

## ABSTRACT

### FACTORS INFLUENCING THE PASSAGE OF THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT OF 1975

by Patrick Alfonso Frato

This paper examined how the advocacy movement leading up to the passage of the Education for All Handicapped Children Act of 1975 (P.L. 94-142) succeeded. Extensive interviews were conducted with key players in this movement and findings were triangulated with the literature to generate a more comprehensive schema of the factors involved in the passage of P.L. 94-142. The P.L. 94-142 schema was then compared and contrasted with advocacy schemas from other landmark movements to highlight the unique nature of this movement and to illustrate that different movements require different advocacy schemas. This paper also presents limitations and recommendations for future research and practices.

Factors Influencing the Passage of  
The Education for All Handicapped Children Act of 1975

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## Chapter 1

The purpose of this study was to examine how the advocacy movement leading up to the passage of the landmark Education for All Handicapped Children Act of 1975 (P.L. 94-142) succeeded. Advocacy experts Washington and Andrews (1998) assert that advocacy must tap into historical movements for change. This study informs about a successful special education movement from the past as a way to teach current advocates and leaders about how to effect positive change.

A few texts have attempted to explain factors involved in the passage of P.L. 94-142. What these descriptions lack is personal testimony from key advocates and others who experienced and/or witnessed this progress unfold. In order to gain a more complete picture of all the factors influencing the passage of this legislation, interviews were conducted with people who were key advocates, legislative assistants, parents, teachers, and administrators during the time leading up to the passage of P.L. 94-142. Information was gathered from these key players and witnesses to fill in details missing from the literature and to add the richness of personal stories to what is already known about how this change took place. Because this movement occurred thirty years ago, it was crucial to obtain this information before many of the key players from this movement can no longer be interviewed.

Once data from the interviews were analyzed, the results were compared, contrasted, and integrated with the findings of the review of literature. From this process, a more comprehensive schema of the factors involved in the passage of P.L. 94-142 was generated. This schema was then compared and contrasted with other advocacy schemas to determine the way in which advocacy for P.L. 94-142 was similar to and different than other advocacy movements. The purpose of this was to highlight the unique nature of P.L. 94-142 and to illustrate how movements must utilize different advocacy models in different circumstances.

Advocacy for special education plays a crucial role in improving the educational system through efforts to encourage the passage of local, state, and federal legislation. Advocates also provide pressure for favorable court rulings, help shift public attitudes, and play a host of other roles in attempts to effect change. To be effective, advocates

need the tools, knowledge, and understanding of how past educational advancement successes materialized. This study utilized extensive interviews with twelve participants involved in the passage of The Education for All Handicapped Children Act of 1975 to gain a more comprehensive schema of the factors involved in the passage of P.L. 94-142. Essentially the goal was to learn more about a successful educational movement from the past as a way to inform advocates about how to effect positive educational change in the future.

Special education law is currently under fire and without advocates to protect current legislation and improve on it, the field of special education and children with disabilities, in general, will suffer. One way success in this domain can be achieved is by learning more about advocacy and effecting legislative change. This study aimed to empower advocates with tools from past special education heroes and general knowledge about how to effect change.

## Chapter 2

### Literature Review

The literature review will move from a broad view of historical trends in special education to a more narrow analysis of the forces involved in a specific piece of landmark special education legislation. The purpose of this is to establish a base of information about the factors influencing the passage of The Education for All Handicapped Children Act of 1975 and also to identify what information regarding this topic is missing from the literature.

#### *History of Special Education*

Historically, education of the disabled has been a responsibility accepted by religious groups, progressive nations, and wealthy families (Safford & Safford, 1996). Some religious groups believed that moral treatment meant that kindness was required and cruelty not tolerated. These factions were the earliest to care for and attempt to educate the disabled. In 1813, Quakers in Philadelphia opened the first mental hospital where people with disabilities were cared for or housed. At this point, care for the disabled did not often include attempts at education. Instead, individuals with disabilities were most often provided with food, water, shelter, and not much more, save religion. Another example of religion's role in providing care for the disabled was The Second Great Awakening - a period of religious revival that generated services for the deaf and dumb.

France was one of the first countries to address the "problem of the unfortunates" (Winzer, 1993). In 19<sup>th</sup> century France, the belief in a shared responsibility for the disabled emerged into prominence and innovators like Jean Itard began working to make advances in helping this population. However, care for the disabled in France, as in other places, often took the shape of prisons where the disabled were shackled and no attempts at education were usually made. Essentially, France's well-meaning philosophy did not translate into a humane solution. In any case, the institutions or asylums the French erected may have been a first step in caring for the 'unfortunates'. France was one of the first countries to own the problem or take it from privatization - - religion and wealthy

families - - to the governmental level. Without the support of religion or progressivism, though, the disabled were only cared for or educated if from wealthy or prominent families who could afford specialized instruction (Safford & Safford, 1996).

### *Shift in Attitude Toward Education of the Disabled*

A shift in attitude is also at root of the rise in the belief that people with disabilities should be educated (Safford & Safford, 1996). The paradigm which held that individuals with disabilities were non-educable, a burden on society, and defective was challenged by innovators who showed that some students with disabilities could make educational progress and could eventually play meaningful roles in society. Like so many issues and movements, support for special education has ebbed and flowed throughout history. For every innovator like Itard there seemed to be a skeptic like Galton whose belief in hereditary genius, with its message of biological determinism based on genetic endowment, did much to halt progress (Winzer, 1993). Hence, the increase over time in the belief that the disabled should be educated was a cyclical one slowly moving toward acceptance with intermittent periods of skepticism and opposition.

Advocates of John Locke's societal-based tabula rasa (blank slate) theory tended to believe that the disabled were malleable and could be educated (Winzer, 1993). Social Darwinists and leaders of the eugenics movement argued, essentially, that there was no hope for these people, that they were flawed, and that society would be purified if nature were left to take its course by rewarding superior genes with prosperity and survival while eliminating groups with less desirable traits.

These debates merged into what is now known as the medical model versus the societal model (Safford & Safford, 1996). It should be noted that the societal model is relatively new and is mostly subservient to the medical model. The medical model treats disability as a condition within the individual that should be diagnosed and cured if possible. This is often referred to as the qualitative model, which holds that individuals with disabilities are intrinsically different, deviant, or flawed. An illustration of this is that proponents of this model support the use of medication to alleviate such conditions as anxiety or attention problems. These problems are presumed to be within the person instead of a function of their environment. The medical model supports quick, efficient, and low cost solutions to changing the behavior of individuals.



On the other hand, the societal model holds that the problem is not the individual's, but society's (Safford & Safford, 1996). According to this model, society perpetuates the idea of disabilities because people with disabilities are viewed as different, deserving of sympathy, and lesser instead of being equals who function in mostly the same way as non-disabled people. This is often termed the quantitative model, which views exceptionalities as a matter of degree, not kind. This perspective holds that exceptional people develop and function much as others do, but their progress may be slower and their achievements more restricted. The societal model holds that society is the cause of or at the heart of exceptionalities since the mainstream decides what is normal and how they want to treat those who are different. This model complements more liberal governments who support and promulgate the idea of a shared sense of responsibility. An example of helping a student through the tenants of this model would be altering his/her environment to accommodate his/her needs or counseling him/her on how to adapt or better adjust to deal with his/her environment.

The paradigm shift or conflicting sides of the argument can now be couched as medical to(vs) societal or qualitative to(vs) quantitative (Safford & Safford, 1996). As mentioned earlier, the medical model is ostensibly more efficient and cost-effective. For this reason, it has predominated and still seems to be the most accepted way of addressing disability. However, as will be explained in following passages, the courts ruled in the '60's and '70's more in favor of the societal model, based on tenants of the constitution.

In the U.S., attitudes began to shift partially as a result of the success of mentally retarded individuals who were taught to play roles in rural communities, as depicted by the character Lenny from Jon Steinbeck's early 1900s book Of Mice and Men (Winzer, 1993). Some began to realize that not all individuals with disabilities were of no use to society, but that they indeed could be taught to play meaningful roles. Soldiers with disabilities returning from war also led to increased acceptance of and research into how to help people with disabilities. Around the mid-1900s, groups like the Association for Children with Learning Disabilities, The Association for Retarded Children, The National Association for Retarded Citizens, and The Council for Exceptional Children formed to advocate for the rights of the disabled (Levine & Wexler, 1981). In addition, Eleanor Roosevelt helped to gain acceptance of the idea that the cost to society of not educating

children with disabilities was far greater than the cost of educating them. In addition, President John F. Kennedy had a sister with mental retardation and he was therefore sensitive to the plight of the disabled and in a position to do something about it. Factors like the first Lady's argument, a president's unique situation, the Civil Rights movement, and the growing disability rights movement brought the issue of educating children with disabilities more toward the forefront of national attention.

*Key Legislation Leading up to The Education for all Handicapped Children Act of 1975*

A line of legislation that began in 1965 culminated in P.L. 94-142, The Education for All Handicapped Children Act of 1975, which mandated that all children with disabilities had to be educated (Ballard, Ramirez, & Weintraub, 1982). The first in the line of legislation was P.L. 89-10, The Elementary and Secondary Education Act of 1965 (ESEA). It provided a comprehensive plan for readdressing the inequality of educational opportunity for economically underprivileged children and is considered the statutory basis upon which early special education legislation was drafted

This act was amended later that same year with P.L. 89-313, which authorized grants to state institutions and state operated schools devoted to the education of children with disabilities (Braddock, 1987). It was the first federal grant program specifically targeted for children and youth with disabilities. The second amendment to this act came in 1966 with P.L. 89-75, which established the first federal grant program specifically targeted for children and youth with disabilities at the local school level, rather than at state-operated schools or institutions. It also established the Bureau of Education of the Handicapped (BEH) and the National Advisory Council (Now called the National Council on Disability). The third amendment to this act came with the passage of P.L. 90-247 in 1968, which established a set of programs that supplemented and supported the expansion and improvement of special education services. The fourth and final amendment to this Act came with the passage of P.L. 91-230 in 1970, which included title VI, the Education of the Handicapped Act. It established a core grant program for local education agencies, now known as part B, and it authorized a number of discretionary programs.

In 1974 came P.L. 93-280, the Education Amendments of 1974, which established two laws (Boston, 1977). One was the Education of the Handicapped Act

Amendments of 1974, which was the first to mention an appropriate education for all children with disabilities. It also reauthorized the discretionary programs. The second law, the Family Education Rights and Privacy Act, gave parents and students over the age of eighteen the right to examine records kept in the student's personal file.

It is commonly held among historians of special education and special education law that the aforementioned pieces of legislation laid the legislative groundwork for P.L. 94-142 which mandated a free appropriate education for all children with disabilities, ensured due process rights, and mandated IEPs (Individualized Education Plans) and LRE (Least Restrictive Environment) (Goldberg, 1982). This law was passed in 1975 and went into effect in October of 1977 when the regulations were finalized. A number of pieces of legislation followed this Act and a number will continue to follow it. P.L. 94-142 is considered the landmark piece of special education legislation around which the movement revolved and continues to revolve. It is important to note that this Act was not renamed IDEA (Individuals with Disabilities Education Act) until 1990.

After P.L. 94-142, there were a number of amendments and reauthorizations, starting with P.L. 98-199, Education of the Handicapped Act Amendments of 1983 (Guernsey & Klare, 1993). It reauthorized the discretionary programs, established services to facilitate school to work transition through research and demonstration projects; established parent training and information centers; and provided funding for demonstration projects and research in early intervention and early childhood special education. The next amendment, added in 1986, was P.L. 99-457, which mandated services for preschoolers and established part H program to assist states in the development of a comprehensive, multidisciplinary, and statewide system of early intervention services for infants.

In 1990, P.L. 101-476 reauthorized and expanded the discretionary programs, mandated transition services, and added autism and traumatic brain injury to the list of categories of children and youth eligible for special education and related services. P.L. 102-119, the amendments of 1992, primarily addressed the Part H (Infants and Toddlers with Disabilities) Program. The most recent amendments were passed in 1997 through P.L. 105-17, the current law, which aims to strengthen the role of parents, ensure access to the general curriculum and reforms, focus on teaching and learning while reducing

paperwork, assisting agencies with costs of improving special education, increased attention to minorities to prevent inappropriate labeling and identification, ensuring schools are safe and conducive to learning, and encouraging parents and educators to work out differences through structured mediation. In short, The Education for all Handicapped Children Act of 1975 was by no means an end all piece of legislation, but rather, the beginning of a new era of legislated equal treatment regarding education of individuals with disabilities.

Two key court cases also paved the way for The Education for All Handicapped Children Act of 1975 (Lippman & Goldberg, 1973). The Mills decision in the District of Columbia, 1971, ruled that under the fifth amendment's due process of law clause every school age child in the District of Columbia shall be provided with "a free and publicly-supported" education regardless of the degree of a child's mental, physical, or emotional disability or impairment" (Yell, 1998, p. 31).

In Pennsylvania, the PARC (Pennsylvania Association for Retarded Children) decision ruled that all mentally retarded children in the state between six and twenty-one years had to be provided, as a constitutional right and state statutory requirement, a publicly supported education (Kelman & Lester, 1997). Furthermore, the court stated that it was best if these children were educated in an environment most like children without disabilities. This was the first time mainstreaming of disabled students was mentioned in a court ruling.<sup>1</sup> Before this, interest groups and legislators were primarily concerned with some type of appropriate education for the disabled, not necessarily an education alongside their non-disabled peers. Donald Bigelow, the acting director of the Division of Educational Personnel Training of the Bureau of Elementary and Secondary Education in OE mentioned the concept of mainstreaming for the first recorded time in a Carey House Subcommittee meeting: "a positive attitude toward integrating the education of the handicapped in the total school program while still continuing to provide for

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<sup>1</sup> Mainstreaming and inclusion are two separate notions. Mainstreaming came first. It refers to teaching students with disabilities in different classes, but letting them go into the regular classroom occasionally when deemed appropriate by educators. There are various inclusion models. Full inclusion means children with disabilities are in the general education classroom all of the time. Inclusion often means that students with disabilities are in the general education classroom as much as possible unless they need other services.

special needs” (Levine & Wexler, 1981, p. 27). Thus, Bigelow called for what years later would become a dominant theme, but a concept not included in P.L. 94-142.

In general, these and the rest of the court rulings focused on three issues: 1) The right of children with disabilities to an appropriate publicly supported education; 2) The right to treatment including education for children in institutions; and 3) The prevention of improper classifications and placement to discriminate against children with disability in the provision of education (Semmel & Heinmiller, 1977). To some extent, by 1973 the right of a child with disabilities to a publicly-supported education was grounded in the Constitution by the outcomes of the aforementioned cases. Due process provided by the fifth amendment and equal protection of the laws provided by the fourteenth, as well as state public education laws and federal requirements for compulsory education, required a publicly-supported education be made available to all children.

#### *Political Context in which Key Legislation Was Passed*

An examination of the factors involved in the passage of The Education for All Handicapped Children Act of 1975 requires analysis of the political context in which this change took place. Historians Levine and Wexler (1981) have discussed this influence and are the source of the following information. As noted previously, the concerns voiced by JFK and the ideals of Lyndon Johnson’s War on Poverty, along with many other factors, brought to the foreground of U.S. politics the issue of educating the disabled. One of the first Senators to take up the cause of an explicit bureau within the Office of Education to administer programs for the handicapped and thus give the disabled a federal office on which to focus their attention was Senator Wayne Morse (D-OR). The Council for Exceptional Children lobbied Morse, chair of the Senate Subcommittee on Education of the Senate committee on Labor and Public Welfare to do this. Morse enlisted the help of a powerful Republican, Senator Winston Prouty of Vermont, who was also sensitive to the plight of the disabled.

A group particularly responsible for amendments to the Elementary and Secondary Education Act was the Carey House Subcommittee on the Handicapped (Levine & Wexler, 1981). This group consisted of four Democrats and two Republicans and was headed by Congressman Hugh L. Carey (D-NY). On the whole, they leaned toward liberal points of view and were committed to a greater role for the federal

government in educating children with disabilities. It should be noted that this subcommittee was formed and developed in the moderate Democrat Lyndon Johnson's presidency. In 1968, Republican President Richard Nixon took over. Nixon's conservative budget did not contain the funds to comply with the legislation that had been passed and as a result, special interests on the side of the disabled redoubled their efforts. The goal of the Nixon administration was to restrain spending, not expand it, and thus the administration did not complement the aims of the Bureau of Education and the interest groups.

Nixon was reelected in a landslide 1972 victory by a margin of 60.99 percent to South Dakota Democratic Senator George McGovern's 37.5 percent (Levine & Wexler, 1981). Nixon took this huge victory as approval of the policies and programs initiated during his first four years. However, Nixon had faced a Democratically-controlled Congress in both Congressional sessions from 1969 through 1972, and, despite his electoral sweep of the nation, the Democrats again won a majority of seats in the House and Senate. Thus, Nixon's legislative program met with much resistance and legislative progress for the special education movement was possible. At this time, the Senate Subcommittee on Education contained eight Democrats and five Republicans and the Senate Subcommittee on the Handicapped contained seven Democrats and four Republicans. Essentially, these committees, barring muffled dissent, were liberal and committed to exploring and bettering education for individuals with disabilities. However, the Education and Labor Committee of the House of Representatives was much more moderate.

