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

Rehabilitation Act 93-112 93-112 Socional Rehabilitation Act, Section 504  Freschool and Rehabilitation Act, Section 504  Reasonable accommodations and LRE mandated in federally funded employment and higher education - AT devices and services required.  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.  Reasonable accommodations LRE are extended to all school age children, LFP mandated, AT plays a "major role" in gaining access to the educational programs.  Child who could not regulate his body temperature was entitled to a fully air-conditioned plassignas cubicle where he would be isolated from his peers. (LRE with air conditioning as AT)  Preschool and Infant/Toddler Program (amendments to EHA) Reasonable accommodations and LRE are extended to children from ages 3 - 5, expands emphasis on educationally related assistive technologies.  Rehabilitation Act 1986 Reiser, OSEP Policy Letter 1986 Reiser, OSEP Policy Letter 1986 First federal legislation directly related to assistive technology to be included in state plans and in individual IWRP. Section 508 demands access to electronic office equipment for all Federal employees.  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	Law or Policy Letter	Date	Basic Content that Applies to Assistive
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(ADA) 101-336 transportation, and telecommunications - extends 503, 504,			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	Date	Basic Content that Applies to Assistive
Letter	Date	Technology
Anonymous Letter,	1995	An assistive technology evaluation is like just any other
OSEP Policy Letter	1993	evaluation, and parents have the right to ask for an
OSEI Toney Letter		independent evaluation if they disagree with the school's
		evaluation.
Shelby Letter, OSEP	1995	When AT is provided to educate a child in the regular
Policy Letter	1770	education environment, any modifications must be
Toney Letter		included in the IEP. (subject- large print books).
Naon Letter, OSEP	1995	There is no federal approved list of AT devices.
Policy Letter	1,,0	There is no redefan approved not of the devices.
Fisher, OSEP Policy	1995	The IEP team must assess the "student's functional
Letter	1,,,,	capabilities and whether they may be increased,
20001		maintained, or improved through the us 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
		strengths 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
E CEA OF IDEL DOGG	1005	services"
Tex. SEA, 25 IDELR875	1997	On a case-by-case basis, a laptop computer may be
A L CEA SCIPEI PAGE	400	required over a desktop computer.
Ark. SEA, 26IDELR1037	1997	Methodological specifics can be included in an IEP
C II d I u OCED	1007	regarding the use of specific computers and/or software.
Culbreath Letter, OSEP	1997	If the student needs a device at home for FAPE, the
Policy Letter	1000	district must provide it at no cost.
Rehab Act of 1998,	1998	Universal design is required for all electronic and
Section 508	1000	information technology products and services.
East Penn Sch. Dist. v. Scott B.	1999 3 <sup>rd</sup> Circuit	A school that "dragged its feet" for two years in
Scott B.	2000	providing AT device, services (and training) to a student was required to provide 2 additional years of
	2000	
Codar Rapide	2000	compensatory education after age 21.
Cedar Rapids Community School	2000	Schools may have a responsibility to provide medical devices in school settings if other funding sources are not
District vs. Garret F.		available or have refused to pay.
Elementary and	2001	This law allows for preparation of teachers to use
Secondary Education	2001	educational and assistive technology.
Act (No Child Left		educational and assistive technology.
Behind Act)		
Stratham Sch. Dist. v.	2003	Mapping of a cochlear implant could be seen as assistive
Beth & David P	2000	technology related services because it was required for
2011 & 241141		student to benefit from his educational program.
	l .	2 to 2 cheff from the Cauchiolian Program.

Law or Policy Letter	Date	Basic Content that Applies to Assistive Technology
IDEA Amendments	2004	Maintains the requirement that AT devices and services must be considered at the IEP meeting.  The term assistive technology is clarified to not include a medical device that is surgically implanted or the replacement of such device. (example – cochlear implant) Includes the statement: "Almost 30 years of research and experience has demonstrated that the education of children with disabilities can be made more effective bysupporting the development and use of technology, including AT devices and services, to maximize accessibility for children with disabilities. (20 W.S.C. § 1400©(5)(H) (emphasis added)  Part C – early intervention services clearly mention AT services and device as in Part B.  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)