

# **CONSIDERING THE NEED FOR ASSISTIVE TECHNOLOGY**

## **LEGAL REQUIREMENTS**

### **MUST ASSISTIVE TECHNOLOGY BE CONSIDERED FOR EACH INDIVIDUAL WITH A DISABILITY?**

Yes, the amendments to the Individuals with Disabilities Education Act (IDEA) require that the Individualized Education Program (IEP) team consider whether the child requires assistive technology and services (20 U.S.C. Section 1414[d] [3] [B] [v]).

### **WHAT IS ASSISTIVE TECHNOLOGY AND SERVICES?**

IDEA (20 U.S.C. Section 1401) includes the following definitions:

1. Assistive Technology Device: The term "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 a child with a disability.
2. Assistive Technology Service: The term "assistive technology service" means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes:
  - A. the evaluation of the needs of such child, including a functional evaluation of the child in the child's customary environment;
  - B. purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by such child;
  - C. selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of assistive technology devices;
  - D. coordinating and using 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 such child, or, when appropriate, the family of such child; and training or technical assistance for professionals (including individuals providing education and rehabilitation services) to, employ, or otherwise substantially involved in the major life functions of such child

### **WHAT KINDS OF ASSISTIVE TECHNOLOGY AND SERVICES ARE TO BE CONSIDERED BY THE IEP TEAM?**

It is important that members of the IEP team recognize that technology is just one strategy in a multi-faceted approach in addressing the needs and strengths of students with disabilities. IEP teams will therefore need to balance the degree of technology assistance with the student's learning potential, motivation,

chronological age, developmental level, and goals/objectives, which include:

Low-Tech - Equipment and other supports readily available in schools, including off-the-shelf items to accommodate the needs of students, which can be provided by general/special education through the IEP process (e.g., calculators, tape, recorder, pencil grip, and larger pencils).

High-Tech - Supports students who may need more specialized equipment and support services beyond basic assistive technology, such as students with high incidence needs related to reading and writing and low incidence and/or significant/severe disabilities, who requires more in-depth assessment (e.g., closed circuit television (CCTV), FM systems, augmentative communication devices, sound field systems, alternative computer access, and specialized software).

### **CONSIDERATION OF THE NEED FOR ASSISTIVE TECHNOLOGY**

IEP teams are required to consider the need for AT devices and services for every student with a disability. Assistive technology consideration must address the student's need to access the general education curriculum and specially designed goals and objectives. IEP teams must ask the question, "What does the student need to do that he/she cannot do because of his/her disability? Consideration does not apply a mandate for an AT assessment or for the actual provision of devices for every child with a disability. It is important to understand that consideration should occur after the IEP goals and objectives have been identified as provision of assistive technology should support identified instructional needs and not be the goal itself.

Every IEP Team is required to "consider" the student's need for assistive technology. When you "consider" assistive technology, that process should involve some discussion and examination of potential assistive technology. It should not be ignored or skipped over. It should not be someone saying, "Assistive technology? No, he/she doesn't need that." There clearly needs to be some thought about whether assistive technology may be needed by this student.

This "thoughtful look" should include at least a brief discussion of which assistive technology might be useful and whether it is needed. In order to do that, someone on the IEP team will need to be sufficiently knowledgeable about assistive technology to help lead the discussion.

Because this discussion should be brief, it should last at least 3-5 minutes, but no more than 15 to 20 minutes. If an understanding and agreement cannot be reached in twenty minutes, then it is possible that there are questions that need to be addressed by a more systematic and comprehensive review of the student's needs related to assistive technology

In addition to talking about the assistive technology itself, there should be a

discussion about assistive technology services. School districts are required to provide both the devices and the services, and the “consideration” requirement also includes assistive technology services (refer to Law).

When considering a student’s need for assistive technology, there are only four general types of conclusions that can be reached:

1. The first is that current interventions (whatever they may be) are working and nothing new is needed, including assistive technology. This might be true if the student’s progress in the curriculum seems to be commensurate with his/her abilities.
2. The second possibility is that assistive technology is already being used currently or as a part of a trial to determine applicability, so that we know that it does work. In that case the IEP team should write the specific assistive technology into the IEP to insure that it continues to be available for the student.
3. The third possibility is that the IEP team may conclude that new assistive technology should be tried. In that case, the IEP team will need to describe in the IEP the type of assistive technology to be tried, including the features they think may help, such as “having the computer speak the text as the student writes”. The IEP team may not know at this point a specific brand or model, and should not attempt to include a product by name, since they do not know if it will perform as expected. Describing the features is the key step for the IEP team in this situation.
4. Finally, the last possibility is that the IEP team will find that they do not know enough to make a decision. In this case, they will need to gather more information. That could be a simple process of calling someone for help, or it could also be an indication that they need to request assistance looking at the assistive technology needs of this students.

Consideration is not an assistive technology assessment. The most obvious differences between “consideration and assessment” are those of depth and duration. Consideration is a short discussion that takes place during the IEP meeting using known information and results in the decision to continue something already in place or to try or not to try assistive technology. Assessment goes into much more detail, looking closely at the student’s abilities and difficulties and the demands of the environments and tasks. Assessment also includes the acquisition of new information.

### **AFFIRMATIVE ACTION POLICY**

It is the policy of the Iowa Department of Education not to discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, gender, disability, religion, age, political party affiliation, or actual or potential parental, family or marital status in its programs, activities, or employment practices as required by the Iowa Code sections 216.9 and 256.10(2), Titles VI and VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000d and 2000e), the Equal Pay Act of 1973 (29 U.S.C. § 206, et seq.), Title

IX (Educational Amendments, 20 U.S.C.§§ 1681 - 1688), Section 504 (Rehabilitation Act of 1973, 29 U.S.C. § 794), and the Americans with Disabilities Act (42 U.S.C. § 12101, et seq.). If you have questions or grievances related to compliance with this policy by the Iowa Department of Education, please contact the legal counsel for the Iowa Department of Education, Grimes State Office Building, Des Moines, IA 50319-0146, telephone number 515/281-5295; or the Director of the Office for Civil Rights, U.S. Department of Education, Citigroup Center, 500 W. Madison Street, Suite 1475, Chicago, IL 60661, telephone number 312-730-1560, fax 312/730-1576, e-mail: OCR. Chicago@ed.gov

**ADDITIONAL RESOURCE**

Iowa's True AIM: <http://trueaim.iowa.gov/>

**FOR MORE INFORMATION, CONTACT**

**Beth Hirst**  
**Iowa Department for the Blind**  
**524 Fourth Street**  
**Des Moines, IA 50309-2364**