

## Laws that Impact Assistive Technology

Law/Topic	Date	Basic Content that Applies to Assistive Technology
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 and other disabilities that would not qualify them for special education.  AT can be used 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  IEPs mandated  AT plays a major role in gaining access to educational programs
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 rehabilitation programs, Section 508 demands access to electronic office equipment for all Federal employees
Technology Related Assistance for Individuals with Disabilities Act (Tech Act) 100-407	1988	First federal legislation directly related to assistive technology  Stresses consumer driven systems and systems changes  Section 508 extended to all states
Orenich OSEP Policy Letter	1988	When AT is used as a “supplemental aid and service it must be included in the IEP”

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
Reauthorization of the Rehabilitation Act	1990	Formally adopted the same definitions and terminology as IDEA  Mandated that rehabilitation technology be seen as “a primary benefit” to be included in rehabilitation program
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
Individuals with Disabilities Education Act (IDEA)  101-496	1990	Specifically defines assistive technology devices and services as well as carefully delineating how they apply to education
Libous Letter OSEP Polity Letter	1990	Even if AT were considered only a related service, it cold be provide as the sole component of a summer program
Anonymous Letter OSEP Policy Letter	1991	The School Board cannot change the decisions of a PPT regarding the implementation and need for assistive technology
Anonymous Letter OSEP Policy Letter	1991	If an IEP determines that an AT device is need for home use to ensure FAPE, it must be provided
Lamber Letter OSEP Policy Letter	1992	Calculators my 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	If a hearing aid is an assistive technology device then the school must provide it if it is hart of the IEP to benefit the child’s education
Moore Letter OSEP policy	1993	School district funds can be used to purchase a computer for a student with disabilities attending a parochial school if the computer is provide to assist the child to communicate, not for religious instruction

Anonymous Letter OSEP Policy Letter	1994	<p>If a 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 of that device.</p> <p>Schools can ask parents to use private insurance to finance AT devices or services, but parents do not need to do this</p>
Telecommunications Act	1996	require manufacturers of telecommunications equipment and providers of telecommunications services to ensure that such equipment and services are accessible to and usable by persons with disabilities, if readily achievable. These amendments ensure that people with disabilities will have access to a broad range of products and services such as telephones, cell phones, pagers, call-waiting, and operator services, that were often inaccessible to many users with disabilities.
Various Letters  OSEP Policy Letters referring to specific devices	1989-1996	<p>Any lists of AT devices are not exclusive.</p> <p>AT devices and services could include orientation and mobility services for students how are blind, large print books, adapted spoons, FM auditory trainer, calculators, pulmonary nebulizer, optical scanner with speech output, and bus lifts as examples</p>
Favorito letter OSEP Policy Letter	1995	AT devices required by a child in order to benefit from an education 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 a child to benefit form his or her educations
Anonymous Letter OSEP Policy Letter	1995	An assistive technology is like that of any other evaluation, and parents have the right to ask for an independent evaluation if they disagree with a school's evaluation
Shelby Letter OSEP Policy Letter	1995	When AT is provide to educate a child in the regular education environment, any modifications must be included in the IEP
Nanon Letter OSEP Policy Letter	1995	There is no federally approved list of AT devices

IDEA amendments	1997	Assistive technology needs must be considered during the development of a student's IEP – an indication during these discussion that AT might be needed leads to an evaluation of needs
IDEA Implementation	1999	
Anonymous OSEP Policy Letter	1997	As with any other special education service, the need for AT must be determined on a case-by-case basis, considering the unique needs of each child
Tex. SEA  25 IDELR875	1997	On a case-by-case basis, a laptop computer may be required over a desktop computer
Ark. SEA  26IDELR1037	1997	Methodological specifics can be included in an IEP regarding the use of specific computers and/or software
Culbreath Letter OSEP Policy Letter	1997	<p>If the students needs a device at home for FAPE, the district must provide it at no cost</p> <p>Parents cannot be charges for normal use, and wear and tear, but state law, not IDEA, will generally govern parent liability for theft, loss, or damage due to negligence or misuse of AT at home or in other settings.</p>

Assistive Technology Act  ATA  105-394	1998	Reauthorization of the Tech Act  Under Title I in the new ATA, states and funded territories are required to conduct the following activities:  <ol style="list-style-type: none"> <li>1. Support a public awareness program designed to provide information related to the availability and benefits of assistive technology devices and assistive technology services.</li> <li>2. Promote interagency coordination that improves access to assistive technology devices and services for individuals of all ages with disabilities.</li> <li>3. Provide technical assistance and training including the development and implementation of laws, regulations, policies, practices, procedures, or organizational structures that promote access to assistive technology devices and services.</li> <li>4. Provide outreach support to statewide community-based organizations that provide assistive devices or services to individuals with disabilities or assist individuals in using assistive technology devices and services including focusing on individuals from underrepresented and rural populations</li> </ol>
Rehabilitation Act - amendments to Workforce Investment Act  Section 508  Electronic And Information Technology	1998 & 2000	Section 508 requires that Federal agencies' electronic and information technology is accessible to people with disabilities, including employees and members of the public.  Section 508 establishes requirements for any electronic and information technology developed, maintained, procured, or used by the Federal government.  States receiving assistance under the Assistive Technology Act State Grant program are required to comply with section 508 and the Board's standards, according to the Department of Education, which administers the Act.

Developmental Disabilities Act  DDA	2000	system to protect the rights and support the inclusion of people with developmental disabilities through the development of a consumer-oriented, coordinated system of services, supports and other assistance to promote independence, productivity, integration and inclusion of people with developmental disabilities.
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*OSEP: Office of Special Education Programs*