Nixon's role in education was an attempt to give up the federal government's control of education to state and local governments (Levine & Wexler, 1981). This contrasted sharply with the hopes of special education advocates for federal guidelines mandating education for all children with disabilities and funding to back it up. After the passage of P.L. 93-380, Education of the Handicapped Amendments of 1974, the Bureau of Education for the Handicapped was given four more positions of high administrative level; the National Advisory Committee on Handicapped Children was continued for one more year; funds were authorized for children with disabilities under a Federal-State formula; Requiring the public schools to place into regular classrooms children with

disabilities, wherever possible, was also included; and funds for regional education program, centers and services, personnel training, research, instructional media and specific learning disabilities were also authorization. Thus, 1974 was a turning point. A similar political context remained the next year when The Education for All Handicapped Children Act of 1975 passed. Republican Gerald Ford, who accepted Nixon's resignation after the Watergate Scandal, signed it into law with relatively little publicity in a closed-door meeting.

### *Special Education Advocacy or Interest Groups*

As mentioned earlier, special interest groups played a key role in the passage of special education legislation. A number of sources have discussed the role of advocacy in the P.L. 94-142 movement. Bootel (1995) states that interest group is any collection of people organized to promote some common objective that somehow relates to the political process. It is comprised, in a political sense, of people with likeminded interests who are represented by their own members or by a professional staff in the corridors of executive and legislative halls. Interest groups provide information, stimulus, and support to Congress and the groups that advocated a greater federal role in the education of children with disabilities were on the front lines urging Congress to act. They continued to be vitally important in the formulation of the rules as laid down by the Department of Health, Education and Welfare through the Office of Education after the passage of P.L. 94-142.

Safford and Safford (1996) suggest that the interest groups of the special education movement were incited to act by the success of the Civil Rights movement of the 1960's. In the '60s, many African Americans believed that they were getting less than they were entitled to in education, employment, housing and accommodations and came together to demand their rights. Levine and Wexler (1981) assert that many of those who advocated more government aid for educating children with disabilities saw themselves as part of the mainstream of politics, like members of Civil Rights groups, and set about to organize themselves in advancing the cause of individuals with disabilities

Winzer (1993) notes that advocacy groups for better treatment of students with disabilities have been around since the 1930s. These fledgling groups did not constitute a

national movement or band together under a broader umbrella. They did, however, serve as an outlet for the frustrations of their members, provide support for actions to obtain improved services for their children, and establish a foundation for a more broad based program of action (Levine & Wexler, 1981). In the 1950s, advocacy groups expanded and began to work together at the local, state, and national levels. The National Association for Retarded Citizens (NARC) and the Council for Exceptional Children were two early examples. NARC is primarily an organization of people, usually parents and family, with a personal interest in people with mental retardation. It was organized in September, 1950 and was essentially the gathering together of several state organizations of parents and families of individuals with mental retardation. By 1975, NARC boasted a membership of 218,000 and 1,700 state and local chapters. Experts suggest that NARC is an example of thousands of interest groups whose organizational structure parallels the federal nature of the American political system. To be nationally effective, a group must be able to pressure not only the federal but also state and local governments. When organizations in several states link up and enter the national political arena, it is an indication of their political maturity and growing strength.

The CEC was founded in 1922 by faculty and students at Teachers College, Columbia University, in New York (Bootel, 1997). It represents mainly special education professionals whose concern is for all children with special needs. CECs membership has grown from 6000 people in 1950 to about 70,000 now. When these groups banded together, they widened the scope of the conflict and at first, experts suggest that no opposing groups came to battle against them because the requests of the people with disabilities did not seem excessive and few would argue that children with disabilities were unworthy of legislative consideration. It should be noted that the CEC and NARC were not the only two groups to play a role in this widening movement. They brought under their umbrella many different groups relating to specific physical disabilities: the deaf, the blind, and the physically impaired. Education for the disabled was not the sole goal of all these groups, but an aim that came to be agreed upon as a vehicle to a better life for children with disabilities.

One of the first moves of the interest groups, particularly the CEC, was to get the support of Senator Wayne Morris, a Democrat from Oregon who was chairman of the



Senate Subcommittee on Education of the Senate Committee on Labor and Public Welfare (Levine & Wexler, 1981). Morris enlisted bipartisan support and was able to create an office in the government that would be a focal point for the problems of children with disabilities. Through this office, the CEC, primarily, supported both increased federal assistance for educating children with disabilities and more federal influence on the states.

With the emergence of the Carey House Subcommittee on the Handicapped, the interest groups had more opportunity for a voice and a broader audience (Levine & Wexler, 1981). Eleven interest groups for the people with disabilities had their representatives, or lobbyists, testify at the Carey hearings in June, 1966: American Psychological Association, Bell Association for the Deaf, Institute for Research on Exceptional Children, Council on Education of the Deaf, Association for Children with Learning Disabilities, American Foundation for the Blind, American Speech and Hearing Association, National Association for Retarded Citizens, National Rehabilitation Association, and the Council for Exceptional Children. Their main themes were federal funds for compensatory education for children with disabilities, a central administrative entity within the executive branch to advance the cause of children with disabilities, and a free public education that was appropriate for each child's disability had to be mandated upon the states. In the end, all these goals were met, to some degree. The first was Congressman Carey's creation of the BEH (Bureau of Education for the Handicapped) to "bring special education into the mainstream of education" and help establish "better communication between the field of special education and the Federal Government." (p. 58). Interest groups pushed for the BEH because they needed an organization within the Federal Office of Education that would act as a 'foot in the door' for administering and carrying out the programs and projects for the education and training of children with disabilities.

Despite limitations imposed on the BEH by the shortage of funds, it had organized seven regional conferences for 1000 special educators in 1968 to help establish a partnership between the states and the federal government (Levine & Wexler, 1981). The BEH had also begun work on establishing management information systems to the states, organizing and funding two research and development centers, and starting several

demonstration projects and programs. The Bureau was also responsible for handling state allocations under Title VI and for “approving” state plans for educating children with disabilities as being in conformity with federal regulations. The BEH and National Advisory Committee on Children with disabilities were the federal groups on which advocacy groups focused their energy and through these federal groups, the demands and ideas of advocates were transformed into amendments. These amendments were then introduced by Congressmen or Senators linked to the key groups.

By 1973, groups advocating greater involvement of the federal government and more financial aid for children with disabilities had two House subcommittees open to them; the House Subcommittee on General Education and the House Subcommittee on Select Education (Levine & Wexler, 1981). These Subcommittees were open to the testimony of advocacy groups and as a result, regional hearings exposed specific members of the subcommittees to special education advocates in their home states and helped cement the relationships of politicians, staff, and witnesses. This trend of advocacy groups implanting themselves in various House, Senate, and other governmental committees and offices continued and worked to help them express their needs in more venues to more influential people.

Interest groups also took part in assuring friendly rulings in court cases (Yell, 1998). Two successes were the P.A.R.C. and Mills decisions. Advocacy groups continued to work with the BEH and National Advisory Committee on Children with disabilities to push for amendments to the original ESEA and eventually push for passage of The Education for all Handicapped Children Act of 1975. Interest groups continue to grow and play a powerful role in amendments to and reauthorizations of IDEA.

#### *Purpose of Research and Encompassing Questions*

Advocacy for special education and education in general plays a crucial role in improving the educational system through efforts to encourage the passage of local, state, and federal legislation (in addition to providing pressure for favorable court rulings and shifting public attitudes and opinions). To be effective, advocates need the tools, knowledge, and understanding of how past educational advancement successes materialized. The purpose of this study is to examine how the movement leading up to

the Landmark Education for All Handicapped Children Act succeeded so that future generations, in their own advocacy quests, will have an idea of how this process works.

As this review indicated, a number of sources have illustrated incomplete frameworks of the factors involved in the passage of The Education for All Handicapped Children Act. Some sources suggest that the passage of P.L. 94-142 was primarily a result of the legislation building up to it (Braddock, 1987). Other sources assert that it passed due in part to a societal shift in attitude and specific contextual factors such as the Civil Rights movement and powerful politicians championing the cause (Safford & Safford, 1996). One source views this change as a result of the work of powerful advocacy groups and their influence on key politicians (Bootel, 1997).

What is missing from the works on this subject is testimony from primary sources: Interviews with parents, advocates, administrators, special educators, and legislative assistants from this period. The historians and experts who have written on this subject have relied primarily on what was reported and published in the past. Their work does not include primary sources that may be central to filling in missing/unreported factors, key influences, or other unreported but essential information. In addition, some of these sources are still available now, but will not be in the future. They must be contacted before their valuable information is lost.

In order to gain a more complete picture of the factors involved in the passage of this piece of legislation, interviews with primary sources were conducted and the data they provided was triangulated with existing notions. These sources provided information on the political context of the times, shifts in attitude of the public, the organization/development of special interest groups, turning points, and other influences involved in the passage of the landmark Education for All Handicapped Children Act. The objective of these interviews was to gain a clearer picture of how the P.L. 94-142 movement succeeded.

The questions of interest below represent information that was gathered from primary sources in order to create a more complete picture of the factors involved in the passage of P.L. 94-142.

### *Questions of Interest*

1. How were people recruited to participate in the advocacy movement? How did the groups come together? How were these groups organized? How did these groups develop into a powerful legislative force?
2. What strategies did these groups and legislators use to affect change or get legislation passed? Did the groups target specific politicians or groups or work to sway public opinion? Which strategies were effective and which weren't? What did those involved learn about the political process and how to effect change? (Question to primary sources) What was your role in the movement?
3. Was there a public or political shift in attitude about the education of the disabled? If so, what was the cause? Has there been more of a shift since the legislation was passed?
4. What was the political context during the time leading up to and during the passage of The Education for all Handicapped Children Act of 1975.

## Chapter 3

### Methods

The following section contains justification for the use of a qualitative design, information on the subjects of this study, and a description of the procedures and instruments used.

#### *Reasons for Qualitative Design*

A few experts have published research into the forces involved in the passage of The Education for All Handicapped Children Act of 1975. However, there are no formal theories on the specific way in which positive legislative change occurred. This type of topic may not be amenable to a formal theory. The existence of multiple realities constrains the development of a design based only on a simple construction (Lincoln & Guba, 1985). In other words, it would be difficult to contrive a simple causal relationship between certain actions and the passage of legislation; there are too many variables and it is likely that these relationships can't be simplified that easily. Consequently, a phenomenological inquiry, which allows a more in-depth/total picture understanding of the process, was determined to be the best approach to studying this topic.

In general, there are a number of reasons why qualitative research is a viable alternative to traditional forms of quantitative research (Lincoln & Guba, 1989). One is that it is important for the claims, concerns, and issues of stakeholders to be included in research. Stakeholders have something at stake in the entity being evaluated and must provide input into the evaluation and exercise some control on behalf of its own interests. As Lincoln and Guba (1989) assert, "Anything else is patently unfair and discriminatory" (p. 114). Through quantitative research, stakeholders are often open to exploitation, disempowerment, and disenfranchisement due to their lack of input and control over the way in which research is conducted. Further, Stakeholders can benefit research by broadening the range of evaluative inquiry to the great benefit of the validity of the results.

Conventional methodology, by contrast, has many limitations (Lincoln & Guba, 1989). Traditional research often doesn't recognize the need to identify stakeholders and

to solicit claims, concerns, and issues from them. Conventional methodology also does not take into account contextual factors, except by physically or statistically controlling them. In addition, it does not provide a means for making evaluative assessments on a situation-by-situation basis. As a result, crucial data that can only be gathered from specific participants is often missed. Conventional methodology also makes the dangerous claim that it is value free and can therefore be a dubious instrument to use in an investigation intended to lead to a judgement about some entity (Lincoln & Guba, 1989). Qualitative research works to report, explain, and remove potential bias.

An emerging design, as part of qualitative inquiry, is appropriate for this type of research. An emerging design refers to a study whose focus, plan, and or aim are based on intermittent data analysis, subject to change throughout the inquiry (Lincoln & Guba, 1985). The reason an emerging design was useful for this project was that what was learned through data collection was unpredictable and always dependent on interaction with the context. In addition, the nature of mutual shapings could not be known until they were witnessed. For instance, it became clear, during the initial analysis of the data that the study needed to seek out respondents who were legislative assistants during this period. As a result, this group of participants was added mid-way through data collection. Another example of the research design being altered is that interview questions were redirected as new hypotheses and typologies emerged. The Snowball technique of obtaining names and contact information from initial and subsequent interviewees was used to gather participants for this study.

How does data emerge? According to Lincoln and Guba (1985), the investigator must engage in continuous data analysis, so that every new act of investigation takes into account everything that has been learned so far. Inductive data analyses can be performed on a daily basis, so that insights, elements of theory, hypotheses, questions, and gaps, can be identified and pursued beginning with the next day's work. This is why field journals are helpful, both for trustworthiness and direction of the emergent design.

The purpose of this research was to gain primary source interview information from parents of children with disabilities, members of special education special interest groups, special education teachers, administrators, and legislative assistants. From these people, information was gathered concerning the strategies of the interest groups, how

people and groups were organized, the political context in which this legislation was passed, and societal shifts in attitude. The objective through compiling this information was to gain a more comprehensive, phenomenological view from interview data, the literature, and a comparison of P.L. 94-142 with other advocacy movements of how positive special education change is effected and, if possible, to develop a theoretical model of the process.

### *Participants*

#### *General Roles of Participant Categories*

Participants were of five types: advocates, parents, special education teachers, administrators, and legislative assistants during the period between 1965 and 1975.

In general, the *advocates* in this study provided information about the way in which advocacy groups worked on court cases and with governmental officials to push for the passage of P.L. 94-142. This group also supplied detailed data about the political context of the time and the overall attitude of the nation toward the education of people with disabilities. The advocates mainly provided a big picture/national scale view of the movement to pass P.L. 94-142.

The *parents* in this study provided information about advocacy group recruitment, strategies, organization, and the impact of P.L. 94-142 on the education of their children. The parents supplied data mainly regarding grassroots/smaller scale activity.

The interviews of *special education teachers* included information mostly about the attitude of the public toward educating children with disabilities. In addition, this group was also able to provide information about strategies used by advocates and teachers to improve special education.

The *administrators* in this study gave information about regional movements to push for the passage and implementation of special education friendly legislation. They provided information on a regional/state level of change, between the local information provided by parents and the national data given by advocates.

The *legislative assistants* in this study supplied information about the way in which P.L. 94-142 was introduced and passed in the House of Representatives and Senate. They provided information about strategies used to pass the legislation, the

political climate, and the attitude of the country. This group also represented the national-scale view of how change occurred.

### *Obtaining Participants*

Participants were initially obtained by contacting members of the Miami University Department of Educational Psychology and general education faculty for suggestions about people who fit into one of the above categories and would be knowledgeable about the subject. The “Snowball” technique was then utilized (For example, initial contacts were made with Dr. Fred Valerius and Dr. Richard Luftig who then suggested other potential informants). Phone and e-mail contact were made with many advocacy groups. From these resources, a list of people was accumulated and from that list, further lists were generated. The participants were fully informed about the risks of participating in this study. The risks were minimal, but the participants were informed that, as Lincoln and Guba (1985) suggest, it may not be possible to foretell all the risks involved since the design of the study is emergent, but that they could withdraw from the study at any later time without penalty.

Participants had to meet one of the following basic criteria to be included in this study. They must have been

1. Advocates involved with special education special interest groups involved in the push for improved education for the disabled between the years of 1965-1975.
2. Parents of a school age child with a disability between the years of 1965-1975.
3. Special education teachers between the years of 1965-1975.
4. School administrators or other educational specialists ie. School psychologists, speech pathologists between the years of 1965-1975.
5. Legislative assistants directly involved in working on P.L. 94-142.

In addition, all participants demonstrated a basic level of knowledge about the special education movement between 1965-1975. Note: this requirement was addressed in the process of gaining consent. See Appendix A for recruitment procedures.

One set of participants consisted of members of special education advocacy groups who were involved in working for the passage of special education legislation between 1965 and 1975. The advocates interviewed for this study and their areas of expertise are as follows:



## *Advocates*

**Fred Weintraub:** Weintraub is currently an officer at the Council for Exceptional Children. He was head of the CEC's Governmental Relations in 1975. Weintraub described his role in the movement as the conceptual frameworker / architect for legislation and the movement to get IDEA 1975 passed. He was the “front man” for coordinating, negotiating, facilitating, and writing/drafting the legislation. Mr. Weintraub put together documents, testimony, briefing books etc. He also helped with precedent setting court cases (eg. PARC and Mills). He now is a consultant providing technical assistance to local and state education agencies.

Mr. Weintraub’s background allowed him to provide detailed knowledge about the inner level workings of the advocacy movement to pass P.L. 94-142. He provided insight about the way in which advocates worked directly with high-level politicians to effect change. Mr. Weintraub also contributed an impressive knowledge of contextual factors, including the political climate and the mood and attitudes of the citizenry.

**Paul Marchand:** Marchand has been an officer of the Governmental Affairs Office of the ARC (formerly the Association for Retarded Citizens of the United States) for 26 years. The ARC's Governmental Affairs Office assists Federal agencies and the U.S. Congress in formulating programs and benefits for individuals with mental retardation and their families. Mr. Marchand is a nationally recognized expert on public policy and disability, having been extensively involved in the passage of many vital Federal laws, including the Americans with Disabilities Act, the Education for All Handicapped Children Act and its successor, the Individuals with Disabilities Education Act. He played a major role in the enactment of legislation to provide supported employment for persons with severe disabilities, to mandate preschool services for children with disabilities, and to establish state programs to serve infants and toddlers.

