

Individuals with Disabilities Education Act (1975)

In 1975, the United States Congress passed the Individuals with Disabilities Education Act, referred to as the IDEA, which codified the right of all American children to a free and appropriate public education regardless of disability status. The IDEA requires all public schools that accept federal funds to provide education that meets the needs of students with disabilities at the public expense. Prior to IDEA, many students with disabilities went without any educational opportunities, and many faced confinement in institutions. The IDEA enshrined the right to education for children with disabilities, allowing millions of children to learn in a public-school classroom by setting guidelines for accessibility and the instruction of students with disabilities in American public schools.

During most of the twentieth century, children with disabilities frequently faced discrimination in public education either through the lack of appropriate accommodations or complete exclusion from local schools. At the start of the 1970s, only about twenty percent of children with disabilities attended a public school. Often, instead of attending local schools, children who were blind, deaf, had physical disabilities like cerebral palsy, or had intellectual disabilities like Down syndrome were sent to institutions with little to no educational instruction. Parents and disability activists at the time called for an end to forcing children with disabilities into separate learning facilities.

The IDEA came about after decades of civil rights struggles involving the American education system. In the 1954 case *Brown v. Board of Education*, the US Supreme Court found that racial segregation of students in public schools violated the Equal Protection Clause of the Fourteenth Amendment. The Equal Protection Clause requires all people to be subject to equal treatment under the law. Following the end of segregation based on race, disability advocates began to file lawsuits of their own against the continued segregation of students with disabilities in public education. Two 1972 federal court cases, *Pennsylvania Association for Retarded Citizens (PARC) v. Pennsylvania*, hereafter *PARC*, and *Mills v. Board of Education*, hereafter *Mills*, ended with the decision that schools are required to provide education to fit the needs of students with disabilities. Despite the judicial victory, there was still a lack of a federal standard for special education programming, and enforcement of accessibility requirements, so disabilities advocates pushed for a federal law enshrining education rights.

The legislative history of the IDEA began in 1960 with the Elementary and Secondary Education Act of 1965, which was the first time the federal government allocated direct aid to states for public education. A portion of the money included funding for state-run institutions for the Blind, Deaf, and people who were, at the time, called mentally retarded, a term which is unacceptable for describing people with disabilities as of 2022. The following year, Congress amended the Elementary and Secondary Education Act to create the Bureau for the Education of the Handicapped. A few years later, Congress passed the Education of the Handicapped Act of 1970, or the EHA, which expanded the grant offerings by the federal government for special education programming in state public schools. After the decisions in *PARC* and *Mills*, Congress amended the EHA to allow states to receive federal funds only if they implemented policies to fully integrate students with disabilities in their schools.

In 1975, Congress passed Amendments to the EHA called the Education for All Handicapped Children Act, or the EAHCA. The EAHCA included a bill of rights for students with disabilities that specified the right to access a free and appropriate public education, or FAPE. FAPE includes special education programming designed to meet the individual needs of a student at no cost to their family. In 1990, the EAHCA was amended once again and renamed the Individuals with Disabilities Education Act. The 1990 amendments included several changes, including the addition of autism

and traumatic brain injury as eligible for IDEA benefits.

Congress once again reauthorized the IDEA in 1997, under President William Clinton. The 1997 amendments to the IDEA included allowances for disciplinary actions schools can take with students with disabilities. Among the provisions was the right for a school to remove a student from the school for up to forty-five days if they are involved with drugs or weapon use. Additionally, the amendments codify the right of students with disabilities to continue to receive educational services even when they are expelled or suspended.

The most recent reauthorization as of 2022 occurred in 2004 under President George W. Bush with the Individuals with Disabilities Education Improvement Act of 2004, or IDEA 2004. Several of the amendments in IDEA 2004 involved learning disabilities, including requirements for states to develop criteria for identifying and assessing students with learning disabilities, along with a requirement that the criteria cannot include a discrepancy in intellectual ability and achievement. Additional changes required special education teachers who teach core subjects to their students to be highly qualified, which requires a bachelor's degree, state licensure, and satisfactory completion of appropriate state examinations. The 2004 reauthorization of the IDEA established the National Center for Special Education Research within the Department of Education, which examines and improves the implementation of the IDEA and special education programs.

