



Education Law Center

*Making sure that all of Pennsylvania's children
have access to quality public schools*

ASSISTIVE TECHNOLOGY FOR CHILDREN WITH DISABILITIES

IMPORTANT: ELC's publications are intended to give you a general idea of the law. However, each situation is different. If, after reading our publications, you have questions about how the law applies to your particular situation, contact us for a referral or contact an attorney of your choice.

WHAT IS AN ASSISTIVE TECHNOLOGY DEVICE?

An assistive technology (AT) device is any item that is used to maintain or improve the functioning of a child with a disability. The device can be complex (such as an augmentative communication device), or simple (such as a modified switch so that a child with a physical limitation can turn on the classroom computer). The device can be customized, or can be "off the shelf" like a tape recorder. In some cases, a computer can be an AT device. A medical device (such as a cochlear implant) that is surgically implanted, and the replacement of such a device, is not an assistive technology device or service and does not have to be provided by a school district. However, school districts are required to check to make sure that hearing aides and the external part of a cochlear implant are functioning properly in the school setting.

WHAT IS AN ASSISTIVE TECHNOLOGY SERVICE?

An assistive technology service includes: evaluating children to determine their AT needs; training children, parents, teaching staff, and other professionals; making necessary changes to equipment or furniture; repairing AT devices; and coordinating and using physical or occupational therapy with an AT device.

WHEN IS A CHILD ELIGIBLE FOR AN ASSISTIVE TECHNOLOGY DEVICE OR SERVICE?

Children with a wide range of disabilities can often benefit from AT devices and services. For example, a child who cannot speak may need a communication device such as a language board or a device with a speech synthesizer to participate in class. A child with a vision impairment may benefit from a device that enlarges printed words. And a child with a learning disability may need a computer program to learn to read.

A child who is eligible for special education is entitled to the assistive technology devices and services needed for her to receive "a free appropriate public education." Like any other type of special education or related services, decisions regarding a child's need for AT devices and services are made by the Individualized Education Program (IEP) Team, which includes the parents. The services or devices that are agreed upon must be listed in the child's IEP and provided to the child within **10 school days** for school-aged children, and **14 calendar days** for preschoolers in Early Intervention programs (children from age three to when they enroll in kindergarten or first grade). For children under age three, the decisions are made by the Individualized Family Service Plan (IFSP) Team, which also includes the parents, and the devices and services are listed in the child's IFSP. Infants and toddlers with disabilities must be provided with the services in their IFSPs within **14 calendar days**. An assistive technology evaluation may be a good initial service to put in the IEP to determine what the child's needs are in the education setting (more information on evaluations below).

Some children with disabilities who need accommodations and services from their school district, but who do not need "special instruction," have those accommodations listed on Service Agreements (also known as Section 504 Plans). These children can also need, and be entitled to, an AT device such as a modified desk or a special chair. Any device or service must be listed in the Service Agreement.

WHO IS RESPONSIBLE FOR PROVIDING ASSISTIVE TECHNOLOGY TO A CHILD?

Children with disabilities of school age are entitled to receive the AT they need from their school districts. Most preschoolers get AT and other services from their Intermediate Units (IUs), although school districts and private providers are responsible for Early Intervention for preschoolers in some parts of the state. The youngest children get AT and other Early Intervention services from their County Early Intervention program. The type of device needed to receive an appropriate special or regular education program, and any necessary training for the child, family, or staff must be listed on the child's IEP or, if under three, the IFSP. For preschoolers, all services on the IEP, including AT, must be provided within **14 calendar days**. For children of school age, the services on the IEP must be provided within **10 school days**.

HOW DO I FIND OUT IF MY CHILD CAN BENEFIT FROM ASSISTIVE TECHNOLOGY?

If you believe your child needs an AT device or service, ask your school district, Preschool Early Intervention agency (again, usually the Intermediate Unit), or County Early Intervention program to evaluate your child's AT needs. The evaluation must be free, and, for school-age children, completed and presented to the parents within **60 calendar days** (minus the summers) of the parents' signing the Permission to Evaluate form. For preschoolers, the deadline is 60 calendar days from the parents' consent. Infants and toddlers must be evaluated, and their initial IFSPs developed, within **45 calendar days** of the families' request to the County.