Mr. Marchand is also a member of the Executive Board of the President's Committee on Employment of People with Disabilities. He serves on the Boards of Directors of the American Association of People with Disabilities, the Coalition on Human Needs, and NISH, a national organization which creates employment opportunities for people with severe disabilities. He was appointed by the Clinton Administration to serve on the National Commission on Childhood Disability which

explored ways to improve the SSI program for children. He is the recipient of numerous awards, including a Distinguished Service Award from President George Bush.

Prior to his service with the Arc, Mr. Marchand coordinated the Developmental Disabilities Council in the State of Rhode Island, served as Executive Director of the Northern Rhode Island Association for Retarded Citizens for five years, and was a Special Education teacher in Massachusetts for three years. Mr. Marchand provided information about the national-level involvement of the Association for Retarded Citizens. His interview was rich in the areas of political context, attitudes of the public, and the way in which advocacy groups worked with legislators and other advocacy groups.

**Jeff Moyer:** Mr. Moyer is a self proclaimed troubadour for inclusion. Throughout the 70s, he helped organize demonstrations in San Francisco to push for implementation of the Americans with Disabilities Act. He is currently a musician, speaker songwriter, author, and publisher who works to educate the public about people with disabilities and the need for inclusion. Mr. Moyer contributed information about on-the-ground grassroots organizing, including organizing demonstrations, recruiting advocates, helping to sway public opinion, and the organization of advocacy groups. Moyer also provided insight into strategies used at the grassroots level to effect change.

Another set of participants consisted of parents of children with disabilities who were active between 1965 and 1975.

#### *Parents of Children with Disabilities*

**Janet Hawes:** Janet Hawes is the parent of a child with spinabifida who experienced P.L. 94-142 first hand as she tried to ensure an appropriate education for her daughter. To help achieve her goals for her daughter, she founded the Spinabifida Association of a city in Ohio. She currently still works with this group and is also a member of a number of other disability coalition groups. Ms. Hawes provided information about the way in which parents came together to advocate for their children. Her interview included stories about public attitudes, grassroots organizing, advocacy group recruitment, advocacy group coalition building, and the initial impact of P.L. 94-142 on children with disabilities in a city in Ohio.

**Mary Ulrich:** Dr. Ulrich is the parent of a child with mental retardation. She and her husband were involved in one of the first lawsuits in Ohio over the implementation of P.L. 94-142. She fought Cincinnati public schools to ensure that her son was properly educated according to the new law. She became an active member of The Association for the Severely Handicapped (TASH) and continues to work with this organization to advocate for the rights of people with severe disabilities. Ulrich has a PhD in special education and is a former University associate professor of special education. Dr. Ulrich provided rich information on grassroots advocacy including stories about creative recruitment, fundraising, and lobbying.

Another group consisted of special education teachers from the period between 1965 and 1975:

*Special Education Teachers*

**Kathy McMahon-Klosterman:** Beginning in the early 1970's, McMahon-Klosterman was a teacher of one of the first classrooms for children with autism funded by a public school in the state of Ohio. She is presently a University professor who prepares pre-service and in-service teachers in special education and teaches conflict resolution skills for inclusive classrooms with disabled and non-disabled children. She also works as an ally with marginalized individuals in schools. Dr. McMahon-Klosterman provided information about grassroots activism strategies, the general context of the times, and the state of the public's attitude toward people with disabilities.

**Sue Killy:** Beginning in the 1970's and continuing to the present, Killy has been a special education teacher and has also taught special education classes at a University. Killy's interview provided information about advocacy, larger societal contextual factors, and the way in which P.L. 94-142 changed special education.

**Richard Luftig:** In the 1970's, Luftig was a special education teacher in upstate New York. He is currently professor of special education at a university. Dr. Luftig provided rich information about advocacy strategies, the special education situation previous to P.L. 94-142, how different parents addressed their children's needs through advocacy, and other general contextual factors of the time.

Another group consisted of special education administrators during the period between 1965 and 1975.

#### *Administrators*

**Jackie Deeb:** Ms. Deeb was a school psychologist starting in 1966 for a school system in Ohio. In the mid-1980s, Deeb became the Director of Pupil personnel for this district. She is currently retired. Ms. Deeb provided information about the role of school psychologists before and after P.L. 94-142. Her interview included information about the way in which people were recruited for advocacy groups and how they worked to effect change.

**Fred Valerius:** Dr. Valerius started his career working with people with disabilities as a special education teacher in the early 1970s. He spent many years as director of a board of mental retardation and developmental disabilities. He recently retired from this post. Dr. Valerius provided information on a range of different factors influencing the passage of P.L. 94-142, from advocacy to political context. The bulk of what he offered was about strategies for effecting change.

Another group consisted of legislative assistants in charge of writing P.L. 94-142 and coming up with strategies to introduce and gain support for it.

#### *Legislative Assistants*

**Lisa Walker:** Lisa Walker was initially an intern in the House of Representatives. She then worked in the Senate for a Senator from New Jersey. Walker helped write P.L. 94-142 and came up with a plan to introduce it to the Senate and gain support. She is currently an officer of an educational writers group in Washington, D.C.. Mrs. Walker provided information about the Senate's roll in passing legislation. She also described strategies used to pass legislation and other governmental factors that played a role in the passage of P.L. 94-142.

**Jack Duncan:** Jack Duncan was Staff director and counsel to a Congressman from Indiana. He also worked on the House of Representatives Select Education Subcommittee. Duncan's role was to generate a comprehensive education program for children with disabilities. He also worked to help pass P.L. 94-142 in the House of Representatives. Mr. Duncan is currently retired but is still active in the disability community. Mr. Duncan provided rich information about the way in which P.L. 94-142

was conceived, or how the government decided to address this issue. He also described strategies used to pass the bill in addition to information about key players and factors that led to the passage of this legislation.

### *Procedures*

The participants in this study were spread across the country and as a result, most of the interviews took place over the phone with the help of special recording equipment. Before the interview, subjects were contacted for consent to participate and a date and time were set. One week before the interview, participants were provided with a sheet outlining important events in the history of the special education movement in the 1960s and 1970s in an attempt to refresh their memories. Included in this sheet were the names of special education advocacy groups that played a key role. This sheet is included in Appendix C.

The interview method was selected because it was more time efficient for the participants than having them complete an extensive questionnaire. The decision to conduct interviews instead of administering questionnaires was also made so that more people would agree to participate and so that it was easier to collect data in a timely manner. In addition, the interview format also provided for flexibility. The interviews were, to some extent, guided by the informant's previous statements and allowed the interviewer to ask for elaboration to clarify a statement or when it was clear that a certain subject was an area of strength for a particular participant.

### *Instruments*

Two types of data were collected: Informant interview and advocacy schema documents.

### *Interview Procedures*

Twelve interviews gathered information on the advocacy movement, the political context of the times, shifts in attitude of the public, specific strategies used to effect change, and rich personal stories to illustrate how this landmark movement succeeded. Interviews ranged from twenty minutes to an hour and a half. Some interviews were conducted in person, but most were taped over the phone. Interviews were often

modified according to the area of strength of a particular participant. For instance, if the subject's area of strength was local advocacy and not political context, more time was spent having the participant elaborate on their experience with and assertions about advocacy. The interview questions are listed in Appendix D.

#### *Advocacy Schema Documents*

Documents containing three advocacy schemas were used to compare and contrast with the results of this study. These advocacy schemas were generated by researchers who teased out common elements of various landmark advocacy movements. The first advocacy schema, by Washington and Andrews (1998), analyzed the environmental movement, the anti-smoking movement, and the movement against drunk driving. The second schema, by McHale (2004), was derived from analysis of the anti-death penalty movement, the universal health-care movement, and the environmental movement. The third schema, by Moyer (2001) was generated by researching the civil rights movement, the anti-nuclear energy movement, the gay and lesbian movement, the breast cancer movement, and the globalization movement.

These three advocacy schemas were all compared and contrasted with the results of this study. The purpose of this analysis was to determine how the movement to pass P.L. 94-142 was similar to and/or different than other landmark movements. Reasons for similarities and differences were discussed to highlight the essence of how and why P.L. 94-142 passed. In addition, lessons from other advocacy movements provided insight into the various strategies advocates might use to effect change, instead of only those utilized by P.L. 94-142. Essentially, comparison and contrast with other advocacy models was a means of better understanding and integrating the results of this study. Visual models were generated from the P.L. 94-142 advocacy schema and the schemas to which it was compared. These models were compared and contrasted to illustrate and further summarize the similarities and differences between the P.L. 94-142 advocacy schema and the schemas to which it was compared.

#### *Data Analysis Plan*

Data were analyzed through three qualitative analysis techniques:

1. Inductive analysis
2. Generation-verification

### 3. Analytic induction

Initial inductive analysis was conducted after the first seven interviews. Because the design was emergent, the information gained from the initial analysis was used to adjust the remaining interviews to better fit further exploration of the new hypotheses and typologies. In addition, at this time, the category of ‘legislative assistants’ was added to the participant list when it was suggested by other participants that they would be useful informants. The analysis process was continued as additional data were collected.

After all data were collected, categories of responses were created for each interview question. Emerging themes from the data were noted. Case study examples reflecting major themes were also provided. Categorizing the data and noting emerging themes represented the qualitative analysis technique of inductive analysis (Lincoln & Guba, 1985). Next, the three advocacy schemas were compared and contrasted with the results of this study. Similarities and differences were noted. Evidence was supplied to support the similarities and the reasons for differences in the schemas were also discussed. This stage represented the analysis technique of generation/verification in which new data and typologies are compared and contrasted with existing theories. In the third step of the analysis process, the data from this study were compared, contrasted, and triangulated with the findings of the literature review. Reasons for similarities and differences were discussed and a visual model (Figure 2) was generated through triangulation of the sources. This step represented analytic induction, in which working typologies are created through triangulation of the data. A visual model (Figure 1) was also generated from the three schemas to which the P.L. 94-142 schema was compared. The P.L. 94-142 model was then compared with this general advocacy model. The purpose of this was to further illustrate and summarize similarities and differences between the P.L. 94-142 movement and other movements.

These analyses were conducted to build a more comprehensive theoretical schema of the factors involved in the passage of P.L. 94-142. This process also worked to determine how the P.L. 94-142 movement schema was similar to or different than other schemas. The purpose of this was to highlight this movement’s unique nature and also to illustrate that different advocacy movements require different advocacy models based on circumstances and contextual factors.

## Chapter 4

### Results

The first part of this section contains information obtained by the participants through taped interviews. The data, through the process of inductive analysis, were categorized into the major topic areas of the interview questions. Included under each major topic area are illustrations, oftentimes quotes or stories, that illustrate the general information. In the second half of the results section, three advocacy schemas generated by researching other movements for change are compared and contrasted with the results of this study. This section discusses how this study's findings were either congruent or incongruent with the advocacy schemas presented.

#### General Results and Illustrations

##### *Advocacy Groups that Played a Role in the Passage of P.L. 94-142*

Data gathered from interviews shows that two advocacy groups played the biggest role in the passage of P.L. 94-142: The Council for Exceptional Children (CEC) and the Association for Retarded Citizens (ARC). The Council for Exceptional Children (CEC) was and currently is the largest international professional organization dedicated to improving educational outcomes for individuals with exceptionalities, students with disabilities, and/or the gifted. The CEC advocated for appropriate governmental policies, set professional standards, provided continual professional development, advocated for newly and historically underserved individuals with exceptionalities, and helped professionals obtain conditions and resources necessary for effective professional practice. The CEC concentrated on developing the actual piece of legislation behind P.L. 94-142. They worked with legislators to organize the movement in the House of Representatives and Senate and helped with court cases, such as PARC and Mills.

The ARC was/is a national organization of people with mental retardation and related developmental disabilities and their families. It is devoted to promoting and



improving supports and services for people with mental retardation and their families. The ARC also fosters research and education regarding the prevention of mental retardation in infants and young children. To aid in the passage of P.L. 94-142, members of the ARC helped give credibility to the arguments of the CEC during court cases and legislators during Congressional hearings. The ARC presented stories to politicians and the public about the way in which people with disabilities were denied public education. The ARC also helped its members file lawsuits to obtain services-education and equal treatment- guaranteed to them as taxpayers and citizens.

Data also indicated that a number of additional advocacy groups played smaller roles in the P.L. 94-142 movement: The American Association of Mental Retardation, The Foundation for the Blind, The National Speech and Hearing Association, The Association for the Deaf, and The Association for Children with Learning Disabilities.

*Illustrations Provided by National level Advocates, Legislative Assistants, and Administrators*

The national-level advocates and legislative assistants in this study showed strength in this area of inquiry.

ARC executive, Paul Marchand, pointed out that there were very few groups working to pass P.L. 94-142: “It’s important to note up front that there were a tiny handful of groups working on this in the ‘60s and ‘70s as opposed to the circumstance today where you have a lot of groups working on issues of policy.”

Fred Weintraub, executive at the CEC, felt that three forces were at work in the passage of P.L. 94-142: advocacy forces (CEC), the education community (National School Board Association and the Association of School Administrators), and the parent community (ARC).

Jack Duncan, staffer to Congressman Brademas believed that the advocacy movement was comprised of far fewer groups than many think: “It’s sort of the reverse of what goes on today. The advocacy in the field has gotten quite large, but at that time, they weren’t as well organized as they are now and it basically boiled down to one or two groups that were sought for input and if you had their support, you could pretty well depend upon getting a good deal of letters and support from the people.”

Administrator Jackie Deeb suggested that there may have been a disconnect between the national advocacy movement and the local movements. When asked if she remembered the role that the CEC played in the P.L. 94-142 movement, she responded, “Not really, see, even though I was a school psychologist while all this was going on, all I really know is that the CEC was active in this area and nationally. I went to a couple of conferences and they were involved in getting parents and educators together, but I really don’t remember hearing too much about what they were doing at the national level.” As an active local member of the CEC, Deeb recalled that, “I went to local meetings and I attended a couple of national meetings but I didn’t do anything in terms of contacting legislators, I never did any of that.”

### *Advocacy Group Recruitment*

The consensus of information gathered suggests that most parents weren’t recruited for advocacy groups. What usually happened is that parents of children with disabilities often searched for a support system. Sometimes they started their own groups and sometimes they joined existing groups in their area. Groups started by individual parents often sought governmental support systems for help, such as local boards of mental retardation and developmental disabilities. Many groups felt eventually that the work they were doing should be the government’s job.

Although many parents of children with disabilities sought out advocacy groups, some groups did recruit members. The ARC used a chain of phone and fax systems to spread the news while university professors and instructors often recruited people for the CEC. In other cases, recruitment was parent to parent. In some instances, physicians would hold informational sessions to gather parents of children with specific disabilities to help form support groups. Members of TASH used a number of creative techniques to recruit members.

## Illustrations provided by Parents, Teachers, and Administrators

Parents, teachers, and administrators displayed strength of knowledge in the area of advocacy group recruitment.

Special education teacher Sue Killy contended that people turned to advocacy groups out of frustration: “I think a lot of advocacy comes about as the result of parents being really disillusioned with what they thought their child should be receiving and maybe were not receiving. After the initial shock of yes, your child does have a disability, then the question is what’s the school going to do about it, how are they going to support my child.”

Administrator Fred Valerius stressed the importance of communication and the way common needs bring people together: “The most effective way is usually a phone call or personal contact. When there’s a real need, people band together.”

Parent Dr. Mary Ulrich resorted to more extreme efforts to recruit parents for her advocacy groups: “Mostly people went looking for them. As a parent you’re desperate for any information at all....It was grassroots organizing. One parent would call another parent. I remember the school district couldn’t give us a list of parent’s names so what we would do is follow the school buses and find out the addresses of where kids got on the bus. Afterwards we would go knock on the doors and say, ‘hi I’m with Mothers of Special Children’.”

### *Advocacy Group Strategies*

Advocacy group strategies were carried out at many different levels. Local level strategies are defined as those that affected relatively few people while federal/higher level strategies are those that affected many people.

Local level strategies to help pass P.L. 94-142 included letter writing campaigns, fundraisers, demanding instead of asking for services, coalition building, and modeling appropriate attitudes toward people with disabilities. Groups and people who advocated at this level worked person-to-person to effect change, shift attitudes, and obtain services for their children.

State/regional level strategies implemented included demonstrations outside of courthouses, marches, maintaining communication with politicians and other leaders, meeting with local legislators, developing relationships with legislators, and working with the press and investigative reporters. These strategies were targeted at regional and state levels.

