

IX. Assistive Technology (AT)

Assistive Technology (AT) Assistive Technology Device

What the Federal Regs. Say ...

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 the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such device. Sec. 300.5.

Each public agency must ensure that assistive technology devices or assistive technology services, or both ... are made available to a child with a disability if required as a part of the child's special education...; related services...; or supplementary aids and services.... 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. Sec. 300.105.

The IEP Team must consider whether the child needs assistive technology devices and services. Sec. 300.324(a)(2)(v).

What the Regulations Mean ...

"Assistive Technology Device" includes hundreds of items, from a simple pencil grip to expensive communication devices. IDEA is designed to ensure that children with disabilities receive the assistive technology (AT) devices and services they require in

order to receive FAPE. The need for AT devices or services must be considered at each IEP Team meeting. Depending on the type of AT device or service the IEP Team determines a child needs, it will determine if it falls under special education, related services, or supplementary aids and services, and document it in the IEP accordingly.

What Parents Should Know ...

The need for AT devices and services is usually determined through specific evaluations. If it is believed a child may need some form of AT device or service, the IEP Team should determine what evaluations should be completed. A child determined to need AT devices or services must be provided with that device or service and it must be documented in the child's IEP. The school can pay for the equipment, utilize other resources to pay for it, or cooperatively fund it, but may not delay in providing the needed device.

A parent's private health insurance and/or Medicaid may be used to pay for AT devices or services, so long as the parents give written permission, there is no cost to the parent, and no impact on future insurance benefits. (See Section XII). If parents purchase the device, it belongs to the parent and is meant for the exclusive use of the student.

AT purchased by the school can be used in the child's home or other settings if required to ensure a FAPE. This must be documented in the IEP. If the school purchases the equipment, it belongs to the school. A school-purchased AT device may be shared if each child who needs it has access to it as needed.

Assistive Technology (AT) Assistive Technology Service

What the Federal Regs. Say ...

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. The term includes:

- the evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;
- purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;
- selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
- coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- training or technical assistance for a child with a disability or, if appropriate, the child's family; and
- training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially

involved in the major life functions of that child.

Sec. 300.6.

What the Regulations Mean ...

An evaluation of a child with a disability's assistive technology (AT) needs, which may include a functional evaluation in the school setting, is an AT service.

When the IEP Team has determined a child with a disability requires an AT device, the IEP Team next must determine what, if any, AT services are needed.

The IEP should state, if appropriate, how the AT device will be acquired. If it is the type of AT device that must be specially designed, fitted, customized, and/or adapted for the particular child, that should be detailed in the IEP. The IEP should indicate, if appropriate, how the device will be maintained, repaired, or replaced, including providing the child with a back-up device while the child's regular device is being serviced, repaired, or replaced, so as to comply with the IEP.

The IEP should include how AT devices will be used in conjunction with other therapies and services, and indicate when the child will use the AT device during the course of the day.



Assistive Technology (AT) **Assistive Technology Service** **(cont.)**

The IEP should also include all specific training the child will require in learning how to use the AT device, as well as any training the child's parents may require to assist the child to use the AT device (such as if the AT device is one the child brings home at night). Finally, the child's IEP should also include, if appropriate, training for any professionals or other appropriate individuals (such as employers) in the use of the child's AT device.

What Parents Should Know ...

Assistive technology (AT) should be one of the areas considered when a student is being assessed to determine eligibility or continued eligibility for special education. Once eligible, AT services and devices must be considered as an option for every student on an IEP at each IEP Team meeting. Consideration should be given if the AT device or AT service is necessary for the student to achieve educational or social goals, benefit from education, or make reasonable progress in the least restrictive environment.

The IEP Team should analyze what is required of students without disabilities of the same age and determine how many of these requirements could be fulfilled partially or completely by the student with a disability who is

being assessed, if that student had access to appropriate assistive technology.

AT devices and services can be special education, related services, or supplementary aids and services that allow the child to be educated in the regular classroom. For example, training for the child in use of an AT device could be "special education," and an annual goal developed. Use of a particular device could be a related service if it assists the child to benefit from special education. If provision of AT devices or services will allow the child to be educated in the regular classroom, the AT device and/or service would be a supplementary aid or service.

Parents should make sure the IEP contains all AT services needed. This should include provision for back-up devices and all other AT services appropriate based on the particular AT device the child requires.

While schools can look to other funding sources to pay for AT devices and services, it may not delay in providing the device/service while waiting for payment from another source.



X. Placement/
Least Restrictive
Environment (LRE)

Placement / Least Restrictive Environment (LRE)

LRE Requirements

What the Federal Regs. Say ...

Each public agency must ensure that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. Sec. 300.114(a)(2).

The IEP must include an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in paragraph (a)(4) of this section. Sec. 300.320(a)(5).

What the Regulations Mean ...

IDEA carries a strong presumption that most children with disabilities will be educated in regular education classrooms with other children their own age. The IEP Team must talk about modifications, if needed, to the general curriculum. It must determine whether there are supplementary aids and services that will allow a child with a disability to be educated in the regular classroom.

Children with disabilities can be removed from the regular classroom when the child's needs are so great that they cannot be met in the regular classroom, even with extra supports and modifications. If, for example, a one-on-one aide or the provision of assistive technology would allow the child to be educated in the regular classroom, those services must be provided and contained in the IEP.

What Parents Should Know ...

After the IEP Team determines the annual goals and special education and related services, it must determine what is the least restrictive placement in which the child's IEP can be implemented. The legal presumption is that such placement will be in the regular classroom unless, due to the severity of the child's disability and even with the provision of supplementary aids and services, the child cannot receive FAPE.

