

# *American Society for Deaf Children*

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## **What's the IDEA\* About Assistive Technology and Services?**

If your child is eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA), the Individualized Education Program (IEP) Team must consider whether he needs assistive technology devices and services. Under IDEA, an 'assistive technology device' is:

any item, piece of equipment, or product system . . . that is used to increase, maintain, or improve functional capabilities of a child with a disability.

Assistive technology devices could include hearing aids, FM systems, captioning systems, and other types of devices depending on the needs of the child. They can include devices related to a child's needs other than hearing loss, such as mobility or vision needs. The question to be asked in discussions about assistive technology is "Is this needed in order for my child to receive a Free Appropriate Public Education (FAPE)?" (See What's the IDEA about the Individuals with Disabilities Education Act, ASDC 2006) The U.S. Department of Education has stated that if a child's IEP Team specifies that a child requires a personal device (such as a hearing aid) in order to receive FAPE, the public agency must provide the device at no cost to the child's parents.

IDEA and its regulations state that assistive technology devices do not include cochlear implants, or the replacement of cochlear implants.

An 'assistive technology service' is any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. Assistive technology services include:

- evaluating the needs of the child. This could include providing a functional evaluation of the child in the child's customary environment, such as the classroom.;
- acquiring the device(s) for the child. This can be done through purchase, lease, or other means. It is the school's responsibility to acquire the devices needed for FAPE.;
- selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
- providing training or technical assistance for the child, or, where appropriate, the

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\* The "What's the IDEA" series describes various sections of the Individuals with Disabilities Education Act. This is educational material, not legal advice. ASDC assumes no liability for this material. © American Society for Deaf Children, 2006.

family of the child; and

- providing training for professionals who work closely with the child.

On a case-by-case basis the child may be permitted to use school-purchased assistive technology devices at home or in other settings if the IEP Team determines that the child needs access to those devices in order to receive FAPE.

The regulations to IDEA clarify schools' responsibilities regarding "related services" for cochlear implants. Related services are services the school provides to help a child benefit from special education, such as speech therapy, interpreting, or transportation. The regulations:

- specifically exclude cochlear implants from the definition of related services; and
- exclude the optimization of the implant's functioning, such as mapping, maintenance of the device, or replacement of the device.

The regulations state that nothing in the rules:

- limits the right of a child with a cochlear implant to receive related services that are determined by the IEP Team to be necessary for the child to receive a Free Appropriate Public Education.
- limits the responsibility of a public agency to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the child while the child is transported to and from school or is at school; or
- prevents the routine checking of an external component of a cochlear implant to make sure it is functioning properly.

The U.S. Department of Education explained these provisions when they were published in the Federal Register on August 14, 2006. It said, in part:

[A] child with a cochlear implant may still require related services, such as speech and language therapy, to process spoken language just as other children with hearing loss who use hearing aids may need those services and are entitled to them under [IDEA] if they are required for the child to benefit from special education. Each child's IEP Team, which includes the child's parent along with school officials, determines the related services, and the amount of services, that are required for the child to benefit from special education . . .

The regulations also require schools to check hearing aids and the external component of cochlear implants to make sure they are functioning properly. The regulations again say that public agencies are not responsible for the post-surgical maintenance, programming, or replacement of an implanted medical device or of an external component of a surgically implanted medical device. The Department stated:

[P]ublic agencies have an obligation to change a battery or routinely check an external component of a surgically implanted medical device to make sure it is turned on and operating. However, mapping a cochlear implant (or paying the costs associated with mapping) is not routine checking . . . and should not be the responsibility of a public agency.

IDEA requires that the Individualized Education Program (IEP) Team consider the child's need for assistive technology and services when the child's Individualized Education Program (IEP) is being developed. Parents have the right to provide input as to which assistive technology and services they believe should be made available to the child. Knowing the needs of the child and the types of assistive technology and services that exist will help parents and professionals in this process.

10/06