

## ***U.S. Federal Legislation and Policy Which Applies to Assistive Technology***

<b>Law or Policy Letter</b>	<b>Date</b>	<b>Basic Content that Applies to Assistive Technology</b>
Rehabilitation Act 93-112	1973	Reasonable accommodations and LRE mandated in federally funded employment and higher education - AT devices and services required.
Vocational Rehabilitation Act, Section 504	1973	Basic civil rights protection to individuals with disabilities, protection for students with orthopedic impairments or other disabilities that would not qualify them for special education. AT can be use as an accommodation to allow students to take part in activities.
Education for All Handicapped Children Act (EHA) 94-142	1975	Reasonable accommodations LRE are extended to all school age children, IEP mandated, AT plays a “major role” in gaining access to the educational programs.
Espino v. Besteiro, S.D.Tex. 1981	1981	Child who could not regulate his body temperature was entitled to a fully air-conditioned classroom, not an air-conditioned plexiglass cubicle where he would be isolated from his peers. (LRE with air conditioning as AT)
Preschool and Infant/ Toddler Program (amendments to EHA)	1986	Reasonable accommodations and LRE are extended to children from ages 3 - 5, expands emphasis on educationally related assistive technologies.
Rehabilitation Act Amendments	1986	Provisions for the addition of assistive technology to be included in state plans and in individual IWRP. Section 508 demands access to electronic office equipment for all Federal employees.
Reiser, OSEP Policy Letter	1986	If a family move and leaves the AT device behind, the new school must provide that device until the case involving its need/ use is resolved
Technology Related Assistance for Individuals with Disabilities Act (Tech Act) 100-407	1988	First federal legislation directly related to assistive technology, stresses consumer driven services and systems change, Section 508 extended to all states. The terms “assistive technology device” and “assistive technology services” are defined.
Reich, OSEP Policy Letter	1988	When AT is used as a “supplemental aid and service,” it must be included in the IEP.
Stohrer, OSEP Policy Letter	1989	If a wheelchair is required, the district must provide the service at public expense and without charge, regardless of whether the parents possess a wheelchair or can obtain one through private insurance. However, the district is not required to provide the wheelchair for personal use while the student is not in school.
Goodman, OSEP Policy Letter	1990	Case by case determination. AT is required if needed as part of FAPE, AT can be used to maintain a child in the least restrictive environment. AT is to come at no cost to parent or child.
Reauthorization of the Rehabilitation Act	1990	Formally adopted the same definitions and terminology as IDEA, also mandated that rehabilitation technology be seen as “a primary benefit” to be included in the IWRP.
Americans with Disabilities Act (ADA) 101-336	1990	Provisions including assistive technology are recognized in the areas of public accommodation, private employment, transportation, and telecommunications - extends 503, 504, and 508 to all citizens.

Law or Policy Letter	Date	Basic Content that Applies to Assistive Technology
Individuals with Disabilities Education Act (IDEA) 101-496	1990	Specifically defined assistive technology devices and services as well as carefully delineating how they apply to education.
Libous Letter, OSEP Policy Letter	1990	Even if AT were considered only a related service, it could be provided as the sole component of a summer program.
Anonymous Letter, OSEP Policy Letter	1991	The School Board cannot change the decisions of an PPT regarding the implementation and need for assistive technology
Anonymous Letter, OSEP Policy Letter	1991	If an IEP determines that an AT device is needed for home use to ensure a FAPE, it must be provided (example given – a closed circuit TV).
64 Fed. Reg. 12540 (comments)	~1991	Parents cannot be charged for normal use, and wear and tear, but that state law, not the IDEA, will generally govern parent liability for theft, loss, or damage due to negligence or misuse of AT at home or in other settings.
Rose, OSEP Policy Letter	1991	The AT must be provided at no cost to the child or parent. The LEA may access Medicaid or private insurance with no cost (co-pays, deductibles, etc.) to the parents.
Lambert, OSEP Policy Letter	1992	Calculators may qualify as AT devices.
Anonymous Letter, OSEP Policy Letter	1992	An FM training system qualifies as an AT device.
Seiler Letter, OSEP Policy Letter	1993	Hearing aid can be an assistive technology device and the school must provide it if it is part of the IEP (needed for the child to benefit from his or her education).
Moore Letter, OSEP Policy Letter	1993	School district funds can be used to purchase a computer for a student with disabilities attending a parochial school if the computer is provided to assist the child to learn or communicate, not for religious instruction.
Anonymous Letter, OSEP Policy Letters	1994	If the parent provides the AT device, it is reasonable for the school to assume liability for the device when used during school hours and for maintenance. The school can ask the parent to use private insurance to finance AT devices or services, but the parents do not need to do this.
Various Letters, OSEP Policy Letters referring to specific devices	1989 – 1996	A list of acceptable AT cannot be made that excludes any devices. AT devices and services could include orientation and mobility services for students who are blind, large print books, adapted spoons, an FM auditory trainer, and/or calculators, pulmonary nebulizer, optical scanner with speech output, and a bus lift as examples.
Teague, OSEP Policy Letter	1994	Large print books and adapted spoons can be assistive technology.
Galloway, OSEP Policy Letter	1994	Personally prescribed hearing aid may be considered assistive technology if put in IEP (needed for the child to benefit from his or her educational program).
Favorito letter, OSEP Policy Letter	1995	AT devices required by a child in order to benefit from an educational program might also include changes in lighting, cooling, and/or carpeting.
Bachus Letter, OSEP Policy Letter	1995	Eyeglasses can be considered an assistive technology device if they are needed for the child to benefit from his or her educational program.