At the national level one strategy was to try to balance the funding equation of the legislation. In order to gain votes in the House of Representatives and Senate, advocates made sure that each politician knew and accepted the amount of money that would be brought into his region or state by this bill. Another national-level strategy was paralleling the movement to the Civil Rights movement by illustrating how P.L. 94-142 was really an equal rights issue. A similar strategy was providing clear and convincing evidence through the use of testimony from ARC members. For instance, evidence that hundreds of thousands of children were systematically and legally denied access to education succeeded in turning the movement into a moral imperative. Court cases were also a means of setting precedents by which other rulings would have to follow. The Mills and PARC cases were examples of precedent setting court cases that laid the groundwork for P.L. 94-142. Along these lines, another strategy was the argument that using the courts to go state by state to obtain services was senseless and that a national law was needed. Once the disability community won the Mills and PARC cases, it was clear that they would win in other states so the argument was, “Why not just make a national law to do what the courts would do in time anyway?” Another strategy was building a broad enough base of support in the House and Senate and sustaining a community of interest. In other words, ensuring that the affected or interested parties were in agreement enough to support a bill required bi-partisan support. Congressional hearings, surveys to gauge public attitudes, and letters to governors asking for support were other high level strategies. Lastly, a model state law was created by the CEC. The CEC got the governors of most states to accept the model state law as their own. When it came time to vote on P.L. 94-142, the involved legislators were told that the structure of the law was modeled after their state law, when in fact, their state law was modeled after the CEC’s model law!

While most participants felt that many strategies needed to be implemented to pass P.L. 94-142, some felt that there was initial and sustained bi-partisan and country-wide support and that intensive concentration on strategy was unnecessary.

*Illustrations from Advocates, Parents, Teachers, Administrators, and Legislative Assistants*

Advocate Fred Weintraub believed that quietly pushing for change was a key strategy: “The strategies that worked were the functional strategies of primarily working behind the scenes, keeping a low profile, letting the members of Congress and their staff get all the credit for things and doing a lot of the intellectual work, both finding solutions to problems that were acceptable and negotiating deals.”

Advocate Jeff Moyer believed letter writing was an effective strategy: “Getting heard. I believe that the letter writing campaign in ’73 to override Nixon’s veto of the rehab act was the largest single advocacy effort to that date that had ever been experienced by Congress.”

Teacher Dr. Kathy McMahon-Klosterman felt that the parallel to the Civil Rights movement was the best strategy: “If this child was black would you say that he can’t come to school? On what basis can you say that he can’t learn? Show me evidence for that. It was clearly the notion of Civil Rights. We’re not asking for any special privilege, we’re asking for our rights as tax payers, nothing more.”

Teacher Dr. Richard Luftig felt that making the tax argument was the best strategy: “I think the biggest strategy is that parents stopped asking and started demanding. And they started walking up some steps, like I used to tell my parents to do and say, ‘Hey, last time I checked I was a tax-payer and I demand these services’. There was actually a movement of parents who were not going to pay their taxes and put their money in escrow until they received services.”

Legislative assistant Jack Duncan felt that persistence was the key: “What we found was that if you really believed in your proposal, you can get it passed. Once you bring it to the floor, it’s very seldom that a piece of legislation actually dies.”

Parent Mary Ulrich asserted that pushing the limits of what had been done was a key strategy: “We begged, borrowed, and stole everywhere we could. We sold buttons to

get to conferences. We sold sox because we were the SOC Information Center. We did everything we could to try to get the latest information, to join with other parents around the country that were working on stuff.” Ulrich provided the story of trying to find a place to stay in Chicago for a TASH conference. The aunt of a TASH member said that she would house some TASH members while they were in town. The aunt, who owned an apartment in Chicago, expected two members to stay with her. Twenty-five TASH members showed up.

Parent Janet Hawes stated, “I think we relied mainly on informing other parents and getting them to write in. I think it was very much a grass roots push at least as far as the parents were concerned.”

Administrator Jackie Deeb , a member of a local CEC chapter during the P.L. 94-142 movement, suggested again that not much was being done at this time at the local level. When asked if she remembers any strategies used in the P.L. 94-142 movement she responded, “No, I wasn’t involved with it.”

### *Targeting Specific Politicians or Groups for Help*

Much of the data suggest that there was not a great need to target specific politicians as there were already many in the Senate and House who had a close connection to someone with a disability. In this sense, some participants suggested that politicians weren’t so much targeted as inherited. That is, politicians sympathetic to the plight of people with disabilities already existed within the House and Senate and whether they were targeted or came up with the idea of the legislation themselves, there were many politicians ready and willing to advocate for this cause. The two main politicians who worked diligently with legislative staffers (Jack Duncan and Lisa Walker, respectively) on the legislation were Congressman Brademas (D-IN), Chairman of the Education Subcommittee and Senator Harrison Williams (D-NJ).

Other concerned and helpful politicians included Senator Jennings Randolph (D-WV), Chairman of the Senate Subcommittee on the Handicapped, Congressman Al Quie (R-MN), Senator Jacob Javits (R-NY), Congressman Carl Perkins (D-KY), and Senator Bob Stafford (R-VT).

In general, leaders who had a personal interest in or connection to people with disabilities were targeted to help and many of the aforementioned had such a connection. Champions who held key positions of power or influence were sought. The staffers of Harrison Williams and John Brademas worked to set up strategically placed power centers within the Senate and House that would allow them to communicate and garner support from a broad base of interests.

### *Illustrations from Advocates*

Advocate Fred Weintraub explained that the P.L. 94-142 movement “inherited” the right people: “Harrison Williams became chairman in the Senate of the Labor and Public Welfare Committee. He happened to be a friend of my mother. I knew him since I was a kid. Here’s now Harrison Williams with all the right social values. In the House, you had John Brademas take over the committee that dealt with special education. And you’ve got Jack Duncan, a man with a disability who formerly worked on the rehab acted, working for him. Congressman Quie is the ranking Republican. He hires a guy named Marty Lator who has a doctorate in special education. In the Senate, Harrison Williams hires a woman named Lisa Walker, who the previous year had come to Washington as an intern and worked for Jack Duncan in the House. I had worked with Lisa when she worked with Jack in the House. I remember one day we went to lunch, a long lunch, and we laid out what we thought should be the agenda.”

Advocate Paul Marchand noted that the movement targeted specific groups to which parents of children with disabilities could tell their stories: “We targeted the Senate Labor and Public Welfare Committee and what was called the House Education Sub-Committee because they were the main sponsors of educational initiatives.”

### *Swaying Public Opinion*

The majority of participants with expertise in this area indicated that there was never a need to sway public opinion. After the PARC case, a TV spot was created to generate support for educating children with disabilities. Pre and post tests showed that public support did not change as a result of the TV spot: it was always very high. To this

day, Gallup polls on education find that the public believes children with disabilities should be educated. The backlash comes when the law is implemented and might put other programs and jobs in jeopardy. In addition, school administrators often resisted the law, usually for financial reasons. In any case, participants indicated that there was no organized campaign at this time to sway opinion, but there was a campaign to keep interest groups that might have opposed P.L. 94-142 from opposing it.

### *Illustrations from Legislative Assistants, Advocates, and Teachers*

Legislative assistant, Jack Duncan, asserted that a change in public opinion had little to do with the creation of P.L. 94-142: “The role of Congress is greatly misunderstood. They don’t just react to the public. If they’re intellectually active, they look and see what the needs of the country are and respond to those needs and receive testimony and that’s what we were doing. We were not responding to constituent pressure. It was in reverse.”

Advocate Fred Weintraub believed that there was never a problem with public attitude. He cited two polls that confirmed this assertion. The resistance came from the National Education Association and the American Federation of Teachers. They didn’t want to have to deal with the problem and believed if they spent money on that, there wouldn’t be anything left for other programs. He told the following story to illustrate this point: “We(CEC) kept the AFT on board and the president, Al Shanker, one really powerful guy, asked after it was all over for me to come meet with his board. I came and thanked them for their support and he said we have a few people with some comments. He opened the doors and all these people came in and for the next hour, I was called every name in the book. These people were just livid about this law. They tore me apart. Al Shanker closed the meeting and I was pissed off and furious and waited for him to come back. This guy was 6’4” and the type of person who sort of leaned on you and he comes back and I walk up to him and said what the fuck! And he looks at me and says, ‘you got your law didn’t you.’ And I said ‘Ya’ and he said, ‘good’. He said, ‘is this too big a price to pay?’ ”

Special Education teacher Dr. Richard Luftig believed that the general public wasn’t against it but also wasn’t really concerned or interested in the movement to



educate children with disabilities until the law was passed and implementation began to occur: “When the special education law was passed, I think again the general population shrugged until it started impacting their kids. I remember some big fights going down. When school systems were in financial trouble, the one thing that couldn’t be cut was special education. I can remember people going crazy. I can also remember people going nuts in Binghamton, NY when the class size was 30-35 kids and the most you could have in a special ed. room was 15 for mild mental retardation and 10 for more handicapped kids and you either had one or two teacher’s aides in each of those classrooms. I can remember, people were just incensed so I think if you were to scratch the surface and ask the general public if there should be special ed, they would have said, sure there ought to be Civil Rights because no one wants to say I’m against handicapped kids, but I think when parents on both sides of the issue began to fight with things like school bonds and unfunded mandates and class size, who’s going to get the new room, I think that was an issue.”

### *Affecting Change and the Political Process*

The participants in this study agreed that affecting change is slow and requires persistence, relentlessness, and patience. They expressed the view that one must “be in it for the long haul” and that advocating for the implementation of legislation is just as important, if not more important, than advocating for the legislation itself. The data also suggested that the power of the personal story was important to the passage of P.L. 94-142. Parents who conveyed their message and mobilized at the right time made a big impact. Respondents also stated that activists must create a common sense of identity and purpose for their movement, that their vision must be inclusive, understandable, universal, and relatable. Going along with this idea, movements may align strange bedfellows, but the more people from diverse perspectives that are aligned, the better.

Other subjects felt that activists must ask for more than they’re expecting to get and rights must be demanded not just asked for. Many suggested that anything done about a political issue is usually done out of self-interest and that advocates must work with this idea in mind to be successful. Along these lines, advocates must approach

candidates for office and work to get their issue on the candidate's platform and work to show them how their stance on disability rights can work to their advantage. Subjects also felt that it's important to "have a case before you go to court" or have evidence of the need that one's legislation addresses. The public is the juror so one is convincing the people that there is a need. Lastly, the respondents stressed the importance of building relationships and the social piece as important. Bonds must be created and maintained. Friendships can be powerful tools and social events can bring people together and give them a sense of affiliation that will give them a greater investment in advocacy.

*Illustrations Provided by Advocates, Administrators, and Legislative Assistants*

Advocate Jeff Moyer asserted that legislation shouldn't be the only focus of change: "I still think it's important to get our stories into the public mind. You have to get into the media, you have to create tools like music and movies and commercials that create an attitude shift. All the legislation in the world is not going to change the public experience. You have to change people's hearts and minds."

Administrator Dr. Fred Valerius felt that there is an invaluable social component to change. He illustrated this with a story: "The state director for the ARC had a roommate who was a state representative. He lived somewhere else in the state but the legislators are in town three days a week and they would have a place they stayed at. Well, he actually roomed with a legislator. So, talk about building a relationship, he was actually staying with one. So that's what I learned. The social piece that you develop with some of these people can be an effective way to get things across."

Legislative assistant Jack Duncan believed that ideas are not nearly as important as actually sticking to them and making them into realities. He illustrated this with a story: "During our hearings (for P.L. 94-142), one of our witnesses was named Claude Pepper, a former Congressman from Florida. Mr. Pepper was very proud that in 1937 he had introduced an Education of All Handicapped Children Act. And I tell you, it just made me want to cry, that anyone who had introduced this legislation and nothing had happened until 1975. I died because I thought of all the number of people that had passed by during that period. It taught me a good lesson. Good ideas are a dime a dozen. If you don't make them happen or make them become a reality, it's nothing more than that, it's

just a good idea. Unless people are serious and really want it to get done, it angers me that they keep pulling out ideas but they never do anything with them and that's the part of politics I don't like in today's world. It plays me and you as dummies and that we don't know the difference. If the sponsors wanted those things to happen, they would happen. The sad part is people like Pepper get the recognition while people like Brademas don't."

### *Perceptions as to Why P.L. 94-142 Passed*

One salient notion that a number of respondents echoed was that the combined effect of the vacuum created by the Watergate scandal and President Ford's scolding of the Democratically held House of Representatives as the "Do nothing Congress". In response, the Democratic majority pushed through P.L. 94-142 quickly because it was ready to go and had strong support. Respondents also felt that P.L. 94-142 was a tipping point as a result of the combined effects of three court cases: Brown vs. Board of Education, PARC, and the Mills case. Subjects also expressed the view that the Civil Rights movement played a big role and that the P.L. 94-142 movement piggybacked off the Civil Rights movement in terms of equal rights. Other participants felt that P.L. 94-142 passed as the result of research, common sense, facts, and experience. The respondents agreed that a clear argument on the part of the advocates and the vehemence of parents helped push P.L. 94-142 along. In general, some respondents noted that the militancy and activism of the '60s provided an environment conducive to the passage of this legislation. Some felt that the reason it passed was that key members of Congress and Senate were determined that this was an unmet need and so they used their arguments to gain broad support in both houses of Congress to ensure the passage of the bill.

*Illustrations from Advocates, and Legislative Assistants*

Advocate Jeff Moyer felt that P.L. 94-142's passage was mainly the result of the parents movement and the context of the times: "It had to do with parents who had gone through the '60s and recognized the Civil Rights movement and realized that people could make change. It also had to do with the fact that we were standing on the giants of Civil Rights movements that had gone before. Every piece of federal legislation affecting the civil rights of people with disabilities addressed both integrated settings and individual planning. Integration was something that we saw in the '60s and we realized that separate but equal was not equal and that the militancy of the '60s carried over to the parenting of the '70s."

Advocate Fred Weintraub asserted that this legislation passed because politicians wanted it to pass and that none of the politicians were coerced into it: "This wasn't, 'I'm going to lose reelection if I don't do this or if I don't do this, nobody's going to give me a hundred thousand dollars for my reelection. This was because it was good, the right thing to do."

Advocate Paul Marchand agreed with Weintraub's assessment: "It was the right thing to do at the time: it was overdue. Most politicians who want to get reelected are paying attention to what's going on in the real world. What was going on in the real world is that the courts were beginning to say, loudly and clearly, that hey, we got this wrong, so we gotta change it and so most of them voted because it was the right thing to do."

Legislative assistant, Jack Duncan also felt that the will of politicians was the reason P.L. 94-142 passed: "I think it was because key members of Congress and their staffs were determined that this was an unmet need and it was gonna pass and that was it. It wasn't a groundswell of anything in particular. It was a combination of research, common sense, and facts and experience and constituents we began to hear from. It was very clear that this was a need that had been neglected by everyone."

Legislative assistant Lisa Walker felt that the passage of P.L. 94-142 was partially a result of President Nixon's impeachment: "I do remember that legislation was very difficult to move through the Senate during the Nixon Administration. After his impeachment, there was a vacuum and that's when P.L. 94-142 passed. It was a big and

expensive piece of legislation and no small task, but it was ready to go when Nixon was impeached so it moved through the Senate somewhat swiftly.”

*Politicians or Leaders Who Brought Concerns about the Disabled to the forefront of National Politics*

Most respondents agreed that John F. Kennedy brought concerns about the disabled to the forefront of national politics as a result of having a sister with mental retardation. Many also felt that the Kennedy family, through their support of various initiatives, helped the disability movement emerge. Some subjects felt that President Franklin Delano Roosevelt helped raise awareness about people with disabilities as the result of his own disability. Many agreed that Hubert Humphrey and Tom Harkin were outspoken advocates for people with disabilities. In addition, as mentioned earlier, John Brademas, Jennings Randolph, and Jacob Javits were credited with helping the disability movement emerge to the forefront of politics.

*Illustrations from Administrators, Teachers, and Legislators*

Administrator Dr. Fred Valerius felt that John F. Kennedy was responsible for bringing concerns about the disabled to the forefront of national politics. He illustrated this with a story: “My mother still has a copy of the first report of the president’s panel. The initiatives that came out of that, you know, when I went to the University of Cincinnati my senior year I was under a scholarship that was grant money that was made possible by that Federal initiative. I’m not sure which act enabled that. It set up diagnostic centers throughout the country which included Children’s Hospital In Cincinnati which is now called the Cincinnati Center for Developmental Disorders, back then it was Hamilton County Diagnostic Clinic. My wife had a grant from the initiative too. Her area was hearing handicaps.”

Special education teacher Dr. Richard Luftig believed that the entire Kennedy family helped to bring concerns about the disabled to the forefront of national politics. He recalled how Ethel Kennedy would have students from his school bussed in to her house to spend the weekend.

Legislative assistant Jack Duncan believed that there were a number of politicians who advocated for specific disabilities but none who really advocated for a more comprehensive plan: “Most of the attention was for specific disabilities. It wasn’t for the general overall everyone, it was always a little bit of this and a little bit of that and it made everybody feel good, but no one was addressing the major overall issues facing persons with disabilities.”

### *Political Party Support for P.L. 94-142*

Most respondents agreed that support of P.L. 94-142 was solidly bi-partisan and that the only resistance came from fiscally conservative Republicans concerned about the cost. Most felt that there was no political party that included the needs of people with disabilities as an official part of their platform, though advocates tried to make this happen. Some respondents felt that the Democratic Party was much more helpful in introducing legislation that addressed the needs of people with disabilities. Subjects backed this up by noting that P.L. 94-142 was passed while there was a strong Democratic majority in the House of Representatives.

