

## CHAPTER 2 – A NEW FOUNDATION FOR SPECIAL EDUCATION SERVICES

### CHAPTER 2 OUTLINE

- I. The Federal Base for Special Education Services
  - A. Elementary and Secondary Education Act of 1965 (P.L. 89-10)
  - B. Education of the Handicapped Act of 1970 (P.L. 91-230)
  - C. Education of the Handicapped Act Amendments of 1974 (P.L. 93-380)
  - D. Education for All Handicapped Children Act of 1975 (P.L. 94-142)
- II. ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (P.L. 89-10)
  - A. First federal involvement in public education
  - B. Goal—to improve opportunities for “educationally disadvantaged”
  - C. Initial budget of \$1.3 billion
  - D. Most recent reauthorization occurred in 2001 and is known as “No Child Left Behind”
- III. EDUCATION OF THE HANDICAPPED ACT OF 1970 (P.L. 91-230)
  - A. Consolidated grant programs for children with disabilities
  - B. Precursor to EAHCA of 1975 Education of the Handicapped Act Amendments of 1974 (P.L. 93-380)
  - C. Required states to create plans to provide educational opportunities for children with disabilities.
  - D. Introduced procedural safeguards to protect children during evaluation and placement testing.
  - E. Testing materials had to be nondiscriminatory.
  - F. Mandated that preference be given to placement in regular classrooms.
- IV. EDUCATION FOR ALL HANDICAPPED CHILDREN ACT OF 1975 (P.L. 94-142)
  - A. Included a bill of rights for children with disabilities
  - B. Increased federal funding for educating children with disabilities
  - C. Increased responsibility of states to fully education children with disabilities
  - D. Introduced the principles of:
    - 1. Zero Reject
    - 2. Nondiscriminatory Assessment
    - 3. Procedural Due Process
    - 4. Parental Participation
    - 5. Least Restrictive Environment
    - 6. Individualized Education Program
- V. SUBSEQUENT REAUTHORIZATIONS AND AMENDMENTS TO EAHCA
  - A. Handicapped Children’s Protection Act of 1986 (P.L. 99-372)
  - B. Education of the Handicapped Act Amendments of 1986 (P.L. 99-457)
  - C. Individuals with Disabilities Education Act of 1990 (P.L. 101-476)
    - 1. The Individuals with Disabilities Education Act Amendments of 1991 (P.L. 102-119)
    - 2. The Individuals with Disabilities Education Act Amendments of 1997 (P.L. 105-17)
    - 3. The Individuals with Disabilities Education Act Amendments of 2004 (P.L. 108-446)
  - D. Handicapped Children’s Protection Act of 1986 (P.L. 99-372)
- VI. Amendment to EAHCA resulting from a Supreme Court case, *Smith v. Robinson* (1984).
  - A. Prior to this amendment, EAHCA did not include provisions for awarding attorney’s fees.
  - B. Education of the Handicapped Act Amendments of 1986 (P.L. 99-457)