Law or Policy Letter	Date	Basic Content that Applies to Assistive Technology
Anonymous Letter, OSEP Policy Letter	1995	An assistive technology evaluation is like just any other evaluation, and parents have the right to ask for an independent evaluation if they disagree with the school's evaluation.
Shelby Letter, OSEP Policy Letter	1995	When AT is provided to educate a child in the regular education environment, any modifications must be included in the IEP. (subject- large print books).
Naon Letter, OSEP Policy Letter	1995	There is no federal approved list of AT devices.
Fisher, OSEP Policy Letter	1995	The IEP team must assess the "student's functional capabilities and whether they may be increased, maintained, or improved through the use of AT devices or services" A parent has the right to an independent AT evaluation at school expense in the parent disagrees with the school's evaluation findings.
IDEA Amendments	1997	Assistive technology needs must be <b>considered</b> during the discussions involving a student's IEP – consideration includes determining whether a child should receive AT and if so, the nature and extent of the AT to be provided. The student's access to FAPE outside the school environment to the home or other settings further strengthens the use of AT in these environments. The consideration mandate also infers that the team has sufficient knowledge of AT devices and services to make the determinations about AT use for children. AT falls under the definition of "supplementary aid and services"
Tex. SEA, 25 IDELR875	1997	On a case-by-case basis, a laptop computer may be required over a desktop computer.
Ark. SEA, 26 IDELR1037	1997	Methodological specifics can be included in an IEP regarding the use of specific computers and/or software.
Culbreath Letter, OSEP Policy Letter	1997	If the student needs a device at home for FAPE, the district must provide it at no cost.
Rehab Act of 1998, Section 508	1998	Universal design is required for all electronic and information technology products and services.
East Penn Sch. Dist. v. Scott B.	1999 3 <sup>rd</sup> Circuit 2000	A school that "dragged its feet" for two years in providing AT device, services (and training) to a student was required to provide 2 additional years of compensatory education after age 21.
Cedar Rapids Community School District vs. Garret F.	2000	Schools may have a responsibility to provide medical devices in school settings if other funding sources are not available or have refused to pay.
Elementary and Secondary Education Act (No Child Left Behind Act)	2001	This law allows for preparation of teachers to use educational and assistive technology.
Stratham Sch. Dist. v. Beth & David P	2003	Mapping of a cochlear implant could be seen as assistive technology related services because it was required for student to benefit from his educational program.

Law or Policy Letter	Date	Basic Content that Applies to Assistive Technology
IDEA Amendments	2004	<p>Maintains the requirement that AT devices and services must be considered at the IEP meeting.</p> <p>The term assistive technology is clarified to <i>not</i> include a medical device that is surgically implanted or the replacement of such device. (example – cochlear implant)</p> <p>Includes the statement: “Almost 30 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by...supporting the development and use of technology, including AT devices and services, to <i>maximize</i> accessibility for children with disabilities. (20 W.S.C. § 1400©(5)(H) (emphasis added)</p> <p>Part C – early intervention services clearly mention AT services and device as in Part B.</p> <p>States clearly that a hearing aide or glasses could be an AT device needed by a child in order to receive a FAPE. If so, the school must provide these devices. (also applied to a pulmonary nebulizer)</p>