IDEA is divided into four sections, labeled parts A, B, C, and D. Part A defines terms used throughout the IDEA and mandates the formation of the Office of Special Education Programs, which monitors special education funding to states. Part B outlines the requirements for schools to educate students from ages three to twenty-one as well as ensures federal funding. Additionally, Part B codifies the rights to FAPE, student evaluations for disability, input by parents and students, and learning in a least restrictive environment, which means students with disabilities should learn in settings with non-disabled peers as much as possible. Another component of Part B is individualized education plans, or IEPs. IEPs are developed in coordination with the school, parents, and the student to specify what actions the school will take to achieve a child's development goals. Finally, Part B mandates that children and parents are entitled to due process rights to determine if the child is receiving the proper services.

Parts C and D expanded the programming offered by the IDEA. Part C focuses on early intervention for infants and toddlers with disabilities from birth to two years of age. Similar to IEPs, Part C requires states that receive federal funds from IDEA to develop Individualized Family Service Plans, or IFSPs, to clarify resources and goals for families with physically or developmentally disabled children. Part D provides resources for national activities intended to improve education outcomes for students with disabilities. Some Part D expenditures include improving the training for qualified special educators, translating academic research into practical tools in special education, and funding research and deployment of assistive technologies for students with disabilities.

IDEA enforcement has primarily occurred through federal oversight and parents filing lawsuits against school districts that fail to meet their child's needs, however, the effectiveness of that enforcement came under threat at the start of the 1980s. Initially, in 1981, the newly elected Ronald Reagan administration declared plans to eliminate IDEA in its entirety to reduce the size of the federal government by ending the oversight required to ensure students with disabilities received FAPE. However, public outcry led them to attempt to less overtly curtail some of the rights outlined in the IDEA. One proposed change was to reduce or eliminate many of the oversight measures on school districts to reduce the burden on schools. Another proposed change was to reduce the number of students who would qualify for services by narrowing the definitions of handicaps under the law. Under such a change, simply having a disability would not necessarily deem a child eligible for services under IDEA. The administration also sought to reduce the ability of parents to challenge changes to their child's education plans and IEPs. Schools would no longer be required to consult parents to change an IEP. Finally, the proposed changes would have nullified all mandates for students to learn in a least restrictive environment not explicitly outlined in the IDEA itself. Overall, the proposed amendments would have reduced federal spending on special education services under IDEA by thirty percent by drastically cutting educational resources for children with disabilities.

The Reagan Administration's proposed changes to IDEA and attempts to revoke implementation

of other disability legislation like Section 504 of the Rehabilitation Act of 1973, which forbade organizations that accepted federal funds from discriminating against people with disabilities, drew responses from tens of thousands of concerned parents and disability activists. Disability activists, primarily Patrisha Wright and Evan Kemp, organized a national letter-writing campaign that collected over 40,000 letters from concerned Americans, dropping off hundreds of bags containing pleas to keep the IDEA and Section 504 intact at the White House in protest. Wright and Kemp were both disabled self-advocates with decades of leadership experience in the disability rights movement. Additional protests included thousands of parents and disability community advocates attending public hearing events held throughout the country. By 1983, the administration relented, with Vice President George H. W. Bush writing a letter to Kemp saying that the IDEA and Section 504 would remain unchanged. Bush cited the outpouring of opposition from community members and parents, especially the personal stories of the people facing the loss of necessary services, as the reason for the change in policy direction.

The IDEA served as a clear acknowledgment of the inadequacies of American public education in service to students with disabilities. After several decades of legal development and policy implementation, nearly all children with disabilities in the United States have access to accessible education as of 2022. The US Department of Education reported that 7.5 million students with disabilities received services under the IDEA during the 2018 to 2019 school year. Millions of children who would have otherwise received little to no formal education are fully integrated into public school classrooms across the United States. While disparities in graduation rates and post-secondary education attainment persist between disabled and non-disabled students as of 2022, implementation of the IDEA continues to close the gap by ensuring students with disabilities have the opportunity to learn in public school classrooms with their non-disabled peers.

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