

**Technical Assistance Paper**

312097

**The Transfer of Assistive Technology to Home,  
Other Districts, Other Schools, and Other Agencies****Background**

When a student is provided with assistive technology products or services, it is a statement by the individual educational plan (IEP) team that the assistive technology is needed to maintain or improve the functional capabilities of the student and consequently provide greater benefit from the educational program.

When the student transfers from one setting to another, the assistive technology continues to be necessary to the student's educational achievement. Transfer of assistive technology, however, often poses particular difficulties for districts that have purchased the technology and raises questions related to the transfer of district equipment.

This technical assistance paper (TAP) addresses questions related to the transfer of assistive technology from one location to another.

- Information is provided regarding the school district's responsibility when students wish to take assistive technology home during the school year or over the summer.
- Information regarding school district's responsibilities in transferring assistive technology to other classrooms, schools, districts, and states is included.
- Information regarding provisions for the transition of assistive technology following graduation is also addressed.

This TAP is intended to address issues frequently encountered by parents, educators, and administrators regarding the transfer of assistive technology. Information is presented in question-and-answer format to clarify legal requirements and suggested effective practices in the provision of assistive technology.

**Owning, Purchasing, and Maintaining Assistive Technology****1. Who owns the assistive technology that is purchased for the student?**

If the school district purchases the device, it belongs to the school district, and the IEP team is bound by the school district's policies regarding the transfer and disposal of the equipment. With other funding, the device may belong to the student. If the equipment is the student's personal property (e.g., not purchased by the district) the district's policies do not

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apply. The following options are available for the funding of this technology. The school district may

- pay for the device, service, or programs
- utilize other resources to provide the equipment
- cooperatively fund the device and services.

Other resources may include but are not limited to Medicaid, foundations, fraternal and social organizations, religious groups, charitable organizations, businesses, and individuals (34 CFR § 300.308).

Most other options for funding, such as Medicaid or private insurance, allow the technology to become the property of the student. Consequently, private ownership solves many issues related to the transfer of equipment from one location to another.

Funding is the deciding factor in ownership. Ownership is the deciding factor in the transfer of technology.

**2. Can schools require the parents to purchase assistive technology devices or services identified in a student's IEP or require the families to use their own private health insurance to pay for the devices and services?**

No, it is the responsibility of the school district to provide the equipment, services, or programs identified in the student's IEP. The "free" in "free appropriate public education" is extremely significant regarding students with disabilities who may require assistive technology devices or services. The Individuals with Disabilities Education Act (IDEA) states that all special education and related services identified in the student's IEP must be provided "at no cost to the parent."

**3. If families choose to use their insurance or other funding, may assistive technology purchased by these methods be sent to school to be used to implement the student's IEP?**

The school district may use technology purchased by families' private insurance or purchased by other means to meet IEP goals (34 CFR § 300.142(f)). However, if the families' insurance is used, family members must be aware of future consequences of using private insurance to assure that they are not adversely affected by this decision. The school can pay for the deductible or co-payment with IDEA Part B funds (34 CFR § 300.142(g)(2)).

**4. Who is responsible for maintenance and repair of the assistive technology?**

During the course of its use, the school district is responsible for maintenance and repair of technology required to meet IEP goals. If parents agree to use family owned assistive technology to fulfill the IEP, the school is still responsible for maintenance and repair. (OSEP Policy Letter to Anonymous, 21 IDELR 1057 [8/9/94]).

**5. If the school district owns the assistive technology equipment, can the student take the equipment home?**

Yes, if the student's IEP states that the student needs access to a device in the home or other settings in order to receive a free appropriate public education, the technology must be provided to implement the IEP. IEP teams make this decision on a case-by-case basis (34 CFR § 300.308).

**6. May a student who is in a hospital/homebound program receive assistive technology equipment and services?**

Yes, if the student is enrolled in public school and an IEP was developed prior to enrollment in the hospital/homebound program, then the student must be provided all technology and services as stated in the IEP.

If the student is enrolled in public school and was not assigned assistive technology and did not have an IEP prior to the enrollment in the hospital/homebound program, then the student must be referred to the exceptional student education (ESE) evaluation team and district procedures for an assistive technology evaluation must be followed. If the student meets the requirement for an ESE program, the student must be provided with all assistive technology determined by the evaluation team and stated in the IEP.

**Transfer of Assistive Technology Devices**

**7. Does the assistive technology device transfer with the student when the student moves from one school to another in the same district?**

If an assistive technology device is necessary to implement the requirements of the student's IEP, such equipment must be provided in the school the student attends. The same device may not necessarily follow the student from one school to another, but a comparable device that fulfills the IEP requirements must be provided in the new school.

**8. Does the assistive technology device transfer with the student when the student moves from one school district to another?**

The sending district may choose to offer the device or equipment to the receiving district, offer the device to another student in the sending district's program, offer the device to another federally funded program, or dispose of the device according to school district policy. Since students profit from continual use of the same technology, districts are encouraged to transfer equipment with the student.

