

# PART A: KEY TERMS AND PREMISES IN SPECIAL EDUCATION

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# The Education for All Handicapped Children Act (EHA) of 1975

- Passed November 29, 1975
- Known as P.L. 94-142
- First federal special education law
- Renamed to the Individuals with Disabilities Education Act (IDEA) in 1990

# EHA/IDEA Key Terms

## **FAPE**

*Free Appropriate Public Education* for **ALL** children with disabilities

## **IEP**

*Individualized Education Plan* based on **INDIVIDUAL & UNIQUE NEEDS** of child

## **LRE**

Services in the *Least Restrictive Environment*

Parents as **Equal** Partners

# F.A.P.E.

- ✓ Free Appropriate Public Education
- ✓ Applies to all students aged 3-21
- ✓ Applies to suspended and expelled students



# FAPE: The Rowley Case

- ✓ Board of Ed. Of Hendrick Hudson Central School District v. Rowley
  
- ✓ Benefit needs to be meaningful
  
- ✓ Rowley requires more than just a minimal or trivial educational benefit
  - Receiving passing grades and progress from year to year is not necessarily sufficient evidence that a child is receiving FAPE (300.101c(10))
  - Cadillac versus Chevrolet

# Individual and Unique Needs of Child

- Not streamlined according to disability
- Not based on what the school has to offer

\*Disability label is only the entryway to receiving services\*



# Parents as Equal Partners

- Parents written in the law in 1975
- Advocates for their children
- Given various empowering capacities at IEP meetings
  - Evaluation Consent
  - Consent to Services
  - Consent to Initial Placement



# Who does IDEA serve?

- Children aged 3-21 years (Part B)
- Children aged 0-3 years (Part C)





# IDEA Reauthorizations

- P.L. 108-446, 2004 Amendments
- P.L. 105-17, 1997 Amendments
- P.L. 102-421, 1992 Amendments
- P.L. 101-476, 1990 Amendments
- P.L. 99-457, 1986 Amendments
- P.L. 98-199, 1983 Amendments
- P.L. 94-142, EHA 1975

# Federal Funding of IDEA

- In 1975, Congress said that the federal government would fund 40% of all special education expenses

How much does the federal government pay for now?



# Does IDEA work the way it should?

- No state is in full compliance with IDEA (26th Annual Report on Special Education to Congress)
- Low graduation rates for persons with disabilities
- Higher rate of incarceration for persons with disabilities
- Disproportionality continues to be an issue
- Procedural safeguards are costly and can be inaccessible
- Ineffective federal sanctions