

Short Paper #1
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IN 620

Part 1: There is no constitutional mandate requiring the federal government to provide education services. Why, then, was PL 94-142 (Education for All Handicapped Children Act) enacted? When crafting your answer, be sure to indicate any relevant court cases and decisions as well as include why the 14th amendment is critical to this population.

Before there was real regulation on special education in public and private school systems, states could create educational programs for their students with disabilities. The US federal government left the responsibility to the states as long as they followed some constitutional principles. In 1970, congress created the Education for Handicapped Act (EHA) which told states that if they developed a special education program, they would be eligible to receive federal funding.

The states were handling the education of their citizens when some issues were brought to the Supreme Court. One compelling case was PARC v. Pennsylvania (1971). This decision mandated that states needed to teach all students, education could not be denied due to a disability, and the education of students with disabilities needed to be the same as general education students.

Servicing special education students in the public school systems was very expensive, and many schools reached out to parents to help with the cost of educating their children. Many students were denied educational services because they could not afford to pay for them. The Mills v. Board of Education (1972) court case changed this idea and stated that special education services needed to be free and at no cost to families.

After the Supreme Court saw these significant cases, Congress decided to amend the 1970 Education of the Handicapped Act (EHA). They created PL 94-142 or Education for All Handicapped Children ACT (EAHCA) in 1975. Congress saw a need to create some structure and uniformity to special education services because each state delivered special education in its own distinct way. The new law stated that special education services must be individualized, free, in the least restrictive environment (LRE), and provided under required procedural safeguards. States that would comply with this new law would be eligible to receive federal funds to support their special education programs.

All the states needed to follow the 14th amendment, which protected due process and equal protection of the laws. States who wanted to provide education services had to offer them to all citizens, whether they had a disability or not. The case Brown v. Board of Education (1954) tested the 14th amendment of due process and equal protection of the law. Even though this was

a civil rights case, it cemented that all students needed to be educated equally and not in separate settings. After this decision, mainstreaming and inclusion took off in special education.

Both of the cases, *PARC v. PA* and *Mills v. Board of Education*, were landmark cases that were based on the 14th Amendment of the constitution and helped shape the special education laws we have today.

Part 2: Provide a brief history of PL 94-142 explaining changes as it has been reauthorized.

Special education started when Congress created the Education of the Handicapped Act in 1970. This act provided grant money to states that provided special education in their schools. It was amended in 1975 and changed to the Education for All Handicapped Children Act or PL 94-142. It made federal funds available to states who developed plans in their schools for students with disabilities. The Act dictated that the education needed to be individualized, free to the students, in the least restrictive environment, and have procedural safeguards in place.

The Act was renamed in 1990 and was called the Individuals with Disabilities Education Act (IDEA). The term “handicapped” was replaced by the word “disability.”

In 1997, congress amended the act to address the quality of services students received in special education. In this amendment, they required high expectations and access to the general curriculum for students with disabilities. There were also changes in discipline, attorney’s fees, SPED services for private schools, statewide testing requirements, IEP requirements, transition requirements, and funding.

The last time this act was amended was in 2004, and Congress changed the name to the Individuals with Disabilities Education Improvement Act (IDEIA). The additions to the act required schools to prepare students with disabilities for further education, employment, and independent living after high school. It also instructed schools to use scientifically based research methods, positive behavioral supports, early intervention and response to intervention (RTI), and assistive technology in the classroom.