### *Illustrations from Advocates*

Advocate Fred Weintraub lamented his efforts to get political parties to give official backing to the P.L. 94-142 cause: “One of the big frustrations was making it a presidential agenda or party agenda. It was a dismal failure on both efforts. The Democrats didn’t want to do it because they were in bigger issues like ending hunger, educating all, don’t bother me with the details. Republicans didn’t want to talk about this stuff. God, I tried about three or four times to get it in the Nixon State of the Union address. Dismal failure.”

Advocate Paul Marchand commented on the bi-partisan nature of the legislation: “We did not get a lot of resistance. Jake Javits and Al Quie were pretty strong Republicans. But if you look at those votes that are against, you’d probably find that they’re all Republicans and they were all fiscally conservative Republicans worried about the cost.”

Marchand also mentioned that while the legislation had bi-partisan support, the Democratic majority in both Houses of Congress played a role: “We had a pretty strong Democratic rule in both Houses. So the Republicans played a pretty important role but they essentially were overwhelmed by a strong Democratic majority. What we had to do was write a bill that a Republican President would sign because Ford was in the Whitehouse.”

### *Environment Conducive to the Passage of P.L. 94-142*

Most participants agreed that increased consciousness about people with disabilities as a result of soldiers with disabling injuries coming back from Vietnam was one major reason why the environment was conducive to the passage of P.L. 94-142. Further, many agreed that the atmosphere of equal rights generated by the Civil Rights movement also provided a supportive context. Many also shared the belief that the ‘60s were a time of major upheaval and social change and therefore this legislation complemented the tone of time. Some asserted that the mentality of Lyndon Johnson’s Great Society era carried over into this time and promoted a conducive environment.

### *Illustrations from Advocates, Teachers, Administrators, and Legislative Assistants*

Advocate Paul Marchand felt that an environment conducive to change wasn’t exactly necessary: “I still look at this bill as low hanging fruit. It was easy to pass. You say that as a Monday morning quarterback almost thirty years later. But this was, for me, a black and white issue, there was not a lot of gray here. This was a basic right to education, constitutionally guaranteed that the states were systematically denying and so it was a hard argument, so that the main thrust was fairly easy to convince people about the goodness of that.”

Advocate Fred Weintraub felt the atmosphere was not helpful: “The general economic and political tenor of the time sucked and Watergate just kind of sucked up every kind of political energy there was. In hindsight, if I was a purely political analyst, I’d look back on this and say it was amazing that this happened at this time.”

Administrator Fred Valerius believed that JFK's assassination played a role in providing an environment conducive to the passage of this legislation: "I think it was a response to Kennedy's assassination. People felt an obligation to carry on the compassionate agenda of this President in the wake of his death. There was a certain liberalness and a sense that we owe it to the less fortunate in our society."

Special education teacher Sue Killy felt that the passage of P.L. 94-142 had to do with the context of the times: "The '60s were a time of major upheaval and change. After Kennedy was assassinated, there was very little trust I think. Our world had been shattered and we were forced to look at what's gone awry and our own individual involvement in the problems and our responsibilities for change."

Legislative assistant Jack Duncan felt that the environment was a carry over from the Johnson era and one that was marked by the presence of progressive politicians: "I think we were at a time when we were still in a carry over from Lyndon Johnson's Great Society mentality and you had members of Congress who were elected during that period of time that began to be chairmen of committees and they wanted to address unmet needs and problems."

### *Role of the Civil Rights Movement*

Many of the higher level advocates felt that the Civil Rights movement didn't play nearly as large a role as most think in the passage of P.L. 94-142. They felt that there was more of an ideological connection between the Civil Rights movement and the Disability Movement than anything direct and tangible. In fact, one respondent noted that CEC officials wanted to work with the Civil Rights community but that the Civil Rights leaders were not receptive to their invitations. In general, most of the participants believed that the Civil Rights movement played a large role in the passage of P.L. 94-142, if not directly, then by paving the way for all kinds of groups to demand their equal rights and protections. In general, people working at the local level to effect change seemed to believe that the Civil Rights movement played a larger role than did advocates and legislators working at the federal level.



*Illustrations from Advocates, Parents, Teachers, and Legislative Assistants*

Advocate Jeff Moyer believed that the Civil Rights movement provided a model for the movement: “It demonstrated a technique and approach and it gave all of us who lived through those years an understanding of the fact that there was injustice and that legislation could be enacted to overturn injustice.”

Parent Janet Hawes thought the Civil Rights movement played a role: “Everyone started thinking more about equality and the rights of disenfranchised groups in our society.”

Special education teacher Dr. Richard Luftig felt that the Civil Rights movement played a huge role in the passage of P.L. 94-142: “Absolutely no doubt in my mind that the rights of people with disabilities was linked to Civil Rights. You’ve got to remember that we were coming out of the 1960’s and 1970’s, you’ve got Vietnam and Martin Luther King, Jr.”

Legislative assistant Jack Duncan felt that the Civil Rights movement played a role, but an indirect one: “I think it was part of the mentality of the times that were continuing over from the sixties of addressing the needs of the people that had not benefited from the largess of the government. And I think that mentality helped. I don’t think people put A and B together and it created C.”

*Shift in Attitude throughout the ‘60s and ‘70s*

Most of the high level advocates and legislators in this study felt that there was little shift in attitude throughout the ‘60s and ‘70s regarding whether people with disabilities should be educated. They believed that attitudes were favorable to begin with and that only with implementation of the law was there trouble. Others felt that people with disabilities were not on most people’s minds and that a state of benign neglect predominated. Most of the respondents involved in grassroots/on-the-ground efforts felt that there was a significant shift in attitude. Some felt that President Kennedy’s concern for people with disabilities, the Civil Rights movement, and the liberalism of the ‘60s were the causes. Others felt that there was increased recognition of and sympathy for people with disabilities as a result of the veterans who came home disabled from Vietnam

and other wars and disabilities caused by polio. Some subjects felt that attitudes shifted positively as a result of the increased awareness of the hard facts of how many children were denied an education due to their disability.

*Illustration from Special Education Teachers, Administrators and Legislative Assistants*

Administrator Fred Valerius felt one argument that helped change attitudes was, “You think of these people who fight for their country and then they come back and their kids can’t even be served. Then why did we fight a World War?”

Teacher Dr. Kathy McMahon-Klosterman also felt that soldiers returning from war played a significant role in changing attitudes about people with disabilities: “People who came back from Vietnam went there young and healthy and came back very disturbed and a shell of their former self. I think more families were touched by physical and emotional trauma and disability. I think it touched a lot of families and they weren’t ashamed of it because there was this pride in the parents generation that their child had fought for their country and they weren’t going to hide them away now because they didn’t have limbs or because they were disfigured or because they were mentally ill.”

Legislative assistant Lisa Walker believed that the shift in attitude occurred because, “A number of different factors relating to the prevalence of many normal people having to deal with disabilities made it a common problem.”

*Change in Attitudes Since the Passage of P.L. 94-142*

Most respondents felt that there has been a steady shift in the acceptance of the need to educate children with disabilities since the passage of P.L. 94-142. Some believe that this is shown by the way in which the law has been amended many times to improve it. Others believe that it is because children are often times no longer in separate facilities; they are visible and harder to ignore. One respondent believed that progress has been made but there is still much to accomplish. This subject cited a study that found that twenty-seven states met five out of seven criteria for compliance with 94-142 and that no state was fully in compliance. This suggests that there has been a struggle with implementation and that many might still not fully accept the tenants of the law. Some

participants believed that there is a shift in attitudes back and forth as the result of implementation issues. Others felt that the attitude about whether children with disabilities should be educated is not an issue these days; the issues now are how to implement the law and involve money, discipline, and inclusion.

### *Illustrations from Teachers and Administrators*

Special education teacher Dr. Richard Luftig asserted that people's attitudes have changed, but that now the conflicts are over the details of educating children with disabilities: "It's not even a debatable issue anymore. It's just like Civil Rights. I mean, nobody stands up and says that I think we ought to have separate schools anymore. Some things are givens and now we're fighting over the details. So I think if you asked the general population, I think they'd say that these kids deserve a right to education. The big thing now is we're talking about whether or not they should be fully included. Who's going to pay for that? What are the mandates? And if I have a regular kid, does that have a negative impact on my kid?"

Parent Janet Hawes stated that the proof that there has been positive change in attitudes is in the evidence of implementation progress: "I think for a while people thought that you put the special education kids in special classes and now there's a definite shift away from that and it's more about providing them extra help or accommodation so that they can learn as much as possible in regular classes with other students."

### *Comparison and Contrast of Results with Other Advocacy Schemas*

Three documents with advocacy schemas were compared and contrasted with the results of this project. These schemas were chosen because they were generated by studying a diverse range of advocacy movements. Similarities and differences between these three schemas and the P.L. 94-142 model are noted. Evidence is given to support similarities and reasons for differences are discussed. This process represents the qualitative analysis method of generation/verification in which existing theories and models are compared and contrasted with new ones.

### *Advocacy Schema I*

To generate the first schema, Washington and Andrews (1998) analyzed three successful advocacy movements: The environmental movement, the anti-smoking movement, and the movement against drunk driving. Key factors shared by all of the movements were teased out and then described in detail. The researchers found that these three successful, landmark movements shared the following ingredients for success.

1. A cause for commitment- A successful movement must have a compelling cause in order to generate support.
2. Historic roots- Successful movements should, according to tap into historical movements for change.
3. Coalitions of interest groups- Movements for change require the resources of many organizations and interest groups. The members of the coalition may not agree on all specific issues but work together for particular causes when necessary. Through coalitions, larger scale change is more easily achieved.
4. Collaborative strategies- Successful movements also necessitate collaborative strategies. Groups should work together and have shared goals and ways of obtaining them.
5. Clusters of issues- Movements generally have more than one issue or focus and organizations within the movement will focus on specific issues.
6. Alliances with other constituencies- Alliances with other organizations help provide channels for various advocacy outlets such as public education, lobbying, and action programs.
7. Multi-level activity- Successful advocacy campaigns also demand that members work at different levels to effect change. For change to occur in tandem at different levels and on a broad scale in society, advocacy must address local, state, and national levels.
8. Membership organizations- Membership organizations must be involved in order for broad scale change to take place. Membership to a reputable group often provides a sense of affiliation, investment, and meaning. An organized group with

solid leadership and a national network can be an extremely powerful tool in effecting change.

9. Core Activists- Movements demand core activists who will assume responsibility for the bulk of the movement's work.
10. Simple summary messages- Despite a movement's complexity, its message must be simple and easy-to-understand.
11. A few outstanding leaders- Successful movements tend to have a few leaders who make a big difference. This may include serving as a spokesperson, networking, building organizations, identifying the right issues and strategies, and organizing resources.
12. Talented experts- Talented experts also contribute to successful movements.
13. Children and youth as agents of change- Often, successful movements enlist the help of children. This is often achieved by educating children about an issue so that they will educate their parents and others about it.
14. Broad action- Movements must work by means of comprehensive and diverse action through direct action, media events, public education campaigns, litigation, lobbying, and fact-finding, original research.
15. Galvanizing events- A successful movement is often initiated by a galvanizing event. These events spark public concern and activism.
16. Pivotal books- Movements may have one or several books that serve as the catalyst for broad public concern about a problem.
17. Media exposure- Successful movements are proactive about gaining media attention.
18. "Bad citizen" publicity- The threat of negative publicity can cause change because most people, businesses, and governments do not want to be labeled as bad citizens .
19. Broad revenue base- Movements that are successful in achieving national change must have enough donors to fund what is sometimes a very expensive five to ten year battle.
20. Time- Successful movements seeking major societal change take time, often five to ten years at the national level.

The results of this study were found to be concurrent with the following successful practices of movements from the advocacy schema of Washington and Andrews (1998).

*Results of this Study Congruent with Washington and Andrew's (1998) Schema*

*A Cause for Commitment.* The movement to pass P.L. 94-142 proved to be a very compelling cause. There was evidence that hundreds of thousands of children with disabilities were being denied education. The clear moral framing of this argument helped advocates to garner support from legislators, the legal system, and the general public.

*Historic Roots.* The results of this study suggest that in making the argument for P.L. 94-142, advocates paralleled their struggle for equal rights to the Civil Rights movement. The Civil Rights movement, while not directly involved in helping to pass P.L. 94-142, provided the framework and paved the way for P.L. 94-142.

*Coalitions of Interest Groups.* Relatively few groups came together to work for the passage of P.L. 94-142. Nevertheless, a disability coalition was formed to support the general cause of working toward positive legislative change regarding the education of people with disabilities. This group, set up by the CEC, was called the Inner Agency Committee and included a number of national organizations.

*Collaborative Strategies.* The P.L. 94-142 movement evidenced collaborative strategies between the CEC and the ARC. These groups worked together on court cases and with legislators in Congressional hearings. An example of this was ARC members who were trained by CEC members to give convincing testimonial during court cases and Congressional hearings. The ARC and CEC also worked closely with legislators on strategy to gain support for P.L. 94-142.

*Multi-level Activity.* P.L. 94-142 advocates worked at all three of these levels to effect change. Parents and teachers tended to help at the local level. Administrators worked at the regional or state level. Other advocates worked at the state and national levels.

*Membership Organizations.* The ARC and CEC were the two major groups that participated in the P.L. 94-142 movement. Both groups were well-managed nationwide organizations with thousands of members.

*Core Activists.* The P.L. 94-142 movement had specific core activists at the national level. Participants Fred Weintraub, Paul Marchand, and Jack Duncan are examples of activists responsible for the overall organization and detailed work involved in introducing, gaining support for, and achieving the successful passage of P.L. 94-142. These core activists wrote the legislation, generated strategies, implemented strategies, negotiated, and organized the roles of all involved parties.

*Simple Summary Messages.* The P.L. 94-142 movement used a number of simple messages that resonated with the public. The most prominent message was, “Hundreds of thousands of children with disabilities are being denied public education”.

*A Few Outstanding Leaders.* The movement for P.L. 94-142 did not have one particular outstanding leader, but there were certainly a few influential legislators who championed this bill. Congressman Brademas (D-IN) on the House side and Harrison Williams (D-NJ) on the Senate side were the two legislators who took responsibility for introducing, gaining support for, and, in general, assuring the passage of this piece of legislation.

*Talented Experts.* A number of experts helped with the education of children with disabilities movement. Attorney Tom Gilhool helped win the famous PARC case that paved the way for P.L. 94-142. In addition, a number of instructors from universities joined the CEC and became key players in providing solid research to support the movement’s arguments.

*Broad Action.* The movement for P.L. 94-142, while not as broad as other campaigns, did take action in a number of different ways. The movement worked in the courts with the Mills and PARC cases and also on legislation with bills leading up to and including P.L. 94-142. Further, the ARC concentrated on Lobbying for this legislation while the CEC worked to conduct research studies to substantiate their claims to the American people and the Federal government.

*Galvanizing Events.* The galvanizing event for the movement to pass P.L. 94-142 was the Civil Rights movement. At this time, many different groups were fighting to obtain equal treatment under the law. Parents of children with disabilities and special education advocacy groups were incited to act by these successes. They also wanted equal rights and privileges.

*“Bad Citizen” Publicity.* One of the major reasons the general public and legislators supported P.L. 94-142 was that no one wanted to admit publicly that he or she did not want children with disabilities to be educated. There was broad national polling support and bipartisan support within the legislature. The only politicians who voted against this bill were very conservative Republicans concerned with how much the legislation would cost.

*Time.* The passage of P.L. 94-142 was the cumulative result of a line of legislation leading up to it, successful court cases, advocate pressure, and timing. One could argue that it took almost ten years to pass (This is the amount of time between the start of the Inner Agency Coalition / early special ed legislation (1965) and the final passage of P.L. 94-142 (1975)).

*Results of this Study in Contrast to the Advocacy Schema of Washington and Andrews (1998)*

The results of this study were not in concurrence with the following successful practices of movements obtained from the advocacy schema of Washington and Andrews (1998). A discussion of these successful practices and analysis of why they were not included in the movement to pass P.L. 94-142 is included in the following.

*Clusters of Issues.* The P.L. 94-142 movement did not include a diversity of issues; it was mainly about mandating that all children with disabilities were entitled to a free and appropriate public education. The major advocacy groups involved in this movement concentrated solely on working for this change.

In a sense, P.L. 94-142 did incorporate clusters of issues because it ensured education for all children with disabilities, not just blind children or deaf children or children with mental retardation. Previous to P.L. 94-142, many of the battles over disability rights were specific to particular disabilities. P.L. 94-142 was a large, general, and inclusive piece of legislation that sought to address many issues of specific disability groups at once. In one sense, it did incorporate a cluster of movements from various disability communities. Ostensibly, though, it was about one specific issue.

*Alliances with Other Constituencies.* The movement to pass P.L. 94-142 did not include many alliances with other groups. The ARC and the CEC were the major



advocates and there was also a loose alliance with the National Education Association and the American Federation of Teachers. This loose alliance ensured that these groups would not lobby against this legislation. There are a few reasons why the movement to pass P.L. 94-142 did not require many alliances. One reason is that there was not much opposition to it and therefore no reason to form alliances. Another reason was that the more alliances a movement takes on, the more attention it gets. As more groups form alliances, more groups are likely to organize to oppose a movement. The key advocates of P.L. 94-142 confirmed this notion when they expressed that they didn't want to draw unnecessary attention to the movement.

