

Special Education

A monthly webinar series on all aspects of
Massachusetts special education law

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Special Education: A History

Early Special Education Programs

Late 19th Early 20th Century America

Delinquency prevention programs for at-risk children living in urban slums.

'Manual training' (vocational) classes to supplement general education programs.

By 1890 hundreds of thousands of children were learning: carpentry, metal work, sewing, cooking ... and social values.

Early Special Education Programs

For Children with Disabilities

Primarily for children with more significant disabilities such as: deafness, blindness, and mental retardation.

Schools for specific learning disabilities (aka "brain injury," "minimal brain dysfunction") became more common in the 1940's.

Most private and/or residential. Quality and availability varied greatly.

Reality: for most children with disabilities special education programs remained unavailable.

Brown v. Board of Education

United States Supreme Court (1954)

Public school segregation based on race is unconstitutional.

Court wrote:

"To separate them from others ... solely because of their race generates a feeling of inferiority ... that may affect their hearts and minds in a way unlikely ever to be undone.

"It is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education.

"Such an opportunity ... is a right that must be made available to all on equal terms."

Civil Rights Movement

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| 1955-1956 | Montgomery bus boycott |
| 1957 | Central High School, Little Rock, AR |
| 1960 | Woolworth lunch counter sit-in, Greensboro NC |
| 1961 | Freedom Riders |
| 1963 | March on Washington "I Have A Dream" speech |

Nation's attention is focused on the fight for equal treatment of disenfranchised citizens

Elementary & Secondary Education Act

- 1965 Elementary and Secondary Education Act (ESEA) enacted by Congress to provide resources to help ensure that disadvantaged/underprivileged children had access to quality education.
- 1966 ESEA amended to establish a grant program to help states develop educational programs for children with disabilities.
- 1970 Grant program established under ESEA was replaced by the Education of the Handicapped Act.

Catalyst Cases: PARC and Mills (1972)

Pennsylvania Assn. for Retarded Citizens v. Commonwealth of Pennsylvania (consent decree) ordering public schools to provide a free public education to all children with mental retardation appropriate to their learning capacities. Calling a halt to the labeling of thousands of children as 'uneducable'.

Mills v. District of Columbia Board of Education addressing the rights of children who were being excluded from public school on the basis of their emotional/behavioral handicapping conditions. Court ordered educational services and due process procedures be provided for children with any handicapping condition.

Congressional Investigation (1972)

"Of the more than 8 million children ... with handicapping conditions requiring special education and related services . . .

only 3.9 million such children are receiving an appropriate education,

1.75 million are receiving no educational services at all,

and 2.5 million are receiving an inappropriate education."

Congressional Investigation (1972)

"The long-range implications of these statistics are that public agencies and taxpayers will spend billions of dollars over the lifetimes of these individuals to maintain such persons as dependents and in a minimally acceptable lifestyle. With proper education services, many would be able to become productive citizens, contributing to society instead of being forced to remain burdens. Others, through such services, would increase their independence, thus reducing their dependence on society."

Congressional Investigation (1972)

"Providing educational services will ensure against persons needlessly being forced into institutional settings. One need only look at public residential institutions to find thousands of persons whose families are no longer able to care for them and who themselves have received no educational services. Billions of dollars are expended each year to maintain persons in these subhuman conditions . . ."

Congressional Investigation (1972)

"Parents of handicapped children all too frequently are not able to advocate [for] the rights of their children because they have been erroneously led to believe that their children will not be able to lead meaningful lives . . . It should not . . . be necessary for parents throughout the country to continue utilizing the courts to assure themselves a remedy . . ."

Massachusetts: Chapter 766 (1974)

The Education of All Handicapped Children Act of 1975

Enacted so that all children with disabilities would *"have a right to education, and to establish a process by which State and local educational agencies may be held accountable for providing educational services for all handicapped children."*

United States Code Congressional and Administrative News 1975

Individuals with Disabilities Education Act of 2004

"to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living, and . . ."

"to ensure that the rights of children with disabilities and parents of such children are protected."

Congressional Statement of Purpose

Current Special Education Laws

Individuals with Disabilities Education Act
Statute at 20 USC 1400 *et seq.*
Regulations at 34 CFR Part 300

Massachusetts Children with Special Needs
Statute at MGL c. 71B
Regulations at 603 CMR 28.00

Future Special Education Webinars

The Special Education Process

November 3rd
A concise explanation of the special education process in Massachusetts.

The "State" of Special Education in Massachusetts

December 1st
An exploration of school district noncompliance with special education law and its human consequences.

Special Education Advocacy Basics

January 5th
Information everyone needs to know to work knowledgeably with school personnel.

Understanding Standardized Tests

February 2nd
Translating percentiles, standard scores, subtest scores, standard deviations and other psychometric terms into understandable, useable information.

Future Special Education Webinars

Selected Topics: I

March 1st
A Team meeting participants, IEPs v Section 504 Plans, stay put rights, independent evaluations, least restrictive environment, written notice.

Selected Topics: II

April 5th
Special issues that arise when a student with disabilities reaches the ages of 3, 14, 18 and 22.

Litigation at the Bureau of Special Education Appeals

May 3rd
Attorney Peter Hahn discusses key issues related to litigating special education matters at the BSEA.



Areas of Practice

- Probate Administration
- Guardianship & Conservatorship
- Long Term Care & MassHealth Planning
- Special Needs Planning
- Estate Planning
- Special Education
- Trust Administration

Questions about this webinar?

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Thank you

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