

Historical and Current Law in Special Education

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Throughout history, people with disabilities have fought immensely hard for the rights they have today. Up until the late 1800s and early 1900s, people with disabilities had little to no say in anything. They were treated poorly and thought of as a public nuisance who should be locked away where nobody would have to see them. Because they have stood firm and strong, they have gained many rights and are living happier and more comfortable lives than ever before.

Any child born with a disability between 1773 and the middle of the 1900's was advised by family to be taken to institutions known as "hospitals for the insane" where they lived in prison-like environments (Logsdon-Breakston, 2012). In the public eye, there was no such thing as a disability because people with disabilities were locked up in the institutions and were not allowed to leave (Bentley et al., 2011). They were forced to wear hospital-like clothing and were not even given privacy to bathe, which they were forced to do together. "Naughty" children were forced in side wards where they were strapped to furniture for hours, locked up, and neglected. All in all, people with disabilities were not seen as people at all, but rather, as a disgraceful failure of what a person should be. Fortunately, this view has changed throughout history.

In 1945, World War II ended and many injured veterans made their way back to America. Although the veterans fought for our country, they had just as much of a disability as many of the citizens who were born with one (Letendre, 2012). This was the turning point for people with disabilities. Rehabilitation services were created to help war veterans learn how to live their daily lives with their new disabilities. These services were righted by the Hill-Burton Act, which was created in 1946 (Gargiulo & Metcalf, 2017). The following year, an entire week was designated to people with disabilities. The week was called "Employ the Physically Handicapped Week." Throughout this week, commercials, billboards, and radio stations about

people with disabilities filled the country. A great example can be seen by clicking on the following address: <https://www.youtube.com/watch?v=Na55VpwtqRE>. “Employ the Physically Handicapped Week” is now known as “National Disability Employment Awareness Month (NDEAM)”, which takes place in October (Office of Disability Employment, 2016). 1947 was also known for the creation of the Paralyzed Veterans of America (Gargiulo & Metcalf, 2017).

Although an important decade, there were not many acts passed for citizens with disabilities in the 1950s. However, this decade was significant because it was when people with disabilities joined the civil rights movement (Letendre, 2012). In 1965, the Voting Rights Act was passed (Gargiulo & Metcalf, 2017). With this act, some people with disabilities vote.

Finally, the 1970s began and people with disabilities were being acknowledged. In 1972, the Mills vs. Board court case gave citizens with disabilities the right of free education. Along with that, the Rehabilitation Act from the 1940s became section 504, which stated people with disabilities would not be excluded or discriminated against. They also would receive financial help as needed. They attempted to gain equal access in the environment, but President Nixon vetoed the act. People who had wheelchairs sat in sat on Madison Avenue in the middle of the street in protest of this veto. In 1973, Congress overrode the veto. Soon, there were many environmental laws and changes including cutting curbs down so people with wheelchairs could have easier accessibility in the environment. The handicapped sign was also created at this time. In 1975, the Education for All Handicapped Children Act was created. This act is currently known as the Individuals with Disabilities Education Act (IDEA). Individualized Education Programs (IEP) and Free and Appropriate Educate (FAPE) were also created during this time.

Nonetheless, people with disabilities continued to be legally discriminated against (Zim, 2013). In 1990, the Americans with Disabilities Act was proposed; however, it was declined. The

citizens were extremely upset about this and decided on a unique method of protest. On March 12, 1990, over 60 people left their wheelchairs and crawled up the steps of the Capital Building. The protest is now known as the Capitol Crawl. Many of the Senators were sickened by this “inconvenience” and upset people would do such a thing. Despite many of the Senator’s disgust, the Americans with Disabilities Act (ADA) was passed on July 26, 1990. The ADA prohibits public discrimination for people who have disabilities.

By the early 2000s, individuals with disabilities had equal rights and were given services to better themselves (Gargiulo & Metcalf, 2017). Institutionalism methods from the 1900s were illegal and people with disabilities were seen as equals, rather than an inconvenience. Further, acts and laws were being revised to better the lives of individuals with disabilities rather than being created after protest and unjust treatments. For example, in 2001 the No Child Left Behind Act (NCLB) was created. This act revises IEPs so they line up with content standards by grade level. It also put a greater emphasis on general education and inclusion. In 2004, the latest IDEA was improved. It relaxes requirements for IEP meeting participation, requires research-based goals in IEPs, uses Response to Intervention (RTI) for people with learning disabilities, requires education for students who are not in the school environment, and gives parents the opportunity to refuse services. The most recent act was created in 2015 and is known as the Every Student Succeeds Act (ESSA) (U.S. Department of education, 2016). ESSA requires more challenging standards for all students, research based practice, and a universal design for learning.

In reality, problems and issues will never fully disappear. However, they have made an immense stride since the 1960s. Most people no longer see people with disabilities as a nuisance, but rather, an inspiration. They are given rights and people actually step out of their way to help individuals with disabilities. As science continues to make miraculous discoveries, someone may

find cures and amazing rehabilitation strategies to decrease the amount of disabilities in the world. In the 1930s, President Frederick D. Roosevelt had a disability and barely anyone knew. The future holds wonderful rights for people who have a disability and it will be a joyous sight. In conclusion, the law has come a long way and although there will always be issues, people with disabilities' lives will become better and better as time goes on.

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