

Understanding the Law & Assistive Technology

There is a wide range of assistive technology (AT) services and devices to which a child may be entitled. It is important for families to understand how Federal laws affect their child's right to AT. Provided below are brief summaries of Federal laws that are amended regularly. Therefore, it is important to keep up to date on these changes. Website addresses have been identified below for government offices and other organizations that provide current, in-depth information on laws that affect a child's access to AT.

Americans with Disabilities Act (ADA)

Public Law 101-336 [42 USC 12101]

The ADA prohibits discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications. The law has four sections, or "Titles". Title I addresses employment, saying that any employer who has 15 or more employees must offer "equal opportunity" to employment-related activities. Title II applies to state and local governments, and insists that people with disabilities be given equal access to public education, employment, transportation, recreation, health care, and other areas under their control. Title III addresses public accommodations that may be provided by private companies, including private schools, restaurants, stores, hotels, doctors' offices, etc. Title IV addresses assistive technology specifically, as it requires that telephone companies provide the necessary services to allow people who are deaf or hearing impaired to use telecommunications devices.

For more information about the Americans with Disabilities Act, you can go to the following website:

<http://www.ada.gov>

Individuals with Disabilities Education Act (IDEA)

The Individuals with Disabilities Education Act (IDEA) was initially passed in 1975 as P.L.

94-142. That law, known as the Education for All Handicapped Children Act, or the EHA, guaranteed that eligible children and youth with disabilities would have a free and appropriate public education (FAPE) available to them, designed to meet their unique educational needs. P.L. 94-142 has been amended many times since passing in 1975, most recently in 2004.

For more information about IDEA, you can visit the following website: <http://idea.ed.gov/>

Section 508 of the Rehabilitation Act

29 U.S.C. § 794d

Section 508 of the Rehabilitation Act requires that all electronic and information technologies developed and used by any Federal government agency must be accessible to people with disabilities. This includes websites, video and audio tapes, electronic books, televised programs, and other such media. Individuals with disabilities may still have to use special hardware and/or software to access the resources. Section 508 does not apply to the private sector or to organizations that receive Federal funds.

More information about Section 508 can be found at:

<http://www.section508.gov/index.cfm?FuseAction=Content&ID=12>

Assistive Technology Act

Public Law 105-394 [29 USC 2201]

The Assistive Technology Act is intended to improve the provision of assistive technology to individuals with disabilities through comprehensive statewide programs of technology-related assistance.

The statewide activities include:

- **State finance systems** - activities to increase access to, and funding for, assistive technology devices and services, including development of systems to provide and pay for such devices and services.

- **Device reutilization programs** - activities that provide for the exchange, repair, recycling, or other reutilization of assistive technology devices, which may include redistribution through device sales, loans, rentals, or donations.
- **Device loan programs** - activities that provide short-term loans of assistive technology devices to individuals, employers, public agencies, or others seeking to meet the needs of people with disabilities.
- **Device demonstration programs** - activities that demonstrate a variety of assistive technology devices and provide assistive technology services.

For a list of state projects funded under the AT Act, visit <http://www.assistivetech.net/webresources/stateTechActProjects.php>

Carl D. Perkins Vocational and Technical Education Act Amendments of 1998

Public Law 105-332 Section 1 (b) [20 USC 2302]

Schools are required to integrate academic, vocational and technical training, increase the use of technology, provide professional development opportunities to staff, develop and implement evaluations of program quality, expand and modernize quality programs, and link secondary and post-secondary vocational education. Additionally, states must submit an annual report on how special populations, including persons living with disabilities, engaged in vocational education are faring relative to the states' performance goals.

<http://www2.ed.gov/policy/sectech/leg/perkins/index.html>

Fair Housing Act Amendments of 1988

Public Law 100-430 [42 USC 3604]

This legislation addresses non-discrimination issues for potential tenants with disabilities. It is

unlawful to deny housing to a renter/buyer because of a disability that the person may have. Owners must also make reasonable exceptions to their policies to accommodate people with disabilities (i.e. - seeing eye dogs). Tenants are also allowed to make reasonable access-related modifications to the property if necessary.

<http://www.hud.gov/offices/fheo/FHLaws/yourrights.cfm>

The Television Decoder Circuitry Act of 1990, Section 3

Public Law 101-431 [47 USC 303 (u)].

The deaf and hearing impaired should have access to information and entertainment via television medium to the fullest extent possible through technology. This law requires that new televisions with at least a 13-inch screen must have the built-in capacity to display closed-captioned TV transmissions.

<http://www.access-board.gov/sec508/guide/1194.24-decoderact.htm>

<http://www4.law.cornell.edu/uscode/unframed/47/225.html>

Title III - Public Law 104-104 [47 USC 613]

Discusses rules on closed captions and video descriptions of video programming.

<http://www.fcc.gov/telecom.html>

Federal Government Procurement of Accessible Information Technology

Public Law 105-220 section 408 [29 USC 794 (d)]

Individuals with disabilities cannot be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service.

http://www4.law.cornell.edu/uscode/html/uscode29/usc_sec_29_00000794---d000-.html

Workforce Investment Act of 1998

Public Law 105-220 [29 USC 701]

In the vocational rehabilitation process, this law defines technology and its use in job planning, and acquisition and retention of people with disabilities.