



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUN 22 1998

Ms. Donna Hutcheson
Funding Advocate
Illinois Assistive Technology Project
528 South 5th Street, Suite 100
Springfield, Illinois 62701

Dear Ms. Hutcheson:

This is in further response to your letter, dated September 19, 1997, to the Office of Special Education Programs (OSEP) requesting clarification on the responsibilities of state educational agencies (SEAS) regarding the provision of assistive technology devices and services for children with disabilities.

Part B of the Individuals with Disabilities Education Act was amended by the Individuals with Disabilities Education Act Amendments of 1997, Pub. L. 105-17 (IDEA '97), which was signed into law by President Clinton on June 4, 1997. Most of the provisions of IDEA '97 became effective on that date; however, the provisions relating to individualized education programs (IEPs) which are relevant to your inquiry will not take effect until July 1, 1998. See §201(a)(2)(A) and (C) of IDEA '97. Until that time, the provisions referenced in your letter remain in effect.

In your first question, you ask about State responsibilities for ensuring that school districts comply with Part B requirements applicable to the provision of assistive technology for students with disabilities. Under prior and current law, as a condition of eligibility for receipt of Part B funds, the State educational agency (SEA) must exercise general supervision over all education programs for children with disabilities administered within the State. The SEA has the ultimate responsibility and authority for ensuring that the requirements of Part B of IDEA, including compliance with the education standards of the SEA, are met. IDEA '97, §612(a)(11)(A).

Under current law, public agencies must ensure that assistive technology devices and/or services are provided for children with disabilities who require such devices and/or services in order to receive a free appropriate public education (FAPE). The IEP team determines what, if any, assistive technology devices and/or services are required in light of the child's educational needs. There are no predetermined lists of assistive technology devices and/or services that relate to specific types of disabilities. The need for a specific assistive technology device/service must be determined according to the individual needs of the child. IDEA '97 further clarifies these requirements by stating that in

developing a child's IEP, the IEP team shall "consider whether the child requires assistive technology devices and services." See Section 614(d)(3)(B)(v) (effective July 1, 1998).

Thus, under prior and current law, SEAs must ensure that school districts have in place policies and procedures to ensure that a free appropriate public education (FAPE) is made available to all children with disabilities residing in the State in mandatory age ranges. This responsibility includes ensuring the provision of assistive technology devices and services where such devices and services are necessary for a child to receive FAPE. Similarly, in monitoring school districts for compliance with Part B, SEAs must develop procedures and standards necessary to ensure that Part B requirements, including the provision of FAPE to all eligible children, are met.

OSEP is in the process of revising its current procedures for monitoring the compliance of SEAs with the requirements of Part B, including the new IEP requirements in IDEA '97. For more information about OSEP's monitoring of SEAs, you should contact Suzy Rosen, the Illinois State contact in the Monitoring and State Improvement Planning Division. To reach her by telephone, please call the relay operator at 1-800-877-8339, then ask to be connected to Ms. Rosen at (202)260-3180.

We hope that you find this explanation helpful.

Sincerely,



Thomas Hehir
Director
Office of Special Education
Programs

cc: Mary Jane Broncato
Illinois State Board of
Education