

ASSISTIVE TECHNOLOGY (“AT”)



WHAT IS ASSISTIVE TECHNOLOGY?

- Assistive technology (AT) is defined by the Technology-Related Assistance for Individuals with Disabilities Act of 1988 as “any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.”
- Examples include:
 - Hearing aids
 - Ramps that help people get in and around buildings more easily
 - Wheelchairs
 - Computer modifications to increase accessibility
 - Electronic devices that make communication possible
 - Equipment on the job that has been modified or customized
 - Remote control devices that turn appliances, computers, lights, radio, etc. on and off
 - Magnifiers, talking books, closed circuit television, Braille note-taking computer
- Assistive technology also includes assistive technology services, which means any service that directly assists an individual with a disability in the selection, acquisition, or use of an AT device

WHAT ARE THE MAIN FEDERAL LAWS THAT IMPACT USERS OF AT?

- **Americans with Disabilities Act (“ADA”)**: The ADA prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities, and transportation. The ADA requires that reasonable accommodations be made for individuals with disabilities unless it would cause an undue burden. One type of reasonable accommodation that may be required is AT.
- **Individuals with Disabilities Education Act (“IDEA”)**: The IDEA requires that school districts ensure that AT is made available to a child with a disability if required as part of the child’s special education, related services, or supplementary aids and services. AT should be included in the child’s Individualized Education Program (IEP), and it is the responsibility of the school district to provide the AT equipment and/or services identified in the

IEP. On a case-by-case basis, the use of school-purchased AT in the child's home or other setting may be required if the child's IEP Team determines that the child needs access to those devices in order to receive a free appropriate public education ("FAPE").

- **Section 504 of the Rehabilitation Act ("Section 504"):** Section 504 requires that general education programs (e.g., school districts) provide nondiscriminatory access to all students with disabilities. Students may be qualified under Section 504 even though they are not eligible for special education services under the IDEA. Providing AT may be the accommodation required to ensure that the student has nondiscriminatory access to general education programs.
- **Section 508 of the Rehabilitation Act ("Section 508"):** Section 508 requires that all electronic and information technologies developed and used by any federal government agency must be accessible to individuals with disabilities. Sometimes, individuals with disabilities have to use special hardware or software to access the resources. Section 508 does not apply to private entities or those that receive federal funds.
- **Assistive Technology Act of 1998:** This Act establishes a grant program to provide federal funds to support state programs that address the AT needs of individuals with disabilities.

WHAT ARE SOME COMMON MYTHS ABOUT AT?

- **Myth:** An AT device is a luxury. **Truth:** For someone with a disability who relies on AT to perform a critical function or achieve a desired life goal, AT is very much a necessity.
- **Myth:** AT is expensive and complicated. **Truth:** Most AT solutions are simple and inexpensive low-tech devices. Solutions can often be found at a local hardware or office supply store.
- **Myth:** The professional often knows best. **Truth:** AT users often have more experience and knowledge when it comes to knowing what will provide the best solution for their needs. Collaboration between the AT user and professionals is often the best way to find the appropriate AT solution.

****** DISCLAIMER: This is not intended as legal advice, but rather for informational purposes only. Always consult a lawyer if you have questions about your legal rights. ******

References:

Disability Law Colorado – www.disabilitylawco.org
Dept. of Justice Information on the ADA – www.ada.gov
Equal Employment Opportunity Commission – www.eeoc.gov
Assistive Technology Partners – www.at-partners.org
National Disability Rights Network – www.ndrn.org