



# Disability Laws and The Education System

Rena Casalinho

## ABSTRACT

Legislation and the education system has come a long way since the 1800's, however, there is still much to be done in order to protect and equally educate disabled students. Especially concerning centers for higher education where private funding does not necessarily account for accommodations and resources for students with disabilities. It is not yet a branch of education that was covered in any of the previous laws made. It was a blind spot that needed a political backbone in order to ensure these students with disabilities were still being taken care of all the way throughout the school system even to higher education. Society, the federal government, and the education system has come so far to protect and better educate students with disabilities. It is important to continue pushing on that track towards better rights for disabled students. They are often a forgotten population, and they need society's support the most. Especially when it comes to disabled students in higher education the fight is not over yet, and neither is the trial and error process of learning what works best for both the students and the institutions.

## CONTACT

Rena Casalinho  
Sacred Heart University  
Email: [casalinhor@mail.sacredheart.edu](mailto:casalinhor@mail.sacredheart.edu)  
Phone: 973-493-0992

## RESEARCH QUESTION/ THESIS

**My research question:** Are the disability laws in place enough to protect and properly educate disabled students?

**Why it matters:** For individuals with disabilities, of all kinds, having equal education opportunities at every stage of their educational career is essential.

**My thesis:** Disability laws and education systems have come far since the beginning of special education movements, however, there is more that can be done both socially and legally to protect and equally educate disabled students, more specifically students in higher education.

## THE PROBLEM AND MY FINDINGS

### The problem

- Past legislation had not accounted for the disabled part of the population and their rights to equal education
  - In the 1800's individual states were responsible for their education systems
- Many families had to turn to institutions while the education system claimed there was no place for their child
- There were not enough funds to support the learning needs of these disabled students

### My findings

- The PARC decision resulted in the mandatory free public education for all children with disabilities between the ages of 6 and 21 years old.
- In 1975, The Education for All Handicapped Children Act gave federal funding in order for states to educate children with disabilities.
- The development of the IEP, The Individualized Education Program, allowed for more equal education opportunities
- Disability units in centers for higher education are essential and allow for a seamless transition and equal education opportunity resources

**“90% fewer developmentally disabled children are living in institutions”, “Three times as many disabled young people are enrolled in colleges and universities”, and “Twice as many young Americans with disabilities in their twenties are in the American workplace”. (Yell 1998)**

**“In the United Kingdom, 31, 395 students with a known disability were enrolled in higher education in 1994-95, representing 2% of the student population. In 2006-07, this number had grown to 57, 750, or 6.5% of the student population” (Ebersold 2008)**



**“To the American people we are saying that we do not intend to rest until we have conquered the ignorance and prejudice against disabilities that disable us all. (“Remarks of President Clinton,” 1997, p. 24)” (Yell 1998)**

## CONCLUSIONS

- Centers go higher education being able to provide the resources necessary for the students who require it while not changing the basic curriculum of any course.
- The job market must also adopt a non-discrimination policy for all of those students who earn their degree in higher education
- Peer support is critical in making an institution enabling
- Proper accommodations for the needs of each individual student are needed in order to create an equal learning opportunity.
- Detaching the stigma that comes with the term “disabled” is necessary to allow for safe and comfortable communication between teachers and students
- Every center of higher education needs to have a fully functional disability unit

## REFERENCES

Ebersold, Serge. “Chapter 8/Adapting Higher Education to the Needs of Disabled Students: Developments, Challenges and Prospects.” *Higher Education to 2030*, Centre for Educational Research and Innovation, OECD, Paris, 2008.

Konur, Ozcan. “Teaching Disabled Students in Higher Education.” *Teaching in Higher Education*, vol. 11, no. 3, 2006, pp. 351–363., <https://doi.org/10.1080/13562510600680871>.

Matshedisho, Rajohane Knowledge. “Access to Higher Education for Disabled Students in South Africa: A Contradictory Conjunction of Benevolence, Rights and the Social Model of Disability.” *Disability & Society*, vol. 22, no. 7, 2007, pp. 685–699., <https://doi.org/10.1080/09687590701659535>.

Matthews, Nicole. “Teaching the ‘Invisible’ Disabled Students in the Classroom: Disclosure, Inclusion and the Social Model of Disability.” *Teaching in Higher Education*, vol. 14, no. 3, 2009, pp. 229–239., <https://doi.org/10.1080/13562510902898809>.

Mephram, Sarah. “Disabled Children: The Right to Feel Safe.” *Child Care in Practice*, vol. 16, no. 1, 2010, pp. 19–34., <https://doi.org/10.1080/13575270903368667>.

Yell, Mitchell L., et al. “The Legal History of Special Education.” *Remedial and Special Education*, vol. 19, no. 4, 1998, pp. 219–228., <https://doi.org/10.1177/074193259801900405>.