



*from Equip for Equality's Legal Advocacy Program*

# EFE FACT SHEET – Special Education

## ASSISTIVE TECHNOLOGY

### Introduction

**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. These devices may be bought at the store or might need to be specially made for a child. The 2004 IDEA makes a specific exception for surgically implanted devices and does not consider such devices as assistive technology.

**Assistive technology service** is any service that helps a child with a disability in finding, buying, or using an assistive technology device.

Assistive technology (AT) service can be:

- **Evaluating** your child's needs in school or in everyday life;
- **Buying**, renting, or otherwise getting 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 your family, if needed; and
- **Training or technical assistance for service providers** that work with your child.

### How Does Assistive Technology Help?

Many different devices can help people with disabilities with all parts of everyday life. Assistive devices can help students learn more easily and can give them more confidence and independence. Assistive technology gives children access to school, social, and sports activities, with chances to learn and play with non-disabled children.

### Personal Devices

Schools usually do not have to provide personal devices to persons with disabilities for use at home or outside the school. For example, eyeglasses, hearing aids, and prosthetics are personal devices that a person with a disability would use at home and all day, not just at school.

But 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 a Free Appropriate Public Education (FAPE). The child could also take those personal devices home if it helps the child to continue learning at home, such as doing homework.

### AT Referral

You can ask for an assistive technology evaluation for your child at any time. Your request for an evaluation is called a "referral." The school needs to do an assistive technology evaluation to see if AT devices or services can help your child at school. You can ask for an AT evaluation at

the same time you ask for a special education evaluation. If your child is already getting special education, you can ask for an AT evaluation.

### **AT Evaluation**

A special education evaluation includes 8 areas: Health, Vision, Hearing, Social/Emotional, General Intelligence, Academic Performance, Communication, and Motor. Assistive technology can help in each of those eight areas. The evaluation in those eight areas should include assistive technology if it helps your child. The evaluations should be done in places that your child knows such as a classroom, a playground, and at home.

### **Rights under §504**

If the school tells you that your child does not need special education, but you think your child has a disability and needs help in school, what can you do? You can ask that the school give your child help under another law, *Section 504 of the Rehabilitation Act*. Section 504 requires that schools provide AT devices to your child:

- If the device or service is **a needed aid**.
- If the device or service **allows your child to go to a regular classroom with other students who do not have disabilities**.
- If the device or service **allows your child to play with children without disabilities for sports and other activities outside the classroom**.

### **AT in Your Child's IEP**

The school should include assistive technology in all parts of your child's IEP, including under:

- Present Levels of Performance;
- Goals and Objectives;
- Special Education Services and Related Services;
- Supplementary Aids and Services;
- Modifications; and
- Specialized Equipment.

The IEP must explain where your child can or should use the AT device(s).

### **Writing AT into your child's IEP**

#### **Goals and Objectives**

Anytime your child needs to use a new AT device, the IEP should include goals for your child to learn how to use the AT device. The IEP should have specific objectives that make sure your child learns how to use the AT device. These objectives may include: what tasks your child will use the AT device to do; how the school will train your child to use the AT device; how many times the school will train your child to use the AT device; who will train your child to use the AT device; and when and where your child will use the AT device. The IEP must explain how and why your child should use the AT to achieve each goal and objective. Goals that include AT should explain how the AT will help your child learn the task or skill.

#### **Least Restrictive Environment (LRE)**

The law requires that schools educate your child with students that do not have disabilities as much as is possible. This part of the law is called the Least Restrictive Environment (LRE). The school must use whatever aids and services, such as AT that your child needs in order to benefit from special education. These aids and services are to be listed in the IEP.

#### **Related Services**

The IEP must have a list of related (support) services that your child needs as part of special education services. What you pick as the AT device and service that best fits your child can be part of the IEP's "Related Services" section.

## **Transition Plan**

IDEA 2004 requires that a student's IEP at the time the child turns 16 must contain a Transition Plan, which should be a planning tool that states transition goals the student needs in high school in order to move from school to post-school activities, including work, vocational school, and college. The Transition Plan is part of the IEP document, and should contain statements of measurable goals for life after school. When your child is 16 years of age, the IEP Transition Plan must provide the transition services your child will need to make a successful transition from school to the community. Examples of such services could include transportation to vocational activities, vocational counseling or testing. The IEP must include names of service providers outside the school that may be needed to help your child before leaving school. Transition plans should explain what AT your child needs to live in the community and how the AT will be provided.

## **Training and Technical Assistance**

### **Definitions:**

**Training:** Information is provided to your child, the child's family, or the child's teachers or professionals on how to use or operate an AT device.

**Technical assistance:** Assistance from experts in order to better help children with disabilities, including help from an AT coordinator, the manufacturer or distributor of an AT device, or others that really know the AT device.

### **Who should receive training and technical assistance**

- Your child;;
- You;
- Your child's teachers and teacher aides;
- Other service providers; and
- Anyone who works with or helps your child.

The school district pays the cost of training you, your child, appropriate family members, and the people involved in your child's education.

### **Equipment**

When the school buys equipment for your child, the equipment belongs to the school district. If you buy equipment for your child to use, it belongs to you. It does not matter who owns the equipment, if your child uses it in school then the school must make sure that the equipment works well in school.

Your child can use the AT device wherever the IEP says it can be used. If you want your child to be able to use the device at lunch, at home, on the playground, or for after school activities, make sure that the IEP says this. The IEP should explain why your child needs the AT device during those times and places, and how it helps your child achieve the goals and objectives listed in your child's IEP.

Your child should be able to use the AT device as your child moves up through each grade. When your child changes school districts, the new school district can buy a new AT device or buy the old one from the former school. This change of school districts can happen when your child goes from elementary to middle school (or junior high), or from middle school to high school.

## **Maintenance and Repairs**

The school is responsible for buying, repairing, and maintaining AT devices. The school district also needs to train parents to maintain AT devices. This can include charging or changing batteries, keeping the devices clean, and making sure that the devices are working. The school district must repair and replace AT devices that are broken or damaged at school. However, if an AT device is brought home by the student and it breaks at home, then parents may have to pay for the repair of the AT device if it was not used properly. Make sure that the IEP explains: what needs to be done when any AT device is broken or needs to be fixed; where the child will get another device until the broken one is fixed; and what other AT device your child could use until the broken one is fixed.

## **Does the AT Device Meet Your Child's Needs?**

If your child gets an AT device or service, this is not all the school has to do to make sure your child learns. The teachers and other people who work with your child must always make sure that your child is learning appropriately with the AT device or service. The school district does not have to give your child the best AT device or service. The school district must provide whatever AT device or service your child needs to learn or function in school. If a new device is found, then the school needs to decide if that new device is better in helping your child be with students who do not have disabilities than the old device.



### **DO YOU HAVE A QUESTION?**

Contact Equip for Equality (all services are free of charge):  
800.537.2532 (voice) or 800.610.2779 (TTY)  
[Contactus@equipforequality.org](mailto:Contactus@equipforequality.org)  
[www.equipforequality.org](http://www.equipforequality.org)

This resource material is intended as a guide for people with disabilities. Nothing written here shall be understood to be legal advice. For specific legal advice, an attorney should be consulted.

Equip for Equality, an independent nonprofit organization, is the Illinois state Protection & Advocacy System whose mission is to advance the human and civil rights of children and adults with disabilities.

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