

Celebrating PL 94-142:  
The Education of All Handicapped  
Children Act of 1975

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A Brief and Personal History

I am grateful to the faculty of California State University, Long Beach for celebrating the anniversary of PL 94-142, the Education of All Handicapped Children Act of 1975. I also thank them for inviting me to be part of that occasion and this publication. The changes leading to 94-142 came as I was beginning my own professional career at the University of California, Los Angeles, so in a sense my development as a special educator was related to this legislation. I was a member of the National Advisory Committee on the Handicapped during the time 94-142 was passed by the Congress, and was fortunate to work with Edwin Martin, the Head of the then Bureau of Education for the Handicapped. We all owe real thanks to Dr. Martin for his many contributions in making 94-142 a reality.

Education and the Civil Rights Movement

PL 94-142 and subsequent legislation are best understood against the backdrop of political unrest and the civil rights movement. The United States Supreme Court had ruled earlier that “separate but equal” education for different racial groups was not constitutional, and

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in the 1960s and 1970s education became part of the controversy over civil rights. These were turbulent times. A President was assassinated, we were in a war in Viet Nam, thousands of citizens marched in the streets in protest. Some marchers for civil rights were met with attack dogs and fire hoses, and the first African American students entered newly integrated schools under the protection of armed soldiers. Rosa Parks made her quiet but powerful statement on a bus in Montgomery, Alabama, and Martin Luther King Junior became the spokesman for equality for all.

It should be noted that despite the turmoil of those years, the 1960s and 1970s were optimistic times for special educators. The interest in mental retardation by President Kennedy and the "War on Poverty" under President Johnson led to Federal funding for research focused on young "at-risk" children, particularly children in poverty. There was also increased awareness of the importance of early experiences for children's development. Research on early interventions had a major effect on national and local efforts to provide quality programs such as Head Start for young children living in economically disadvantaged circumstances. Children with disabilities and special educators were also affected when in subsequent years the importance of educational opportunities, including early intervention and family support, were recognized and formalized. Mandates in IDEIA now include incentives for preschool special education programs, Infant and Toddler programs, and Family Service plans. The additions of other disabling conditions such as ADD, traumatic brain injury, and developmental disabilities have led to expanded programs.

The notion of equal educational opportunity for all students, including those with disabilities, is now part of our national culture. It is important to remember that many of these changes in educational policies and practices came about because students with disabilities and their parents exercised their civil rights. There were legal, and sometimes contentious, challenges to ensure services for children with disabilities. In 1972 the Pennsylvania Association for Retarded Children (PARC) sued the Commonwealth of Pennsylvania arguing that every child, regardless of disabling condition, was constitutionally guaranteed the right to a free and appropriate public education. In their words, limiting equal access was "unconstitutional, invidious discrimination." At about the same time in California class action suits were filed challenging placement and programming for minority students in special classes, as it was argued that special education programs were inferior in quality, thus that they denied students equal educational opportunity. Both challenges were upheld in the Courts.

### The Impact of PL 94-142

PL 94-142 was landmark legislation as it assured *access* to public education for all children, without regard for disabling condition. In prior times children who did not “fit” schools were often excluded; the effect of the 94-142 legislation was to turn it around so that schools were mandated to “fit” the needs and abilities of the child. PL 94-142 contained specific language guaranteeing many things we now take for granted: A free and public education, due process, nondiscriminatory assessment, and an Individual Educational Plan (IEP) for every child. It also stipulated that as much as possible educational services should be provided in the least restrictive environment.

The Individual Educational Plan (IEP) was central in the changed approach, and still is a critical element in planning for students with exceptional educational needs. Subsequent legislation provided further mandates for expanded educational services for children with disabilities and their families. The passage of 94-142 also spurred colleges’ and universities’ efforts to train teachers and specialists who could work effectively with a broad range of students. It also led to support for research on disabling conditions in children, including the implications for short and long term needs for services. We have come a long way since those early days, but we still have a long way to go.

#### Where Are We Now and Where Do We Go From Here?

We have many significant and important changes in special education services since 1975. Access to school is now a given for all students with disabilities. Assessment and identification procedures have been changed to minimize discrimination. Parents’ rights for information and for participation in decision making are protected. Every child receiving special education services has an IEP. These advances are to be valued and maintained as they provided the legal and ethical bases for special education practices. Our task now is to implement them fully and fairly. This is a task which will require commitment at many levels: governmental, school district, school building, and classroom. It also requires principals, teachers, researchers, and other professional educators to recognize and address the continuing problems which impede full implementation. There are a number of issues which deserve consideration. I comment on three which in my view are urgent.

First, as general and special educators we are faced with disturbing evidence of continuing high numbers of children from particular ethnic and linguistic groups who have problems achieving in school,

and who receive special education services. Despite legal challenges to overrepresentation of children from ethnic minority backgrounds in special education programs, we have made only limited progress in disentangling possible individual, cultural/linguistic, and school system effects on decisions about the educational response to special needs. This is a critical issue which deserves serious attention from researchers as well as educators in the field.

Second, there are many special education programs which lack solid evidence of effectiveness. Some widely used methods are questionable, even controversial, and are based on beliefs and advocacy rather than on documentation of effects. Such ideologically rather than evidence based educational practices are unfortunately common and do a disservice to all students, especially to those students with special needs. The scarcity of solid evidence of program efficacy is also a problem for parents who must make decisions about the educational services their children need. It is unfortunate that such decisions often must be made on the basis of availability or hope, rather than on demonstrated outcomes.

Third, and closely related, the recognition of individual differences has been a cornerstone of special education. This was evidenced in the notion of the individual education plan (IEP) as articulated in the mandates of 94-142. Yet, in many cases all students receive the same IEPs and programs, regardless of their individual needs. Cookie cutter IEPs and “blanket” programs may or may not meet the needs of individual students. This of course raises questions about the *what, how, and where* of special education services. This is not to question the goals articulated in 94-142 but brings us back to consider the meaning of IEPs and the instructional programs that follow. Specific programs, as for example, a particular method of reading instruction, have been shown to raise the average level of reading achievement for groups of students, and this is clearly a desirable outcome.

Yet in almost all studies there are students who are not successful. Is this due to student characteristics or to instructional program? To an inappropriate IEP or to its implementation? Questions of student-teacher-program interactions are critical when providing services for students with disabilities, and reinforces the notion of the IEP as central to this process. It also brings us back to teachers and teaching.

I want to end these comments with quotation from two different but very insightful men, the first a university basketball coach and the second a British experimental psychologist. Their words are worth our consideration. John Wooden, one of the most successful coaches of all time, defined the essential goal of teaching as student learning. He began his professional life as a high school English teacher, and throughout

his career he viewed his primary role as that of a teacher: “..... teaching is all about student learning..... teaching is more than a job..... it is a responsibility to teach..... (and perhaps most importantly)..... you haven’t taught until they have learned” (Nater & Gallimore, 2006, pp. 114, 115, 103.) After many years of productive empirical research psychologist Donald Broadbent (1975, p. 72) wrote that “experimentation having failed, I was forced to think.”

As special educators we, too, are now forced to think. It is time for careful analysis of ongoing practices which affect learning by students with disabilities. We have the experience of over 30 years of PL 94-142 which allows us to examine our successes and our shortcomings. Self-examination is difficult and often painful, but is necessary if we are to improve services and outcomes for students with special needs. Our challenge now is to make the goals defined in PL 94-142 real.

We are motivated and committed to do so. It is time to think.

### References

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