

## **Federal & Oregon Law Relating to Assistive Technology**

The following IDEA regulations and Oregon rules govern the provision of assistive technology to children with disabilities:

### **A. The Definitions of Assistive Technology.**

1. "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 the functional capabilities of a child with a disability. See 34 CFR 300.5 and OAR 581-015-0005(1).
2. "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. The term includes:
  - a. The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;
  - b. Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;
  - c. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
  - d. Coordinating and using other therapies, interventions or services with assistive technology, with existing education and rehabilitation plans and programs;
  - e. Training or technical assistance for a child with a disability or, if appropriate, that child's family; and
  - f. Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that child. See 34 CFR 300.6 and OAR 581-015-0005(2).

### **B. The Provision of Assistive Technology.**

1. School districts shall ensure that assistive technology devices or assistive technology services, or both, are made available to a child with a disability if required as a part of the child's special education, related services or supplementary aids and services.
2. On a case-by-case basis, the use of school-purchased assistive technology devices in a child's home or in other settings is required if the child's IEP team determines that the child needs access to those devices to receive a free appropriate public education.
3. School district policies govern liability, if any, for the loss or damage of assistive technology devices.
4. School district policies shall govern transfer of an assistive technology device when a child with a disability using the device ceases to attend school in the district that purchased the device. "Transfer" means the process by which a school

district that has purchased an assistive technology device may sell, lease or loan the device for the continuing use of a child with a disability who is ceasing to attend school in the district. See 34 CFR 300.308 and OAR 581-015-0560.

### **C. The Definitions of Special Education, Related Services and Supplementary Aids and Services.**

1. "Special Education" means, in relevant part, specially designed instruction to meet the unique needs of a child with a disability. See 34 CFR 300.26 and OAR 581-015-0005(15)
2. "Related Services" means, in relevant part, services that are required to assist a child with a disability to benefit from special education. See 34 CFR 300.24 and OAR 581-015-0005(24).
3. "Supplementary Aids and Services" means aids, services and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be education with children without disabilities to the maximum extent appropriate. See 34 CFR 300.28 and OAR 581-015-0005(31).

### **D. IEP Team Consideration of Assistive Technology.**

In developing, reviewing and revising a child's IEP, the IEP team must consider as a special education factor whether the child requires assistive technology and services. See 34 CFR 300.346(a)(2) and OAR 581-015-0568.

### **E. Content of the IEP.**

The IEP of a child with a disability must include, among other things, a statement of the specific special education, related services and supplementary aids and services that will be provided to the child:

1. To advance appropriately toward attaining the annual goals and
2. To be involved and progress in the general curriculum. See 34 CFR 300.347 and OAR 581-015-0068(1)(c).