- C. Part B expanded services to children with disabilities aged 3 to 5.
  - D. Part H provided funding for early intervention programs.
- VII. INDIVIDUALS WITH DISABILITIES EDUCATION ACT OF 1990 (P.L. 101—476)
- A. The 1990 reauthorization of the Handicapped Children’s Act changed the title of the law to Individuals with Disabilities Education Act (IDEA)
  - B. Reflected the change to “people first” language
  - C. Part B expanded services to children with disabilities between the ages of 18 and 21.
- VIII. THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS OF 1991 (P.L. 102-119)
- A. Reauthorized Part H of IDEA and renamed it the Early Intervention Program for Infants and Toddlers with Disabilities.
  - B. Expanded federal funding to help states with the cost of programs for infants and toddlers.
  - C. Required an IFSP for children from birth to 3 years.
- IX. THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS OF 1997 (P.L. 105-17)
- A. Focused on the improvement of educational results.
  - B. Enabled schools to more easily remove violent or dangerous students.
  - C. Provided for increased parental involvement.
- X. THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS OF 2004 (P.L. 108-446)
- A. A major revision of IDEA which took effect in July 2005.
  - B. Defined highly qualified special education teachers
  - C. Reduced paperwork
  - D. Revised state performance goals
  - E. Revised compliance monitoring
  - F. Included provisions for the education of homeless children with disabilities
  - G. Attempted to reduce conflict between IDEA and No Child Left Behind.
- XI. FEDERAL STATUTES RELATING TO IDEA
- A. Rehabilitation Act of 1973 (P.L. 93-112)
  - B. Americans with Disabilities Act of 1990 (P.L. 101-336)
  - C. No Child Left Behind Act of 2001 (P.L. 107-110)
- XII. REHABILITATION ACT OF 1973 (P.L. 93-112)
- A. Authorized federal support for the training and rehabilitation of persons with disabilities
  - B. The goal of P.L. 93-112 was to assist individuals with disabilities to become full participants in society.
  - C. Section 504 stipulated that recipients of federal funding must not discriminate against individuals with disabilities.
- XIII. AMERICANS WITH DISABILITIES ACT OF 1990 (P.L. 101-336)
- A. Comprehensive legislation designed to protect the rights of individuals with disabilities that includes five sections or titles:
    1. *Employment*
    2. *Public Services*
    3. *Public Accommodations*
    4. *Telecommunications*
    5. *Miscellaneous Provisions*
- XIV. NO CHILD LEFT BEHIND ACT OF 2001 (P.L. 107-110)
- A. The most recent reauthorization of ESEA

- B. The goal of the legislation is the “fair, equal, and significant opportunity to obtain a high quality education” for all children.
- XV. Rosa’s Law (P.L. 111-256)
- A. Enacted in October 2010, it removed the terms “mental retardation” and “mentally retarded” from federal policy and regulations.
- B. Rosa’s Law (P.L. 111-256) requires less stigmatizing language:
1. *Intellectual disability*
  2. *Individual with an intellectual disability*

**SUMMARY – In chapter 2 we considered:**

- The history of federal education legislation
- The expansion of the federal government’s role in ensuring educational opportunity for children with disabilities.

## CHAPTER 2 SAMPLE QUIZ

1. Why was there a need in the 1970's for federal legislation that would mandate services for children with exceptionalities when most states had adopted mandatory legislation requiring educational services for students with disabilities?

- A. No laws or regulations existed that codified the educational responsibilities across state and local entities.
- B. Because the laws and regulations that existed across state and local entities resulted in uneven access to, and quality of, educational services.
- C. Some states continued to exclude students with disabilities through enactment of statutes that allowed exclusion.
- D. All of the above

2. The first federal legislation generally considered as a statutory base for EAHCA was...

- A. Education of the Handicapped Act of 1970
- B. Bureau of Education for the Handicapped Act (BEHA) 1965
- C. The Elementary and Secondary Education Act (ESEA) of 1965
- D. None of the above

3. Match the basic principles that are considered the underpinnings of the eight subchapters of the EAHCA with its primary definition:

- |                                     |   |
|-------------------------------------|---|
| 1. Zero Reject                      | A. Testing, evaluation materials, and procedures used in the identification and evaluation of children with disabilities are to be selected and administered so as not to be racially or culturally discriminatory. |
| 2. Nondiscriminatory Assessment     | B. Sets in place guidelines for defining and appointing surrogate parents in the event the agency after reasonable effort cannot locate the parents or when the child is considered a ward of the state.            |
| 3. Procedural Due Process           | C. The preferred placement for students with disabilities is the regular classroom.   |
| 4. Parental Participation           | D. All children with disabilities, regardless of the severity or type of their disability, are entitled to receive a free appropriate public education (FAPE).  |
| 5. Least Restrictive Environment    | E. Safeguards developed to strengthen and guarantee the rights of all persons involved in the provision of educational services for children with disabilities.   |
| 6. Individualized Education Program | F. A process for developing an appropriate program for a child with a disability and a product/document that directs the education of the child.  |