*Children and Youth as Change Agents.* Though P.L. 94-142 was all about educating children with disabilities, children themselves did not play a role in this movement. Again, P.L. 94-142 had broad support both among the public and among politicians. In addition, the role children might have played in this movement was helping to sway public attitude to increase support for the idea that children with disabilities should be educated. Because polling data already showed that public support was high, this was unnecessary.

*Pivotal Books.* No major book increased public awareness about or concern for educating children with disabilities. There was broad public approval for the idea behind P.L. 94-142 and a book decrying the need to educate people with disabilities was unnecessary. Further, a number of legislators who championed this legislation had a personal connection to disability and were therefore personally invested in ensuring that this legislation passed. As a result of concerned and well respected legislators in addition to a handful of competent activists, P.L. 94-142 made it through both Houses of Congress and was signed in a closed door session by President Gerald Ford. The general public had relatively little influence on this legislation; it was mostly between the advocates, parents, and legislators. As a result, there wasn't a need to incite public concern through a book.

*Media Exposure.* Again, P.L. 94-142 was carried out from the inside-out more than the outside-in. That is, the passage of this legislation was more about the internal workings of parents, advocates, and legislators than outward-in pressure from the general public to address this need. As a result, media exposure was unnecessary; public attitude

for the idea was positive and the public pressure was not needed to pass this piece of legislation.

*Broad Revenue Base.* Because there was broad support from the political community and society in general, the P.L. 94-142 movement did not have to spend much money on advertising and swaying public opinion by other means. The Civil Rights movement paved the ideological way for P.L. 94-142 through its concentration on equal rights and protections. The context was complementary and again, public pressure was not needed for this bill to pass.

### *Advocacy Schema II*

The second advocacy schema by McHale (2004) is the result of several years of work with political activists and input from several scholars. Specifically, McHale's framework is based on interviews and observations of three social advocacy movements: The movement to abolish the death penalty, the universal health-care movement, and the environmental movement. McHale's research focuses on communication methods that were found to be central to these movements. McHale (2004) found the following components necessary to achieving successful advocacy.

1. Media Use- Media use was found to be essential in raising awareness, inciting concern, and moving people to action.
2. Face-To-Face Interaction- One-on-one interpersonal interaction is central to effecting change. This might mean meeting with a legislator to discuss an issue, talking with people about joining a group, or having an intimate discussion with someone about one's issue-any small-scale interpersonal interaction that is related to one's movement.
3. Talking on the telephone- Phone contact between fellow advocates, politicians, and the media were found to be integral components of advocacy movements.
4. Meeting in Small Groups-While individual advocates are important, small group interaction is more effective. Small groups provide a system of checks and balances in addition to allowing for the division of labor, a wider investment in the cause, and camaraderie.
5. Communicating at Events- Communicating at educational, political, community, civil

action, and social events is key to effective advocacy. This could mean public speeches, musical performances, storytelling, multi-media presentations, or group conferences.

6. Using Paper- Paper media is important to movements because messages and information can be passed on with accuracy, clarity, and longevity. Whereas oral information may be forgotten or distorted through transfer, written communication can be copied and passed on. Paper media includes newsletters, fliers, leaflets, pamphlets, letters, petitions, table tents, and adhesive stickers. Paper communication can increase attendance at events, build community, educate, lobby, and raise funds.
7. Disseminating Messages through Mass Media- Projecting advocacy messages through print mass media, radio, television, cinema, and video was also found to be an essential tool for advocacy. The purpose of this is to help sway public opinion, recruit members, and generate further media coverage.
8. Connecting through Computers- Computer communication through e-mail, web pages, and computer fax technology has also been found, in recent years, to be a very useful tool to advocacy movements. Through online petitions, informative websites, and generally fast communication, computers, and the internet specifically, have provided an amazing tool for activists. The possibilities of this tool are still being explored in creative ways and the opportunities for advocacy through this medium appears to be endless.

#### *Results of this Study Congruent with the Advocacy Schema of McHale (2004)*

The results of this study were found to be concurrent with the following practices from the advocacy schema of McHale (2004).

*Face-To-Face Interaction.* The movement to pass P.L. 94-142 utilized face-to-face interaction. At the local level, parents talked with other parents about joining groups and teachers talked with parents about advocating for their children's needs. At the regional level, parents of children with disabilities met with their legislators and other governmental officials in an attempt to obtain services for their children. At the federal level, Parents of children with disabilities told their stories to small groups of Congressmen and Senators at hearings.

*Talking on the Telephone.* Advocates in the movement to pass P.L. 94-142 used phones to communicate with each other and keep members up-to-date on the latest developments. Phone contact with the media and politicians was less prevalent. Key advocates of the P.L. 94-142 movement did not use the media much to achieve their goals. In addition, much of the communication between advocates and legislators was face-to-face.

*Meeting in Small Groups.* The movement to pass P.L. 94-142 was the result of many small group meetings between parents, advocates, and legislative assistants, and politicians themselves. A relatively small number of key advocates consistently worked together to address the details involved in passing P.L. 94-142. At the local level, parents groups were often quite small and meetings were often held at members' homes.

*Communicating at Events.* The movement to pass P.L. 94-142 utilized communicating at events. CEC conferences were often used to recruit parents of children with disabilities to provide testimonial at Congressional hearings. These conferences were also used to keep members up-to-date on advocacy developments and to teach members how to be more effective advocates in general. At the local level, advocacy groups marched in parades to gain visibility.

*Using Paper.* In the P.L. 94-142 movement, the ARC used a system of fax communication on which developments and other important updates were included. Letter writing campaigns to key legislators were also conducted.

#### *Results of this Study Differing from McHale's Advocacy Schema*

The results of this study were not in concurrence with the following successful practices of movements obtained from the advocacy schema of McHale (2004). A discussion of these successful practices and analysis of why they were not included in the movement to pass P.L. 94-142 is included in the following.

*Media Use.* The P.L. 94-142 movement ran one official add in an experiment to gauge pre and post-test polling data on what effect the media piece had on the public. The results showed that the piece had little if any effect on the public: support for educating children with disabilities was already high and there wasn't much room for an

upward increase. As a result of this experiment, national-level advocates decided that utilizing the media was unnecessary since a great deal of support already existed.

*Disseminating Messages Through Mass Media.* Again, the P.L. 94-142 movement had no need to sway already high public opinion, to recruit more members, or to generate more media attention. None of these aims would have helped to pass this piece of legislation.

*Connecting through Computers.* The reason the movement to pass P.L. 94-142 didn't use computers is that the technology did not exist at the time.

### *Advocacy Schema III*

The third advocacy schema by Moyer (2001) is the result of years of research on five major national movements: The U.S. civil rights movement, The anti-nuclear energy movement, the gay and lesbian movement, The breast cancer movement, and the globalization movement. From these movements Moyer (2001) derived an eight stage schema of the way in which successful social movements develop. Moyer's schema is based on the belief that nonviolent social movements are a powerful means for mobilizing people to become involved in a democratic political process to address and resolve social problems. Within his eight stages, Moyer (2001) identified four strategies essential to movements.

1. Expose powerholders- Exposing powerholders involves developing critical analyses, presentations, and publications and using all the channels available to the public including demonstrations, rallies, and marches that, when necessary, include civil disobedience.
2. Spotlight the issue publicly- This strategy entails informing the public of the way in which the policies of powerholders are unjust. The function of this is to alert, educate, win over, involve, and inspire the general public to become involved in the movement.
3. Pressure powerholders and social institutions- This strategy entails movements mobilizing the general public to put intense pressure on the powerholders and social institutions to change their policies. The next stage in this strategy is to

pressure powerholders to create more harmonious and democratic policies.

4. Attract additional advocacy members- Effective advocacy movements attract additional advocacy members from the general public to grow the movement and to ensure that new generations will continue to work for change.

*Results of this Study Congruent with the Advocacy Schema of Moyer (2001)*

The results of this study were found to be concurrent with the following practices from the advocacy schema of Moyer (2001).

*Expose Powerholders.* While the movement to pass P.L. 94-142 did not involve many demonstrations, rallies, or marches, advocates in the CEC and ARC developed critical analyses and presentations to show politicians in Washington that Federal policy allowed for hundreds of thousands of children with disabilities to be systematically denied public education. Advocates also presented research studies and parent testimonial to provide illustrations of and evidence for their claims.

*Attract Additional Advocacy Members.* Before P.L. 94-142 passed into law, the advocacy movement for people with disabilities was relatively small, with just two groups taking active advocacy roles at the national level. A coalition to support the educational needs of all children with disabilities did form at this time, but it was still relatively small and not very powerful. After the passage of P.L. 94-142, the advocacy movement to improve the education of children with disabilities grew exponentially. Parents all over the country filed suits to ensure that their children received a free and appropriate public education as mandated by law. These cases brought increased public attention and concern to the issue and helped grow existing advocacy groups and generate new ones. Today, the nationwide disability coalition is much larger than it was during the movement to pass P.L. 94-142. A new generation of advocates are fighting for the proper implementation of P.L. 94-142 and amendments to refine and improve on this law.

*Results of this Study in Contrast to the Advocacy Schema of Moyer (2001)*

The results of this study were not in concurrence with the following strategies offered by Moyer's advocacy schema. A discussion of these practices and analysis of why they were not included in the movement to pass P.L. 94-142 are included in the following.

*Spotlight the Issue Publicly.* As explained before, the P.L. 94-142 movement did not require public attention, as the politicians agreed with the advocates on the need for the law. The results of this study show that politicians were not worried that voting against the issue would result in them losing reelection or not getting campaign contributions. The legislation was supported because politicians were convinced of the need. Public support and pressure was not necessary.

*Pressure Powerholders and Social Institutions.* Again, this type of pressure was not needed to ensure the passage of P.L. 94-142. The powerholders agreed with the public or vice versa. In any case, public pressure never really came into play too much at this time. The major public pressure was in the form of parents filing lawsuits to ensure the education of their children under the law as in the PARC or Mills cases. Parents also applied pressure, in a way, by testifying for Congressional hearings to show politicians how children with disabilities have been mistreated by the public education system.

## Chapter 5

### Discussion & Conclusions

The first part of this section will include a review of the major findings of this study. Next, the results of the literature review will be compared, contrasted, and integrated with the findings of this study. A model (Figure 2) of the P.L. 94-142 advocacy movement is then presented. This model represents the integration of information triangulated from the findings of this study and the literature. Following this discussion is a general analysis of the reasons why the advocacy model that emerged from this study was similar to or different than the model (Figure 1) generated by three advocacy schemas to which it was compared. This process represents the qualitative analysis method of analytical induction and theory building. Next, the limitations of the study are discussed followed by a general summary of what overall was learned from this study. Finally, recommendations for future research and advocacy strategies are discussed.

### *Major Findings*

The major findings of this study will be discussed generally in terms of the main topic areas of this study. Emerging themes will be noted.

#### Advocacy

A number of themes emerged from the results of this study. First, comparatively few advocacy groups played a role in working for the passage of P.L. 94-142, mainly the CEC and the ARC. Members weren't recruited for these groups so much as they joined the movement while looking for help with their respective situations. While in most cases, the parents came to the groups instead of groups seeking out parents, some groups did use phone contact and informative presentations to recruit and attract members.

The advocates in this study implemented strategies at three different levels: local, regional, and nation. Local strategies included letter writing campaigns, fundraising, one-on-one interaction, and modeling appropriate attitudes towards people with



disabilities. At the regional level, advocates maintained and developed relationships with local legislators and worked to enlist the help of investigative reporters. Nationally, advocates worked to assuage politicians concerned about how much money their state or region would receive. National level advocates also paralleled the argument behind P.L. 94-142 to that of the Civil Rights movement. In addition, they used the courts to set precedents, built a strong base of bi-partisan support, conducted research to gauge public support, wrote letters to Governors asking for support, and used Congressional hearings to present the powerful personal stories of their members to legislators. According to the results of this study, most of the advocacy for P.L. 94-142 was conducted at the national level and consisted of the interaction between parents, advocates, and legislators who championed the bill.

Advocates tended to target politicians with a personal connection to or previously expressed concern for people with disabilities. In both the Senate and House of Representatives throughout the '60s and '70s, a significant base of influential politicians with a concern for or connection to disability existed. Advocates from the CEC and ARC contacted these politicians, were received warmly, and together drafted the legislation and generated strategies to ensure its passage.

Advocates didn't work much to sway public opinion on this issue because there was already strong support publicly. Surveys and polls confirmed this notion. There was no organized campaign at this time to sway public opinion, but there was a campaign to keep interest groups that might have opposed P.L. 94-142 from opposing it.

### *Political Process*

In general, participants learned that effecting change in the political process requires perseverance, endurance, compromise, and building a broad and diverse base of support. The power of parents' personal stories and the persuasiveness of research supported arguments were two often-cited strategies for success in effecting change. Personal bonds, relationships, and one-on-one interactions were also found to be effective strategies in working for change.

The participants generally felt that P.L. 94-142 passed as the result of the precedents set by the Mills and PARC cases in addition to the work of national level

advocates with legislators predisposed to working on this legislation. Parents were recruited at CEC and ARC conferences to provide testimony at Congressional Hearings. A broad bi-partisan base of support was easily established and after the Watergate scandal, Congress was looking to move the country out of this morass by getting back to work on the needs of the country. P.L. 94-142 was ready to go to a vote and had broad support and therefore passed with little dissent. Other general reasons cited for the passage of P.L. 94-142 were the parallel made to the Civil Rights movement, a concern for social welfare that carried over from Johnson's Great Society programs, a carry over from the militancy of the '60s, and a need to carry out the compassionate agenda of John F. Kennedy in the wake of his death.

### *Shifts in Attitude*

Most of the national level advocates in this study felt that there was not much of a shift in attitude throughout the '60s and '70s among the public as to whether children with disabilities should be educated. Support, as evidenced by surveys and polls, was always high and there wasn't much room for an upward shift. Most local level advocates, however, felt that there was a significant shift in attitude at this time. They cited the Civil Rights movement, President Kennedy's concern for people with disabilities, the liberalism of the '60s, and the presence of polio victims and Vietnam Veterans with disabilities as causes for this shift. In general, respondents felt that most people did not disagree with the need to educate children with disabilities; it was the implementation of the law that caused most of the conflict. However, most respondents felt that there was a steady positive shift among the public, after the passage of P.L. 94-142, regarding acceptance of the need to educate children with disabilities. The reason often cited for this response was that children with disabilities were more visible since they were attending public school and interaction with these children increased awareness, empathy, and concern. Again, although, many felt that most people supported the idea that children with disabilities should be educated, the more controversial issues were money, discipline, and level of inclusion after the law was passed.

### *Political Context*

Most respondents felt that President John F. Kennedy, more than anyone else, was the leader who brought concerns about the disabled to the forefront of national politics. Many believed this was due to him having a sister with mental retardation. Some respondents also felt that President Franklin Roosevelt, who was disabled by polio, also raised awareness about disabilities.

Many agreed that support for P.L. 94-142 was solidly bi-partisan and that the only resistance came from Republicans concerned with the cost of implementing the legislation. While support was bi-partisan, no political party addressed the needs of the disabled in their official party platform. It was noted, however, that the legislation passed during a solid Democratic majority in both Houses of Congress.

Most participants agreed that the environment was conducive to the passage of P.L. 94-142 as a result of increased awareness about disabilities. This came about in large part as a result of veterans who came back from the Vietnam War with disabilities. The success of the Civil Rights movement also provided a helpful ideological parallel that contributed to the complementary political environment. In addition, the '60s were a time of great change, political upheaval, and there was an increased concentration on social concerns as the result of President Lyndon Johnson's Great Society programs.

Respondents all agreed that the Civil Rights movement played a significant role in the passage of P.L. 94-142, though not as direct a role as most believe. There was no formal connection between the movement to educate children with disabilities and the Civil Rights movement. However, the Civil Rights movement's concentration on equal rights for all citizens provided a strong ideological parallel to the idea behind P.L. 94-142: the need to educate all children. Generally speaking, the local level advocates, parents, and teachers believed that the Civil Rights movement played a larger role than did national level advocates.

### *Literature Review Results Compared and Contrasted with Findings of Study*

In the following section, the findings of the literature review are compared and contrasted with the findings of this study. This section is organized into the major thematic topic areas of this project. A discussion of how and why similarities and differences exist is included.

#### *Advocacy*

A review of the literature found that the CEC and the ARC were the two major advocacy groups involved in the passage of P.L. 94-142. The results of this study were congruent with this finding. The literature also indicated that the CEC and ARC brought many other groups advocating for specific disabilities into a coalition whose goal was to improve education for people with disabilities. This also was reflected in the results of this study. There was little information about advocacy recruitment for the P.L. 94-142 movement in the literature. This may be because most of the literature addressing factors involved in the passage of this legislation focused on the details of what was occurring at the national level to effect change as opposed to the local level. In addition, because advocacy was only one factor involved in the passage of P.L. 94-142, most of the texts do not discuss it in detail. Further, the movement to pass P.L. 94-142 was not the direct result of an increase in the number of advocates and therefore this aspect may not have been salient enough to be discussed in detail in the literature.

