

## Summary of Select Federal Legislation Affecting Special Education

Year	Authority	Purpose
1958	PL 85-926 Training of Professional Personnel	One of the early enactments focusing on training special education teachers. Grants provided to universities and state education agencies for training leadership personnel in the education of children with mental retardation. Created principle of categorical support for individuals with a specific disability.
1961	PL 87-276 Teachers of the Deaf	Funding for training teachers in the education of children who are deaf.
1963	PL 88-164 Training of Professional Personnel	Expanded authority to train personnel in disability areas not previously addressed (e.g, visually impaired, emotionally disturbed). Section 302 established the Division of Handicapped Children and Youth within the U.S. Office of Education. Created University Affiliated Facilities (UAFs) for interdisciplinary training of professionals, as well as research and demonstration projects related to developmental disabilities.
1964	PL 88-452 Economic Opportunity Act	Established the Office of Economic Opportunity, which developed and administered Project Head Start. Required local communities to create agencies to coordinate programs and funding of Head Start.
1965	PL 89-10 Elementary and Secondary Education Act (ESEA)	A \$1.33 billion commitment to improve elementary and secondary education. Enactment contained six sections, or titles. Title I was aimed at developing programs and curriculum materials to better serve economically disadvantaged children and students with disabilities. Division of Handicapped Children and Youth disbanded as part of reorganization of the U.S. Office of Education.
1965	PL 89-313 Aid for Handicapped Children in State Institutions	Amended Title I of ESEA. Authorized funding for children with disabilities served in state-operated schools and facilities.
1966	PL 89-750 Education for Handicapped Children	Amendments to PL 89-10. Funding given to state education agencies to improve and expand programs serving preschoolers as well as elementary and secondary pupils with disabilities. Created a national advisory committee on children with exceptionalities, and established the Bureau of Education for the Handicapped (BEH).
1968	PL 90-538 Handicapped Children's Early Education Assistance Act	Of significant importance to the education of infants and children with disabilities, birth to age 8. First specific legislation focusing exclusively on the education of <i>all</i> children with disabilities. Funded experimental preschool and early education programs demonstrating exemplary practices for young children and their families. Mandated parent involvement. Program models known as First Chance replicated in communities across the country. This legislation considered to inaugurate the field of early childhood special education.
1969	PL 91-230 Elementary and Secondary Act Amendments of 1969	Extended and amended the Elementary and Secondary Act of 1965. Consolidated existing legislation pertaining to children with disabilities, creating the Education of the Handicapped Act. Established a legislative definition of learning disabilities, as well as model education centers for pupils with learning disabilities. Recognized special needs of gifted and talented students.
1972	PL 92-424 Economic Opportunity Act Amendments of 1972	Established a preschool mandate that not less than 10% of the total number of Head Start placements be reserved for youngsters with disabilities.

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Year	Authority	Purpose
1973	PL 93-112 Rehabilitation Act of 1973	Section 504 often referred to as a Bill of Rights for the Disabled; first federal civil rights law specifically aimed at protecting the rights of individuals with disabilities finally adopted in 1977. Covers both school-age children and adults. Prohibits discrimination in federally funded programs solely on the basis of disability. Guarantees nondiscrimination in employment practices and architectural accessibility. Requires auxiliary aids for individuals with impaired sensory, manual, or speaking skills. Prohibits excluding students from a program simply for lack of appropriate services. Protects children identified as disabled under PL 105-17, as well as students ineligible for services via IDEA but who exhibit a physical or mental impairment that substantially limits one or more life activities such as learning.
1974	PL 93-380 Education Amendments of 1974	Amendments to ESEA; forerunner to PL 94-142. Enacted in response to right to education litigation. States required to plan for educating <i>all</i> children with disabilities. Addresses education within the least restrictive environment, nondiscriminatory testing and evaluation, due process procedures, and funding of programs for students who are gifted.
1975	PL 94-142 Education for All Handicapped Children Act	Successor to PL 93-380. More far-reaching and comprehensive than all preceding legislation. Offered a free and appropriate public education for all children with disabilities ages 3–21. Established Preschool Incentive Grants for providing services to young children with disabilities. Maintained many provisions of PL 93-380, plus individualized education programs, parent involvement, and procedural safeguards. Silent on services for children from birth to age 3. Children identified as gifted not included in definition of disabled.
1983	PL 98-199 Education of the Handicapped Act Amendments of 1983	Amended PL 90-538. Grants to states for developing and implementing plans for serving young children with special needs, beginning at birth. Allowed states to use Preschool Incentive Grant funds for serving children with disabilities younger than age 3. Established new programs for transitioning secondary students from school to adulthood. Created National Clearinghouse on Postsecondary Education.
1986	PL 99-372 Handicapped Children's Protection Act	Permitted reimbursement of reasonable attorneys' fees and legal expenses to parents who successfully sue to obtain services for their child, retroactive to July 4, 1984.
1986	PL 99-457 Education of the Handicapped Act Amendments of 1986	The most comprehensive legislation ever enacted on behalf of infants and young children with developmental delays or disabilities. Amended PL 94-142, mandating the extension of rights and protections to children ages 3–5. A new discretionary program (Part H) encouraged states to provide comprehensive early intervention for children and their families, from birth through age 2.
1990	PL 101-336 Americans with Disabilities Act	A reaffirmation of the rights of individuals with disabilities, modeled after Section 504 of PL 93-112. Extended civil rights protection in private sector employment, all public services, public accommodation, transportation, and telecommunications. Employers must provide modifications or specialized equipment as necessary for workers with disabilities. Public school buildings must be accessible, as well as day care centers and family day care centers. Child care services cannot be denied to a youngster with disabilities unless it can be demonstrated that serving such a child would be an undue burden or hardship.

