USE OF SCHOOL-PROVIDED DEVICES IN THE HOME

IDEA states that:

On a case-by-case basis, the use of school-purchased assistive technology devices in a child's home or in other settings is required if the child's IEP Team determines that the child needs access to those devices in order to receive FAPE.

300.105(b)



# FUNDING

ALTHOUGH SCHOOLS MAY ACCESS ALTERNATIVE FUNDING SOURCES TO DEFRAY COSTS, THEY MAY NOT:

- USE COST OR UNAVAILABILITY AS A REASON NOT TO PROVIDE A NEEDED DEVICE OR SERVICE
- COMPEL PARENTS TO FILE AN INSURANCE CLAIM
- CONDITION PROVISION OF EQUIPMENT OR SERVICES ON FILING OR APPROVAL OF CLAIM





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