



**Special Education Series**

*\* This is basic information and does not constitute legal advice.*

**The Center for Disability Rights, Law, and Advocacy**

## **ASSISTIVE TECHNOLOGY AND SPECIAL EDUCATION**

### **What is an assistive technology device?**

An assistive technology device is any item, piece of equipment, or system that is used to help improve or keep the skills of a child with a disability. Examples of assistive technology devices include, but are not limited to:

- Electronic communication aids
- Computer software
- Voice recognition system
- Touch-sensitive computer screens or tablets
- Switches or battery-operated toys

### **How does assistive technology help?**

Many different devices can help people with disabilities in everyday life. Assistive technology can give children access to school, social, and sports activities, with chances to learn and play with children who do not have disabilities. Assistive devices can help children learn and give them confidence and independence.

### **What is an assistive technology service?**

An assistive technology service is any service that helps a child with a disability in finding, buying, or using an assistive technology device. Examples of assistive technology services include, but are not limited to:

- Testing your child's needs in school or everyday life
- Buying, renting, or otherwise acquiring assistive technology devices for your child to use
- Choosing, designing, fitting, adapting, maintaining, repairing, or replacing assistive technology devices
- Combining the use of assistive technology devices with other therapies, interventions, or services
- Training or technical assistance for your child and/or family, if needed
- Training or technical assistance for service providers that work with your child

### **What laws require that my child with a disability receives assistive technology?**

There are two major Federal laws that require assistive technology services for a child with a disability:

- Individuals with Disabilities Education Act (IDEA)
- Section 504 of the Rehabilitation Act

### **Individuals with Disabilities Education Act (IDEA)**

The IDEA requires States to provide a free and appropriate public education (FAPE) in the least restrictive environment (LRE) for children with disabilities ages 3 through 21 and early intervention services for infants and toddlers birth through age two and their families.

### **Section 504 of the Rehabilitation Act**

Section 504 of the Rehabilitation Act protects the rights of people with disabilities in programs and activities that receive federal financial assistance.

- Section 504 protects the rights of individuals:
  - With visible disabilities
  - With disabilities that may not be apparent
  - Who are treated as if they have a disability because of a history of a disability or have been misclassified as having a disability
  - Who have disabilities, such as orthopedic impairments or hepatitis, but do not qualify for special education services
  
- Section 504 requires that schools provide assistive technology devices to your child if the device or service:
  - Is a related aid or service to your child's appropriate education
  - Allows your child to go to a regular classroom with other students who do not have disabilities
  - Allows your child to be with children without disabilities for sports, social activities, and/or other activities outside the classroom
  
- Section 504 requires a "504 Plan" that describes all reasonable accommodations. It should also include assistive technology devices and services.

### **What rights does my child with a disability have in receiving assistive technology?**

- Individuals with Disabilities Education Act (IDEA)
  - Free and Appropriate Public Education (FAPE)
  - Least Restrictive Environment (LRE)
  - Related services
  - Individualized Education Plan (IEP)

School districts are required to provide a free and appropriate public education to students with disabilities based on their individualized educational needs. A child's individualized educational needs may include special education and related aids and services such as physical therapy. Modifications to the regular education program, including adjustments in test taking procedures and to rules regarding absences when a student's absences are due to a disability may also be included. Any special education and related services should be written in your child's IEP.

- §504 of the Rehabilitation Act of 1973.
  - Free and Appropriate Public Education (FAPE)
  - Transportation
  - Non-academic services

School districts and other recipients of federal funds are required to provide a FAPE to students with disabilities based on their individualized educational needs.

The services under Section 504 also include FAPE, but also require that schools provide non-academic services. Schools must provide transportation to and from these services. Again, any special education and related services should be written in your child's 504 Plan.

### **What is an assistive technology referral and evaluation?**

An assistive technology referral is actually another term for an assistive technology evaluation for your child. You can ask for an assistive technology evaluation at any time, such as when you request a special education evaluation or if your child already receives special education services.

All activities before, during, and after school should be evaluated to determine if assistive technology would help your child. The assistive technology evaluation should include eight areas:

- Health
- Vision
- Hearing
- Social/Emotional
- General Intelligence
- Academic Performance
- Communication
- Motor

### **What happens after the assistive technology device and services are provided?**

After an assistive technology service or device is given to your child, the school must also make sure that your child is learning appropriately with the assistive technology service or device.

- The school does not have to give your child the best assistive technology service or device. The school must provide the assistive technology service or device that your child needs to learn or function in school.

### **Is the school responsible for providing personal devices?**

Usually, no. Schools usually do not have to provide devices to persons with disabilities in everyday life. Assistive devices can help students learn more easily and can give them more confidence and independence. Assistive technology can give children access to school, social, and sports activities, with chances to learn and play with non-disabled children.

However, a school may have to buy a personal device for a child if the IEP team decides it is necessary for the child to receive FAPE. The child may be allowed to take the personal device home if it is necessary for the child to continue learning at home, such as doing homework with the assistive technology device.

### **Where and when can my child use the assistive device?**

Your child can use the assistive technology device wherever the IEP says it can be used.

Your child should be able to use the assistive technology device as they move from grade to grade. If you change school districts, the new school district can buy a new assistive technology device or buy the old one from the former school.

If you own the assistive technology device, your child may use it at home whenever it is appropriate.

**Who is responsible for maintenance and repair of assistive devices?**

The school is responsible for buying, repairing, and maintaining assistive technology devices. The school must repair and replace assistive technology devices that are broken in school.

- However, if an assistive technology device is brought home and broken at home, then parents may have to pay for the repair if the device was not used properly.
- Make sure your child’s IEP explains:
  - What needs to be done when any assistive technology device is broken or needs to be fixed
  - Where your child will get another device until the broken one is fixed or replaced
  - What other assistive technology device your child could use until the broken one is fixed or replaced

**Writing assistive technology into your child’s IEP Goals and Objectives**

The IEP must explain how and why your child should use the assistive technology device to achieve each goal and objective. The IEP should include goals for your child to learn how to use the assistive technology device.

The IEP should have specific objectives to make sure your child learns how to use the assistive technology device. Examples of objectives include, but are not limited to:

- What tasks your child will use the assistive technology device to do
- How the school will train your child to use the assistive technology device
- How many times the school will train your child to use the assistive technology device
- Who will train your child to use the assistive technology device
- When and where your child will use the assistive technology device

**How do I help my child learn how to use an assistive technology device?**

Training is when information is provided to your child, the child’s family, or the child’s teacher or professionals on how to use or operate an assistive technology device. The school should pay the costs of training.

**Transition Services and Plan**

The IEP should also include and explain transition services for your child when they move from each school and then when transitioning into the community. The IEP must include a list of different agencies or service providers outside of school that may be needed to help your child. The IEP should also explain what assistive technology your child needs to live in the community and how the assistive technology will be provided. For more information about transition services, see Nebraska Advocacy Services, Inc. information sheet entitled “Tips on Transition Services.”

**What if a new assistive technology device is available?**

If a new assistive technology device becomes available you may wish to ask your child’s school to evaluate the new assistive technology device. The school will determine whether it will give your child more opportunities to be with students who do not have disabilities in the classroom or non-academic school activities.