

Essay on history and law of special education

[Education](#), [Special Education](#)



The history of Special Education traces its origin from as early as 1817 when the American Asylum for the education and instruction of the Deaf was instituted. According to James Ysseldyke and Robert Algozzine, laws enacted before 1950 concentrated on providing institution care and the rehabilitation of the physically and mentally challenged learners and youths. This implies that not much was being done to establish good educational foundation for special learners. (Ysseldyke and Algozzine, 2006 p. 9-10). By 1965, Elementary and Secondary Education Act that provided for an elaborate strategy that sought to address educational inequality for learners who are economically underprivileged. This legislation set the foundation for the drafting of early special education laws. This act granted a special recognition to children with disabilities by availing the first aid program for such learners. However, in some states such as Virginia the enactment of such legislation took place by 1968 which was rather late. A year later, an amendment that created an official federal grant program was instituted at the local or community school level. This program was coupled with the Bureau of Education of the Handicapped and the National Advisory Council which later changed to National Council on Disability. Special Education received a boost when the elementary and secondary education act was amended through a discretionary program that supplemented and supported the growth and improvement of the services offered to disabled children and youth. (Parents United Together)

There are several lessons that can be learnt from the development of special education both at the state and at the federal levels. The pace at which the field of special education developed was not fast enough. This implies that

for a long period of time learners with special needs were not given the attention that they deserved. As already discussed, active participation in special education begun in 1950s and a more comprehensive legislations to safeguard its interest was enacted nearly a decade after.

Individual with Disabilities Education Act is a transformation of the Education of Handicapped Children Act which was enacted in 1975. This Amendment which changed the name of the law to Individual with Disabilities Education Act was done in 1990. In brief, this federal legislation requires that all children and youth with disabilities access special education and other educational programs. Individual with Disabilities Education Act (IDEA) aims at ensuring that all children and to an extension youths with both physical and mental impairment get quality special education and other essential services that go with it. In doing so, the act ensures that these special members of the society are prepared well for future employment hence capable of living independently. These first two objectives are achievable only if the rights of these special children as well as those of their families are respected by the entire society. Individual with Disabilities Education Act also goes a further mile in ensuring that all institutions handling these disabled children are able to provide all these services to the special learners. Therefore, the act provides proper assistance states, federal agencies and localities in supplementing their efforts towards the provision of the educational services to the disabled children. (AccessSTEM, 2013)

Individual with Disabilities Education Act works under six principles that include Zero Reject, Free and Appropriate Public Education, Protection in Evaluation, Least Restrictive Environment, Procedural Safeguards and

Parental Participation. The principle of Zero Reject requires that learners with special needs are located, identified and provided with all the services to these eligible students. This principle targets disabled children of between 3 and 21 years old whose eligibility for special education is determined by whether the type of disability is covered by the IDEA and that the learner's disability makes him or her qualified for special education and other related services. The forms of disabilities that IDEA covers include deafness, hearing and orthopedic impairments, mental disturbance/impairment, learning disabilities and visual impairments. If a child has one or more of the following disabilities, then he/she qualifies to be provided by special education under the Individual with Disabilities Education Act. According to Perry, the eligibility criteria can also be assessed through the physical and mental health track records of a student. (Perry, 2011)

The second principle of the Protection in Evaluation is designed to ensure that the special education and other related services are offered to individual students who really deserve them. To attain this high standard of transparency, the IDEA requires that identified children be subjected to evaluation in all areas. The school should use both technical and mental assessment methods to ascertain whether the child really needs special education and also to determine his/her educational needs. After the tests have been admitted, a proper interpretation should be done in accordance with the educational laws governing this sector. For instance, lack of scientifically based instruction cannot be used as a criterion to qualify a child for special education. (Yell, 2006)

In conclusion, the field of special education is still evolving. However much

efforts have been put by both parents and the government, a lot still need to done to ensure that children living with disabilities are not neglected in the society. Furthermore, records have shown that some of these disabled learners are academically good and can perform well if provided with the necessary care and facilities.

References

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