

# A Description of the Individuals with Disabilities Education Act (IDEA), by Carlos Ramalho, Executive Director, Living Independently for Today and Tomorrow – LIFTT

#### **Abstract**

The Individuals with Disabilities Education Act (IDEA), first enacted in 1975 as the Education for All Handicapped Children Act (EAHCA), represents a cornerstone in American disability rights law. This paper examines the historical evolution of IDEA, focusing on its foundational principles, including the provision of Free Appropriate Public Education (FAPE), Individualized Education Programs (IEP), and the Least Restrictive Environment (LRE). Through key legal cases such as *PARC v. Pennsylvania* (1971), *Mills v. Board of Education* (1972), *Board of Education v. Rowley* (1982), and *Endrew F. v. Douglas County School District* (2017), the paper explores how IDEA has shaped the legal landscape for individuals with disabilities in educational settings.

Additionally, the paper places IDEA within the broader disability rights legal framework alongside legislation like the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA), and the Fair Housing Act, emphasizing the systemic and societal impacts of these laws. IDEA's innovative approach to individualized education, transition planning, assistive technologies, and inclusionary practices is highlighted as a key driver of educational equity and social integration for people with disabilities.

Finally, this paper discusses the transformative potential of IDEA for American society, suggesting that the continued evolution of disability rights, enhanced by technological advancements, will lead to a more inclusive and equitable future. By guaranteeing access to education for children with disabilities, IDEA not only promotes equality but also fosters societal growth through integration, participation, and independence for individuals with disabilities.



#### A Description of the Individuals with Disabilities Education Act (IDEA)

#### I. Introduction: Understanding the IDEA

The Individuals with Disabilities Education Act (IDEA) represents one of the most significant legislative achievements in American disability rights. Enacted in 1975 as the Education for All Handicapped Children Act (EAHCA), it was renamed in 1990 to IDEA.

The Individuals with Disabilities Education Act (IDEA) and the Education for All Handicapped Children Act (EAHCA) are essentially the same law, with significant updates and rebranding over time. The EAHCA, which passed in 1975, was the original version of the law that later became IDEA. The key differences between the EAHCA and IDEA lie in the scope of the law, terminology, and the refinements made to strengthen and modernize the provisions of the original act. Here's a breakdown of the major distinctions:

### Name Change and Terminology

**EAHCA**: Initially named the Education for All Handicapped Children Act, reflecting the terminology used at the time. The term "handicapped" was common in the 1970s.

**IDEA**: In 1990, the law was reauthorized and renamed to the Individuals with Disabilities Education Act, reflecting a shift in language and societal values. "Handicapped" was replaced with "disabilities," emphasizing person-first language to promote dignity and respect.

### **Expanded Rights and Services**

**EAHCA (1975)**: Primarily focused on providing children with disabilities access to free appropriate public education (FAPE) and ensuring they were not excluded from public schools. It mandated the creation of Individualized



Education Programs (IEPs) and emphasized the Least Restrictive Environment (LRE), ensuring children with disabilities were educated with their non-disabled peers as much as possible.

**IDEA (1990)**: The reauthorization expanded the rights granted under the EAHCA by adding new protections, such as:

- 1) Transition services: For students aged 16 and older, IDEA required schools to provide transition planning to help prepare students for life after high school (employment, further education, etc.).
- 2) Assistive technology: IDEA emphasized the provision of assistive technologies to help students with disabilities access the curriculum and educational services.
- 3) Autism and Traumatic Brain Injury (TBI): These were added as separate disability categories under IDEA, reflecting the evolving understanding of diverse disabilities.

#### **Enhanced Focus on Inclusion**

**EAHCA**: Though the EAHCA introduced the principle of the Least Restrictive Environment (LRE), the emphasis was more on preventing exclusion from education without a strong push for full inclusion.

**IDEA**: Expanded the focus on inclusion, encouraging schools to educate children with disabilities in the general education setting to the maximum extent appropriate, with accommodations and modifications.

### **Disciplinary Protections**

**IDEA (1997 and 2004 Amendments)**: Added detailed disciplinary protections for students with disabilities. These included the Manifestation Determination Review (MDR), which requires schools to determine if a



child's misbehavior is linked to their disability before they can be disciplined in ways that would remove them from their educational setting.

#### **Parent Participation and Procedural Safeguards**

**EAHCA**: Introduced the concept of parent involvement in the development of the IEP and due process rights to challenge decisions made by the school.

