

Assistive Technology Laws in regards to Education

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IDEA (Individuals with Disabilities Act)

The Law Says:

"guaranteed that eligible children and youth with disabilities would have a free and appropriate public education available to them, designed to meet their unique educational needs."

Each public agency shall ensure that assistive technology devices or assistive technology services, or both, as those terms are defined in § § 300.5-300.6, are made available to a child with a disability if required as a part of the child's -

- (1) Special education;
- (2) Related services; or
- (3) Supplementary aids and services.

Carl D. Perkins Vocational and Technical Education Act Ammendments of 1998

Schools are required to:

- integrate academic, vocational and technical training
- increase the use of technology
- provide professional development opportunities to staff
- develop and implement evaluations of program quality
- expand and modernize quality programs
- link secondary post secondary vocational education.

Tech Act of 1998

- Provides federal funds to states to develop training and delivery systems for assistive technology devices and services.
- Required states and territories to develop statewide, consumer-responsive programs of technology-related services for individuals with disabilities of all ages.
- First defined Assistive Technology Devices and Services and promoted the availability and quality of AT devices and services to all individuals, including children.
- <http://atto.buffalo.edu/registered/ATBasics/Foundation/Laws/atlegislation.php>

Tech Act of 1998 (cont.)

- Affirms that technology is a valuable tool that can be used to improve the lives of Americans with disabilities.
- Extends the funding of the 50 states and six territories to develop permanent, comprehensive, statewide programs of technology-related assistance.

What is the school district's responsibility in regard to assistive technology?

- The school district is mandated by state and federal law (the Individuals with Disabilities Education Act) to provide assistive technology to all students with disabilities if it is required for them to receive a free appropriate public education (FAPE).
- Each IEP team must determine if assistive technology is needed by that student. If assistive technology is deemed necessary, it will be written into the student's Individualized Educational Program.

How does the IEP team know if assistive technology is “needed” or “required”?

- The only way to truly know whether assistive technology will make a significant difference for a student is try it out.
- For instance if a student is struggling with getting meaning from printed text, the IEP team may think that the student will benefit from having text scanned into a computer and spoken.
- The only way to determine if this will work is to try it. If the student has never tried the assistive technology, the IEP team should write the trial use of the technology into the IEP, rather than the purchase or permanent acquisition of the assistive technology.

What are assistive technology services?

They are any service that is needed to help the student acquire or use the assistive technology. Assistive technology services include:

- assessing the student's need for assistive technology
- fitting, adapting, maintaining, and repairing the assistive technology as needed, training the student to use the assistive technology, and
- training the school staff, and if necessary, the family to use the assistive technology.

Does the school district have to buy the assistive technology?

The school district is required to “provide” the assistive technology. They may borrow or rent a device or seek donated funds to purchase it, in addition to school district funds.

Some children receive Medical Assistance (MA) and MA may approve the purchase of some assistive technology. When MA purchases the technology, it is the property of the family.

Does the district have to send the assistive technology home?

The IEP team must decide if the assistive technology is needed at home.

The law states: “On a case-by-case basis, the use of school-purchased assistive technology devices in a child's home or in other settings is required if the child's IEP team determines that the child needs access to those devices in order to receive FAPE.” (Authority: 20 U.S.C. 1412(a)(12)(B)(i))