ASSISTIVE TECHNOLOGY FREQUENTLY ASKED QUESTIONS

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ASSISTIVE TECHNOLOGY REQUIREMENTS

Question 1: What is the responsibility of the school district in regard to assistive technology?

Answer: The Individuals with Disabilities Education Act (IDEA) mandates that districts provide assistive technology to all students with disabilities if it is needed for them to receive a free appropriate public education (FAPE). The Individualized Education Program (IEP) Team is charged with the responsibility for determining a student's individual need for assistive technology in order to benefit from his or her education and to have access to the general education curriculum. If it is determined that assistive technology devices and/or services are necessary, the IEP must specify the devices and services.

Question 2: What is an assistive technology device?

Answer: According to the IDEA, an assistive technology device is "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 the functional capabilities of children with disabilities." An assistive technology device can be as simple as a rubber grip that enables a student to hold a pencil or as complex as a talking word processor program.

Question 3: What is an assistive technology service?

Answer: According to the IDEA, an assistive technology service is "any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device." Examples of assistive technology services include the following: (1) assistive technology evaluations, (2) "purchasing, leasing, or otherwise providing for the acquisition of" needed assistive technology devices, (3) "selecting, designing, fitting,

customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices," (4) coordinating assistive technology devices with other "therapies, interventions, or services, (5) training for the child with a disability or, if appropriate, the child's family, and (6) training for educators, service providers, employers, and others "who provide services to, employ, or are otherwise substantially involved in the major life activities of the child."

Question 4: Can assistive technology devices go home or to other settings if it is required by a student to receive FAPE?

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

FUNDING: RESPONSIBILITIES AND RESOURCES

Question 1: Are schools required to pay for assistive technology devices and services?

Answer: It is the responsibility of the school district to provide the devices, services, and programs identified in the IEP. The school district may pay for the devices, services, or programs itself, utilize other resources to provide and/or pay for the device and/or services, or cooperatively fund the device(s) and or services. Other resources may include but are not limited to Medicaid, foundations, fraternal organizations, church or social groups, charitable organizations, businesses, and individuals.

Question 2: Can schools require the parents to pay for assistive technology device(s) or service(s) identified in the student's IEP or require the parents to use their own private health insurance to pay for the device and/or service?

Answer: The "free" in "Free Appropriate Public Education" is significant regarding students with disabilities who may require assistive technology devices or services. As stated in IDEA and its regulations, all special education and related services identified in the student's IEP must be provided "at no cost to the parents." The term "free" is interpreted broadly and goes far beyond the simple paying of deductibles and co-payment. The courts have interpreted "free" to apply to but not be limited to future insurability, depletion of maximum lifetime caps, raised premiums, discontinuation of policies, and pre-existing condition exclusions. Parents' health insurance and/or Medicaid may be used to pay for assistive technology devices and services. However, parents must give permission to use their private insurance and Medicaid.

Question 3: Must the school district assume financial responsibility for the purchase of assistive technology devices and services if they are listed in the IEP?

Answer: The school district must assume financial responsibility for the purchase of assistive technology devices and services that are identified by the IEP team unless the cost is covered by third party benefits or insurance coverage and the parents agree to use such coverage to pay the cost, or a donation to the school district is made. School districts may seek other sources of funding. However, the provision of assistive technology devices and services as determined necessary by the IEP Team must not be delayed by efforts to obtain outside funding and/or donations. If parents utilize their insurance coverage, then the parents must not responsible for paying their insurance deductible and must not be compelled to have homeowners insurance to cover the assistive technology device. In short, there must be no cost to the parents.

Question 4: Are there other options for school districts to consider in lieu of purchasing the assistive technology device?

Answer: Yes. There are times when the outright purchase of devices is not necessary or even advisable. In instances such as these, school districts might consider rental or long-term lease/purchase options. Device rentals or long-term lease/purchase options are not intended to be less costly than purchase. There are certain advantages worth considering depending on the individual needs of the student. For example, renting equipment might be a reasonable strategy if the child's condition is considered temporary; if the child's condition is expected to improve or deteriorate; or, when it is necessary to try-out the equipment before purchase for the student. Long-term leasing or lease/purchase agreements also have potential benefits for schools which include no obligation on behalf of the school to purchase the device; reduction of obsolete inventory; flexible leasing terms; use of equipment without a lump sum purchase; upgrading of equipment as more improved technology becomes available; and, upgrading of equipment as the student's needs change.