**9. What happens when a student moves to another school without transferring the assistive technology and the new school's IEP team does not recommend provision of an assistive technology device?**

The parent or personnel of the former school should provide information on the prior use of assistive technology to the IEP team. The parent should meet with the IEP team and request

that assistive technology be considered as a means to access the special or general education curriculum in the new setting. The parent should request that the IEP team provide a classroom trial and training on the former assistive technology to determine its application to the new school's classroom program. If this request is not successful, the parent may request mediation to help clarify and resolve issues about the purchase or implementation of the assistive technology. If the issues can not be resolved and the parents request a due process hearing, the new school must provide the device until the case is resolved. (OSEP Policy Letter to Reiser, U. S. Dept. of Education, Office of Special Education Programs, 7/17/86, 2 Education, Handicapped L. Rep. 211:403)

**10. If a student moves to another state, what happens to the assistive technology device?**

Districts are encouraged to transfer equipment with the student and may choose to release a district owned device.

**11. If the student is eligible for extended school year services, may the student have access to assistive technology devices and services during this time?**

Yes, if assistive technology identified in the IEP is assigned for a student's educational program, the student may use the assistive technology during the extended school year.

**12. Can the assistive technology be taken home during the summer months?**

Yes, the device may be taken home during the summer if the IEP specifically addresses the educational goals that necessitate the use of the device during the summer months.

**13. Are school districts required to provide assistive devices to students in private schools?**

The answer to this question depends on the specific situation.

Students with disabilities who have been placed in private schools by their parents do not have an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school. However, under the requirements of the Individuals with Disabilities Education Act (IDEA), school districts must make some provisions for offering services to students with disabilities enrolled in private schools. The school district is required to spend an amount equal to a proportionate amount of federal funds made available to the district under Part B of IDEA. Through meaningful consultation with private schools, decisions are made regarding which students will be served and what services will be provided. If it has been determined that a district will provide services to students with disabilities who attend a specific private school and assistive technology is a service the district has agreed to provide, then this decision would be recorded on the student's services plan and the district would provide the service.

If the school district places the student in the private school through the provisions of Rule 6A-6.0361, FAC, "Contractual Arrangements with Nonpublic Schools" and the IEP team determines that assistive technology is a need for the student, then the district would have an obligation to provide this service.

## **Transition of Assistive Technology to Post-Secondary Settings**

### **14. Can students take the assistive technology with them when they graduate?**

District policy and the transition IEP will determine if the technology device can transition with the student. If the family or another funding source purchases the device for the student, it is the property of the student and may be used by the student for post-graduation activities.

### **15. What is the responsibility of the IEP team for the transition of assistive technology devices and services?**

If a device is needed by a student to benefit from his or her educational program, a device will be needed for post-secondary education, employment, and work-related services. In order to assure the transition of assistive technology devices and services at graduation the following provisions must be met:

- On or before the student's 14th birthday, or earlier if determined by the transition IEP team, and annually thereafter, the IEP must include a statement of transition service needs that focus on courses of study (34 CFR § 300.347(b)(1)). For assistive technology, this course of study should include training for independence on the technology the student is using. Independence in using and understanding the technology is a key factor in successful transition upon graduation. Advocacy training should also begin at this time to help the student become an advocate for technology needed after graduation.
- On or before the student's 16th birthday and annually thereafter, the transition IEP team should include a statement of needed transition services and agencies' responsibilities and linkages (34 CFR § 300.347(b)(2)). For a student with technology needs, the IEP should include a statement of needed assistive technology transition services for the student including a statement of agency assistive technology provision and/or support responsibilities and service linkages. The needed assistive technology transition services for the student could be the replacement of current technology, continued support for current technology, or funding of new technology to support additional post-graduation responsibilities.

### **16. Who pays for the assistive technology and support that may be needed in post-secondary activities?**

The transition IEP team should identify the appropriate agencies and begin to explore the availability of funding.

### **17. Are these agencies required to attend the transition meeting and fund the assistive technologies needed in the post-secondary setting?**

No, but the transition IEP team can increase the probability that this will occur. If the agency invited to send a representative to a meeting does not do so, the transition IEP team shall take steps to obtain the participation of another agency (34 CFR § 300.344(b)(3)(ii)).

**18. How can the IEP team advocate for needed assistive technology?**

Upon parental consent, the transition IEP team can provide a copy of the transition IEP to the agency and request a commitment from the agency. This action should be documented in the IEP. The IEP team should describe all services and assistive technology equipment in detail so the level of resources and necessary support is clear. These procedures can start when the student is as young as age 14, if appropriate.

**19. How can a student be a good self-advocate for post-graduation assistive technology support?**

The student should receive training on self-determination and self-advocacy. The student should also have a complete understanding of the assistive technology and services needed and be prepared to use the technology as independently as possible. Transition IEP goals should address those skills needed for self-advocacy and independence in selection and use of assistive technology.

**20. What if the agency fails to provide the assistive technology to which it has committed?**

If the participating agency fails to provide the agreed upon transition services described in the transition IEP, the IEP team shall reconvene to identify alternative strategies to meet the transition goals.

**21. When developing the post-school outcome statement in the IEP, can a parent, student, or transition IEP team member bring an expert to explain the technology that would be useful in a post-secondary setting?**

Yes. Parents should notify the transition IEP team that an expert will be attending the meeting, allowing the team to plan time for a discussion with the expert. Team members must inform the parents of the participation of other individuals provided by the district to the IEP team who have knowledge or special expertise about assistive technology.