



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

MAR 25 2003

Note: The references to Part C regulations §300.12 and §300.520(b)(3) should be correctly cited as @303.12 and @303.520(b)(3).

Linda Goodman, Director
Connecticut Birth to Three System
Central Office
460 Capitol Avenue
Hartford, Connecticut 06106

Dear Ms. Goodman:

This is in response to your letter requesting clarification of OSEP's current regulations under Part C of the Individuals with Disabilities Education Act (Part C) regarding assistive technology. Under Part C, appropriate early intervention services must be available to all eligible children and their families. Under the Part C regulations at 34 CFR §303.12(a), early intervention services are defined as services that—

- (1) Are designed to meet the developmental needs of each child eligible under this part and the needs of the family related to enhancing the child's development;
- (2) Are selected in collaboration with the parents;
- (3) Are provided –
 - (i) Under public supervision;
 - (ii) By qualified personnel, as defined in §303.21, including the types of personnel listed in paragraph (e) of this section;
 - (iii) In conformity with an individualized family service plan; and
 - (iv) At no cost, unless subject to §300.520(b)(3), Federal or State law provides for a system of payments by families, including schedule of sliding fees; and
- (4) Meet the standards of the State, including the requirements of this part.

The Part C regulations specifically include definitions for “assistive technology devices” and “assistive technology services” among those services included under “early intervention services.” See, 20 U.S.C. §1432(4)(E)(xiii) and 34 CFR §300.12(d)(1).

As you noted in your letter, the Discussion section for 34 CFR §303.344(d) (IFSP content requirements) of the 1993 Regulations (for what was then Part H of IDEA) stated:

In the context of the Part H [Part C] program, assistive technology devices are required only if they relate to the developmental needs of the infants and toddlers served by the program. See §303.12(a)(1). Linking the provision of those devices to an education benefit is not appropriate under a program that serves children from birth to age three. Part H does not require that assistive technology devices be provided to meet the medical or quotidian, life-sustaining needs of a child.

1993 Final Part H Regulations, Subpart A – Analysis of Comments and Responses at 58 Federal Register 40983 (July 30, 1993).

The Discussion further stated that the “Secretary reiterates that the purpose of assistive technology devices is to meet the unique developmental needs of the child, as determined on an individualized basis through the IFSP development process.” *Ibid.* This clarification is consistent with OSEP’s interpretation of assistive technology under the current Part C regulations.

I hope this response provides the necessary clarifications. Please feel free to contact Jackie Twining-Martin, State Contact for Connecticut, at 202-205-8258 or Sarah Willis, policy consultant in the Monitoring and State Improvement Planning Division, at 202-205-8658 if you need further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephanie S. Lee" followed by a stylized flourish or initials.

Stephanie S. Lee
Director
Office of Special Education Programs