Question 5: Can school districts share the funding responsibilities of providing assistive technology devices and services?

Answer: Yes. This practice is especially appropriate for children with disabilities who are transitioning from Birth to Three programs into public school programs or transitioning from public school to adult services through Rehabilitation Services. Ownership of the device is an important issue to consider by IEP Teams especially during times of transition.

Question 6: Is the school district obligated to provide "state-of-the-art" technology for students with disabilities?

Answer: The school district is not obligated to provide "state-of-the-art" technology if the student's needs do not require it or if the student is unable to utilize it; however, if a student needs a "state-of-the-art" device or service to receive a free and appropriate education (FAPE), then the district must provide it. The IEP Team must make a

determination as to whether an assistive technology device or service is required in order for a student to receive FAPE on an individual basis. If a specific device or service is necessary to enable the student to access the general education curriculum in the least restrictive environment and to provide FAPE, then the district must provide the required device or service regardless of cost. However, if a less expensive device or service would accomplish the same goals, the IEP Team is under no obligation to choose the more expensive option.

Question 7: Who owns the assistive technology purchased for an individual student?

Answer: If the school purchased the device, it is the property of the school. If the assistive technology was purchased using the student's Medicaid or private insurance funds, the device belongs to the student. If the device was donated, ownership would be determined by the conditions of the donorship. If the parents or third party pays for a portion of a device, and the school pays a portion of a device it is advisable that a written agreement be drawn up between the school and the parents regarding ownership.

Question 8: Can schools require students to bring a family-owned assistive technology device to school?

Answer: No. There is no barrier to a student bringing his or her assistive technology device from home to school, but schools have no authority to mandate that this occur. If the family agrees to allow the device to travel from home to school, then a discussion regarding liability while the device is transported to or is at school needs to be held and recorded in the IEP. If a separate contract provision is necessary for the device to be covered under the family's insurance, then the school district should reimburse the family for the cost of that additional coverage. The family can and may insist that schools provide any necessary device as part of the student's IEP even if the student has identical device at home.

Question 9: Is a school district responsible for retaining, repairing, or replacing assistive technology devices?

Answer: If purchased or secured by the school district, then the school district should retain, repair, or replace assistive technology devices, as long as the student requires them in order to receive FAPE. It is suggested that school administrators examine all warranties and contracts that may accompany specific devices. Additionally, if the student's family has provided an assistive technology device that the IEP Team has identified as necessary for the provision of FAPE and has included in the IEP, then the school district, with the agreement of the family, may use the device at school and is responsible to repair or replace the device if necessary.

Question 10: What are the responsibilities of the student, educators and parents in the maintenance and repair of assistive technology devices and reporting broken devices?

Answer: It is the joint responsibility of the parent, student, and school personnel to take reasonable care of assistive technology devices. The IEP should identify methods for reporting problems and completing repairs prior to using the assistive technology device.

Question 11: If an assistive technology device is lost or damaged beyond repair, who replaces the device?

Answer: If an assistive technology device is necessary for the student's IEP to be implemented, the school district will have to replace a broken device. If the device is broken at home through negligence, the parents could be held responsible for the repair costs. The school district is responsible to arrange for the repair or replacement of assistive technology devices. The district should ensure that proper safeguards are taken to protect the device if the student has a history of losing or damaging assistive technology devices. This would be considered an assistive technology service.

Question 12: Is the school liable for family owned assistive technology devices used at school to implement the student's IEP?

Answer: While the IDEA does not specify the responsibility of the school in such cases, state law could potentially impose liability on the school depending on the facts of the situation. The school district should take proper precautions to protect the equipment while it is in school buildings or being transported between home and school.

Question 13: What provisions could be made for the student while an assistive technology device is being repaired?

Answer: During the development of the IEP, the IEP Team should identify the steps to be taken if the device needs repairs; how a substitute device will be provided; and other temporary options that would offer an acceptable substitute to the student's device.

Question 14: What is important to know about a warranty?

