



New York Lawyers

For The Public Interest, Inc.

151 West 30th Street, 11th Floor

New York, NY 10001-4017

Tel 212-244-4664 Fax 212-244-4570

TTD 212-244-3692 www.nylpi.org

Special Education Fact Sheet

OBTAINING ASSISTIVE TECHNOLOGY OR SERVICES FOR STUDENTS IN SPECIAL EDUCATION

What is assistive technology?

Assistive technology (AT) is technology and/or a device used by people with disabilities to perform functions that might otherwise be difficult or impossible to accomplish. In the context of special education, assistive technology may be used to increase, maintain or improve the functional capacity of students with disabilities.

There are a variety of assistive technology tools, including, but not limited to, mobility devices (e.g., walkers and wheelchairs) and computer hardware and software that assists children in accessing computers or other information technologies. Some examples of assistive technologies are:

- Keyboards with large keys for children with limited hand function;
- Computer software programs that read aloud text on a computer screen for students who are visually impaired or blind;
- Text telephones or TTY's for individuals who are hearing impaired or deaf; or
- Devices that speaks out aloud as text is keyed in for students with speech impairments.

What is an assistive technology service?

An assistive technology service is any service that helps a student with a disability select, acquire, or use an assistive technology device. Services can include:

- Evaluation of a student's assistive technology needs;
- Purchasing and/or selecting an assistive technology device;
- Training on the use of the device for the student, parent/family or professionals working with the student; and
- Coordination of the technology with other therapies or interventions that the student needs.

What rights do children have to assistive technology in special education?

According to the Individuals with Disabilities Education Act (IDEA), children with disabilities are entitled to a free and appropriate public education, which is defined as education that is reasonably calculated to enable a child to make educational progress. A child is entitled to various services and assistive technology to assist the child in the learning

process. Under the law, AT should be considered when determining a free appropriate education for a child and provided whenever it is needed to achieve the child's educational goals.

How do I get assistive technology for my child?

Assistive technology for a child can be obtained through the child's school as so long as the need for AT is documented on the child's Individual Education Program (IEP). An IEP is an agreement between the Department of Education and parent that outlines the programs and services a child will receive. The school is obligated to provide a student with all the services listed in his/her IEP. Whenever possible, assistive technology should be documented on a student's IEP in as much detail as possible.

What if the IEP team does not suggest assistive technology for my child's IEP?

If the Department of Education does not recommend AT for a child and the need for such technology is not reflected in a child's educational evaluations administered by his/her school, it is helpful to obtain independent support from a professional documenting that such technology is needed for the child to make educational progress. An evaluation from an independent professional is typically the support needed. Once the support is obtained, it should be presented at an IEP meeting with a request that the recommended technologies be added to a child's IEP. If an IEP meeting is not already scheduled, a parent may need to request a meeting through his/her child's school or the Committee on Special Education.

What if I want my child's IEP changed to increase or change the AT that is provided?

Similar to requesting that a student be provided with AT, in order to implement a change to the child's AT, the IEP needs to be changed. In some cases, an IEP meeting will need to be arranged, but in other cases, a small change can be made without a meeting. It might also be necessary to present support to the IEP team of the child's need to change his/her AT services.

After a parent has presented a private evaluation to the child's school, can the Department of Education conduct its own evaluation to determine the child's need for AT?

Yes, the Department of Education may do its own evaluation and conclude that assistive technology is or is not needed.

What information should be included in an evaluation accessing a child's AT needs?

An evaluator may include the following information in the report:

- Description of AT devices or services that child needs.
- Description of amount of services or training that should be provided to the child along with the device.

- Explanation of why assistive technology is necessary for the child to make educational progress.
- Discussion of any other services or devices the child has already receives, and its effectiveness.

Who is responsible for obtaining the technology for my child?

Once a child is approved for AT and the technology is listed on the student’s IEP, the student’s school, and ultimately the Department of Education, is responsible for purchasing and obtaining the device for the student. The student’s parents should not bear any costs for the device. Additionally, the school needs to provide the student, his/her parents and other professionals working with the student, training on using the device, if such training is required.

What should I do if my request for assistive technology is denied?

If your request for AT is denied, you have the right to request an impartial hearing to request the denial. For more information about impartial hearings please refer to the New York State Procedural Safeguard Notice which can be found at <http://www.vesid.nysed.gov/specialed/publications/policy/psgn109.htm>

What if my child is under three years old, and not covered by the IDEA?

Under the Early Intervention Program, infants and toddlers with disabilities are entitled to programs and services that are designed to meet their needs to enhance development and minimize developmental delays. An Individualized Family Service Plan (IFSP) will be created for infants and toddlers suspected of having delays. Similar to creating an IEP, the IFSP team should consider whether AT would enhance a child’s developmental needs and minimize his/her developmental delays. Readers can refer to the information above in regard to requesting or changing AT – the process is similar.

TIPS

- **Keep a notebook**
 - Record all phone conversations and in-person conferences and meetings
 - Keep all the papers you received from the DOE
 - Keep letters and envelopes
 - If documents are not dated, note the date you received the document on the back of the document or envelope
- **Send all communications by certified mail or hand deliver them, asking the receiver to initial and date your copy**
- **Always**
 - Keep a copy of everything you give to the DOE
 - take the name of the DOE person you’re dealing with
 - If you can, get title, office, and detailed contact information
 - write it all down for future use

***DUE TO THE GENERAL NATURE OF THE INFORMATION PRESENTED, THIS FACT SHEET SHOULD NOT BE REGARDED AS LEGAL ADVICE. * 10/09**