

Did You Know?

Assistive Technology (AT) Can Play an Important Role in Meeting the Needs of Students with Disabilities in School

AT offers children with disabilities the ability to meet their full potential. Specialized computer keyboards, screen magnification systems and specially-designed software offer children with physical, visual or cognitive impairments the adaptations they need to allow them to benefit from 21st century technology that some take for granted. Similarly, items like speech generating devices and FM systems offer students with speech or hearing impairments the ability to fully participate in the educational experience. Other AT devices, and the training needed to understand their use, will help prepare students as they transition from special education programs to adult activities. This article will look at the historical development of the use of AT in schools. Future articles will explore the details involved with obtaining AT for students.

Interest in AT grew with the passage of the Technology-Related Assistance for Individuals with Disabilities Act of 1988 (Tech Act). P.L. 100-407, former 29 USC 2201 et seq. The Tech Act defined both AT “devices” and “services.” Congress re-authorized this legislation as the AT Act of 1998. 29 USC 3001 et seq.

The term AT device “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 functional capabilities of individuals with disabilities.” *Id.* 3002(2).

The term AT service “means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device.” It includes:

- (A) evaluations, including functional evaluations of individuals in their customary environment;
- (B) purchasing, leasing, or otherwise acquiring AT devices;
- (C) selecting, designing, fitting, customizing, adapting, maintaining, repairing, or replacing AT devices;
- (D) coordinating and using other services with AT devices;
- (E) training for the individual, or, where appropriate, the family; and
- (F) training for those providing services to the individual. 29 USC 3002(3).

The legislative history to the Tech Act indicates the broad range of AT devices that were contemplated:

The Committee includes this broad definition to provide maximum flexibility to enable States to address the varying needs of individuals of all ages with all categories of disabilities and to make it clear that simple adaptations to equipment are included under the definition as are low and high technology items and *software*. Senate Report No. 100-438, 1988 U.S. Code Cong. & Admin. News, p. 1405 (emphasis added).

Definitions of AT devices and services were added to the Individuals with Disabilities Education Act (IDEA) in 1990. Legislative history underscored the role of AT in educating students with disabilities. Congress noted that advances in AT have provided new opportunities for students with disabilities to participate in educational programs. For many, the provision of AT “will redefine an ‘appropriate placement in the least restrictive environment’ and allow greater independence and productivity.” House Report No. 101-544, 1990 U.S. Code Cong. & Admin. News, p. 1730. AT was added in order:

(1) to clarify the broad range of assistive technology devices and related services that are available, and (2) to increase the awareness of assistive technology as an *important component* of meeting the special education and related service needs of many students with disabilities, and thus enable them to participate in, and benefit from, educational programs. *Id.*, p. 1731 (*emphasis added*).

In 1997 IDEA amendments, Congress again emphasized AT. The need for AT must now be considered for all students when developing the IEP. 20 USC 1414(d)(3)(B)(v) (*emphasis added*); 34 CFR 300.324(a)(2)(v). The comments to the 1999 regulations make it clear that it is “mandatory for the IEP team to consider each child’s AT needs.” 64 Fed. Reg. 12590-91.

The comments to the 1999 regulations also make it clear that AT encompasses the individual student’s own personal needs for AT, such as “electronic notetakers, cassette recorders, etc.,” as well as access to AT devices used by all students. If a student needs accommodations to use an AT device used by all students, the school “must ensure that the necessary accommodation is provided.” 64 Fed. Reg. 12540.

Once again, in 2004 IDEA amendments, Congress emphasized AT. It noted that AT devices and services continue to play a very important role in the education of students with disabilities. In fact, the preamble to IDEA ‘04 notes that “almost 30 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by ... supporting the development and use of technology, including [AT] devices and [AT] services, to maximize accessibility for children with disabilities.” 20 USC 1400(c)(5)(H) (*emphasis added*).

As you review the more detailed provisions of the IDEA concerning AT, and as you advocate for obtaining AT, keep these more general principles in mind.

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