

FUNDING FOR ASSISTIVE TECHNOLOGY: TRANSITIONING FROM SECONDARY SCHOOL TO VR AND WORK

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Many people ask: To what extent can Assistive Technology (AT) follow an individual with a disability who moves from secondary school to postsecondary education, vocational rehabilitation, and/or work?

The answer is, it depends on who paid for the AT and the terms and conditions included in the Memoranda of Understanding entered into between public agencies. Policy research stipulates the following:

1. **AT purchased by a school system belongs to the school system.** It should be noted that each public agency must ensure that AT is made available to a child with a disability if required as a part of the child's individualized education program (IEP). 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 a free appropriate public education (FAPE).
2. AT used to provide students with a free appropriate public education **purchased through private insurance or Medicaid belongs to the individual.** It should be noted that the Individuals with Disabilities Education Act (IDEA) includes specific rules governing the circumstances under which school systems may access a child's or parent's public benefits (Medicaid) or private insurance.
3. **AT purchased by the state vocational rehabilitation (VR) agency belongs to the VR agency but ownership may be transferred to the individual under certain circumstances.** In some cases, clients are allowed to keep the AT after the employment goal has been achieved and the case has been closed. For example, when it is in the best interests of the client, it can be argued that the state VR agency must continue to allow the client to use an AT device. In some cases, however, the state VR agency may require participants to sign an "equipment contract," stipulating that, in the event of termination or achievement of employment, the device must

be returned to the State VR agency. An individual plan for employment (IPE) must empower individuals with disabilities to “maximize” their employment and economic self-sufficiency. Also VR regulations provide that each service must be sufficient in amount, duration, and scope to reasonably achieve its purpose. AT and post-employment services are among the vocational rehabilitation services that may be included in an IPE to address an individual’s unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. Post-employment services are available to assist an individual to maintain or advance in employment. For example, an IPE may specify that an individual who requires AT to maintain his or her employment or for “career advancement” or “upward mobility” must be provided such AT by the state VR agency.

4. School systems, state VR agencies, and Medicaid agencies are required under IDEA and Title I of the Rehabilitation Act to enter into **Memoranda of Understanding** or to use other vehicles to coordinate the funding of services and supports, including AT. Thus, these MOUs may describe funding arrangements that allow the AT to follow the person even after he or she has transitioned out of the program (e.g., secondary school) to another program. For example, a MOU could specify that ownership of AT purchased by a school system may/shall be transferred to the state VR agency; or the school system may/shall “sell” the AT to the VR agency; or ownership of the AT may/shall be transferred to the individual. Similar MOUs must be created and entered into between the school systems and State Medicaid agencies.

In 1998, the Office of Special Education Programs (OSEP) clarified that, under IDEA, once a student leaves school for the VR program, the school district can transfer ownership of the equipment to the State VR agency provided the school district has determined that it no longer needs the device in connection with its IDEA program or for any other federally-supported project or activity that it conducts. [View the related IDEA regulation and statute](#)¹.

RESOURCES

- [WORK, ASSISTIVE TECHNOLOGY AND TRANSITION AGE YOUTH \(pdf\)](#)²
- [GUIDELINES FOR THE PROVISION OF ASSISTIVE TECHNOLOGY TO STUDENTS \(pdf\)](#)³
- [FUNDING ASSISTIVE TECHNOLOGY THROUGH STATE MEDICAID PROGRAMS \(pdf\)](#)⁴

1 https://www.leadcenter.org/system/files/resource/downloadable_version/IDEA-regulation-statute-related-assistive-technology.docx

2 <http://resnaprojects.org/documents/uploads/Work%20AT%20and%20TAY.pdf>

3 <https://www.nd.gov/dpi/uploads/60/ATGuidelines.pdf>

4 <http://nls.org/files/Disability%20Law%20Hotlines/National%20AT%20Advocacy/Medicaid%20DME%20Manual%20FINAL%20Nov%202015.pdf>