The evaluation should determine the extent of the child's needs, the type of device or service that is necessary, and the training the child, family, teacher, and other professional staff will need. The evaluation can be broad or can focus on a particular area, such as reading or communication. If there are several devices that might be appropriate a trial period with each can be arranged. The specific arrangement - with timelines - should be listed on the education plan. Both Pennsylvania Training and Technical Assistance Network (PaTTAN) (<http://www.pattan.k12.pa.us/supportingstudents/shorttermloan.aspx>)

and the Pennsylvania's Initiative on Assistive Technology (PIAT) lend various AT devices for free. Assistive technology consultants are available from PaTTAN to answer questions and direct school staff and families to appropriate AT resources. You and your school district may also be able to get advice and support from the AT specialist from your local Intermediate Unit. Check out the information on AT resources that are available from PaTTAN at <http://www.pattan.k12.pa.us/supportingstudents/AssistiveTechnology.aspx>. More on PIAT below.

HOW MUCH WILL THE DEVICE OR SERVICE COST?

A device or service listed on an IEP or IFSP must be provided to the child without cost to the family while the child is in school. If the child has a Medical Assistance (MA) card, the device or service may also be available through MA, although it must be obtained through MA without cost to the family. If secured through MA, the device belongs to the child and will not have to be returned during the Summer or when the student's schooling ends. In addition to the family obtaining a device through the child's individual MA, the school district may be able to bill MA through Project ACCESS. Regardless of the route, if MA has paid for the device, it belongs to the child not to the school district or Early Intervention provider.

CAN THE CHILD TAKE THE DEVICE HOME?

The child may take the device home if needed to do homework and other school activities. The child's education plan should state whether the child can take the device home, including, if the child is receiving extended school year services, whether the child can use the device during the Summer.

WHAT IF I DISAGREE WITH THE EDUCATION OR EARLY INTERVENTION AGENCY ABOUT WHAT TYPE OF DEVICE OR SERVICE MY CHILD NEEDS?

If you disagree with the decision regarding your child's need for AT or the type of device or service needed, you have the right to use the mediation or Due Process Hearing procedures. You can get more information about those processes from the groups listed below. Also see ELC's Fact Sheet, *How to Resolve Special*

Education Disputes at www.elc-pa.org. If you need more information or help with your child's AT problem, contact the agencies listed below.

FOR MORE INFORMATION ABOUT ASSISTIVE TECHNOLOGY, TRY:

PENNSYLVANIA'S INITIATIVE ON ASSISTIVE TECHNOLOGY (PIAT)

800-204-7428 (voice)

866-268-0579 (TTY)

<http://disabilities.temple.edu/programs/assistive/piat>

Institute on Disabilities

1601 N. Broad

University Service Building, Suite 610

Philadelphia, PA 19122

Email: ATinfo@temple.edu

Lending Library: 877-722-8536 (voice), 800-268-0579 (voice/TTY), or email to atlend@temple.edu

DISABILITY RIGHTS NETWORK

1-800-692-7443 (Voice)

1-877-375-7139 (TDD)

1414 N. Cameron St., Suite C

Harrisburg, PA 17103

drnpa-hbg@drnpa.org

PENNSYLVANIA TRAINING AND TECHNICAL ASSISTANCE NETWORK (PaTTAN)

www.pattan.k12.pa.us/default.aspx

Funding for this brochure was provided by:

Disability Rights Network of Pennsylvania (DRN), pursuant to the Developmentally Disabled Assistance and Bill of Rights Act, P.L. 101-496, and the P&A for Mentally Ill Individuals Act, P.L. 99-319. DRN is located at 1414 N. Cameron Street, Suite C, Harrisburg, PA 17103. Telephone: 800-692-7443 or 717-236-8110. Website: www.drnpa.org.

Pennsylvania Interest on Lawyers Trust Account Board (PA IOLTA)

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