

United States Department of Education
Office of Special Education & Rehabilitative Services
Office of Special Education Programs

DOE/OSEP Memos: AT Clarification of Public Policy (rev. 1/03)

OSEP Letters of Clarification:

http://www.ed.gov/offices/OSERS/OSEP/Policy/policy_letters/

This website lists correspondence from the Department of Education received by individuals during the previous quarter that describes the interpretations of IDEA or the regulations that implement IDEA.

The U.S. Department of Education's Office of Special Education Programs (OSEP) has issued several Policy Letters which have clarified the school districts' responsibilities in providing assistive technology to students with disabilities. The key OSEP Policy Letters are summarized below:

July, 1986 (Reiser)

- If a family that moves and leaves an AT device behind, the new school must provide the device until the case of replacing it is resolved.

August, 1988 (Orenich)

- When AT is used as a "supplemental aid and service" to educate a student in the regular education environment, it must be included in the IEP.

August, 1990 (Goodman letter)

- Consideration of a child's need for assistive technology must be determined on a case-by-case basis
- Assistive technology can be designated as either special education, related service or a form of supplementary aids or services required to enable a child to be educated in the least restrictive environment. The child's IEP must include a specific statement of such services, including the nature and the amount of such services
- The school district is responsible for providing the assistive technology devices and services at no cost to the child and his or her parents

November, 1990 (Libous)

- AT as a related service can be provided as the sole component of a summer program.

September, 1991 (Rose)

- The AT must be at no cost to parent or child,
- The LEA may access Medicaid or private insurance; costs to parents may not include insurance co-payments, deductibles or reduction on coverage ceiling.

November, 1991 (Anonymous)

- If the IEP team determines that a particular assistive technology item is required for home use in order for a particular child to be provided FAPE, the technology must be provided to implement the IEP
- The School Board may not change the statement of special education and related services contained in the IEP

November, 1993 (Seiler letter)

- A hearing aid is considered an assistive technology device
- When a child with a disability requires a hearing aid in order to receive FAPE, and the child's IEP specifies that the child needs a hearing aid, it must be provided by the school district

November, 1993 (Anonymous)

- Part H (Early Intervention) requires Audiology Services/Assistive Technology if necessary to meet developmental needs of child/family

1993 (Moore letter)

- School district funds can be used to purchase a computer for a student with disabilities attending a parochial school if the computer is provided to assist the child to communicate, not for religious instruction

March, 1994 (Galloway)

- If the IEP of a child with a disability indicates that he/she requires an assistive technology device such as a hearing aid as part of his/her special education, then the home school would be required to provide the device at no cost to the parents.
- If a child attends a state-supported school for the deaf, the determination as to whether the child's home school district or the state school for the deaf must pay for the device is a matter of state law

August, 1994 (Anonymous)

- If a parent provides an AT device in order for the IEP to be implemented, the school district assumes liability for the device when used during school hours and is responsible for assistive technology services to maintain the device

August, 1994 (Anonymous)

- Schools are responsible for providing and maintaining a needed device. If parents agree to use family-owned AT to fulfill IEP, school is responsible for maintenance and repair if damaged on school bus or at school.

January, 1995 (Bachus)

- Eyeglasses are considered an assistive technology device
- When a child with a disability requires a hearing aid in order to receive FAPE, and the child's IEP specifies that the child needs eyeglasses, they must be provided by the school district

January, 1995 (Naon)

- There is no federal "approved list" of AT devices and services covered by IDEA.
- Students are entitled to AT as necessary to ensure a FAPE.
- The question is the relationship between the educational needs of student and the AT device or service.

December, 1995 (Fisher)

- The IEP team must assess "the student's functional capabilities and whether they may be increased, maintained, or improved through the use of AT devices or services."
- A parent has the right to an independent AT evaluation, at school expense, under the terms of 34 C.F.R. ' 300.503(b), if the parent disagrees with the evaluation obtained by the school.

1995 (Favorito)

- 1995 AT devices required by a child in order to benefit from an educational program might also include changes in lighting, cooling, and/or carpeting

1995 (Anonymous)

- An assistive technology is like just any other evaluation, and parents have the right to ask for an independent evaluation if they disagree with the schools evaluation.

1995 (Shelby)

- When AT is provided to educate a child in the regular education environment, any modifications must be included in the IEP.

1997 (Culbreath)

- If the student needs a device at home for FAPE, the district must provide it at no cost.

Letters with specific AT Examples:

Any AT list is not exclusive; there is no approved list (Naon). AT devices and services could include orientation and mobility services for students who are blind, large print books, adapted spoons, an FM auditory trainer, and/or calculators, pulmonary nebulizer, optical scanner with speech output, and a bus lift as examples.

January, 1995(Shelby): large print books

February, 1994 (Teague): large print books and adapted spoons

April, 1992 (Anonymous): FM auditory trainer

April, 1992 (Lambert): Calculators may qualify as an AT device

April, 1989 (Stohrer): Personally prescribed wheelchair

December, 1994 (Galloway): Personally prescribed hearing aid

January, 1995 (Bachus): Personally prescribed eyeglasses