



Kentucky Assistive Technology Service (KATS) Network 1-800-327-5287

Fact Sheet 4 - Assistive Technology & the IEP

Applications of assistive technology in the classroom open a new world of possibilities in the education of the student with a disability. By adapting a student's environment, such as augmentative communication, adapted computers, assisted pointing, writing devices and daily living tools, a student is able to take full advantage of the educational environment in ways that were never before imagined. Increasing awareness of these new tools and their potential by educators, reinforced by informed parents and federal legislation, is paving the way for the Kentucky Education Reform Act (KERA) goal of self-sufficiency for every student.

By federal law, every student with a disability is entitled to ***"a free and appropriate education in the least restrictive environment."*** In addition, special education and related services must meet the individual needs of each identified student. To determine a student's needs and ensure that they are met, a team develops an Individualized Education Program (IEP), which includes the special education teacher, the regular education teacher parents and often the student. Services listed in the IEP are to be provided by the school at no cost to the parents. The IEP process is the means for providing the assistive technology students may need to receive an appropriate education.

Individuals with Disabilities Education Act (IDEA, P.L. 101-476, as amended)

The Education for the Handicapped Act (EHA) was reauthorized in 1990 as the Individuals with Disabilities Education Act (IDEA, P.L. 101-476, as amended) which now specifically addresses the inclusion of assistive technology in the IEP. The regulations stipulate that:

- 1. The need for assistive technology must be addressed on every IEP;***
- 2. Assistive technology can be special education or a related service;***
- 3. Assistive technology can also be a form of supplementary aid or service utilized to facilitate a student's education in a regular education environment;***
- 4. If participants on the IEP team determine that a student requires assistive technology in order to receive a free and appropriate public education and designate assistive technology as either special education or related service, then the services must be provided at no cost to the parents.***

Although recent federal legislation should increase the access to assistive technology in public schools, it may take some time for the impact to be felt at the local level. Some local school officials may be unfamiliar with the assistive technology provisions and unsure of their responsibilities. Parents, therefore, in order to advocate for their student's rights, should be familiar with the IEP process. Here are some facts that will be of assistance to parents or professionals when they are working with school personnel to develop the IEP.

The Kentucky Department of Education (KDE)

The Kentucky Department of Education (KDE) has provided guidelines that are helpful and can be obtained by either contacting Larry Taylor from KDE at (502) 564-4970 or downloading them from the KY DOE homepage at <http://www.kde.state.ky.us/KDE/Instructional+Resources/Exceptional+Children/Forms+and+Documents/Technical+Assistance+Manuals+and+Documents.htm>

- Parents have the right to request that certain services, such as assistive technology, be included in the student's IEP. They should be prepared to discuss why such services are important for the student's education. Keep in mind that any services included in an IEP must implement specific IEP goals and objectives, which are designed to address the student's specific needs.
- IEP's must list all special education (specially designed instruction) and related services (services that

are necessary for the student to benefit from special education), which are required for the student in one instructional year.

- IEP's MUST be individually designed to meet the needs of the student and not to fit into pre-existing programs or services for the sake of administrative convenience.
- The lack of available existing services or the lack of sufficient funds CANNOT be used by school personnel as a reason to deny services or to eliminate a needed service from the IEP.
- All special education and related services that are needed to implement the IEP goals and objectives MUST be listed in the IEP, even if they are not available through the local school.
- Evaluation results are the key to what is included in the IEP; therefore, it is critical that evaluations accurately reflect how assistive technology will meet the needs of the student.
- The IEP team may, at the discretion of the parents or agency, include other individuals who have knowledge or special expertise regarding the student.
- The IEP is a written commitment on the part of the school to provide specified services. Parents are entitled to and should ensure that they receive a copy of the finished document.
- According to the new regulations, Section 300.308 has been amended to clarify that on a case by case basis, the use of school-purchased assistive technology devices in a student's home or in other settings is required if the student's IEP team determines that the student needs access to those devices in order to receive a free and appropriate education.

The Appeals Process

A new section on mediation has been added to the amendments, which requires that public education agencies ensure that procedures are established and implemented to allow parties to resolve disputes through a mediation process. The mediation process must be voluntary on the part of the parties and conducted by a qualified and impartial mediator. The State must maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services and must bear the cost of the mediation process. Provisions are also added to ensure that discussions that occur during the mediation must be confidential and not used as evidence in due process hearings or civil proceedings, and the parties may be required to sign a confidentiality pledge.

At any point, parents may choose to request a due process hearing or bring a civil action suit against the school in courts. Parents can seek assistance and advice with their appeals from Protection and Advocacy at (800) 372-2988 (Voice/TTD).

For Assistance

Copies of the following sources used for this Fact Sheet, as well as other information can be obtained from the Kentucky Assistive Technology Service Network at (800) 327-5287.

- The Buck Starts Here... A Guide to Assistive Technology Funding in Kentucky; Revised December 2005; The Kentucky Assistive Technology Service Network, Louisville, KY.
- Obtaining Assistive Technology from your local school district; Revised 1998; Protection and Advocacy Division, Department of Public Advocacy, Frankfort, KY.
- Assistive Technology Guidelines for Kentucky Schools; 1997; Kentucky Department of Education, Frankfort, KY.
- Obtaining Assistive Technology through the Public Schools, August 1996; AT Advocate, National Assistive Technology Advocacy Project, Buffalo, NY.
- Golinker, Lewis; Common Funding "Excuses" Related to Computers and Environmental Control Devices; September 1991; Ithaca, NY.

