Assistive Technology in the IEP: Mandate to Consider Assistive Technology (AT)

Where does the mandate come from?

- Individuals with Disabilities Education Improvement Act of 2004 (PL 108-446)
  - December 3, 2004
- Federal Register (34 CFR 300 and 301)
  - August 14, 2006

- What is Assistive Technology?
- **IDEA Section 300.5 Assistive technology device**
  - 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.

- When is it not AT?
  - **Section 300.5 AT device**
    - The term does not include a medical device that is surgically implanted, or the replacement of such device.
      - (Authority 20 U.S.C. 1401(1))
AT service; AT definition

- **Section 300.6 Assistive technology service.**
  - Any service that directly assists a child with a disability with the selection, acquisition, or use of an assistive technology device. The term includes-
    - (a) The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child’s customary environment;

- **Section 300.8 AT service**
  - (b) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;
  - (c) Selecting designing, fitting, customizing, adapting, applying, retaining, repairing, or replacing 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 a child with a disability or, if appropriate, that child’s family; and
  - (f) Training or technical assistance for professionals (including individuals or rehabilitation services), employers, or other individuals who provide services to employ, or are otherwise substantially involved in the major life functions of children with disabilities.
    - (Authority 20 U.S.C. 1401(2))

Other FAPE Requirements

- **Section 300.105 Assistive technology.**
  - (a) Each public agency shall ensure that assistive technology devices or assistive technology services, or both, as those terms are defined in Sections 300.5 and 300.6, are made available to a child with a disability if required as a part of the child’s-
    - (1) Special education under Section 300.36:
    - (2) Related services under Section 300.34: or
• (3) Supplementary aids and services under Section 300.38 and 300.114(a)(2)(ii).

• (b) 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.

• (Authority 20 U.S.C. 1412(a)(1), 1412 (a)(12)(B)(i))

**IEP requirement for Access to Instructional Materials**

**Section 300.172**

• (2) If an SEA chooses not to coordinate with the NIMAC, the SEA must provide an assurance to the Secretary that it will provide instructional materials to blind persons or other persons with print disabilities in a timely manner.

**Section 300.210 Purchase of instructional materials.**

• (a) General. Not later than December 3, 2006, an LEA that chooses to coordinate with the National Instructional Materials Accessibility Center (NIMAC), when purchasing print instructional materials, must acquire those instructional materials in an alternate same manner, and subject to the same conditions as an SEA under 300.172.

• (b) Rights of LEA. (1) Nothing in this section shall be construed to require an LEA to coordinate with the NIMAC.

• (2) If an LEA chooses not to coordinate with the NIMAC, the LEA must provide an assurance to the SEA that the LEA will provide instructional materials to blind persons or other persons with print disabilities in a timely manner.

**Developing the IEP**

**Section 300.324 Development, review, and revision of IEP**

• (2) Consideration of special factors. The IEP team must-

  • (v) Consider whether the child needs assistive technology devices and services.

  • (Authority 20 U.S.C. 1414(d)(3)(B))
Legal reference for considering assistive technology Section 300.346

- Consideration of special factors - The IEP team shall-
  - Consider whether the child requires assistive technology devices and services
  - Requirement to consider the need for assistive technology devices and services brings the issue of assistive technology to every IEP team.
    - To effectively address assistive technology devices and services, teams must use a collaborative decision-making process to determine whether or not an individual student requires assistive technology.

- Section 300.346 also addresses the documentation of assistive technology in the IEP:
  - If, in considering the special factors described in paragraph (a) of this section, the IEP team determines that a child needs a particular device or service (including an intervention, accommodation, or other program modification) to receive FAPE, the IEP team must include a statement to that effect in the child’s IEP.
    - (Authority: 20 U.S.C. 1414 (d)(a))

What Does it Mean to “Consider” Assistive Technology?

- Federal mandate reflected on IEP form simply as a question with a checkbox for the response: Has assistive technology been considered? yes/no.
- In most cases, additional documentation not required to substantiate the decision or provide evidence of the alternatives that were considered.
- Assumption is that one or more members of the IEP team will be knowledgeable about the possibilities of assistive technology and will guide the group in its decision-making.

What is Assistive Technology?

- As defined in IDEA, an assistive technology service is:
  - Any service that directly assists a child with a disability in the selection, acquisition, and 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, retaining, repairing, or replacing assistive technology devices;

• Coordinating and use 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, that child’s family; and

• Training or technical assistance for professionals (including individuals or rehabilitation services), employers, or other individuals who provide services to employ, or are otherwise substantially involved in the major life functions of children with disabilities.

• (Authority 20 U.S.C. 1401(2))