In 1975, Congress first recognized the need to provide a federal law to help ensure that local schools would serve the educational needs of students with disabilities. The law they originally passed was titled the Education for All Handicapped Children Act. That first special education law has undergone several updates over the past 30 years. In 1990 the law was renamed the Individuals with Disabilities Education Act, or IDEA. The most recent version of IDEA was passed by Congress in 2004. It can be referred to as either IDEA 2004 or IDEA.

IDEA gives states federal funds to help make special education services available for students with disabilities. It requires that all states ensure that all children with disabilities are identified, located and evaluated, a provision known as “child find.” It also provides very specific requirements to ensure a free appropriate public education (FAPE) in the least restrictive environment (LRE) is provided to all students with disabilities. Each eligible student must have an individualized education program, or IEP, that lays out the school’s commitment to provide special education and related services. IEPs must be reviewed and revised, as needed, at least annually. Today, approximately 7.6 million school-age children in the United States are eligible for special education services, representing 14 percent of public school enrollment.
Assistive technology (AT) was not originally included in IDEA but was later written into the law and placed in the section entitled “Related Services.” The 1990 amendments to IDEA included specific language for AT devices and services. The 1997 amendments to IDEA specifically require that AT be considered for every student with a disability as part of the IEP process as one of four “special factors” and it says:

“In developing the child’s IEP, the IEP team must consider whether the child needs assistive technology devices and services.”

It may be necessary for an IEP team to seek input from AT specialist and/or an AT evaluation before necessary AT can be documented in the IEP.

**IDEA definitions of AT**

- The term “**assistive technology 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 a child with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such device.

- The term “**assistive technology service**” means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—
  - the evaluation of the needs of such child, including a functional evaluation of the child in the child’s customary environment;
  - purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by such child;
  - selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
  - coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
  - training or technical assistance for such child, or, where appropriate, the family of such child; and
  - training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of such child.

There is no federal “approved list” of AT devices and services covered by IDEA. Assistive technology can be quite simple and inexpensive, or it can include more sophisticated devices.
Other important IDEA provisions include:

- AT devices and services, if deemed appropriate, must be provided at no cost to parents;
- School districts are also required to assume the costs for assessment, therapies, and related services needed to implement the use of necessary AT.
- If an IEP team determines that an AT device is needed for home use in order for a student to receive FAPE, the AT must be provided, again at no cost to the parents;
- School districts may use Medicaid or parents’ private insurance for special education with parental consent, including AT.

In addition to the sections of IDEA that address AT specifically, other areas of IDEA are directly related to AT. Those areas include universal design and the National Instructional Materials Accessibility Standard and the provision of accessible instructional materials.

- **Universal Design**: IDEA refers to the definition of universal design that is used in the Assistive Technology Act, which states: “The term ‘universal design’ means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly usable (without requiring assistive technologies) and products and services that are made usable with assistive technologies.”

- **National Instructional Materials Accessibility Standard and Accessibility of Print Materials**: One of the IDEA’s most significant AT-related additions to IDEA in 2004 was the provision of accessible instructional materials to blind students or other students with print disabilities in a timely manner and free of charge. “Print instructional materials” means printed textbooks and related printed core materials that are written and published primarily for use in elementary and secondary school instruction and are required by a state educational agency (SEA) or local educational agency (LEA) for use by students in the classroom. The law specifies that materials must be formatted to the National Instructional Materials Accessibility Standard (NIMAS) to be used in the preparation of electronic files suitable and used solely for efficient conversion of print materials, including textbooks, in accessible media, free of charge, to blind or other students with print disabilities in elementary and secondary schools. The U.S. Department of Education recently released QUESTIONS AND ANSWERS ON THE NATIONAL INSTRUCTIONAL MATERIALS ACCESSIBILITY STANDARD (NIMAS) to reflect changes in the NIMAS resulting from the 2020 Notice of Interpretation (NOI) and the Marrakesh Treaty Implementation Act (MTIA).
**IMPLICATIONS FOR AT PROGRAMS:**

At the present time, there is little effort to monitor compliance of IDEA’s “AT consideration” mandate at the federal or state level and there is little evidence to suggest that school districts are implementing systemic screening processes to identify students who could benefit from assistive technology. Anecdotal evidence provides different estimates of how many students with disabilities have assistive technology written in their IEP, ranging from 3-5% on the low side to 10% on the high side.

Given this, AT programs can play a critical role in providing up-to-date information on AT devices and services that may enable students with disabilities to benefit from their educational program. Collaborative partnerships with state and local educational agencies, state special education advisory panels, state parent training and information centers, and state protection and advocacy agencies should be utilized. AT programs should understand the responsibilities regarding NIMAS for state and local educational agencies and interact with the center that provides accessible instruction materials in their state.