

# **Key Special Education Federal Statutes Affecting the Education and Civil Rights of Children with Disabilities**

## **L. 89-10, The Elementary and Secondary Education Act of 1965.**

This law provided a comprehensive plan for readdressing the inequality of educational opportunity for economically underprivileged children. It became the statutory basis upon which early special education legislation was drafted.

## **P.L. 89-313, The Elementary and Secondary Education Act Amendments of 1965.**

This law authorized grants to state institutions and states operated schools which are devoted to the education of children with disabilities. It was first federal grant program specifically targeted for children and youth with disabilities.

## **P.L. 89-750, The Elementary and Secondary Education Amendments of 1966.**

This law amended Title VI of P.L. 89-10 and established the first federal grant program, for the education of children and youth with disabilities at the local school level rather than at state operated schools or institutions. It established the Bureau of Education of the Handicapped (BEH) and the National Advisory Council (now called the National Council on Disability).

## **P.L. 91-230, The Education of the Handicapped Act of 1970.**

This law amended Title VI of P.L. 89-750 and established a core grant program for local educational agencies. This program is known as Part B. This law also authorized a number of discretionary programs.

**P.L. 93-112, The Rehabilitation Act of 1973.** This law provides a comprehensive plan for providing rehabilitation services to all individuals regardless of the severity of their disability. It also provided for civil rights enforcement as well as it provided that schools make their programs accessible to handicapped and non-handicapped persons alike under **Section 504.**

## **P.L. 93-380, The Education Amendments of 1974.**

These amendments to the Elementary and Secondary Education Act contained two important laws. One is the Education of the Handicapped Act Amendments of 1974. This law was the first to mention the provision of an appropriate education for all children with disabilities. It also authorized the discretionary programs. The second important law, the Family Education Rights and Privacy Act, often called the Buckley Amendment, gives parents and students under the age of 18, and students age 18 and over, the right to examine records kept in the student's personal file.

## **P.L. 94-142, The Education for All Handicapped Children Act of 1975.**

This law mandates a free, appropriate public education (FAPE) for all children with disabilities, ensures due process rights, mandates education in the least restrictive environment, and mandates Individualized Education Programs (IEP), among other things. It provides the core of federal funding for special education.

## **P.L. 98-199, The Education of the Handicapped Act Amendments of 1983.**

This law reauthorized the discretionary programs, including the establishment of services to facilitate the transition from school to work for youths with disabilities through research and demonstration projects; the establishment of parent training and information centers; and funding for demonstration projects and research and demonstration projects and research in early intervention and early childhood special education.

## **P.L. 98-524, The Carl D. Perkins Vocational Education Act of 1984.**

This law authorized funds to support vocational education programs to include youths with disabilities. The law stated that individuals who are members of special populations must be provided with equal access to recruitment, enrollment, and placement activities in vocational education.

## **P.L. 99-372, The Handicapped Children's Protection Act of 1986.**

This law provides for reasonable attorney's fees and costs to parents and guardians who prevail in administrative hearings or court when there is a dispute with a school system concerning their child's right to a free, appropriate special education and related services.

## **P.L. 99-457, The Education of the Handicapped Act Amendments of 1986.**

This law mandates services for preschoolers with disabilities and established the Part H program to assist states in the development of a comprehensive, multidisciplinary, and statewide system of early intervention services for infants and toddlers (birth to age 3). This law also reauthorized the discretionary programs and expanded transition programs.

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## **P.L. 100-407, The Technology-Related Assistance for Individuals with Disabilities Act 1988.**

The primary purpose of this law is to assist states in developing comprehensive, consumer-responsive programs of technology-related assistance and to extend the availability of technology to individuals with disabilities and their families. Assistive technology device is broadly defined in the law to give the states flexibility in the programs to be developed. Assistive technology services under this law include eight activities related to developing consumer-responsive services with federal funds.

## **P.L. 101-127, The Children with Disabilities Temporary Care Reauthorization Act of 1989.**

This law is actually a part of a larger federal law, the Children's Justice Act, P.L. 99-401. Title II of this law includes provisions to fund temporary child care (e.g., respite care) for children who have a disability or chronic illness and crisis nurseries for children at risk of abuse or neglect. In 1989, P.L. 101-127 extended and expanded this program for two years and included an increase in funding for these programs from \$5 million to 20 million in 1990 and 1991. By July, 1980, 87 grants were awarded to states to develop and establish respite care programs and crisis nurseries.

## **P.L. 101-336, The Americans with Disabilities Act of 1990.**

This law, based on the concept of the Rehabilitation Act of 1973, guarantees equal opportunity for individuals with disabilities in employment, public accommodation, transportation, state and local government services, and telecommunications. The ADA is the most significant federal law assuring the full civil rights of all individuals with disabilities.

## **P.L.101-392, The Carl D. Perkins Vocational and Applied Technology Education Act of 1990.**

This law amended P.L. 98-524 for the purpose of making the United States more competitive in the world economy. This law is closely interwoven with the Education of the Handicapped Act (P.L. 94-142) toward guaranteeing full vocational education opportunity for youth with disabilities.

## **P.L. 101-176, The Education of the Handicapped Act Amendments of 1990.**

This law changed the name of EHA to the Individuals with Disabilities Education Act (IDEA). The law reauthorized and expanded discretionary programs, mandated transition services to be included in a student's IEP, and added autism and traumatic brain injury to the list of eligible categories for special education and

related services.

## **P.L. 101-496, The Developmental Disabilities Assistance and Bill of Rights Act of 1990.**

This law authorizes grants to support the planning, coordination, and delivery of specialized services to persons with developmental disabilities. In addition, the law provides funding for the operation of state protection and advocacy systems for persons with developmental disabilities. The original law was enacted in 1963 by P.L.88-164. In 1987, P.L. 100-146 significantly expanded the Act to include persons with mental retardation, autism, cerebral palsy, and epilepsy.

## **P.L. 105-17, Individuals with Disabilities Education Act Amendments of 1997.**

This law reauthorizes FAPE and makes several significant changes including participation of students with disabilities in state and district-wide assessment programs, parent participation in eligibility and placement decisions, emphasis on students with disabilities participating in the general education classroom, transition planning, voluntary mediation to resolve parent-school controversies, and discipline of students with disabilities.

## **P.L. 114-95, Every Student Succeeds Act of 2015**

This law amends the Elementary and Secondary Education Act of 1965 (ESEA) to reauthorize: (1) state assessments; (2) education of migratory children; (3) prevention and intervention for children and youth who are neglected, delinquent, or at-risk; and (4) federal evaluation activities. The law consolidates funding for School Improvement Grants, which aim to turn around the lowest-performing schools, into the title I-A funding formula. (Title I-A funding supports the instructional needs of students from low-income families.)