

The Evolution of a Free Appropriate Public Education

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1972

Pennsylvania Association for Retarded Citizens (PARC) v. Pennsylvania and *Mills v. Board of Education District of Columbia* resulted in requirements that the Pennsylvania and D.C. public schools provide access to public education for students with disabilities. Moreover, these cases resulted in basic procedural rights being granted to students with disabilities.

1973

The Rehabilitation Act of 1973 was passed. Sections 501, 503 and 504 prohibited discrimination in federal programs and services and all other programs or services receiving federal funds. “No otherwise qualified handicapped individual in the United States, shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

1975

The Education of All Handicapped Children Act (PL 94-142) required free, appropriate public education in the least restrictive setting.

1977

Section 504 regulations were issued.

1982

New Mexico Association for Retarded Citizens v. New Mexico. The association sued under Section 504 of the Rehabilitation Act of 1973 to guarantee a FAPE.

1982

Board of Education of the Hendrick Hudson Central School District v. Rowley. The Supreme Court’s first case on special education. Provided a two-part test for determining FAPE.

1983

A Nation at Risk report contributed to the ever-growing assertion that American schools were failing, with resulting local, state, and federal reform efforts.

1984

The U.S. Supreme Court, *Irving Independent School District v. Tatro* ruled school districts are required under the Education for All Handicapped Children Act of 1975 to provide intermittent catheterization performed by the school nurse or a nurse’s aide as a “related service” to a student with a disability. School districts can no longer refuse to educate a student with a disability because they might need such service.

1985

The U.S. Supreme Court ruled in *Burlington School Committee v. Department of Education* that schools must pay the expenses of student with a disability enrolled in private programs during litigation under the Education for All Handicapped Children Act of 1975, if the courts ruled such placement is needed to provide the child with an appropriate education in the least restrictive environment.

1988

Honig v. Doe, the U.S. Supreme Court affirmed the stay-put rule established under the Education for All Handicapped Children Act of 1975. School authorities cannot expel or suspend or otherwise move students with disabilities from the setting agreed upon in the child's Individualized Education Program (IEP) without a due process hearing.

1990

The Education for All Handicapped Children Act was amended and renamed the Individuals with Disabilities Education Act (IDEA). Congress envisioned educational programs for students with disabilities that culminate, to the extent possible, in the skills and knowledge that these students can put to use far beyond the classroom (H.R. Rep. No. 101-544, at 9).

1994

Holland v. Sacramento City Unified School District affirmed the right of students with disabilities to attend public school classes with non-disabled children. The ruling was a major victory in the ongoing effort to ensure enforcement of IDEA.

1997

The IDEA Amendments of 1997 added several significant provisions to the law, specifically emphasizing student progress toward meaningful educational goals through changes in the IEP process.

2001/2002

No Child Left Behind requires all public schools receiving federal funding to administer a statewide standardized test annually to all students. Schools that receive Title I funding through the must make Adequate Yearly Progress (AYP) in test scores

2004

The IDEA Amendments of 2004

Congress stated that having high expectations for students with disabilities and ensuring their access to the general education curriculum would assist them to be prepared to lead productive and independent lives. Congress amended the statutory purposes to provide the free appropriate public education should be designed to prepare students with disabilities "for further education, employment, and independent living."

2009

The Common Core State Standards outlined what a student should know and be able to do at the end of each grade, and "were created to ensure that all students graduate from high school with the skills and knowledge necessary to succeed in college, career, and life"

2015

Every Student Succeeds Act modified but did not eliminate provisions relating to the periodic standardized tests given to students.

2017

The Supreme Court heard a challenge to the FAPE standard in the *Endrew F. v Douglas County* case, the first time since 1982. The question before the court in that case was:

What is the level of educational benefit that local education agencies (LEAs) must confer on children with disabilities to provide them with the free appropriate public education guaranteed by the Individuals with Disabilities Education Act, 20 U.S.C. § 1400, *et seq.* (IDEA)?

Currently

States are required to monitor local school districts' use of funds. If a school district has failed to comply with the IDEA or the state law mandating a FAPE, the state may withhold funds until the

district comes into compliance. If the school district wishes to contest the decision, it may request a hearing.