Answer: The school should check the length of the warranty and find out exactly what is covered and, equally important, what is not covered. One-year warranties are common. Extended warranties and service contracts will probably be available. For some devices, the manufacturer suggests annual maintenance. School districts should weigh the cost of additional or extended warranties with the cost of the device. The manufacturer's warranty should be reviewed prior to purchasing an assistive technology device and before making any repairs or modifications to the device. In some case, warranties may be voided if persons other than the manufacturer or authorized service representatives attempt to repair a device.

Question 15: Should assistive technology devices be insured?

Answer: It is the school district's decision to carry insurance. School district insurance policies may cover an assistive technology device purchased by the district for student

use or may offer additional coverage that includes assistive technology devices. Assistive technology devices purchased by funding sources other than the school may or may not be covered while the student is on school premises or involved in school activities. It is important for school staff to investigate the district's insurance to determine what the policy currently covers and whether or not the policy insures against loss or damage of assistive technology devices.

Question 16: Are school districts responsible for customization, maintenance, repair, and replacement of assistive technology devices?

Answer: Assistive technology services such as customization, maintenance, repair, and replacement are included considerations in the acquisition of equipment or devices purchased/provided by the school district. It is the responsibility of the school district to ensure that students who require assistive technology devices also receive the necessary assistive technology services that will make the technology meaningful to the student. This requirement reflects the "individualization" of a specific type of device. If family owned assistive technology is used by the school, is listed in the IEP, and is necessary for providing FAPE, the school district is also responsible for maintenance, repair, and replacement. Responsibilities for these services should be identified in the IEP.

Question 17: What is the responsibility of a school district when parents elect to purchase a needed device on their own and the family-owned device is written into the IEP?

Answer: Federal law is silent on this issue. However, it is reasonable to expect a school district to assume liability for an assistive technology device that is family-owned, but used to implement a student's IEP, either in school or at home. In the absence of the family assuming financial responsibility, a school district would be required to provide and maintain a needed assistive device that was written into the IEP. In circumstances where the family has provided the original device, it is recommended that the school district clarify in its agreements with the family whether the family retains ownership of the device in the case of replacement.

TRAINING ISSUES

Question 1: In addition to the student, who else should receive training on how to use the assistive technology devices?

Answer: Use of assistive technology without integration into the student's individual goals and objectives will result in less than optimal outcomes for the student. Individuals who live, work, or play with the student should be a part of this process. For a student with a disability it is often not enough if the classroom teacher and specialists are the only ones trained in the use of the device. If the device is to be meaningfully integrated into the student's life and general education curriculum, significant people such as family members and peers need to be familiar with the assistive technology.

Question 2: How can a staff member receive individualized training for a specific need?

Answer: In general, if the IEP Team specifies the use of an assistive technology device, it is the district's responsibility to train appropriate staff members and family members, depending on the individual needs of the student. In addition to a district-wide professional development plan, special circumstances might arise when it becomes necessary for individuals involved with a specific student to learn how to operate and utilize a device. It is the district's responsibility to either bring in a trainer or offer release time, tuition reimbursement, or pay conference fees for staff to get the necessary training elsewhere. Any training needs should be specified in the IEP.

Question 3: What kind of training and technical assistance should be provided to families, and professionals?

Answer: Depending on the technology and the involvement of the family, peers, and professionals with the student, training and technical assistance should include, but not be limited to, providing information and training about:

- The device and how it works;
- Programming and setting up the device;
- Recognizing and fixing minor problems;
- Integrating the device into the student's life at home;
- Integrating the device into the student's education goals and objectives;
- Maintenance of the device(s) and;
- Resources within the local community for repair services

RELATED ISSUES

Question 1: Can the IEP Team refuse to consider assistive technology on the IEP?

Answer: No! All IEP Teams have the responsibility to consider a student's need for assistive technology devices and services, and for specifying those devices and services. Therefore, it is important that IEP Teams are informed of the requirement to determine if a student needs an assistive technology device and services and the need for an assistive technology evaluation to assist in making the determination.

Question 2: How is assistive technology integrated into the delivery of the general education curriculum?

