

# CLIENT NEWS BRIEF

## New Law Will Allow Students With IEPs To Take Assistive Technology Devices Home With Them

Governor Newsom recently signed Assembly Bill (AB) 605, which will require local educational agencies (LEAs) to allow students to use school-purchased assistive technology devices at the student's home or in other settings when the student's individualized education plan (IEP) team decides on a case-by-case basis that access to those devices is necessary in order for the student to receive a free appropriate public education (FAPE). This new law takes effect on January 1, 2020.

Current law states that LEAs (including school districts and charter schools) are responsible for providing specialized equipment, including assistive technology devices, for use at school when it is needed to implement a student's IEP. An "assistive technology device" is defined as any item, piece of equipment or product system that is used to increase, maintain or improve the functional capabilities of a student with exceptional needs. Assistive technology devices come in many forms, and may be low-tech or high-tech, and include items such as wheelchairs, voice-activated computers, large-print books, pencil grips, and many other types of equipment.

Frequently they are used by students with limited or no verbal communication skills. According to the author of AB 605, when such students are required to leave an assistive technology device at school, "they are essentially losing their voice when they go home."

AB 605, which adds new section 56040.3 to the Education Code, will also require LEAs to continue to provide students with exceptional needs who require the use of assistive technology devices to have continued access to the devices, or comparable devices, for up to two months after the student leaves to enroll in another LEA, or until alternative arrangements can be made.

Going forward, it is important that IEP teams consider whether students with exceptional needs may obtain educational benefit from the use of their school-owned assistive technology devices when away from school, and that staff are aware that these devices may need to be made available for students to use at home and other locations away from school, as determined by the students' IEPs.

If you have any questions about AB 605, or education of students with exceptional needs in general, please contact the author of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also subscribe to our podcast, follow us on [Facebook](#), [Twitter](#), and [LinkedIn](#) or download our [mobile app](#).

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