

# DISABILITY RIGHTS TIMELINE



PAVE

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Please note that this timeline is an overview and does not include every law or legal action involved in the long and complicated history of disability rights.

## STATE LAW REQUIRES...

public schools to promote educational activities that provide instruction, awareness, and understanding of disability history and people with disabilities. Here are some key laws and legal actions that have impacted school access for students with disabilities in Washington State and nationally.

### 2015: Every Student Succeeds Act (ESSA)

- Reauthorizes 50-year-old Elementary and Secondary Education Act (ESEA), the nation's national education law.
- Provides all children in the United States the right to a free public education "to ensure that every child achieves."
- Advances equity by upholding critical protections for America's disadvantaged and high-need students.
- Requires—for the first time—that all students in America be taught to high academic standards that will prepare them to succeed in college and careers.
- Ensures that vital information is provided to educators, families, students, and communities through annual statewide assessments that measure student progress toward high standards.
- Encourages evidence-based interventions.
- Sustains and expands access to high-quality preschool.
- Maintains accountability in low-performing schools, where groups of students are not making progress and where graduation rates are low.



### 2004: IDEA Amendments

IDEA was amended by the Individuals with Disabilities Education Improvement Act of 2004. Several provisions aligned IDEA with the 2001 No Child Left Behind Act.

### 2000: Settlegoode v. Portland Public Schools

- Appropriate staff training is an important aspect of FAPE.
- School staff have the right to advocate for children without retaliation.
- The lawsuit was filed by a former special education PE teacher who was fired after highlighting errors in IEP implementation.



### 1990: Americans with Disabilities Act (ADA)

- Prohibits disability discrimination by federal and state government, including schools
- Applies to all schools, workplaces—any space, public or private, that provides goods or services to the public
- Covers people of all ages, including those who are discriminated against because they are perceived to have a disability, even if they don't have one

1990

### 1981: Federal waiver program enables more children to get help at home

The federal government created a system through Medicaid to provide a new way to care for children and adults with disabilities in their homes. The new system provided a financial mechanism called a "waiver" to pay for in-home care. Once the first state Medicaid agency applied for and received a waiver from the federal government, other states began to apply. As a result, thousands of children who in the past might have lived in hospitals or state institutions now live at home.

PAVE's Family to Family Health Information Center is part of a nationwide Family Voices community that helps families understand and apply for these waivers and manage other aspects of care for their loved ones with disabilities and complex medical needs.



### 1975: The Education for All Handicapped Children Act

- Required public schools to provide **equal access** to free educational programming
- Provided for evaluation, a specific educational plan and **parent input**
- Declared that special education should **emulate** as closely as possible the educational experiences of non-disabled students
- Contained a provision for education in the **Least Restrictive Environment (LRE)**
- Provided **dispute resolution** procedures



### 1972: Key State Precedents

1. P.A.R.C. v. Commonwealth of Pennsylvania\*
  - Established Free Public Education for all students.
2. Mills versus Board of Education of DC
  - Established accessible, free and suitable education for all children of school age, regardless of disability or impairment



### 1971: Washington Guarantees Special Education Rights

Passage of legislation (House Bill 90) mandated public education for all children with disabilities age 3–21. HB 90 became Chapter 66 of the Laws of 1971, entitled Educational Opportunities for Handicapped Children, generally referred to as the Education for All Act. Washington's special education law is now codified at RCW 28A.155.



### 1954: Brown versus Topeka Board of Education

*Separate but Equal* was outlawed, and **Equal Educational Opportunities** became a right of all citizens.



### 2017: Endrew F versus Douglas County School District

- The Supreme Court issued a unanimous decision that under the IDEA a school must offer an IEP reasonably calculated to enable a child to make appropriate progress, in light of the child's circumstances of disability.

### 2013: Doug C v Hawaii

- Parents must be included in the IEP process.
- The lawsuit was filed in behalf of a parent who was not included in a school meeting at which key IEP decisions were made.

### 2012: Employment First in Washington State

The Washington legislature passed Senate Bill 6384 for Employment First requirements for clients 21 and older within the Developmental Disabilities Administration (DDA).

### 2008: Washington schools are required to celebrate disability history each October

In passing a law to establish Disability History and Awareness Month RCW 28A.230.158 established Disability History and Awareness Month to increase awareness and understanding of the contributions that people with disabilities have made to society.

### 1992: Rehabilitation Act Amendments

Amendments to the 1973 Act put the abilities and choices of persons with a disability first and challenge the services system and the greater community to support individuals to work, live, and participate in the community. The Amendments are guided by the presumption of ability.

### 1990: Individuals with Disabilities Education Act (IDEA)

- All children with disabilities get a **Free Appropriate Public Education (FAPE)** to be ready for further education, jobs and life!
- The **rights** of children with disabilities and their parents are protected.
- The law requires schools to **assess** a child's program, to make sure it's working, and the child is benefiting.



### 1988: Washington State recognizes the capacity of all persons

The Washington legislature passed RCW 71A.10.015 to recognize "the capacity of all persons, including those with developmental disabilities, to be personally and socially productive."



### 1979: PAVE began as one of the country's first parent centers



Pierce County was among six locations across the country to receive training in special education rights. Thirty Washington parents received training about special education law from a Closer Look, which evolved into the National Information Center for Children and Youth with Disabilities (NICHCY). Much of that early work has been updated and preserved by the Center for Parent Information and Resources (CPIR), the current technical assistance center for PAVE and other parent centers across the country. CPIR provides free information to professionals and parents through [ParentCenterHub.org](http://ParentCenterHub.org)

### 1973: The Rehabilitation Act



The rights of a person with a disability to get the help they need in order to be successful in school and at work—and to access to any public place or program—was firmly established by the federal Rehabilitation Act of 1973, which is still an active law upheld by the Office for Civil Rights. Part of it, Section 504, defines disability as any impairment that significantly impacts a major life activity. When a student in school meets that criteria because of a physical or mental condition, the school is bound by this law to provide what a student needs to access their right to a Free Appropriate Public Education (FAPE).

### 1964: Civil Rights Act

- Prohibited state and local governments from denying **access** to public facilities, establishing **equality as a legal right** and **discrimination as illegal**.
- **Desegregated public schools** and authorized the U.S. Attorney General to file lawsuits for suspected violations.
- Established that agencies could lose **federal funding** for breaking the law.



\*Note: PAVE recognizes that past terms have led to stigma; using person-first language is our priority. To learn more about how individuals with intellectual disabilities earned education rights through these landmark cases, refer to Disability Justice.