Answer: The IEP Team needs to discuss how the student will use the device and how it will be integrated into the general education curriculum. The IEP Team should identify in the IEP how the student will use the device. This information must be shared with the general classroom teachers, at least one of whom is a member of the IEP Team, so that they are aware of how it is to be used.

Question 3: How can continuity be achieved in the student's program with regard to assistive technology devices and services from classroom to classroom, teacher to teacher, school to school, year to year?

Answer: Each student's IEP must be reviewed no less than annually. At the review, the IEP Team should discuss and identify personnel training needs as they relate to the student's movement through the school program. The school should develop policies and procedures to ensure that involved teachers are familiar with the student's assistive technology needs and use of the device(s). This will help provide continuity. For example school districts could assign case managers to oversee this process. Policies and procedures could also outline the process for providing training for new staff that will interact with the student and need to be knowledgeable about the device(s).

Question 4: Can school administrators instruct personnel not to include assistive technology in the IEP?

Answer: No. The IEP Team determines a student's need for assistive technology devices and services. A school may not prevent IEP Teams from identifying a student's need for assistive technology.

Question 5: How is timely manner defined in regards to obtaining an assistive technology device?

Answer: Once an assistive technology device is determined necessary for the student, the district must implement procedures necessary for obtaining the device without unnecessary delay. When a delay is anticipated (e.g., equipment is on backorder from the company) the school should inform the parent and implement procedures to ensure that the student has access to the instructional program. It may be possible for the district to rent, borrow, or lease an appropriate device in the interim.

Question 6: When a student moves from school to school within the same district, does the district-purchased device follow the student?

Answer: If the device is included in a student's IEP, it must be provided in whichever school the student attends in that district. The same device may not necessarily follow the student from one school to the next, but a device that fulfills the assistive technology needs identifies in the IEP would need to be provided.

Question 7: When a student moves from one school district to a different school district, does the assistive technology device that was purchased by district a follow the student to district B?

Answer: Since district A owns the device, it may keep the device for use by other students; or district A may decide to transfer or sell the device to district B.

Question 8: When a student moves from one level of schooling to another, such as from elementary school to middle school, does the device follow the student?

Answer: If an assistive technology device is necessary to fulfill the requirements of a student's IEP, such a device must be provided in the school the student attends. The same device may not necessarily follow the student from one school to another, but a comparable device, which fulfills the IEP requirements, would need to be provided in the new school.

Question 9: What happens to assistive technology devices when students leave the school system?

Answer: If the school district purchased the device, the device is the property of the school. The school could keep the device for use by other students, sell it, or decide to transfer the device to another district in which the student enrolls. If the family purchased the device, it is the property of the student and the family. For secondary students, this issue should be addressed in the transition plan.

Question 10: If a student requires the use of an assistive technology device(s), what happens to the device(s) when the student graduates?

Answer: Transition planning for technology users is particularly challenging because there is no legal requirement for the transfer of ownership for an assistive technology device from the school to the individual student or to an adult agency upon graduation. Under state and federal law, public schools assume financial responsibility for the assistive technology device and services, but as a student transitions to adult life, the financial responsibility ends, and possession of the device reverts to the school. While there are no formal state policies in place, there is nothing to prohibit creative arrangements that support a seamless transfer of technology as a student graduates. One strategy to consider is collaboration with an adult agency to purchase the technology while the student is still in special education or to purchase it from the school district upon graduation.

Question 11: If a student needs a computer, can a school-owned computer be used in the lab or classroom?

Answer: Yes, if the student has access to the equipment as needed. If the student does not have the necessary access, then the appropriate equipment should be purchased for the student's use. The IEP Team will decide as a group the need and use of computers on a case-by-case basis.

Question 12: Can more than one student use an assistive technology device?

Answer: Yes, an assistive technology device may be shared if it is the property of the school and each student who requires use of the device has access to it as needed.

Question 13: What is the role of the Area Education Agency (AEA) in implementing assistive technology Law and Regulations?

Answer: AEAs are to provide information to their personnel as well as to local district personnel in order to maintain and expand the expertise of staff members about assistive technology devices and services. AEAs also provide technical assistance and professional development to local district personnel. AEA personnel assist local districts in finding appropriate assistive technology devices and services as well as purchasing assistive technology devices where appropriate.