**IDEA**: Strengthened these procedural safeguards, granting parents greater rights to be involved in decision-making about their child's education and providing clearer mechanisms for resolving disputes between schools and families (e.g., mediation and due process hearings).

#### **Focus on Outcomes and Accountability**

**IDEA (2004 Reauthorization)**: Increased the focus on student outcomes and accountability. It emphasized the need for measurable academic and functional goals in IEPs and for states to report on the progress of students with disabilities, aligning the law more closely with general education standards like those in the No Child Left Behind Act (NCLB).

#### Conclusion to the Introduction

In summary, while the EAHCA laid the groundwork for ensuring educational access and rights for students with disabilities, the IDEA (especially through its various reauthorizations) expanded, modernized, and refined those protections. IDEA brought new categories, rights, and services, focusing on inclusion, transition planning, assistive technology, and stronger parent involvement. It also adjusted the language to reflect the growing movement toward disability rights, respect, and inclusivity.

Both laws are critical in the history of special education, but the **IDEA** is more comprehensive and evolved to reflect the changing understanding of disability and educational best practices.



Therefore, the IDEA ensures that children with disabilities receive a free and appropriate public education (FAPE) tailored to their individual needs. But the IDEA is more than just a piece of legislation; it is a powerful statement about equality, innovation, and inclusion in education.

The IDEA stands at the intersection of education law, disability rights, and social justice, and it laid the groundwork for other critical legislation, such as the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973.

#### Introduction's Bibliographical References

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Martin, E. W., & Martin, R. (2006). The Legislative and Litigation History of Special Education. Special Education for Students with Disabilities.

#### II. The Historical Context and Enactment of IDEA

Before the IDEA, educational access for children with disabilities was extremely limited. In the early 1970s, millions of children were either excluded from public schools or placed in segregated classrooms without proper support. The Pennsylvania Association for Retarded Children (PARC) v. Pennsylvania (1971) and Mills v. Board of Education of the District of Columbia (1972) laid the foundation for IDEA by ensuring that students with disabilities have the same access to public education as their non-disabled peers.



## Brief description of The Pennsylvania Association for Retarded Children (PARC) v. Pennsylvania (1971)

PARC v. Pennsylvania was a landmark case in disability rights law that fundamentally changed the landscape of education for children with disabilities in the United States. Filed by the Pennsylvania Association for Retarded Children (PARC) in 1971, the case challenged Pennsylvania's exclusion of children with intellectual disabilities (referred to as "mental retardation" at the time) from public schools. Before this case, many children with disabilities were denied access to public education because they were considered "uneducable."

The PARC case was significant for establishing two major precedents:

- 1) Right to Education: The court ruled that children with disabilities have a constitutional right to a free public education, just like their non-disabled peers. This was one of the first legal recognitions that all children, regardless of disability, deserve access to education.
- 2) Least Restrictive Environment (LRE): The court mandated that children with disabilities should be educated in environments as close to the general education setting as possible, laying the foundation for the inclusion and mainstreaming practices that would later be cemented in the Individuals with Disabilities Education Act (IDEA).

This case, along with Mills v. Board of Education of the District of Columbia (1972), helped pave the way for the passage of the Education for All Handicapped Children Act (EAHCA) in 1975, the predecessor to IDEA, fundamentally altering how schools across the U.S. approach education for children with disabilities.

### **Bibliographical References**

Yell, M. L. (2012). The Law and Special Education (3rd ed.). Pearson.



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# Brief description of Mills v. Board of Education of the District of Columbia (1972)

Mills v. Board of Education of the District of Columbia was a critical federal court case that extended the principles established in PARC v. Pennsylvania to a broader group of children with disabilities. Filed in 1972, this class-action lawsuit was brought on behalf of seven children with a variety of disabilities who had been excluded from public school in Washington, D.C., due to their disabilities or because the school district claimed it lacked the financial resources to provide appropriate services.

The Mills case was monumental in affirming several key principles:

- 1) Right to Education: The court declared that denying any child access to public education due to a disability was a violation of their right to due process under the Fourteenth Amendment. The decision mandated that the state could not use financial constraints as an excuse to deny children with disabilities their right to an education.
- 2) Procedural Safeguards: The ruling emphasized the importance of procedural safeguards, ensuring that no child could be suspended, expelled, or excluded from school without appropriate due process, including the right to a hearing and the opportunity to appeal any decisions affecting their education.
- 3) Equal Access: Like PARC, Mills reinforced the principle that children with disabilities must be provided a free and appropriate public education (FAPE), and that schools must accommodate their individual needs, even if doing so required the use of additional resources.



