



Assistive Technology Legal Mandates

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The Rehabilitation Amendments

Section 504 of the Rehabilitation Act of 1973 is perhaps the most important piece of legislation ever enacted for people with disabilities. The language in Section 504 is almost identical to that of the Civil Rights Act of 1964, which applied to racial discrimination, and that of Title IX of the Education Amendments of 1972, which addressed discrimination in education on the basis of gender. The enactment of Section 504 reflects the realization that those with disabilities, too, had been subjected to discrimination for many years.

Public Law 99-506 amended the Rehabilitation Act of 1973 by adding Section 508, which ensures access to computers and other electronic office equipment in places of federal employment. The guidelines ensure that users with disabilities can access and use the same computer databases and applications programs as other users. Users with disabilities also must be able to manipulate data and related information sources to attain the same results as other users, and will have the necessary adaptations needed to communicate with others on their system.

The Americans with Disabilities Act

Signed into law in 1990, the Americans with Disabilities Act (PL 101-336), broadened the definition of those who are considered to have disabilities. It also broadened the types of agencies and employers covered by Section 508 requirements and mandates additional protections, such as accessible public transportation systems, communication systems, and access to public buildings.

These requirements are opening many avenues of employment for people with disabilities who were heretofore excluded from office work because of inaccessible equipment. There is a need for persons who are aware of technological modifications that can be made to implement the provisions of this law so they can teach others about them and provide consultation assistance to workers with disabilities, parents who may be planning careers for their children with disabilities, and employers who fall under the provisions of this law.

The Tech Act (AT Act of 1998; Amended 2004)

Public Law 100-407, the Technology-Related Assistance for Individuals with Disabilities Act, was signed into law in 1988, and was amended in 2004. 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). IDEA guarantees the right of all children with disabilities to a free and appropriate public education in the least restrictive environment.

IDEA mandates the development of an **Individualized Education Program (IEP)** for every student who is enrolled in special education. The IEP is developed by a team of professionals, parents, and the student (when appropriate). The IEP team identifies the student's strengths and weaknesses and defines long term goals and specific objectives for the student's educational program.

The legal guarantees for an IEP have since been extended to preschool programs with the **Individualized Family Services Plan (IFSP)** and to those who are eligible for rehabilitation services through the development of an **Individualized Written Rehabilitation Plan (IWRP)**. IDEA also requires the development of an **Individualized Transition Plan (ITP)** for all special education students of 14 years of age or older. Parents, teachers, rehabilitation counselors, related personnel, administrators, and the individual with disabilities are required to consider the technologies that may be helpful in meeting the objectives in the IEP, IFSP, ITP, or IWRP.

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.

IDEA 2004 is closely aligned with the No Child Left Behind Act of 2001 and maintains high accountability standards for states in educating students with disabilities. Some changes have been made to IDEA 2004 when compared to IDEA 1997. For example, IDEA 2004 maintains the development of an Individualized Education Program (IEP) for every student enrolled in special education, and requires the development of annual goals. However, short term instructional objectives now do not need to be written except for those students who participate in alternate assessments. Other changes to the IEP process involve a section of the law which states that the transition process must be in place at age 16, a section which allows certain IEP team members to be excused from meetings if their area will not be discussed, and a pilot program which would allow authorized states to complete multi-year, rather than annual IEPs, for students whose parents consent

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.
