



Policy Advisory

The Law Concerning Assistive Technology Interventions

How does the law define assistive technology for young children with disabilities? How do children, their families, and professionals such as you access the technology?

Bottom Line

The best methods for making assistive technology available to young children and their families and educators derive from the law itself. Below are your roles and responsibilities to better understanding the law as it relates to assistive technology (AT).

- (1) Know how Congress defines assistive technology devices and services.
- (2) Learn which types of devices and services are represented under assistive technology.
- (3) Understand the immediate and long-term purposes of AT and how it can increase a child's functioning and learning.
- (4) Know that IDEA and Sec. 504 provide that assistive technology devices and services are reasonable accommodations (Sec. 504) or related services (IDEA).
- (5) Identify the name and functions of the state assistive technology agency.
- (6) Identify which professions and disciplines are most expert in assistive technology for each child you serve and who the local experts are.

Definitions

Depending on who you ask and what context you are in, there are different definitions used for assistive technology.

A Practical and Basic Definition

The definition used in the module is practical and basic, the sort of definition educators and other professionals are well justified in using:

Assistive technology (AT) interventions involve a range of strategies to promote a child's access to learning opportunities, from making simple changes to the environment and materials to helping a child use special equipment. Combining AT with effective teaching promotes the child's participation in learning and relating to others.

A Legal Definition

Second is the legal definition, the sort of definition that Congress uses in the [Technology-Related Assistance Act of 1988](#), as amended and commonly known as the "[Tech Act](#)" (29 U.S.C. Sec. 3000 et seq.), the [Individuals with Disabilities Education Act](#), and the [Rehabilitation Act](#):

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Assistive technology means technology designed to be utilized in an assistive technology **device** or **service** (29 U.S.C. Sec. 3002(3)).

Below is how Congress defines what AT devices and services are:

Device: *An assistive technology device is any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve the functional capacities of an individual with a disability (29 U.S.C. Sec. 3002(4)).*

Let's change the words a bit to make this definition of a device easier to understand. An assistive technology device consists of a thing or approach that is off the shelf, adapted, or individualized to address the ways in which a young child with a disability functions in an educational or other environment. Put another way, the device can be "low tech," "medium tech," or "high tech."

Examples of the devices are:

- power or manual wheelchairs, scooters, canes, walkers, and standing devices
- augmentative communication devices that generate speech, voice amplifiers, and speech recognition devices
- durable medical equipment and supplies such as patient lifts and incontinence supplies
- orthotics and prosthetics such as hearing aids and electric larynxes
- accessibility adaptations to a home or school, such as ramps, stair glides, lifts, grab bars, flashing smoke detectors, level doorknobs, and environmental controls
- special equipment to help a child learn, such as enlarged computer keyboards, reachers, amplified telephones, magnifiers, voice recognition software, and adaptive sports equipment
- accessibility modifications in the schools, such as audio systems in a classroom

Service: *An assistive technology service is that which assists the individual to select, acquire, or use an assistive technology device.*

Again, let's change the words a bit to make this definition of a device easier to understand. The service is the human side of the "thing" – the contribution by an individual that makes the thing useful for improving a child's functioning. This legal definition justifies the practical and basic definition provided above: a service or equipment that helps the child access and participate in education.

Congress makes it clear that assistive technology services include:

- evaluating a child's need for assistive technology, including an evaluation in the child's "customary environment," which includes early intervention and education
- purchasing, leasing, or otherwise acquiring devices
- selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, replacing or donating an assistive technology device
- coordinating and using necessary therapies, interventions, or services with assistive technology devices such as therapies, interventions, or services in education and rehabilitation
- training or technical assistance for the child, the child's family, guardians, advocates, or authorized representatives on how to use a device or system
- training or technical assistance for the professionals involved in the child's education
- expanding the child's, family's and professionals' access to assistive technology

What is the History of the Tech Act and What is its Future?

Senator Tom Harkin (D. Iowa) was the principal sponsor of the Tech Act, as he was for the Americans with Disabilities Act. (Congress enacted the Tech Act in 1988 and ADA in 1990.) His brother is profoundly deaf and greatly influenced Sen. Harkin to be one of the nation's leading advocates for individuals with disabilities. Sen. Harkin persuaded many of his colleagues in both the Senate and House of Representatives by conducting a two-day demonstration of low, medium, and high technology – in the lobby of the Hart Senate Office Building.

The future of the Tech Act seems secure. Congress reauthorized the 1988 Act in 1994, 1998, 2004, and 2010. In the 2010 reauthorization, Congress stated eight “findings” that describe how important technology, especially assistive technology, is to individuals and the country. In its last finding, it said that the 2002 amendments to the Elementary and Secondary Education Act made under the name of the No Child Left Behind Act, and “the rapid and unending evolution of technology require a Federal-State investment in State assistive technology systems to continue to ensure that individuals with disabilities reap the benefits of the technological revolution and participate fully in life in their communities” (20 U.S.C. Sec. 3001(a)(8)). In a word, technology is here to stay, especially in the lives of individuals of all ages and especially from their youth through their adulthood.

Access to Assistive Technology

One of the purposes of the Tech Act is to support states' efforts to “improve the provision of assistive technology...through comprehensive statewide programs” and provide financial assistance to states to support those programs (29 U.S.C. Sec. 3001(b)).

The statewide systems are operated under health or education agencies and are designed for individuals of all ages to do the following:

- increase the availability, funding, access, and provision to assistive technology
- increase the ability of individuals of all ages to secure and possess devices as they transition from one service system to another (such as from early intervention to early education and then to school)
- increase the ability of public and private agencies to provide and pay for devices and services
- increase the ability of individuals and their families or other representatives to be involved in making decisions about devices and services
- increase the coordination among state, local, and private agencies to carry out the Tech Act
- increase individuals', families', and professionals' awareness of the laws, practices, and benefits of assistive technology (29 U.S.C. Sec. 3001(b)).

Who Should Advise Professionals and Families about Assistive Technology?

The people most capable of advising about the devices and services are those who have developed them or are trained to use them to increase the child's functioning and learning. They include professionals in such fields as rehabilitation medicine, rehabilitation engineering, occupational therapy, physical therapy, visual and hearing interventions, and special educators. The key is to connect the professional knowledge about devices and services to the functioning and learning the child needs.

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Who Pays for Assistive Technology Devices or Services?

There are many, but not enough, sources of funding for assistive technology. The state's AT program may be a source of funding, in whole or part, for AT. However, individuals who seek to use AT, and professionals who advise individuals about the state's AT program, should determine, in advance of committing to purchase or lease AT, whether the state's AT program is a source of funding. Other sources include federal-state programs such as IDEA, Medicaid, and the Rehabilitation Act. And they also include a family's own resources or health care insurers.

References

Individuals with Disabilities Education Act of 2004 (IDEA), Pub. L. No. 108-446. For complete source of information, go to <http://idea.ed.gov/>

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