

20 U. S. C. § 1401. Definitions

WRIGHTSLAW OVERVIEW: Read these definitions carefully, especially the definitions of child with a disability, free appropriate public education, highly qualified teacher, least restrictive environment, IEP, related services, special education, and specific learning disability. The definitions are in alphabetical order. One definition often takes you to another section of the law that provides additional information on the subject. IDEA 2004 added six new definitions: core academic subjects, highly qualified teacher, homeless children, limited English proficient, universal design, and ward of the state. In the regulations, Definitions begin at 300.4 and continue to 300.45.

Except as otherwise provided, in this title:

(1) Assistive Technology Device.

(A) In General. The term ‘assistive technology device’ means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of a child with a disability.

(B) Exception. The term does not include a medical device that is surgically implanted, or the replacement of such device.¹³

(2) Assistive Technology Service. The term ‘assistive technology service’ means any service that **directly assists a child** with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

(A) the evaluation of the needs of such child, including a functional evaluation of the child in the child’s customary environment;¹⁴

(B) purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by such child;

(C) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

(D) coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(E) training or technical assistance for such child, or, where appropriate, the family of such child; and

(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of such child.¹⁵

(3) Child With A Disability.

(A) In General. The term ‘child with a disability’ means a child—

(i) with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (referred to in this title as ‘emotional disturbance’), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and

¹³ See regulations 300.5, 300.6, 300.34(b), and 300.113 about hearing aids and cochlear implants.

¹⁴ An assistive technology evaluation may be conducted in the home, which is a customary environment for a child.

¹⁵ Children with disabilities need to use technology devices and services to increase and improve their ability to function independently in and out of school. Technology devices include dictation software, text readers, and computerized speaking devices. Parents, teachers, and other professionals will need training before they can teach the child to use technology.