However, it is not an "all or nothing" proposition. Some children may receive services in a resource room or self-contained classroom for part of the school day and participate in the regular classroom for other parts of the school day.

Schools must make genuine efforts to try to educate children with disabilities in the least restrictive placement that will allow the child to receive a FAPE. This may include attempting all reasonable supplementary aids and services prior to proposing a more restrictive placement.

Placement / Least Restrictive Environment (LRE)

Continuum of Placements / Non-academic Settings

What the Federal Regs. Say ...

Continuum of alternative placements -

Each public agency must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

The continuum required ... must include the alternative placements listed in the definition of special education under Sec. 300.38 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement. Sec. 300.115.

Nonacademic settings - In providing or arranging for the provision of nonacademic and extracurricular services and activities set forth in Sec. 300.107, each public agency must ensure that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child. The public agency must ensure that each child with a disability has the supplementary aids and services determined by the child's IEP

Team to be appropriate and necessary for the child to participate in nonacademic settings. Sec. 300.117.

Nonacademic services - The State must ensure the following:

Each public agency must take steps, including the provision of supplementary aids and services determined appropriate and necessary by the child's IEP Team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities.

Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the public agency, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the public agency and assistance in making outside employment available. Sec. 300.107.



Placement / Least Restrictive Environment (LRE)

Continuum of Placements / Non-academic Settings (cont.)

Team determines the LRE is a placement other than the regular classroom setting, it should be justified in the IEP. The LRE requirements in IDEA apply equally to non-academic and extracurricular settings, including transportation.

What the Regulations Mean ...

The school must be able to provide services in a variety of settings based on the child's needs, from regular classroom placement to a hospital, institutional, or home setting. The IEP Team must begin with the premise that the child will be educated in the regular classroom.

The purpose of requiring schools to have a continuum of placements available is so that if a child's needs are such that the child cannot be educated in, for example, the regular classroom (even with the provision of supplementary aids and services), then the IEP Team would consider the next more restrictive placement along the continuum until it is determined the child can receive a FAPE. If the IEP



What Parents Should Know ...

It is the school's responsibility to ensure that each child with a disability is being educated in the LRE appropriate for that particular child. If the IEP Team determines an out-of-district day program or residential placement is required for the child to receive FAPE, the school must make sure the placement is at no cost to the parents and the IEP Team would need to address the related service of transportation.



Placement / Least Restrictive Environment (LRE) Placements

What the Federal Regs. Say ...

In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency must ensure that the placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and is made in conformity with the LRE provisions...; the child's placement is determined at least annually; is based on the child's IEP; and is as close as possible to the child's home; unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled; in selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and a child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum. Sec. 300.116.

What the Regulations Mean ...

The IEP Team must place the child at the school the child would attend if the child did not have a disability, unless it determines the child requires a different placement. Placement decisions must be made only after the rest of the IEP is developed.

Then the team must determine at least annually the least restrictive setting in which the child can be successfully educated (receive FAPE).

In deciding a child's placement, the team must consider potential harmful effects on the child in both lesser and more restrictive settings. Children should not be forced into a lesser restrictive placement if the child cannot receive an appropriate education in that setting. Conversely, a child may not be placed in a more restrictive setting based on the convenience of the district. A school cannot remove a child from the regular classroom just because the child needs to have the curriculum modified.



What Parents Should Know ...

Placements should be made based on the unique needs of the child, not administrative convenience. For example, a child should not be placed in a more restrictive setting because the school has neglected to provide training to its staff. A child should not be placed in a more restrictive setting because the school "does not want to" try to educate a child in a lesser restrictive setting.

Placement / Least Restrictive Environment (LRE)

Children Placed in Private Schools by IEP Teams

What the Federal Regs. Say ...

Each SEA must ensure that a child with a disability who is placed in or referred to a private school or facility by a public agency: 1) Is provided special education and related services in conformance with an IEP ... and at no cost to the parents; 2) Is provided an education that meets the standards that apply to education provided by the SEA and LEAs including the requirements of this part, except for Sec. 300.18 and Sec. 300.156(c); and 3) Has all the rights of a child with a disability who is served by a public agency. Sec. 300.146.

Developing IEPs - Before a public agency places a child with a disability in, or refers a child to, a private school or facility, the agency must initiate and conduct a meeting to develop an IEP for the child.... The agency must ensure that a representative of the private school or facility attends the meeting. If the representative cannot attend, the agency shall use other methods to ensure participation by the private school or facility, including individual or conference telephone calls. Sec. 300.325 (a).

Reviewing and Revising IEPs - After a child with a disability enters a private school or facility, any meetings to review and revise the child's IEP may be initiated and conducted by the private school or facility at the discretion of the public

agency. If the private school or facility initiates and conducts these meetings, the public agency shall ensure that the parents and an agency representative are involved in any decision about the child's IEP; and agree to any proposed changes in the IEP before those changes are implemented. Sec. 300.325(b).

Responsibility - Even if a private school or facility implements a child's IEP, responsibility for compliance with this part remains with the public agency and the SEA. Sec. 300.325(c).

What the Regulations Mean ...

Sometimes IEP Teams will determine children with disabilities require placement outside of the public school setting, such as at a private school, a residential facility, or an institution. IDEA applies the same standards to the quality of education in a private placement as it does to the public school, with the exception of the "highly qualified special education teacher" requirements. A private placement by the IEP Team in no way diminishes a parent's rights under IDEA.

IEPs must be a joint effort between the parents, public school, and private school or facility. If the private placement fails to provide an appropriate education, the public school is deemed legally responsible for having denied FAPE.

What Parents Should Know ...

If your child is placed in a private school or facility by the IEP Team, you remain a part of the team that determines the services the child will receive.