

## **THINGS TO REMEMBER ABOUT AT FUNDING FOR SCHOOLS**

Students sometimes pay for and bring family-owned AT to school. If the device breaks or needs repair, the district can be asked to pay for these repairs if the AT is mentioned in the child's IEP or Section 504 plan, or is otherwise necessary for the child to benefit from his or her education.

Having the district pay for the repairs makes sense since the agency would otherwise be required to purchase and maintain the needed device.

Under IDEA (but not necessarily ADA or Section 504), when a district has determined that a child with a disability requires a hearing aid in order to receive FAPE and the child's IEP specifies that the child needs a hearing aid, the district is responsible for providing the hearing aid at no cost to the child and his or her parents.

A school district cannot require parents to seek outside funding for AT through Medicaid, private insurance or other sources. It is the school district's responsibility to provide AT when needed. School districts also may not force parents to use their private insurance when the parents would face a realistic threat of financial loss such as: (a) an increase in premiums or discontinuation of a policy; (b) an out of pocket expense, such as a deductible (districts should pay these), or (c) a decrease in available annual or lifetime coverage. However, schools are free to seek out and use funding from other sources including Medicaid and vocational rehabilitation as long as the process does not delay the provision of needed services.

The student's initial assessment for special education services should include an AT assessment because a child must be assessed in all areas related to a suspected disability. AT assessments focus on the extent to which the student would benefit from the use of assistive devices in terms of maintaining, increasing or improving functional capabilities. Both state and federal regulations require school districts to ensure that AT is provided to the student, if needed, as part of a child's special-education-related services or supplementary aids and services. As defined by IDEA, AT services clearly include AT assessments.

Whether funded under Section 504, ADA or IDEA, if the school district pays for an AT device, it remains the property of the district. If the device is purchased by the family, through private insurance or through Medicaid or DVR, then ownership rests with the child and his or her parents.

Students should be permitted to take AT home when they need it to do homework or otherwise achieve FAPE. Before taking a device home, the child's family should confirm that the school district's insurance will cover any loss or damage to the device. To the extent that the district charges families for damage to other school-owned equipment which is sent home (e.g., musical instruments), the district may have the right to charge for damage to school-owned AT, unless it stems from normal wear and tear. On the other hand, the school remains obligated to maintain the device in good repair and cannot condition a child's ability to take the device home on the

family's ability to pay for repairs. Some districts ask parents to sign a statement indicating that they will be responsible for the device if it is lost, stolen or broken due to mishandling. This may not be enforceable under IDEA; it is clear that districts cannot hold parents responsible for the normal wear and tear of AT. In any event, you should find out how to care for the AT. You also should be sure that there is adequate insurance coverage through the district or your homeowner's or renter's policy to cover replacement.

If necessary for the child to receive FAPE, the school district is responsible for ensuring that training for the child, parent, teacher or other special education professional on use of the AT is provided. The definition of AT services included in both federal and state law includes training for an individual with disabilities or, if appropriate, for the family of an individual with disabilities as well as training for professionals providing education and rehabilitation services.

If a school district refuses to pay for AT you think your child needs, you have several options. You may decide to search out other, independent sources of funding such as Medicaid, private insurance or vocational rehabilitation. The advantage of this approach is that technology purchased with these funds will belong to the child, not the district. You can also ask the district to consider cost sharing—e.g., you buy the device and the district pays for training.