The Mills decision played a key role in shaping the future Education for All Handicapped Children Act (EAHCA) in 1975, which later evolved into the Individuals with Disabilities Education Act (IDEA). It ensured that public education systems nationwide could not deny access to students with disabilities, creating the framework for inclusive education.

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**Turnbull, H. R., Stowe, M. J., & Huerta, N. E.** (2007). *Free Appropriate Public Education: The Law and Children with Disabilities*. Love Publishing Company.

It is important to mention that the IDEA was enacted in 1975 to address these inequities. This legislation was born out of a larger movement advocating for civil rights, social justice, and equality for marginalized groups, echoing the momentum of the Civil Rights Movement.

### **Bibliographical References to Section #2**

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**Winzer, M.** (1993). The History of Special Education: From Isolation to Integration. **Gallaudet University Press**.

#### III. Why IDEA Was Enacted

The primary motivation behind IDEA was to correct the exclusion and marginalization of children with disabilities from the education system. The



act established a legal framework to ensure that public schools provide individualized support, tailored accommodations, and modifications that cater to each student's unique needs.

IDEA seeks to uphold the principle of Least Restrictive Environment (LRE), which ensures that students with disabilities are educated alongside their non-disabled peers to the greatest extent appropriate. Furthermore, the concept of Individualized Education Programs (IEP) is central to the law, requiring schools to work with families to create educational plans specific to each child's needs.

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**Turnbull, H. R., Stowe, M. J., & Huerta, N. E.** (2007). Free Appropriate Public Education: The Law and Children with Disabilities. Love Publishing Company.

**Osgood, R. L.** (2005). The History of Inclusion in the United States. Gallaudet University Press.

## IV. Placing IDEA in the Disability Rights Legal System

IDEA is part of a broader disability rights framework that includes the Rehabilitation Act of 1973, the ADA, and the Fair Housing Act. Together, these laws have reshaped the legal landscape for individuals with disabilities. The IDEA focuses specifically on education, but its impact extends into workforce development, accessibility, and social integration. It can be seen as both a legal and moral commitment to creating an inclusive society.



#### **Brief Description of the Rehabilitation Act of 1973**

Board of Education v. Rowley (1982) was the first major U.S. Supreme Court case to interpret the Education for All Handicapped Children Act (EAHCA), now known as the Individuals with Disabilities Education Act (IDEA). The case involved Amy Rowley, a deaf student in New York whose parents requested a sign language interpreter to assist her in the classroom. While Amy was performing well academically with the help of a hearing aid and other accommodations, her parents argued that the school district's refusal to provide an interpreter violated her right to a "free appropriate public education" (FAPE) under the EAHCA.

The Supreme Court ruled in favor of the school district, establishing a key precedent for how FAPE is defined. The Court held that schools are not required to maximize the potential of students with disabilities but rather to provide access to education that is "reasonably calculated to enable the child to receive educational benefits." In other words, schools must offer a basic level of support that allows students to progress in the general curriculum, but they are not obligated to provide the "best" possible education or to meet every parental demand.

This decision set the standard that FAPE does not guarantee the "best" education but rather an appropriate one that allows meaningful access to the curriculum. The *Rowley* ruling has had a lasting impact on special education law, shaping how schools provide accommodations and services to students with disabilities under IDEA.

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**Turnbull, H. R., Stowe, M. J., & Huerta, N. E**. (2007). *Free Appropriate Public Education: The Law and Children with Disabilities*. Love Publishing Company.

#### **Brief Description of the Americans with Disabilities Act (ADA)**

The Americans with Disabilities Act (ADA), passed in 1990, is one of the most comprehensive pieces of civil rights legislation in U.S. history. It was enacted to prohibit discrimination against individuals with disabilities in all areas of public life, including employment, education, transportation, and access to public and private spaces open to the general public. The ADA aims to ensure that people with disabilities have the same rights and opportunities as everyone else.

The ADA is divided into five key titles:

- 1) **Title I: Employment** Prohibits discrimination in the workplace and requires employers to provide reasonable accommodations for employees with disabilities.
- 2) Title II: Public Services Mandates that public entities, such as state and local governments, must provide equal access to programs, services, and activities for individuals with disabilities.
- **3) Title III: Public Accommodations** Requires that private businesses, such as restaurants, hotels, retail stores, and theaters, make their facilities accessible to people with disabilities.
- **4) Title IV: Telecommunications** Ensures that individuals with disabilities have access to telephone and internet communication services, including requiring telecommunications companies to provide relay services for the hearing and speech impaired.