4. During the Education of the Handicapped Act Amendments (EHA) of 1986 a new subchapter was created, commonly called part H, which...
- A. Created authorization for regional resource and federal centers.
  - B. Created grants for personnel training and national clearinghouses.
  - C. Provided funding for the planning and implementation of early intervention programs for young children (ages 3 through 5) with special needs.
  - D. Set forth the procedural safeguards and the state formula grant program that funds the state special education programs.
5. The emphasis of amendments to the IDEA Act of 2004 were focused on: (choose multiple answers)
- A. the promise of paperwork reduction
  - B. the requirement of an IFSP for children age birth to 3
  - C. monitoring of student's academic performance
  - D. aligning IDEA requirements with the requirements of ESEA
6. The Rehabilitation Act of 1973 authorized federal support for...
- A. reducing paperwork and other non-educational activities, including a pilot paperwork reduction program
  - B. the rehabilitation and training of persons with mental and physical disabilities
  - C. major changes in compliance monitoring to focus on student performance, not just compliance with procedures
  - D. revision of the test for manifestation determination
7. IFSP is usually developed by the multidisciplinary team for...
- A. Adults ages 21 or above.
  - B. Teenagers ages 13-18
  - C. High School Students ages 14 or above
  - D. Infants and toddlers ages 0-3
8. With the change in the use of the "people first language", Education of the Handicapped Children's Act was changed to...
- A. Americans with Disabilities Act of ADA
  - B. Individuals with Disabilities Act or IDEA
  - C. The Rehabilitation Act
  - D. None of the above
9. The eligibility for services for an individual with disabilities as per \_\_\_\_ is determined solely on the existence of a disability and not on the lack of educational success.
- A. IDEA
  - B. Section 504
  - C. Both A and B
  - D. None of the above

10. Section 504 relies on \_\_\_\_\_ to ensure that discrimination does not occur.

- A. State Department
- B. Department of Special Education
- C. Office of Civil Rights
- D. School District.



## CHAPTER 2 ESSAY QUESTIONS

1. What were the changes enacted in 2004 under P.L. 108–446, the Individuals with Disabilities Education Improvement Act (IDEA) of 2004?

### **Suggested Answer:**

Individuals with Disabilities Education Improvement Act of 2004 continued the refinements of the basic requirements and included measures to align this act with the No Child Left Behind. Changes in IDEA focused on assuring that all special education teachers are highly qualified, that requisite paperwork be reduced in amount, that state and local assessments be aligned with the ESEA, placed more emphasis on the education of homeless children, and made changes to the procedural safeguards included in the law. IDEA 2004 continues to support the basic underpinnings of earlier versions of the law and to emphasize its civil rights guarantees for children with disabilities.

2. What are other federal statutes that support IDEA and how do they guarantee the rights of persons with disabilities?

### **Suggested Answer:**

Other federal statutes that support IDEA include the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. The Rehabilitation Act of 1973 covers both programmatic and physical access for individuals with disabilities. Later, a concern developed that the statutes protecting individuals with disabilities were too fragmented, so the Americans with Disabilities Act of 1990 was passed to address the issue. The ADA provided a national mandate for the elimination of discrimination against individuals with disabilities. These laws are considered to be civil rights legislation that is anti-discrimination laws and, as such, rely on the Office of Civil Rights to ensure that discrimination does not occur.

### Chapter 2 Sample Quiz

Q)1 - D, Q)2 - C, Q)3: 1-D, 2-A, 3-E, 4-B, 5-C, 6-F, Q)4 - C, Q)5 – A, C, &D, Q)6 - B, Q)7 - D, Q)8 - B, Q)9 - B, Q)10 - C