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### Summary of Select Federal Legislation Affecting Special Education (continued)

Year	Authority	Purpose
1990	PL 101-392 Carl D. Perkins Vocational and Applied Technology Education Act	Provided equal access to the full range of vocational education programs for students with disabilities.
1990	PL 101-476 Individuals with Disabilities Education Act (IDEA)	Changed the name of the Education of the Handicapped Act and its amendments to Individuals with Disabilities Education Act (IDEA), incorporating “people first” language. Added two new categories of disability eligible for service: autism and traumatic brain injury. Required the inclusion of a plan for transition services as part of students’ individualized education programs. Included social work services and rehabilitation counseling as related services. Renamed the Handicapped Children’s Early Education Program (HCEEP) created via PL 90-538 as the Early Education Program for Children with Disabilities (EEPCD), emphasizing services for infants and toddlers. Allowed state to be sued in federal court for nonconformance.
1991	PL 102-119 Individuals with Disabilities Education Act Amendments	Reauthorized and extended Part H of PL 99-457. Changed terminology of various provisions and modified how services are to be provided.
1994	PL 103-227 Goals 2000: Educate America Act	Funding for the development and implementation of eight broad national goals aimed at reforming education, to be achieved by the year 2000.
1997	PL 105-17 Individuals with Disabilities Education Act Amendments of 1997	A major retooling of IDEA. Modified the construction of IEPs; enhanced the educational accountability of students with disabilities; gave local schools greater latitude in disciplining students enrolled in special education; offered mediation services to parents in an effort to resolve disputes; revised the formula for the distribution of federal appropriations.
2001	PL 107-110 No Child Left Behind Act of 2001	Represents a major effort at educational reform and increased accountability. Proficiency in math, reading, and science expected of all children, including students with special needs. Teachers expected to be highly qualified in their subject area.

SOURCE: Adapted from R. Gargiulo and J. Kilgo, *Young Children with Special Needs: An Introduction to Early Childhood Special Education* (2nd ed.). (Clifton Park, NY: Delmar, 2005).

	ESEA	SECTION 504	IDEA	ADA
TYPE	Education Act	Civil Rights Act	Education Act	Civil Rights Law
TITLE	Elementary and Secondary Education Act	The Rehabilitation Act of 1973	Individuals with Disabilities Education Act	Americans with Disabilities Act of 1990
RESPONSIBILITY	Public Schools	Public and Private Schools; Employment	Special Education	Public and Private Schools; Employment
PURPOSE	Increases the academic achievement of all students by helping districts improve teacher quality	Provides protection for all people that have impairments in one or more major life activities	Provides aid to ensure that students with disabilities receive appropriate services	Provides protection against people with disabilities in education and employment
POPULATION	All students	Any person who has a physical or mental impairment which substantially limits a major life event	Any person who has been identified as being eligible under one of the categories of disability	Any person who meets the definition of being disabled