



Assistive Technology & Special Education – Students’ & Families’ Rights

Parents - do you have the information necessary to ensure that your child gets the assistive technology he or she needs? Do you know what your child is entitled to under the law and what his or her school district is required to do? If your answer to any of these questions is no, this bulletin may assist you. It provides information about your child’s right to assistive technology devices and services under federal and state special education laws and describes what is required from his or her school district.

Terminology & Definitions You Need to Know

An assistive technology device is any item that is used to maintain or improve the functional capabilities of a student with a disability. An assistive technology service is any service that assists in the selection, acquisition, or use of an assistive technology device. This incorporates evaluations, modifications, maintenance and repair of assistive technology devices, as well as training for the student, family, and school personnel to use such devices.

What Does the Law Require?

The Individuals with Disabilities Education Act (IDEA) mandates that assistive technology devices and assistive technology services be taken into account and provided, as appropriate and necessary, by local school districts for each student. As part of the Individualized Education Plan (IEP) process, due consideration must be given to the question of whether AT devices and services are essential for a student to receive a free, appropriate, public education. Any and all special education services that a student is entitled to, including assistive technology devices and services, must be funded by the school district and not the students or their families, unless it is the families choice to do so. Boards of education, school districts, and/or child study teams may not deny the provision of assistive technology devices and services to students based upon cost alone. If, however, two different assistive technology devices are recommended that would each make possible the achievement of a student’s IEP goals and objectives, the child study team may choose the less expensive device.

Ensuring that Your Child’s IEP Addresses Assistive Technology Devices and Services

Once assistive technology devices and services have been properly considered for a student, the next step is to obtain additional verification to determine that he or she does in fact need the services. To do this, the child study team should arrange for an evaluation of the student by a qualified professional. If parents disagree with the results of the evaluation, they have the right to request a second independent evaluation at the school’s expense.

When the evaluation is completed to everyone's satisfaction, the resulting recommendations should state the need for assistive technology devices and services as appropriate and necessary. The child study team is then required to list the devices and services on the student's IEP and provide them with school funds. Certain items and details must be written into the IEP. Assistive technology devices should be described in detail and assistive technology services, such as training, maintenance and repair of devices, should be addressed. In addition, the student's use of the devices should be incorporated into the student's IEP goals and objectives. If necessary to assist the child, school personnel should be trained. If the device is also to be used at home, then family members must be trained on its use as well. All these needs must be addressed in the IEP.

What If Parents Disagree with What Is Proposed for Their Child?

If parents do not agree with the child study team or their child's IEP, or if the school district refuses to provide assistive technology devices, they should first informally discuss the matter with the child study team and other district personnel. If the parents still disagree, they have the right to ask for mediation or a due process hearing. Mediation is a meeting attended by an impartial mediator, a parent, and a school district representative, and held with or without legal representation. Its purpose is to resolve differences whereby the trained mediator makes recommendations for potential solutions. If mediation does not settle the conflict, parents may request a due process hearing, which is a more formal, trial-type proceeding before a judge. The purpose of this hearing is for parents, who have the option of representing themselves or being represented by an attorney or advocate, to present witnesses and evidence and to cross-examine the school district's witnesses. Parents may appeal the judge's decision in court if it is unsatisfactory to them.

Can My Child Bring the Device Home?

Even though assistive technology devices are owned by the school, students may use the devices outside of the classroom or school property whenever necessary to achieve the completion of IEP goals and objectives. For example, if an IEP calls for the use of an assistive technology device in order for a student to execute his or her homework assignments, the student may bring the device home after school and on weekends.

What Happens in Transition?

Consideration of a student's need for assistive technology devices and services should continue during transition. All transition services, including assistive technology devices, need to be included in the child's IEP. Transition should begin when a child is 14 years old, and the transition plan should identify appropriate adult service providers and encourage a working relationship with those agencies. If a student will need to continue to use an assistive technology device, parents may ask the school to transfer ownership or sell the device to the adult service provider. This prevents any gap in services between the special education system and the adult service system.