The literature review reported similar general strategies used by advocates as found by this study. The literature cites letter writing campaigns, using parents at Congressional hearings, building a base of bi-partisan support, using the courts, and tying the idea behind the movement to the Civil Rights movement. What the literature doesn't mention are other strategies such as use of the CEC's model law, working out the funding equation (what each state and region would receive), conducting research (polling), quelling potential opposition from the NEA and AFT, and many of the local strategies, such as modeling appropriate attitudes toward and treatment of individuals with disabilities, fundraising, and one-on-one interaction. Again, the literature may not mention many of the local strategies because these efforts may have had a more indirect

impact on the passage of legislation and because the literature focused on the details of change that took place at the national level. The literature may not have included some of the national strategies because interviews with key players were not used in the literature to gain information. Further, the existing historical accounts of how this legislation was passed seem to state the major facts of the events leading up to the passage, but not what was going on behind the scenes.

The literature states that advocates first targeted Senator Wayne Morris (D-OR), Chairman of the Senate Subcommittee on Education of the Senate Committee on Labor and Public Welfare. The results of this study did not include this information. According to the literature, Morris was chosen to champion legislation to help people with disabilities. The literature also stressed the important role of the Carey House Subcommittee on the Handicapped in addition to the importance of the Bureau of Education for the Handicapped. The literature also reported on the subcommittees that heard the testimony of parents of children with disabilities: the House Subcommittee on General Education and the House Subcommittee on Select Education. The respondents in this study, on the other hand, stressed the importance of John Brademas (D-IN) on the House side and Harrison Williams (D-NJ) on the Senate side. The reason for this discrepancy may be that the literature concentrated on the special education legislation leading up to P.L. 94-142 as being the major reason why it passed. The literature viewed this movement as the result of a line of legislation beginning in 1965. Before Brademas and Williams became heavily involved, there were other champions. The literature attributes the success of the movement to politicians who laid the groundwork for support for this and other legislation dealing with disabilities. The respondents, realizing that a full historical account could not be relayed in the relatively short span of the interview, may have only mentioned the politicians targeted to work on P.L. 94-142 specifically. The literature, having more flexibility to elaborate on context, provided a broader picture of which politicians should have been credited with ensuring the passage of this bill. It should also be noted that the literature mentions that politicians were often targeted if they had a connection to people with disabilities, which was also found in the results of this study.

The literature does not mention the fight of the advocates to sway public opinion. This factor was also not cited as important by the results of this study. The literature mostly discussed advocacy in terms of the way advocacy groups worked on the national level. The results of this study agreed with this view of the role in which groups worked to effect this change. Other movements, such as the implementation of the Americans with Disabilities Act, were cited as using more local and regional strategies. The P.L. 94-142 movement, on the other hand, took place mostly on the national level and did not rely on swaying public opinion to effect change. It didn't have to because support was high.

### *Political Process*

In the literature review little information on general means of effecting change was found. The review looked specifically for sources pertaining to factors leading up to and surrounding the passage of P.L. 94-142.

The major difference between the literature and the results of this study regarding why this movement succeeded is that the literature cites ten years of legislation leading up to this bill as the main reason it passed. This legislation started with The Elementary and Secondary Education Act (ESEA) of 1965, which provided a comprehensive plan for readdressing the inequality of educational opportunity for economically underprivileged children. ESEA was amended a number of times to begin to address the educational needs of children with disabilities. This type of legislation continued to lay the groundwork for The Education for All Handicapped Children Act until the year (1974) before it passed. Not one participant mentioned the line of legislation leading up to P.L. 94-142 as a major reason for its passage even though this was included on the refresher sheet distributed to respondents before the interview. One reason for this might be that most of the respondents, including key advocates, were barely out of college when they were working on this legislation. Many were not involved in the legislation leading up to it. Further, respondents may have been answering this question with a smaller time scale in mind (one to two years), instead of on a larger time scale (ten years). In any case, the literature cites the line of legislation as one of the most influential factors in the passage of P.L. 94-142.

Other differences between these two sources as to why this movement succeeded seem to be based on the fact that the participants indulged in speculation more than might be acceptable in scholarly literature. One speculative response was that President Ford was chiding the Democrats in the House of Representatives as the “Do nothing Congress” and so as to ensure that this label did not stick, the House moved quickly to introduce and pass a piece of legislation. P.L. 94-142 was ready to go and that’s why it passed. There is no evidence to support this and perhaps this is the reason it was not included in the literature. Another possibility is that the key advocates who provided this information never shared it with historians or others, as it is not flattering to the politicians who helped them with the legislation.

There were a number of similarities in the findings as to why, generally, P.L. 94-142 passed. Both sources cited broad bi-partisan support, progressive legislators, parent Congressional testimony, and the Civil Rights movement as reasons.

#### Shifts in Attitude

The literature does not cite a significant shift in public attitude throughout the ‘60s and ‘70s as one of the major factors leading to the passage of P.L. 94-142. The literature does, however, note that there have been shifts in attitude throughout history as to whether children with disabilities should be educated. Progress occurred in the early 1800s with the first hospitals to care for people with disabilities. Around this time, Jean Itard in France made strides in teaching and working with people with disabilities. The work of Itard and other innovators helped to dispel the myth that individuals with disabilities could not learn and function as other members of society. The literature also hypothesized that other factors may have played into a shift in attitude, such as President Kennedy’s concern for people with disabilities, Eleanor Roosevelt’s advocacy, The Civil Rights movement, and the emergence of advocacy groups like the CEC and the ARC. Essentially, the literature suggests that shifts in attitude took place before the ‘60s and ‘70s and that these shifts paved the way for P.L. 94-142.

The results of this study also didn’t find that a shift in attitude took place throughout the ‘60s and ‘70s: support was always high. The question was not asked whether a shift in attitude took place earlier in U.S. history so it is not known whether the participants agreed with the findings of the literature. The review of literature suggests

that the groundwork of public support for the legislation was laid in the first half of the 1900s and the details of writing, introducing, gaining support for, and passing the legislation were worked out in the '60s and '70s.

The literature also supports the results of this study in its finding that there has been a steady increase over time (throughout history) in the belief that individuals with disabilities should be educated and that its nature is a cyclical one slowly moving toward acceptance with intermittent periods of skepticism and opposition. Today, opposition is mostly a result of the details of implementing the law including cost, discipline issues, and inclusion.

### *Political Context*

The literature also supports the finding of this study that President John F. Kennedy played a major role in bringing concerns about people with disabilities to the forefront of national politics and that the focus on social concerns of Lyndon Johnson's Great Society programs helped create an atmosphere conducive to the passage of this legislation. Respondents in this study noted that Franklin Roosevelt was a factor, but he was not mentioned in the literature. Roosevelt had been disabled by polio and raised awareness of not only his own condition but that of legions of others who had been disabled by this disease. The literature may not have mentioned this because Roosevelt was perceived as trying to hide his disability and therefore may not have wanted to bring attention to it. Another reason that Roosevelt may not have come up in the literature is that, while he had a disability himself and was active in improving rehabilitation for those disabled by polio, he was not necessarily a pioneer in legislation for the education of people with disabilities.

Both the literature and the results of this study agree that there was strong bi-partisan support for P.L. 94-142. It was also noted by both that this change took place during the time of a solid Democratic majority in the Senate and House of Representatives and a Republican President. In addition, both found that there were powerful groups of progressive Democrats, enlivened by the Civil Rights movement and other movements for social change, who wanted to meet this need for individuals with disabilities. The literature emphasizes, in general, more opposition and dissent from the



Republicans than the results of this study. This may be due to a bias on the part of the authors of the literature, the relatively civil nature of political discourse compared to present times, or a perception that the dissent was really greater than it was. In any case, the records show that very few Republicans voted against P.L. 94-142 in 1975 and that those who did had a record of being fiscally conservative.

The literature also agrees with the findings of this study that the political and social climates were conducive to the passage of this legislation. Both sources mentioned the Civil Rights movement, President Lyndon Johnson's Great Society program, and the militancy of the times as contextual factors that supported the passage of P.L. 94-142. One factor the results of this study mentioned that the literature does not is that soldiers coming back from Vietnam helped to increase support for people with disabilities in general.

The results of this study seem to suggest that public support was not a major factor in the passage of this legislation. However, the knowledge that public support was high did factor into legislators' decisions. It can also suggested that there were factors that helped to keep public support high and even some that may have made dissent seem unpatriotic. For instance, politicians who did not support the education of people with disabilities in the face of returning Vietnam Veterans with disabilities might have faced a political firestorm. Further, voting against the civil rights of children with disabilities after the landmark victories of the Civil Rights movement also could have caused politicians problems among their constituents. It seems then that public attitude played a role in the passage of this legislation. It may not have been a clear and direct one but it was a powerful and contextual one.

The literature and this study also agree that the Civil Rights movement played a large role in the passage of this legislation. The literature did not go into as much detail about the role of the Civil Rights movement. The advocates of this study explained that the Civil Rights movement played an indirect role, and that there was no formal connection between the Civil Rights movement and the movement to pass P.L. 94-142. Respondents in this study also suggested that Civil Rights leaders did not want a connection to the P.L. 94-142 movement. The Civil Rights movement therefore played a rather indirect ideological role in that it provided a direct parallel. The literature agrees

that the Civil Rights movement played a significant ideological role, but did not mention any specific connection to the movement to pass P.L. 94-142.

### *General Comparison and Contrast of Results with Advocacy Schemas*

The major difference between the advocacy schema that emerged from this study and the advocacy schemas to which it was compared and contrasted is that the movement to pass P.L. 94-142 did not occur as the result of public or constituency pressure. The other advocacy schemas suggest that advocacy often begins by swaying public opinion. Once public opinion is swayed, advocacy groups need to recruit members for activities like demonstrations, marches, letter writing campaigns, fundraising, administrative duties, and lobbying. With the combined effect of raised public awareness and concern and advocacy efforts to effect specific legislative change, politicians are more likely to respond to the pressure of a movement. In these cases, it is necessary that the politician's vote may affect his or her reelection chances in addition to other key factors such as fundraising, coalition support, and bonds with other legislators. This type of advocacy works from the outside-in; the public changes in attitude first and then forces the government or powerholders to change with them.

The movement to pass P.L. 94-142 occurred differently. In this case, public support had already been established throughout the period between 1800 and the mid 1900s. However, constituent pressure was not the cause for the introduction of the legislation. With P.L. 94-142, advocates sought out politicians to champion their cause. At the same time, politicians already sensitive to this cause were also, to some extent, looking for advocates to help them brainstorm and draft legislation. Legislators had, for almost ten years previous to this legislation, been working on and passing (ESEA) preliminary legislation to ensure that children with disabilities were educated. In a sense, these groups met halfway (More accurately, according to the results, the advocates were seeking out the politicians more than the politicians were seeking out the advocates). Together, legislators (and their staffs) worked with advocacy groups to draft, introduce, and pass this legislation. This all occurred in the context of the post-major Civil Rights movement era and the groundwork of public support had been laid in previous years. In

addition to public support, most politicians agreed that all children with disabilities should be educated, even though voting against this bill would most likely not have affected their reelection chances or fundraising ability. The advocacy coalition supporting this legislation was not a great enough force to impact these variables. These groups were relatively young and were being led by people fresh from college.

In a sense, the P.L. 94-142 movement occurred more from the inside-out; the government and politicians made the major change first and the people, though amenable, were then forced to change. It should be noted that while public support for the legislation existed, it was more of a passive than active acceptance; most people were willing to accept it, but were not prepared to do anything about working for change, unless it directly affected them. This passive support may not in fact have been true support because, as it turned out, most of the public did not understand the full implications of what it means to educate all children with disabilities. This was evidenced once the law was passed and implementation battles ensued over money, discipline issues, and whether or not to children with disabilities should be included in general education settings. Implementation battles tend to decrease support for educating children with disabilities, especially when general education students are affected. Essentially, passive support among the public for P.L. 94-142 was revealed to be somewhat superficial because once implementation issues became a reality, support dropped.

Broad public support for P.L. 94-142 before its passage was due in part to how the idea behind the movement was framed: children with disabilities are being denied education and deserve this right just like all other children. As a number of respondents noted, no one wanted to admit that they were against educating children with disabilities. The problem was that few people understood fully what educating children with disabilities meant. In any case, the framing of the movement, in part, assured this movement broad public support before the legislation passed.

P.L. 94-142 passed, according to the respondents in this study, as a function of a small group of advocates working through the courts, then with already concerned legislators on drafting, introducing, gaining support for, and passing this legislation. This happened in the context of the post major Civil Rights era with passive public support.

Further, the legislative groundwork for this bill had been laid for almost ten years before it was introduced. Public/constituent pressure did not prove to be necessary, as politicians agreed with the passive sentiment of society. In other battles illustrated by the advocacy schemas to which P.L. 94-142 was compared, most politicians initially disagree with the beliefs of advocates or are indifferent toward them. Advocates are then forced to go to the public to gain support. Once public support is gained, more advocates are recruited and constituent pressure is applied. In this case, even if politicians still do not agree with the advocates, they are now up against a formidable group and their views may have implications for politicians' reelection and fundraising chances. Less cynically, politicians approached by a mass of constituents may realize that their job is to represent their constituents and so they therefore must support whatever the majority of their constituents support.

Figure 1 & 2 give visual models that point out the difference in approaches for the passage of P.L. 94-142 as compared to the passage of legislation in other movements. Figure 1 is a general model derived from the advocacy schemas to which the results of this study were compared and Figure 2 is the advocacy model for P.L. 94-142.

Figure 1 represents the general advocacy model generated by the three advocacy schemas to which the P.L. 94-142 schema was compared. It represents an outside-in model of change. The outer edges show advocacy groups that work to sway public opinion because powerholders either disagree with the movement or are indifferent to it. The next interior level represents that citizen awareness and concern has been raised and effective advocacy has been achieved. At this point, represented by the next interior level, political support increases as powerholders /politicians feel pressure from concerned constituents. Next, change is effected as powerholders/politicians respond to public pressure by addressing the needs of the advocacy group. Finally, the center of the model represents the way in which advocacy groups grow in size and power as the result of their success. This model represents the way in which change often starts with the general public and works its way inward to powerholders who then make changes as a result of *outside-in* pressure from the public

The visual model (Figure 2) for the P.L. 94-142 movement shows, at its center, the way in which the advocates and politicians came together almost halfway. There

were a number of influential politicians with a personal connection to people with disabilities and they were looking to address the needs of this population. At the same time, advocates were seeking out politicians to help them champion a piece of legislation to ensure the education of all children with disabilities. This model also shows the way in which parents, represented by arrows connected to both “concerned politicians” and “Advocates: CEC & ARC”, worked with both these groups by telling their stories at Congressional hearings. The model shows that the advocates and politicians introduced the legislation to the House of Representatives and the Senate. Once it passed in both Houses of Congress, it went to President Gerald Ford’s desk where it was signed into law. Surrounding this model are the contextual factors which helped to create a complementary environment for the passage of P.L. 94-142. Below the central workings of the passage of this legislation, the model shows the way in which public support had been established to provide a solid base for this legislation. This model represents change that took place from the *inside-out*. That is, lawmakers, advocates, and parents worked together to mandate a change that the public would have to follow instead of the public changing first and the lawmakers being forced to change as the result of constituent pressure.

### *Limitations*

One major limitation of this study is that it has been thirty years since the P.L. 94-142 movement’s peak. Many of the participants may have forgotten key details and it is likely that some of the memories have been distorted after such a long time. Also, because this movement occurred so long ago, some of the key players who would have been good informants were deceased or too infirm to take part in an interview. On the other hand, some of the key advocates of this study are now world-renowned professionals who are extremely difficult to contact and unlikely to agree to be interviewed. As a result, the information contained in this study is not as comprehensive as it could be and there are likely missing perspectives and stories that would provide a clearer picture of the factors influencing the passage of P.L. 94-142.

Another limitation is that there was a clear disconnect between the work being done on the national level and the local level. These two groups varied widely in their responses to the interview questions and the results showed that local advocates, parents, and teachers did not know much about what was going on at the national level and national level advocates and legislators did not know what was going on at the local level. This disconnect made it difficult to integrate the views of the two groups. One theme that emerged was that public support and local advocacy did not play a large role in this movement. Most of the work was done at the national level. When national advocates needed parents to testify at Congressional hearings, they recruited them often from conferences and from past court cases. Otherwise, the battle for the hearts and minds of the public was not much a part of the P.L. 94-142 movement, specifically. However, local advocates had much more of a battle after passage trying to work for the proper implementation of P.L. 94-142. The implementation phase brought to the surface all the issues surrounding supporting the education of children with disabilities and conflicts emerged over issues of money, discipline, and inclusion. In any case, during the movement to pass P.L. 94-142 advocates, parents, and teachers working at the local level did not play a large role. Their role was much greater during the implementation phase.

In a sense, the interviews with local advocates, parents, and teachers served to illustrate that the P.L. 94-142 movement was, as stated earlier, more inside-out than outside-in. These subjects shared stories mostly about the implementation phase of the law and what it was like before the law, but few recalled local advocacy rolls directly tied to this movement.

### *Summary*

Overall, this study reinforced the idea that the movement to pass P.L. 94-142 was more of a national than local or regional movement. The movement worked more from the inside-out instead of, like many movements, the outside-in. Many movements must first sway public attitude, increase awareness and concern to the extent that a large number of ordinary citizens apply pressure on politicians to change. The movement to pass P.L. 94-142 did not require pressuring politicians; a broad base of bi-partisan

support already existed and swaying the public wasn't necessary. The P.L. 94-142 movement therefore never had to work to sway public opinion. Advocates went straight to supportive legislators to draft, introduce, gain support for, and eventually pass this piece of legislation. A relatively small number of advocates within the CEC and ARC worked with legislators who had a connection to or concern for people with disabilities. These advocacy groups recruited parents, mostly from the ARC, to tell their stories to Congressional sub-committees to help increase support for the bill.

