

Assistive Technology Legal Mandates

The Tech Act

Public Law 100-407, the Technology-Related Assistance for Individuals with Disabilities Act, was signed into law in 1988, and was amended in 1994. Under the auspices of the Tech Act, as it is called, all states have developed (or are in the process of developing or refining) systems for providing a variety of technology assistance to children and adults with disabilities and their parents and guardians. The purpose of PL 100-407 is to provide financial assistance to the states to enable them to conduct needs assessments, identify technology resources, provide assistive technology services, and conduct public awareness programs, among others.

The potential of assistive technology was recognized through the enactment of the Tech Act. The definition of assistive technology that was included in PL 100-407 was modified slightly in the federal regulations for IDEA to make the definition more applicable to children with disabilities:

Assistive technology means any item, piece of equipment or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of children with disabilities. (Federal Register, August 19, 1991, p. 41272).

The federal regulations went on to state that an array of services also is included when considering applications of assistive technology. Such services include activities such as evaluation of a person's needs for assistive technology devices, purchasing or leasing assistive technology devices for people, designing and fabricating devices, coordinating services offered by those who provide assistive technology services, providing training or technical assistance to a person who uses assistive technology, and training and technical assistance to those who work with people who use assistive technology devices, such as teachers or employers.

The Individuals with Disabilities Education Act

Special education and related services for students are mandated by federal laws that have their roots in Public Law (94-142), which was passed by Congress in 1975. That law was amended in 1991 (PL 101-476) and again in 1997 (PL 105-17). It is now known as I-D-E-A, which is the acronym for the Individuals with Disabilities Education Act. IDEA guarantees the right of all children with disabilities to a free and appropriate public education in the least restrictive environment.

As part of the IEP planning process, IDEA mandates that the assistive technology needs of all students be considered [P. L. 105-17, Section 1414 (d)(3)(B)(v)]. Although

assistive technologies are frequently thought to be relevant primarily to those with physical disabilities, sensory or health impairments, and communication disorders, it should be noted that this provision applies equally to students with learning disabilities, who may require the use of a device, such as a spelling checker, to assist them with written communication.

The Individuals with Disabilities Education Improvement Act of 2004

The Individuals with Disabilities Education Improvement Act of 2004 is an amendment of the Individuals with Disabilities Education Act of 1997. It is known as I-D-E-A, 2004. It maintains the right of all children with disabilities to a free and appropriate public education in the least restrictive environment.

The mandate is maintained in IDEA 2004 that each child's need for assistive technology devices and services must be considered at the IEP meeting. The definition of AT devices and AT services remains unchanged except for a new exception to an assistive technology device which states the term does not include a medical device that is surgically implanted, or the replacement of such device. 20 U.S.C. 1401.

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