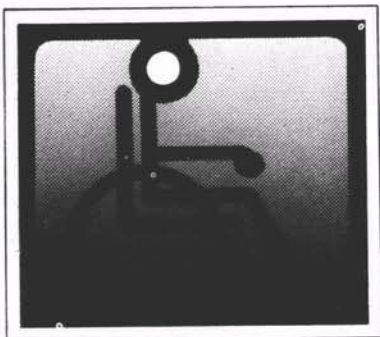


Public Law 94-142:

A Promising Start?



Ernest L. Boyer

The new law calling for equitable education for the handicapped has led to major changes in schools.

As we reach the midpoint of the 1978-79 school year, I'm delighted to report that the Education for All Handicapped Children Act is creating fewer problems than school administrators and teachers expected.

Alarm bells went off just about everywhere when Congress passed the act, Public Law 94-142, in 1975. Many school officials said the legislation asked too much too soon. Some feared that their regular classroom teachers would not be ready for handicapped children. There was also widespread concern that already tight budgets could not be stretched to provide the comprehensive services mandated by the act. No one really knew how many handicapped children were out there, but guesses ran as high as seven or eight million—and some states spent up to \$3,000 a year on each handicapped student, double the national average outlay for the nonhandicapped.

Fears and apprehensions were endless. Yet,

in spite of everything, on September 1, 1978, as required by the act, schools began to provide a free appropriate education for all children aged six to 17 identified as physically, mentally, or emotionally disabled.

Now, with early fears eased, our schools can move rapidly—at last!—to give handicapped children the same opportunity to reach their potential that they give other children. That, in my judgment, is what our quest for equity and quality is all about: To help every child—the handicapped, the disadvantaged, the gifted, and the average—develop to the fullest his or her interests and abilities.

What the Law Requires

Public Law 94-142 is landmark legislation. It requires every state and local school district

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receiving federal funds to find and educate *at public expense* all handicapped children in its jurisdiction, regardless of the nature or severity of a child's handicap.

At first glance, this would appear to be a needless restatement of a basic human right in a society that has prided itself on its free public education for more than a century.

But, although a few states had good special education programs in the past, many parents learned the hard way that appropriate education for their handicapped child cost more than public education could, or would, pay. Parents too often had to assume the entire financial burden of private day school or institutional care regardless of whether they could afford it.

With Public Law 94-142, Congress made it public policy to educate handicapped children at public expense. We had spent billions of dollars under Title I of the Elementary and Secondary Education Act (ESEA) and other legislation to improve equal access to quality education for other minority children. We had made marked progress in helping these youngsters. Now, Congress decided, we needed a national commitment to the most underserved minority of all.

Previous Legislation for the Handicapped

Congress had already enacted anti-discrimination protections for handicapped people of all ages in the Rehabilitation Act of 1973. Section 504 of that act guarantees the right of handicapped individuals to jobs and services in schools and colleges, health care facilities, social service agencies, and other activities receiving federal funds.

In Public Law 94-142, Congress spelled out section 504's education guarantees for school-age children. It also called for states to start educating handicapped youngsters of preschool age last September 1, and handicapped youths aged 18 to 21 on September 1, 1980, if—and the *if* is important—they provided education for nonhandicapped students in these age groups or had laws or court rulings requiring services for the handicapped.

For children six to 17 the law specifies that states and local school districts must:

- Make every reasonable effort to locate handicapped children and give first priority to the most severely disabled.



- Evaluate the learning needs of each child, in consultation with parents and special education advisors, and develop an individual education program to meet these needs.

- Place each child in the least restricted environment possible, whether this be a hospital, a state institution, a private day school, a public school special education program, or a regular classroom.

- Periodically evaluate the child's progress and make program changes if needed, again with parents and specialists helping to make decisions.

- Set up impartial hearing, appeal, and other due process procedures under which parents can challenge school decisions.

Public Law 94-142 is actually an amendment to Part B of the Education of the Handicapped Act. The original legislation was enacted in 1966. Like the 1966 law, PL 94-142, is administered by the U.S. Office of Education's Bureau of Education for the Handicapped.

"That . . . is what our quest for equity and quality is all about: To help every child—the handicapped, the disadvantaged, the gifted, and the average—develop to the fullest his or her interests and abilities."

The 1966 authority provided \$2.5 million in 1967, the first year of funding, to help states operate education programs for handicapped children. Money for research, teacher training, and other purposes brought total Office of Education funding for education of the handicapped that year to about \$37 million.