5) Title V: Miscellaneous Provisions – Includes various provisions regarding the ADA's implementation and impact, including protections against retaliation for asserting ADA rights.

The ADA expanded upon the foundations laid by the Rehabilitation Act of 1973, especially Section 504, which prohibited discrimination against people with disabilities by federally funded programs. Unlike Section 504, the ADA applies to both public and private entities, making it a far-reaching tool in the fight for disability rights and accessibility. It has been instrumental in improving physical and digital access, reducing stigma, and advancing inclusion across multiple sectors of society.

#### **Bibliographical References**

**U.S. Department of Justice**, Civil Rights Division. (2020). *A Guide to Disability Rights Laws*.

**Braddock**, **D.**, & Parish, S. (2001). *An Institutional History of Disability*. American Journal on Intellectual and Developmental Disabilities.

### **Brief Description of the Fair Housing Act**

The Fair Housing Act (FHA), originally passed in 1968 as part of the Civil Rights Act, prohibits discrimination in the sale, rental, and financing of housing based on race, color, religion, sex, or national origin. In 1988, the Act was amended to include protections for people with disabilities and families with children, significantly expanding its scope.

The 1988 amendments made it illegal to discriminate against individuals with disabilities in housing-related transactions and imposed requirements to ensure housing accessibility. Specifically, the FHA:

 Prohibits Discrimination: Landlords and housing providers cannot refuse to sell or rent housing to people because of their disability, nor



can they refuse to negotiate or make housing unavailable due to someone's disability.

- 2) Reasonable Accommodations: The Act requires housing providers to make reasonable accommodations in rules, policies, practices, or services to afford people with disabilities equal opportunity to use and enjoy a dwelling. Examples include allowing a service animal in a nopets building or providing accessible parking spaces.
- 3) Reasonable Modifications: Tenants with disabilities are allowed to make reasonable physical modifications to the property at their own expense, such as installing grab bars in bathrooms or ramps for wheelchairs. In some federally assisted housing, landlords may be required to pay for these modifications.
- 4) Accessible Design and Construction: Newly constructed multifamily dwellings (those with four or more units) built after March 13, 1991, must meet certain accessibility standards, including accessible entrances, wider doorways, and accessible routes throughout the unit.

The FHA plays a critical role in ensuring that individuals with disabilities have equal access to housing and can live independently. It complements other disability rights laws like the Americans with Disabilities Act (ADA) and the Rehabilitation Act by focusing on one of the most essential aspects of life — where people live. It is enforced by the U.S. Department of Housing and Urban Development (HUD).

### **Bibliographical References**

**U.S. Department of Housing and Urban Development (2020).** Fair Housing Act Overview.

**Schwemm, R. G. (2020).** Housing Discrimination Law and Litigation. Thomson Reuters.



A series of landmark court cases, such as Board of Education v. Rowley (1982) and Endrew F. v. Douglas County School District (2017), have shaped the disability rights legal system. These cases refined and strengthened students' rights under IDEA.

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**Braddock**, **D.**, **& Parish**, **S.** (2001). An Institutional History of Disability. American Journal on Intellectual and Developmental Disabilities.

Olmstead v. L.C. (1999). United States Supreme Court.

#### **Brief Description of Board of Education v. Rowley (1982)**

Board of Education v. Rowley (1982) is a landmark U.S. Supreme Court case that defined the scope of the Individuals with Disabilities Education Act (IDEA), specifically the right to a Free Appropriate Public Education (FAPE) for children with disabilities. The case involved Amy Rowley, a deaf student who was performing well academically in her school with the help of a hearing aid but without a sign language interpreter, which her parents had requested. The school argued that Amy was achieving academic success without the need for an interpreter.

The Supreme Court ruled in favor of the school district, holding that the IDEA guarantees access to education that is "reasonably calculated to enable the child to receive educational benefits," but it does not require schools to provide the "best" possible education or to maximize a child's potential. This case established that schools must offer a basic floor of opportunity — an education that allows the child to progress academically and functionally — rather than ensuring the best or most optimal educational environment.

The Rowley decision was significant because it clarified that FAPE under IDEA is not about achieving the highest level of education for each child but about providing meaningful access to education. This ruling continues to



influence how courts interpret educational rights for children with disabilities and the level of services that schools are required to provide.

#### **Bibliographical References**

Yell, M. L. (2012). The Law and Special Education (3rd ed.). Pearson.

