

ASSISTIVE TECHNOLOGY

20 USC §1401(1-2)

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PURPOSE

This Basic Education Circular (BEC) has been revised to comply with the Individuals with Disabilities Education Act (IDEA) as amended in 2004 and Chapters 14 and 711. This BEC will provide guidance regarding assistive technology as to the following:

- (1) Increase awareness of assistive technology devices and/or services that are defined in federal law and regulations;
- (2) Clarify the obligation of school districts and charter schools to provide assistive technology devices and/or services to children with disabilities; and,
- (3) Explain supports available to assist school districts and charter schools, as the local educational agencies responsible for providing assistive technology devices and/or services to children with disabilities.

BACKGROUND

As defined in federal law, 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 children with disabilities." Assistive technology devices range from a simple switch for a child with particular physical limitations to a sophisticated augmentative communication (i.e., voice output) device for a child with severe speech impairment. Other examples of assistive technology include assistive listening devices and systems for children with hearing loss and screen reading software for children with visual, neurological, or cognitive impairments. A medical device that is surgically implanted, however, is not considered an assistive technology device.

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." Services include but are not limited to evaluation; purchase or lease of a device; designing, customizing, or adapting a device; maintaining, repairing, or replacing a device; coordinating or using therapies with a device; and training or technical assistance for the child, family, and professionals.

By virtue of these definitions, an exhaustive and/or specific list of what constitutes assistive technology devices and/or services is impossible to create.

THE ROLE OF ASSISTIVE TECHNOLOGY WITHIN SPECIAL EDUCATION

Assistive technology devices and/or services may be needed to enable children with disabilities to receive educational benefit. Federal and state special education laws explicitly include assistive technology devices and/or services among those services which local education agencies must provide for a child with a disability, at no cost to parents, if determined by the Individualized Education Program (IEP) team to be necessary for the student to receive a free appropriate public education (FAPE). Such services may be required as part of special education, related services, or supplementary aids and services required to enable a child to be educated in the least restrictive environment.

IEP TEAM RESPONSIBILITY FOR DETERMINING WHAT ASSISTIVE TECHNOLOGY DEVICES AND/OR SERVICES

As with every other special education service, the IEP team is responsible for determining if an assistive technology device and/or service is necessary for a child with a disability to receive FAPE. It is important to remember that assistive technology devices and/or services are not ends in themselves. The IEP team should focus on whether or not assistive technology devices and/or services are necessary for the eligible child to receive educational benefit and Free Appropriate Public Education (FAPE).

ASSISTIVE TECHNOLOGY INCLUDED IN THE IEP

To the extent that assistive technology devices and/or services may be required as part of special education, related services, or supplementary aids or services, a child's IEP must include a statement describing the full extent of devices to be obtained (i.e., no, low, and high technology) and service(s) (i.e., programming of devices, back-up strategies, repairs and maintenance, training and technical assistance, and other relevant needs and considerations) as well as the amount of such service(s). The provision of assistive technology devices and/or services may not be made conditional on subsequent approval by entities outside the IEP process (e.g., PaTTAN, Intermediate Units, Medical Assistance, etc.). It is also noted that FAPE may require that the child have the assistive technology device overnight, on weekends, and during vacations and summers, or receive assistive technology services during such breaks, which should be specified in the IEP.

TIMELINES AND PROTECTIONS

All procedural safeguards and timelines set forth in federal and state laws for completing initial evaluations, reevaluations, and developing and implementing IEPs are fully applicable to assistive technology devices and/or services when they are necessary to ensure eligible children receive FAPE. This means that evaluations must be completed within 60 calendar days upon receipt of parental consent; the assistive technology components of the IEP must be developed within 30 school days and the assistive technology component of the IEP must be implemented within 10 school days. Assistive technology devices should be secured on loan or leased if manufacturer delay is anticipated.

While school districts and charter schools may choose to use assessment processes, such as the SETT (**S**tudent, **E**nvironment, **T**asks, and **T**ools) Framework, to assist in the identification or refinement of assistive technology devices or services, the assessment processes cannot be used to delay the provision of the assistive technology needed for FAPE.