We've come a long way since then. Under Public Law 94-142, OE gave states and communities \$245 million last year and \$572.8 million this year to help them identify handicapped children, evaluate their needs, and give them a free appropriate education. These federal funds enable schools to hire more special education teachers, retrain regular classroom teachers, and provide special equipment and curriculum. They must be used to supplement state and local services, not replace them.

In his 1979 budget, President Carter has requested a significant increase in funds—to \$804 million.

The Children of PL 94-142

We believe the number of handicapped children being educated at public expense will increase significantly over this year's 3.6 million—perhaps to five million—as schools improve their diagnostic skills and identify children doing poorly in school because no one has recognized their physical, mental, or emotional disability.

We think disabled children make up 10 to 12 percent of the school-age population. That's been

the experience in Massachusetts and several other states that had well-developed special education programs before the Education for All Handicapped Children Act was enacted. On that basis, there are between five and six million such children.

Some states have been able to identify only six to eight percent of their school-age children as disabled. This could simply mean there are more handicapped children in states like Massachusetts, with large population centers, than in predominantly rural states. Or it could mean some states need better systems to identify children with disabilities. In any case, the Office of Education will continue to offer technical assistance to help states evaluate their identification procedures and strengthen them if needed.

The individual education plan (IEP) required for each handicapped child under Public Law 94-142 is already proving its worth. One special education teacher told me: "We knew our children's strong points and weak points. We thought we knew what they could learn and the pace they could maintain. But until we sat down to write a special program for each child we had no systematic way to set goals and measure progress against those goals. It's been good for us and the children, and it's certainly been reassuring to parents." Several other special education teachers have told me much the same thing.

Most regular classroom teachers who have handicapped children for the first time this year also accept IEP wholeheartedly. They realize they aren't alone—special educators are always nearby to help—and they know a seriously disruptive child won't be assigned to their classroom. So, again, early fears are turning out to be not so real after all.

The Office of Education will be looking at 6,000 to 7,000 IEPs in the next few months to see whether any problems are developing. We'll also continue to work with states to strengthen their "Child Find" efforts.

It's still too early to say whether many parents are using the due process procedures available to them to protest the placement of their children, or whether these procedures are placing an excessive paperwork burden on schools. This was another fear expressed by administrators when Public Law 94-142 was enacted.

I expect parents will wait until at least the

end of the school year to evaluate their child's progress. We hope parents and schools will be able to work out points of difference informally, in the child's best interest, without having to resort to formal hearings and appeals.

Putting the Law Into Practice

Let me stress the most important point: Public Law 94-142 is intended to help schools provide equity and quality in education for children who need more care, attention, and understanding than most. To help states carry out the intent of Congress, we in the Office of Education have developed what we think are fair and effective regulations. If the regulations need changing, we will change them. If we feel the law itself needs to be modified or clarified, we will recommend changes to Congress. Our function is to help states and communities make the best possible use of federal dollars in providing the best possible education for these children.

As we enter a new day for handicapped children, Betty Davidson, a gifted biochemist at Massachusetts General Hospital in Boston, reminds us of days that fortunately are behind us.

Born with a deformity, Davidson says: "Growing up disabled in America was like trying to swim the English Channel. It was a struggle all the way. And that was wrong for our country and our time."

"In our school for handicapped students," she adds, "we had no music, art, physical activities, crafts, or contact with other children. Our goals and hopes were set by our limited, enclosed world."

Giving handicapped children a broader world and the skills to live successfully in it is what Public Law 94-142 is all about.



Ernest L. Boyer is U.S. Commissioner of Education. He has recently accepted a post as head of the Carnegie Foundation, New York City.

Func'tional il·lit'er·ate.

One who lacks the reading and writing ability to cope with the minimal demands of daily living... Roughly 15% of American young people are functional illiterates.*

What's Happening to American English

by Arn Tibbetts and
Charlene Tibbetts

In the 1950s and 1960s the question was "Why can't Johnny read?" In the 1970s the question was expanded to "Why can't Johnny and Jane write?" The Tibbettses decided to find out. Their investigations took them to over fifty high schools throughout the country and provided them with an inside view of what is, and is not, being done to create a literate public. Their main observation: immediate measures must be taken to "save the language." Their conclusions are must reading for all parents, educators, and everyone concerned with the preservation of the English language in this country.

***George Weber, Associate Director
Council for Basic Education**

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