Assistive Technology: Who is Responsible for Providing?

The legal cornerstone for providing assistive technology devices and services is found in Section 300.105 in the Federal Register based on the most recent re-authorization of IDEA:

1. Each public agency shall ensure that assistive technology devices and assistive technology devices and 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).
2. 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.

Section 300.105 clearly states that the school system is responsible for addressing assistive technology when it is required as a part of the student’s special education services, related services, or supplementary aids and services. Use of school provided assistive technology is not limited to the school setting. Section 300.105 clearly specifies that school-purchased assistive technology may be made available in the child’s home or in other settings if the IEP team determines that the child requires assistive technology to receive a free and appropriate public education (FAPE).

The inclusion of the statement regarding home use of school-purchased assistive technology has significant implications for school systems. In the past, many school systems have been reluctant to provide technology in the home setting. As a result of this requirement, it is evident that the provision of school-purchased assistive technology in the home setting is the decision of the student’s IEP team. School systems should not develop policies, procedures, or operating guidelines that negatively impact the IEP team’s ability to address and provide for the use of assistive technology in settings other than the school. As more technology is provided in the home setting, school systems will have to address whether or not parents should be held liable for loss of a device or for damage to a device beyond normal wear and tear.