



Access to Assistive Technology, Auxiliary Aids, Services, and Accommodations ***When Policy Intends to Limit or Ban Use of Assistive Technology in PreK-16 Schools***

Federal disability and education civil rights laws protect, promote, and support access to assistive technology (AT), auxiliary aids, services, accommodations, and other supports for students with disabilities in PreK-16 schools.¹ Students who qualify under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 (504) and/or the Americans with Disabilities Act (ADA) must be provided the AT devices, auxiliary aids, services, reasonable accommodation, and other supports necessary to have meaningful access and engagement in education.² Parents, as equal partners in the development and implementation of a child's Individualized Family Service Plan (IFSP), Individualized Education Program (IEP) or 504 Plan, must be assured that their child's IFSP/IEP/504 Plan includes the types of AT and/or other auxiliary aids, services and/or accommodations necessary to access their education alongside their nondisabled peers.

Given the well-established requirements and protections set forth in federal law, the Consortium for Constituents with Disabilities (CCD) Education Task Force advises the U.S. Congress and Administration to **ensure that any legislation or policy designed to impact access to computers, screen time, cell phones and/or other technology in schools *must not* undermine the IFSP/IEP/504 Plan provisions that promote and support the meaningful inclusion of students with disabilities in the general classroom and their access to educational instruction, curricula, materials or information essential to attend and stay in school.** Additionally, such policies must not incentive districts and schools to ostracize and/or segregate students with disabilities from their peers to receive instruction, support, services or information as required by their IFSP/IEP or 504 Plan. If a student with a disability requires a computer, tablet, cell phone/app, or other device but such device is prohibited to other students, the student with a disability must continue to have access to such device in their normally assigned classroom.

¹ See: C.F.R. 29 § 794 (Section 504 of the Rehabilitation Act of 1973 requiring auxiliary aids be provided to qualified students); 34 C.F.R. § 300.324(a)(2)(v) and (b)(2) (Individuals with Disabilities Education Act requiring the IEP Team [each time it meets] to consider whether the child requires AT devices and services); 42 U.S.C. § 12111(9) (the Americans with Disabilities Act (ADA) defining reasonable accommodations for individuals with disabilities); and, 42 USC Chapter 126, §12132 (the ADA's requirement that no qualified individual can be excluded from participating in or denied benefits from a public entity's services, programs, or activities).

² See: *Myths and Facts Surrounding Assistive Technology Devices and Services*, U.S. Department of Education, 2024 at: <https://sites.ed.gov/idea/files/Myths-and-Facts-Surrounding-Assistive-Technology-Devices-01-22-2024.pdf>. See also: *Return to School Roadmap*, U.S. Department of Education, 2021 (see specifically C1 & C2) at: https://sites.ed.gov/idea/idea-files/return-to-school-roadmap-development-and-implementationof-ieps/#citem_78e4-161f

Examples of a student with a disability requiring AT that may inadvertently be included in a policy designed to limit or ban access during school hours:

- a student with a specific learning disability (e.g., dyslexia) who requires a computer throughout the day to take notes/access video in lieu of text;
- a student with diabetes requires a cell phone with an app designed to monitor their blood-glucose level;
- a student with a hearing impairment who requires a cell phone to caption audio throughout the day;
- a student studying with a group who requires their AT to communicate/study with other students to complete a group assignment.

CCD looks to Congress and the Administration to enforce the laws that ensure students with disabilities have full access to the range of services, AT, interventions, and other supports they require so they can succeed and achieve the same educational outcomes as their peers.

Signed,

Access Ready, Inc.
Allies for Independence
American Council of the Blind
American Music Therapy Association
American Printing House for the Blind (APH)
Assistive Technology Industry Association
Autism Society of America
Autistic Self Advocacy Network
CAST
Center for Learner Equity
Children and Adults with Attention-
Deficit/Hyperactivity Disorder
Council for Exceptional Children
Communication 4 ALL
CommunicationFIRST
Council for Learning Disabilities
Council of Parent Attorneys and Advocates (COPAA)

Disability Belongs
Disability Rights Education and Defense Fund (DREDF)
Division for Early Childhood of the Council for
Exceptional Children (DEC)
Division for Learning Disabilities of the Council for
Exceptional Children
Muscular Dystrophy Association
National Center for Learning Disabilities
National Down Syndrome Congress
National Down Syndrome Society
Perkins School for the Blind
School Social Work Association of America
TASH
The Advocacy Institute
The Arc of the United States
Tourette Association of America

Please contact any of CCD's cochairs with questions.

Kim Musheno
Autism Society of America
kmusheno@autismsociety.org

Laura Kaloi
Council of Parent Attorneys and Advocates,
Center for Learner Equity, CAST and ATIA
lkaloi@stridepolicy.com

Lindsay Kubatzky
National Center for Learning Disabilities
lkubatzky@nclld.org

Robyn Linscott
The Arc of the United States
linscott@thearc.org

Stephanie Flynt
National Disability Rights Network (NDRN)
Stephanie.flynt@ndm.org

The CCD Education Task Force monitors federal legislation and regulations that address the educational needs of children and youth with disabilities and their families, including regulatory efforts under federal laws such as the Individuals with Disabilities Education Act (IDEA), the Every Student Succeeds Act (ESSA), Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA). We advocate for high expectations for children with disabilities under these and other laws.

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