What If My Child with a Disability is Not Classified?

A child who has a disability but does not require special education as a result of it would not be protected under IDEA's eligibility requirements. He or she would be, however, protected by the law under Section 504 of the Rehabilitation Act, which guarantees the protection of individuals on a much broader scale. Section 504 prohibits discrimination in providing educational services to students with disabilities whether they are enrolled in regular education or special education.

Where Can I Get Information & Assistance in Obtaining Assistive Technology for My Child?

The Assistive Technology Advocacy Center (ATAC), a program of Disability Rights New Jersey, provides information and referral, outreach and education, technical assistance and legal and non-legal advocacy in the area of assistive technology. Call 1-800-922-7233 in state, or access our website at the address below.

Assistive Technology Sample Form

The sample form on the following page may be used to ensure that assistive technology devices and services are properly considered and provided for in your child's IEP. You can also request that it be included in the IEP as a guide to child study team members and other school personnel.



📍 210 South Broad Street, Third Floor
Trenton, NJ 08608

☎ 800.922.7233 (NJ Only) | 609.292.9742
609.633.7106 (TTY) | 609.777.0187 (FAX)

🌐 disabilityrightsnj.org

📧 @disabilityrightsnewjersey 🐦 @advocateDRNJ 📺 @disability-rights-nj

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ASSISTIVE TECHNOLOGY ASSESSMENT
(Please check one)

- Need for AT considered, complete AT evaluation required
- Need for AT considered, no further review required, AT not required

ASSISTIVE TECHNOLOGY NEEDS (Please check one or more)
Please describe assistive technology needs and uses

- | | |
|--|--|
| <input type="checkbox"/> WRITING | <input type="checkbox"/> SEATING AND POSITIONING |
| <input type="checkbox"/> COMMUNICATION | <input type="checkbox"/> VISION |
| <input type="checkbox"/> READING | <input type="checkbox"/> HEARING |
| <input type="checkbox"/> MOBILITY | <input type="checkbox"/> OTHER |

FOLLOWING CONSIDERATION AND/OR EVALUATION
RECOMMENDED ASSISTIVE TECHNOLOGY DEVICES
(Please check one or more)

- | | |
|--|---|
| <input type="checkbox"/> Electronic Spell Checker | <input type="checkbox"/> Adapted Keyboard |
| <input type="checkbox"/> Word Processor | <input type="checkbox"/> Trackball/Modified Mouse |
| <input type="checkbox"/> Laptop Computer | <input type="checkbox"/> FM System |
| <input type="checkbox"/> Printer | <input type="checkbox"/> Augmentative/Alternative Communication |
| <input type="checkbox"/> Scanner | <input type="checkbox"/> Realtime captioning (or CART) |
| <input type="checkbox"/> Large Monitor (i.e. 17", 21", etc.) | <input type="checkbox"/> Magnifier |
| <input type="checkbox"/> Speech Recognition Software | <input type="checkbox"/> CCTV |
| <input type="checkbox"/> Word Prediction Software | <input type="checkbox"/> Stylus/Scale |
| <input type="checkbox"/> Text Magnification Software | <input type="checkbox"/> Other Devices: |

RECOMMENDED ASSISTIVE TECHNOLOGY SERVICES

- | | |
|---|---------------------------------|
| <input type="checkbox"/> EVALUATION | <input type="checkbox"/> REPAIR |
| TRAINING FOR: <input type="checkbox"/> STUDENT | <input type="checkbox"/> FAMILY |
| <input type="checkbox"/> PROFESSIONALS | <input type="checkbox"/> OTHER |

ADDITIONAL AT ISSUES TO BE CONSIDERED
(e.g. taking AT home, testing accommodations, etc.)

- | | |
|--|--|
| <input type="checkbox"/> Transfer of AT when student graduates | <input type="checkbox"/> Buyout of AT when student moves out of district |
| <input type="checkbox"/> Buyout of AT when student graduates | <input type="checkbox"/> Other |
| <input type="checkbox"/> Transfer of AT when student moves out of district | |

