

Appendix B

Reverse Chronology of Laws Related to Free, Appropriate Public Education in the Least Restrictive Environment

Initials	Short Name	Year	Public Law	Regulation/Statute	Key Points
NCLB	No Child Left Behind Act	2001	107-110		<ul style="list-style-type: none"> • Current reauthorization of the ESEA • Assessment for all (less than 1% exemption from regular assessment) • “Adequate Yearly Progress” toward proficiency for all student subgroups; SpEd students are a subgroup • Teacher qualifications, all “highly qualified” by 2006
IDEA 97	Individuals with Disabilities Education Act	1997	105-17	20 USC 1400 <i>et seq.</i>	<ul style="list-style-type: none"> • Major reauthorization of IDEA • Requires general education teacher to participate in educational planning of any student who may attend general education classes • Requires IEP team to document students’ time in general education and explain times that the student is not in general education settings • Age-appropriateness of tasks, settings refers to the students’ chronological (not mental) ages • Requires state-wide assessment of SpEd students
IDEA	Individuals with Disabilities Education Act	1991	102-119 101-476	34 CFR 300, 301, and App C	<ul style="list-style-type: none"> • Part B of Act covers IEPs, procedural safeguards, preschool grants, and state/local eligibility • Part C, Infants and Toddlers covered • Part H, Preschool (3 to 5 year olds in schools covered if the district provides childcare for nondisabled children in this age group) • Title of codification: “Assistance to States for the Education of Children with Disabilities”

					<ul style="list-style-type: none"> • (Federal portion was promised to be 40% initially) • Removal of students from general education is allowed only when education cannot be achieved satisfactorily due to the nature/severity of the student's disability
ADA	The Americans with Disabilities Act	1990	101-336	42 USC 12101 <i>et seq.</i>	<ul style="list-style-type: none"> • Broad antidiscrimination law; making it illegal to discriminate against someone due to their disability • As with Section 504 (following), ADA is used in school situations only when IDEA does not apply
EHA	Education of All Handicapped Children Act	1975	94-142	20 USC 1401 <i>et seq.</i>	<ul style="list-style-type: none"> • First education for the disabled legislation at the national level, first attempt to define an array of educational services and placements for disabled citizens between 5 and 21 • To qualify for Federal financial assistance, states have to show that they have policies that assure all handicapped children receive FAPE
Section 504	Rehabilitation Act, Section 504	1973	93-112, 93-516	29 USC 794	<ul style="list-style-type: none"> • Makes it illegal to discriminate against someone who is limited in any major life activity (such as seeing, walking, speaking, breathing) • Section 504 is used as a way of assuring those not requiring (or eligible for) SpEd services (for example, students with diabetes or ADD) receive FAPE in the LRE • It also overlaps with SpEd in the provision of vocational rehabilitation services
EHA	Education for the Handicapped Act	1970	91-230		<ul style="list-style-type: none"> • Repealed ESEA, but offered similar grants to states to stimulate special education programs and training SpEd teachers
ESEA	Elementary and Secondary Education Act	1965	89-750	80 USC 1204	<ul style="list-style-type: none"> • Amendment to ESEA in 1966 was the first time federal grants were offered to the states for "initiation, expansion, and improvement. . .of education for handicapped children" (Wright & Wright, 2002, p. 305)