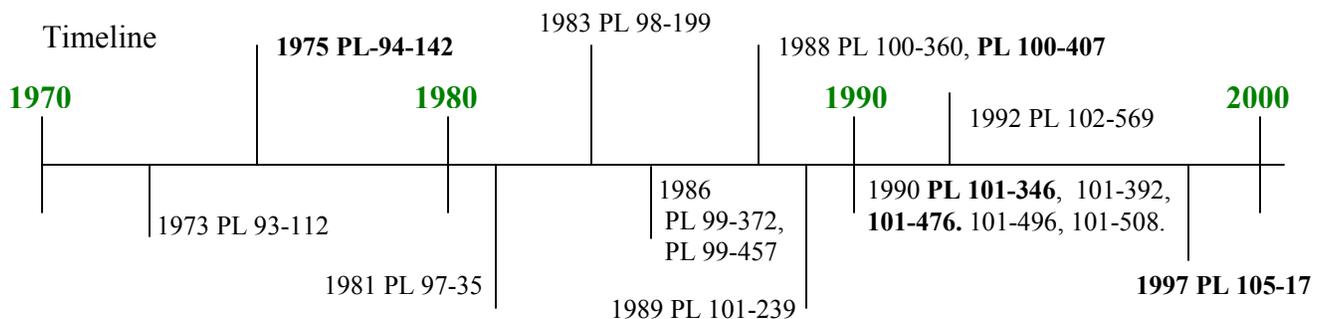


Legal and Policy Directives

During the past 15 years, a series of federal legislative actions have produced laws and funding initiatives that seek to expand the use of technology by individuals with disabilities and consequently open new opportunities for learning, employment, and independent living (Robyler, M.D., 2003, P. 316).

The following list describes an overview of the legal and policy directives that have influenced the current state of Assisitive Technology. Major legal and policy directives that directly influence AT are bolded.



1. *The Public Law 93-112, Rehabilitation Act of 1973*

- This act assures that people with disabilities would not be discriminated against by reason of disability by any programs or activities receiving federal funds (must provide access with "reasonable accommodation" to individuals with disabilities).
- Due process procedural safeguards are included in Section 504 to this act.

2. *The Public Law 94-142 Education for All Handicapped Children Act*

- See <http://www.nd.edu/~rbarger/www7/pl94-142.html> for a quick overview and http://college.hmco.com/education/resources/res_prof/students/spec_ed/legislation/pl_94-142.html#overview for impact and implications.
- Referred to as *EHA*. Requires states to provide "a free, appropriate public education for every child between the ages of 3 and 21 regardless of how, or how seriously, he/she may be handicapped."
- *PL 94-142* was the first law to clearly define the rights of disabled children to free appropriate public education (FAPE).
- It required the school systems to include the parents when meeting about the child or making decisions about his/her education. *PL 94-142* mandated an *individualized education program* (IEP) for every student with a disability. The IEP must include short and long-term goals for the student, as well as ensure that the necessary services and products are available to the student.
- *PL 94-142* also requires that students are placed in the least restrictive environment (LRE). LRE means placing the student in the most normal setting that is possible.

- *PL 94-142* also ensures that students with disabilities are given nondiscriminatory tests (tests which take into consideration the native-language of the student and the effects of the disability) and that due process procedures are in place (to protect parents and students).
- Additionally, *Section 504*, part of the original *Public Law 94-142* legislation guarantees support to students who need them, even if they don't qualify as one of the thirteen Special Education Diagnoses. Examples of Section 504 disorders include (but are not limited to):
 - Attention Deficit Disorder (ADD)/Attention Deficit Hyperactivity Disorder(ADHD)
 - Epilepsy
 - Temporary disability (e.g., a broken arm or broken leg)
 - A student on a ventilator
 - A wheelchair bound student without cognitive impairment
- Students with 504 plans are guaranteed equal access under federal law. As an example, a student who is wheelchair bound or on crutches due to a broken leg can use the elevator to access the second floor or a student with a broken arm can have tests scribed while they wear their cast.
- Other general/common disorders that you would normally not associate with disabilities but which come under this legislation:
<http://www.oswego.org/staff/mgibbs/web/parent.htm>

3. *Public Law 97-35, Title XIX of the Social Security Act*

- Signed in 1981, allows states to apply for Medicaid funds to provide home and community based services for children who are at risk of institutionalization or are residing in an institution.

4. *PL 98-199 Education of the Handicapped Act Amendments*

- Signed in 1983, allows for federal funding to create parent training and information centers (PIC) so that parents could learn how to protect the rights that *PL 94-142* guarantees their child.
- *PL 98-199* also provided financial incentives to expand services for children from birth to age 3 and the initiatives for transition services from school to adult living for students with disabilities.

5. *PL 99-372 Handicapped Children's Protection Act*

- This act, signed in 1986 allows parents or guardians to be reimbursed for reasonable legal costs if they WIN a hearing or court action.
- *PL 99-372* requires that the case and the costs of the legal proceedings be discussed with the lawyer prior to any legal action.

6. *PL 99-457 Education of the Handicapped Act Amendments (1986)*

- These amendments, signed in 1986, which are also known as the *Early Intervention Amendments to PL 92-142*, extended FAPE to all children, ages 3 to 5 by October 1991 (Section 619, Part B) in all states which wanted to participate (all wanted to and did, even states that do not have public schooling for children this age). In Section 619, Part H, a

new program was created for infants, toddlers, and their families, which requires the development of an individualized family service plan (IFSP) for each child/family served.

