



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

NOV 6 1997

Dear

Your electronic mail (E-mail) message to President Clinton has been referred to the United States Department of Education's Office of Special Education Programs (OSEP) for response. OSEP is the component of the Office of Special Education and Rehabilitative Services that administers the Individuals with Disabilities Education Act - (IDEA) Amendments of 1997 ('97 Amendments). You wrote on behalf of your child who is dyslexic, seeking assistance in obtaining a computer that the school feels may help with education. Perhaps the following information may be of assistance.

Part B of the IDEA is Federal law that authorizes financial assistance to States, and through them to local school districts, to assist in meeting the special education needs of eligible children with specified disabilities in mandated age ranges. A copy of the Department's regulations implementing Part B at 34 CFR Part 300, as well as a copy of the proposed regulations implementing the '97 Amendments, are enclosed for your information. To be eligible for services under Part B, a child must have one or more of 13 specified disabilities, as defined in 34 CFR §300.7(b), and need special education and related services. See CFR §300.121. "Dyslexia" is included within the definition of "specific learning disability" as one of the 13 specific disabilities eligible for services under Part B.

After a child is evaluated and determined eligible for special education and related services, an individualized education program (IEP) must be developed before such services are provided. See 34 CFR §300.342(b)(1). The IEP, which must be developed at a meeting that includes both parents and school officials, must contain, among other elements, a statement of the specific special education and related services to be provided to the student. See 34 CFR §300.346(a)(3). In an August 10, 1990 letter (copy enclosed) to Ms. Susan Goodman, the Department stated:

. . . the list [of related services] 'is not exhaustive and may include other developmental, corrective, or other supportive services . . . if they are required to assist a [child with a disability] to benefit from special education.' [34 CFR §300.17 and Comment]. Thus, under [Part B], 'assistive technology' could qualify as 'special education' or related services.

If the participants on the IEP team determine that a child with disabilities requires assistive technology in order to receive a free appropriate public education (FAPE), and designates such assistive technology as either special education or related services, the child's IEP must include a specific statement of such services, including the nature and extent of such services. See 34 CFR §300.346(a)(3); Appendix C to 34 CFR Part 300, Question 51. The IEP team's decision about any assistive technology needs is made on a Case-by-case basis, taking into consideration the unique needs of each individual child. If the IEP team determines that a student with disabilities requires assistive technology, such as a personal computer, in order to receive FAPE, and designates such assistive technology as either special education or related service, the IEP must include a specific statement describing such service, including the nature and amount of such services. Any assistive technology needs stated on the IEP must be provided at public expense, under public supervision and direction, and without charge. You should be aware that pursuant to the '97 Amendments after July 1, 1998, the IEP team must specifically consider whether the child requires assistive technology devices and services.

If a determination is made that your        does not require a personal computer in order to receive FAPE, a source of further assistance or information that may be helpful would be for you to contact the Statewide program in Texas, established under the Technology-Related Assistance for Individuals with Disabilities Act, P.L. 100-404, which seeks to bring information, services, and assistive devices to residents of all ages with disabilities. You may wish to contact Ms. Susan Elrod, at the Texas Assistive Technology Partnership, at the following address and telephone number:

University of Texas College of  
Education.  
S28252-D5100  
Austin, Texas 78712  
Telephone: (512) 471-7621

Still another source of assistance that you may want to explore is the possibility of obtaining financial assistance for the computer through one of the benevolent organizations that offer support to individuals with disabilities. Some of the community organizations that may be helpful include, but are not limited to, the Lions, Elk, and

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Rotarian Clubs, and the Junior Chambers of Commerce and Hospital Guilds. She may also want to contact one of the church groups in your local area for possible sources of assistance.

I hope that this information is helpful in responding to your constituent's concerns. If I may be of further assistance, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Hehir".

Thomas Hehir  
Director  
Office of Special Education  
Programs

Enclosures

cc: Dr. Claudia Knowles  
Texas Education Agency