

Recent U.S. Federal Legislation that Applies to 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 or other disabilities that would not qualify them for special education. AT can be use as an accommodation to allow students 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
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
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
Orenich 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, 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
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)
Lamber Letter, 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

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Seiler Letter, OSEP Policy Letter	1993	hearing aid is 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 communicate, not for religious instruction
Anonymous Letter, OSEP Policy Letter	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	Any lists are not exclusive. 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.
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 education.
Anonymous Letter, OSEP Policy Letter	1995	an assistive technology is like just any other evaluation, and parents have the right to ask for an independent evaluation if they disagree with the schools 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.
Naon Letter, OSEP Policy Letter	1995	There is no federal approved list of AT devices
IDEA Amendments	1997	assistive technology needs must be considered during the discussions involving a student's IEP -- a indication during these discussions that AT might be needed leads to an evaluation of needs.
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	If the students needs a device at home for FAPE, the district must provide it at no cost.