**Wright, P. W.,** & Wright, P. D. (2003). *Wrightslaw: Special Education Law.* Harbor House Law Press.

# Brief Description of Endrew F. v. Douglas County School District (2017)

Endrew F. v. Douglas County School District (2017) was a landmark U.S. Supreme Court case that significantly clarified the standard for providing a Free Appropriate Public Education (FAPE) under the Individuals with Disabilities Education Act (IDEA). The case involved Endrew F., a child with autism whose parents argued that his public school was not providing him with sufficient educational progress. They placed him in a private school and sought reimbursement from the school district, asserting that the district had failed to meet its obligations under IDEA.

The Supreme Court unanimously ruled in favor of Endrew F., rejecting the lower court's interpretation of FAPE as merely requiring minimal or de minimis progress. The Court held that to meet the standards of FAPE, a school must offer an educational program reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances. This decision established that children with disabilities are entitled to more than just minimal educational progress and that individualized educational programs (IEPs) must be ambitious enough to help the child grow academically and functionally based on their unique needs.

The Endrew F. ruling raised the bar for the quality of education schools must provide under IDEA and reinforced the importance of individualized, meaningful educational goals for students with disabilities.



#### **Bibliographical References**

Yell, M. L. (2018). The Law and Special Education (4th ed.). Pearson.

Wright, P. W., & Wright, P. D. (2017). Wrightslaw: Special Education Law. Harbor House Law Press.

#### V. Rights Acquired Under IDEA

#### **List of IDEA Rights**

The IDEA grants numerous rights to students with disabilities and their families. These rights include:

- 1) Free and Appropriate Public Education (FAPE): Ensures that every child with a disability has access to a public education that meets their unique needs.
- 2) Least Restrictive Environment (LRE): Children with disabilities should learn alongside their non-disabled peers as much as possible.
- **3) Individualized Education Program (IEP)**: A customized plan outlining the child's learning goals, accommodations, and supports.
- **4) Due Process Rights**: Parents have the right to challenge decisions regarding their child's education.
- **5) Transition Services**: Focus on preparing students for post-school life, including further education and employment.



#### **Bibliographical References**

**Yell, M. L., Katsiyannis, A., & Bradley, M. R.** (2018). Legal and Practical Considerations for Students with Disabilities. Journal of Disability Policy Studies.

**National Council on Disability** (2008). The Rehabilitation Act: Outcomes for Students with Disabilities. National Disability Institute.

#### The Innovative Aspects of IDEA

IDEA is innovative in establishing the IEP process, a cornerstone of personalized education, and the concept of FAPE. It also emphasizes collaboration between parents, teachers, and specialists, which was groundbreaking then. This participatory framework ensures that all voices are heard in crafting educational plans for students with disabilities. Furthermore, IDEA's insistence on inclusion and accessibility reflects the act's forward-thinking stance on equity. IDEA recognizes that education is not a one-size-fits-all process and that individualized approaches are essential for success. This mindset continues to influence policy discussions on educational equity in the 21st century.

### **Bibliographical References**

Rothstein, L. F. (2014). Special Education Law. Cambridge University Press.

**Kochhar-Bryant, C. A., & Heishman, A.** (2010). Effective Collaboration for Educating the Whole Child. Corwin Press.



#### VI. How IDEA Improved American Society

IDEA's contributions to American society are vast. By ensuring that students with disabilities receive an equitable education, the act plays a critical role in fostering social integration, workforce participation, and independent living for millions of individuals. As a society, the educational, social, and economic inclusion of individuals with disabilities will elevate the overall quality of life, reduce inequality, and create a more just society. Moreover, the inclusionary principles of IDEA are likely to influence future laws and policies beyond education, setting a precedent for the ways society values and integrates all its members.

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**Wehman, P., Kregel, J., & Revell, W. G.** (1999). Supported Employment: Program Models, Impacts, and Outcomes. Journal of Vocational Rehabilitation.

**Mitchell, D. (2005).** Contextualizing Inclusive Education: Evaluating Old and New International Perspectives. Routledge.

#### VII. Conclusion and Future Directions

The IDEA has been instrumental in advancing disability rights, shaping a more inclusive education system, and transforming societal perceptions of disability. However, the future of the act lies in its continuous evolution, particularly with the advent of technology and personalized learning tools. As American society continues to grapple with issues of equity and



inclusion, IDEA remains a cornerstone of legal and educational reform, positioning itself as a beacon of progress for the disability rights movement.

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