RESPONSIBILITY FOR PROVIDING ASSISTIVE TECHNOLOGY DEVICES AND SERVICES

It is the school district or charter school's responsibility to provide without delay assistive technology devices and services when included as part of a student's IEP. School districts and charter schools are responsible for the ongoing maintenance and prompt repair of assistive technology devices in order to provide FAPE without interruption.

IDEA 2004 also requires local education agencies (LEAs) to ensure that students with disabilities receive accessible instructional materials under the National Instructional Materials Accessibility Standard (NIMAS) at the same time that students without disabilities receive their materials. LEAs also have the responsibility to provide accessible materials under the Section 504 of the Rehabilitation Act. Assurance of accessible materials involves the provision of assistive technology. Refer to the following resources available on the PaTTAN website regarding the implementation of accessible instructional materials: *Accessible Instructional Materials FAQ* and *Pennsylvania's Guidelines for the Provision of Accessible Instructional Material (AIM Guidelines)*.

SERVICES AVAILABLE TO ASSIST IEP TEAMS

PaTTAN and local intermediate units' assistive technology consultants are available to provide technical assistance to IEP teams responsible for selecting, providing access to, and implementing the use of assistive technology devices and/or services necessary for a student to receive FAPE. Assessments are to be provided by qualified professionals knowledgeable and experienced with the range of assistive technology available to students with disabilities.

SUPPORT AVAILABLE FOR SCHOOL DISTRICTS AND CHARTER SCHOOLS WHEN PURCHASING ASSISTIVE TECHNOLOGY

The PDE, through the Bureau of Special Education, allocates funds to Intermediate Units for the specific purpose of funding assistive technology. PaTTAN will assist LEAs in purchasing assistive technology equipment/supplies at significantly reduced costs. The school district and/or charter school remains responsible for the provision of assistive technology devices and services. Alternate funding sources and equipment loans from the intermediate unit and/or PaTTAN Centers may also be utilized.

ACQUISITION OF ASSISTIVE TECHNOLOGY DEVICES AND SERVICES UNDER PENNSYLVANIA'S SCHOOL-BASED ACCESS PROGRAM

Whether a device may be billed under the School-Based ACCESS Program depends on many variables, such as the eligibility of a student to receive Medical Assistance (i.e., Medicaid), parental consent to such billing, the funding source used to purchase the device, the enrollment of the LEA in the School-Based ACCESS Program, and the availability of the device from alternate sources. LEAs should inform families of the School-Based ACCESS Program, how assistive technology may be obtained through it, and requirements for parental notification and consent.

The LEA should inform the family not to assume the device will be billed to Medical Assistance (MA), even if a child's MA number is provided on an equipment acquisition form. If the device is billed to MA, the LEA notifies the parents by sending a transfer of ownership letter (i.e., the device becomes the property of the MA-eligible child). When the parents are in receipt of the transfer of ownership letter, the billing process has begun. If the billing is ultimately rejected by MA, the parents will be informed by letter.

A school district or charter school may not delay or deny a student's receipt of assistive technology: (1) while it attempts to secure MA funding; (2) if the parent does not give consent to bill the School-Based ACCESS Program; or (3) by directing the family to pursue MA or other outside funding on its own for the assistive technology.

REFERENCES:

State Board of Education Regulations

22 Pa. Code Section 14.102(a)(2)(i), (xi), & (xxvii)
22 Pa. Code Section 14.106
22 Pa. Code Section 14.131
22 Pa. Code Section 711.3(b)(1), (10), & (24)
22 Pa. Code Section 711.41
22 Pa. Code Section 711.45

Federal Statutes

20 U.S.C. Section 1401(1)(2)

Federal Regulations

34 C.F.R. Sections 300.5 - 300.6
34 C.F.R. Section 300.105
34 C.F.R. Section 300.323(c)(1)
34 C.F.R. Section 300.324(a)(2)(v)

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