7. Public Law 100-360, Catastrophic Coverage Act

- Signed in 1988, allows states to obtain limited funds for IEP related services and for early intervention/family support services as defined in the individualized family service plan (IFSP).

8. Public Law 100-407, Technology-Related Assistance for Individuals with Disabilities Act, Tech Act

See <http://www.coping.org/copingbook/assitech/overview.htm> General Overview section, and <http://www.ataporg.org/> if you need additional information.

- Signed in 1988 and amended in 1994, provides funding for statewide systems and services to provide assistive technology devices and services to individuals with disabilities.
- According to the Tech Act, an assistive technology device is "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 individuals with disabilities." Assistive technology services are defined in the Act as "any services that directly assist an individual with a disability in the selection, acquisition, or use of an assistive technology device" (P.L. 100-407, Sec. 3, 1988). According to the Act, these services include:
 - i. evaluation of needs, providing for the acquisition of assistive technology devices by individuals with disabilities;
 - ii. selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing, such assistive technology devices;
 - iii. coordinating and using other therapies, interventions, or services with assistive technology services;
 - iv. training or providing technical assistance for an individual with disabilities; and
 - v. training or providing technical assistance for professionals, employers or other individuals who provide services to or are otherwise substantially involved in the major life functions of individuals with disabilities.

9. Public Law 101-239, Medicare Amendment

- In 1989 this law expanded Medicaid's Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) and allowed Medicaid funds for "medically necessary" treatment without regard for limits of a state's Medicaid plan.

10. Public Law 101-336, the Americans with Disabilities Act (ADA) of 1990

For more information on ADA see <http://www.usdoj.gov/crt/ada/adahom1.htm> the organizations website

- Considered landmark civil rights legislation since it expands the scope of coverage of employers and agencies mandated to provide accessible transportation systems, buildings and programs, and communication systems for individuals with disabilities
- PL 101-336 extends 504 of PL 93-112 by requiring the rights of equal access and reasonable accommodations (e.g., handicapped ramps, cut curve walkways, electronic door openers, wider doors etc...)

11. PL 101-392 The Carl D. Perkins Vocational and Applied Technology Act

- Signed in 1990, this law requires that vocational education for students with disabilities be provided, be in the least restrictive environment (LRE), and when appropriate, be a part of the individualized education program (IEP).
- *PL 101-392* also requires that individuals with disabilities (who are not members of special populations) be provided equal access to vocational programs (i.e. recruitment, enrollment, and placement activities).

12. PL 101-476 Individuals with Disabilities Education Act (IDEA) (1990)

- This act, which is also known as the Education of the Handicapped Act Amendments of 1990, renamed the earlier EHA laws and their amendments (including *PL 94-142* and *PL 98-199*).
- Renamed the *Individuals with Disabilities Education Acts*.
- *PL 101-476* replaced the word "handicapped" with the word "disabled" and therefore, expanded the services for these students.
- IDEA reaffirms *PL 94-142's* requirements of a free, appropriate public education (FAPE) through an individualized education program (IEP) with related services and due process procedures.
- *PL 101-47* also supports the amendments to *PL 94-142* that expanded the entitlement in all states to ages 3 to 21, designated assistive technology as a related service in IEPs, strengthened the laws commitment to greater inclusion in community schools (least restrictive placement), provided funding for infant and toddler early intervention programs, and required that by age 16 every student have explicitly written in the IEP a plan for transition to employment or post secondary education.

13. Public Law 101-496, The Developmental Disabilities Assistance and Bill of Rights Act of 1990.

- PL 101-496 promotes community acceptance and inclusion for all people with developmental disabilities.
- It also provides funds to state protection and advocacy agencies for disabled people

14. Public Law 101-508, Child Care and Development Block Grant (1990)

- *PL 101-508*, signed in 1990, is a part of the *Omnibus Budget Reconciliation Act* (OBRA), focuses on the need for child care throughout the country.
- *PL 101-508* emphasizes the need and encourages the inclusion of children with "special needs" in child care programs which are developed by the states as a result of the funds provided to each state that submits a comprehensive plan for child care.

15. Public Law 102-569, Rehabilitation Act Amendments of 1992

- *PL 102-569* revises and expands the programs of *PL 93-112*.
- *PL 102-569* includes provisions to ensure that the individual's wishes are considered during the rehabilitation process, especially the writing of the individualized written rehabilitation plan (IWRP); the IWRP should include a statement about his/her involvement in developing the plan.

- *PL 102-569* defines what vocational services include (personal assistance, transition, and supported employment services) and who is eligible for these services (those with the most severe disabilities, and those who need intensive supported employment services to enter or retain employment).
- *PL 102-569* also explains that the basis for the number of hours provided for individuals should be a maximum possible amount, and should consider their strengths, resources, interests, and concerns.

16. *Public Law 105-17, Reauthorization of the Individuals with Disabilities Education Act (IDEA) in 1997.* Skim <http://www.ed.gov/offices/OSERS/Policy/IDEA/> for more information then would could ever want but just in case see also

<http://www.ideapractices.org/>

- Mandates that every individual educational program (IEP) team “consider” assistive technology when planning the educational program of an individual