The groundwork for P.L. 94-142 had been laid both legislatively and idealistically. A line of legislation spanning ten years laid the groundwork for the mandates of P.L. 94-142. It was, to some extent, a logical progression from what had previously been mandated in the ESEA and its amendments. Also, the Civil Rights movement and its emphasis on equal rights and privilege for all fit snugly with the movement's message of the need to educate all children with disabilities. Other contextual factors include the fact that there were many progressive politicians in both the House and Senate, there were a number of politicians with a connection to and concern for disability, the '60s were a time of great political upheaval, victims of polio and disabled Vietnam veterans were very visible to the public, and the country was still in a mood of social activism partially as a result of Johnson's Great Society programs.

Although public support was not overtly responsible for this bill, it was nevertheless high. Few respondents believed that support for the education of people with disabilities increased throughout the '60s and '70s. Polling data showed that support was already high by that time. This, according to the literature, was not always the case. Support increased steadily throughout the 1800s and through the mid-1900s. By the time P.L. 94-142 was introduced, support for the idea behind it was already high. The acceptance for educating children with disabilities proved to be passive, for most not affected. Regardless, the high support among the public for educating children with disabilities cannot be disregarded as a significant factor that influenced the passage of this legislation. Had public support not been so high, passive or not, any legislator who was the least bit fiscally conservative might have been reluctant to support this very expensive bill. In essence, although advocates did not target the public for support for

this legislation, it is likely that the acceptance of the people was still very important to its passage and this factor should not be disregarded, in general, in advocacy efforts.

### *Recommendations*

Research on the factors affecting the passage of P.L. 94-142 has yielded a great deal of information that may be helpful to future advocates. From this study, advocates-in-training can learn how to recruit people for groups, how advocacy groups organize to effect higher level change, what strategies are used by legislators, how to target specific politicians for help, how context can play a role in effecting change, and how the landmark Education for All Handicapped Children Act passed. It is recommended that advocates-in-training study this research to acquire a base of knowledge about advocacy on which they can build and expand.

It is recommended that other parent and local advocacy movements be researched concerning the implementation of P.L. 94-142. Because this study concluded that P.L. 94-142 was a movement that occurred mostly at the national level, the views and strategies implemented at local levels were not emphasized. A study about the battles local advocates have had fighting for the proper implementation of P.L. 94-142 would highlight local advocacy as opposed to regional and national advocacy.

Another recommendation is that a detailed study of the similarities and differences between the P.L. 94-142 movement and the Civil Rights movement should be conducted. The Civil Rights movement was cited by many respondents as being central to the passage of P.L. 94-142. Some even claimed that this movement provided the framework for the P.L. 94-142 movement. Other respondents claimed that the Civil Rights movement played a rather indirect role. To better understand the role of the Civil Rights movement in the passage of P.L. 94-142 and for the sake of history, a comparison/contrast of these two movements should be conducted.

It is also recommended that the advocacy model presented in this study be used as an alternative choice for advocates alongside other models. It appears that much advocacy focuses on an outside-in pattern as opposed to an inside-out one. Analysis of contextual factors, such as current public support, political support, legislative



precedents, court rulings, and context, may make the outside-in model of advocacy unnecessary, less efficient, and less effective. Advocates should know that there are likely different models of advocacy appropriate for different movements and circumstances.

Finally, it is recommended that more of the work of early advocates be recorded before these people are no longer able to share their knowledge. Special education legislation continually comes under fire and the advocates of the future must, at least, have the tools from the past to continue to work for support of current legislation in addition to amendments and new laws to improve it.

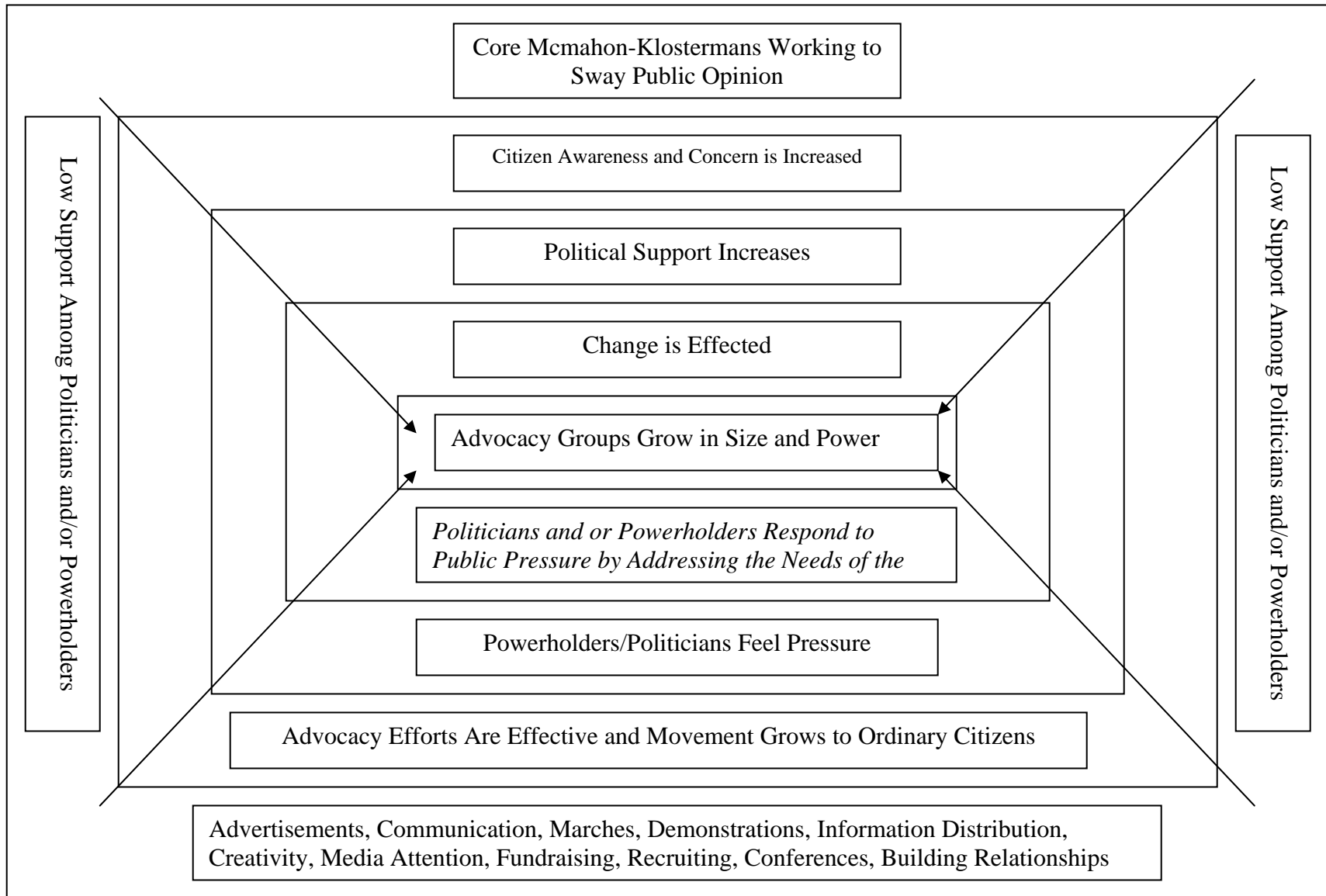
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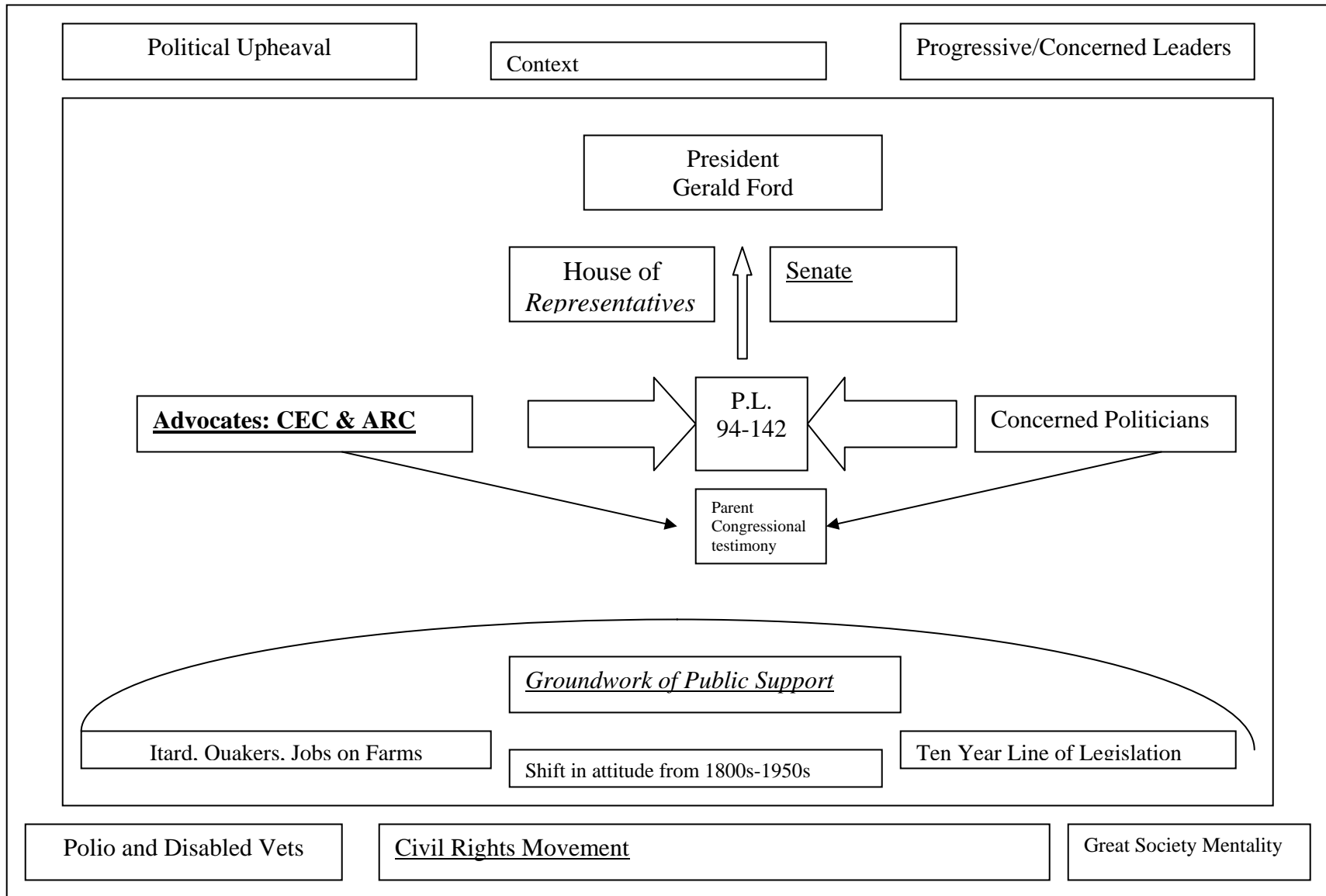
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Figure 1: General Advocacy Model



**Figure 2: P.L. 94-142 Advocacy Model**



## Appendices

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## Script Outline for Initial Phone Contact (Recruitment)

### I. Introduction

#### A. Who I am and what I'm doing

1. Patrick Frato (Second year school psychology graduate student)
2. Working on a thesis about the factors influencing the passage of The Education for All Handicapped Children Act of 1975.

#### B. Referral

1. Who referred the potential participant
2. Why they were referred
  - a. Recommended as someone who might be knowledgeable about the factors influencing the passage of P.L. 94-142
  - b. Might be willing to share information in a phone interview.

#### C. Details

1. Interview will be taped
2. Should last between fifteen and forty minutes
3. Would be provided with a brief history as a refresher.

#### D. Interest

1. Would the potential participant be able to answer questions about special education advocacy groups in the 1960s and 1970s, shifts in attitude regarding educating the disabled, contextual factors that influenced the passage of P.L. 94-142, and the political climate during the period leading up to the passage of this legislation?
2. If the answer to the above is yes, then would the participant taking part in a taped phone interview? If the answer is no, thank the person for their time and end the call.
3. A consent form, in addition to a brief history of the factors influencing the passage of P.L. 94-142, will be sent out. The consent form needs to be signed.
4. Set up a tentative date and time.
5. A reminder call will be made two days before the interview.
6. Thank the potential participant for their time.



Dear Participant,

Thank you for your interest in participating in my research project. The purpose of this study is to build a clearer picture of the factors that played a role in the passage of The Education for All Handicapped Children Act of 1975. The goal is to learn more about a successful Special Education movement from the past as a way to inform current advocates and leaders about how to effect positive educational change in the future.

Participation in this study will consist of taking part in a phone interview. The interview will be taped and the questions will relate to four categories of interest: How people and special education advocacy groups were organized, strategies utilized by advocacy groups, the political context in which this legislation was passed, and societal shifts in attitude. At least one week before the interview, you will receive a one-page history of the special education movement from 1965 through 1975 to refresh your memory. In addition to reading over this information sheet, please make an effort before the interview to recall what you remember about the special education movement of this period and your role in that movement.

Each interview will take anywhere between fifteen and forty minutes. The interview may be extended or questions from different categories may be asked if elaboration is required or new themes or important subjects emerge. Although most information will be reported as group data, direct quotes may be used. If a direct quote from your interview is used, you may receive that information for review (please indicate on third line below). Participation is voluntary and you may withdraw at any time during the interview.

If there are any questions about the study, please contact:

Patrick Frato

715 South Main St. Apt. E3

Oxford, Ohio 45056

(513) 664-4649 / pfrato@yahoo.com

or

Advisor: Doris Bergen

(513) 529-6622 / bergend@muohio.edu

If there are any questions about the rights of subjects, please call the Office for the Advancement of Scholarship and Teaching (513) 529-3734 or [humansubjects@muohio.edu](mailto:humansubjects@muohio.edu)

I acknowledge that I have read and agreed to the previous stipulations

X\_\_\_\_\_ Date\_\_\_\_\_

I accept the possibility that I may be quoted

X\_\_\_\_\_ Date\_\_\_\_\_

I wish to review my quote before giving permission for it to be used.

X\_\_\_\_\_ Date\_\_\_\_\_

## A Brief Summary of Some Factors that Influenced the Passage of P.L. 94-142

### Advocacy groups

- The National Association for Retarded Citizens
- The Council for Exceptional Children
- The American Psychological Association
- The Council on Education of the Deaf
- The Association for Children with Learning Disabilities
- The American Foundation for the Blind
- The American Speech and Hearing Association
- The Association for Persons with Severe Handicaps

### Context

- Eleanor Roosevelt introduced the argument that the cost of not educating the disabled is greater than educating them.
- President Kennedy's sister was mentally retarded
- The Civil Rights Movement

### Legislation

- P.L. 89-10 ((1965) The Elementary and Secondary Education Act of 1965 (ESEA). It provided a comprehensive plan for readdressing the inequality of educational opportunity for economically underprivileged children and is considered the statutory basis upon which early special education was drafted)
- P.L. 89-313 ((1965) Started a federal grant program specifically aimed at children and youths with disabilities)
- P.L. 89-750 ((1966) Established grant program at the local school level, rather than at state-operated schools or institutions and established the Bureau of Education of the Handicapped, BEH, and the National Council on Disability)
- P.L. 90-247 ((1968) Established a set of programs that supplemented and supported the expansion and improvement of special education services)
- P.L. 91-230 ((1970) Established core grant program for local education agencies, and authorized a number of discretionary programs)
- P.L. 93-280 ((1974) Established two laws: Education of Handicapped Act Amendments of 1974, which was the first to mention an appropriate education for all children with disabilities and the Family Education Rights and Privacy Act, which gave parents and students over the age of 18 the right to examine records kept in the student's personal file).
- P.L. 94-142 (Mandated education of children with disabilities)

### Court Cases

- PARC (Pennsylvania Association for Retarded Children) Ruled that all retarded children in the state between six and twenty-one years had to be provided a publicly supported education.
- Mills Decision (District Columbia, 1971) Ruled that under the 5<sup>th</sup> amendment's due process law clause every school age child must be educated regardless of disability or impairment.

## Interview Questions

### *Organization/Development*

1. What specific groups do you recall played a role in the organization and development of the movement? Prompt list of groups: The National Association for Retarded Citizens, The Council for Exceptional Children, The American Psychological Association, The Council on Education of the Deaf, The Association for Children with Learning Disabilities, The American Foundation for the Blind, The American Speech and Hearing Association, The National Rehabilitation Association, and The Association for Persons with Severe Handicaps. What was/were their role/s?
2. From your vantage, how were people recruited for special education advocacy groups?
3. From your vantage, how did these groups come together?
4. Which groups played lead roles and which groups played supporting ones? Could you see or understand a method behind or reason for this organization? Were you involved in organizing?

### *Advocacy Group Strategies*

1. From your vantage, what strategies did these groups and legislators use to affect change or get legislation passed?
2. Do you recall these groups targeting specific politicians or organizations for help? If so, who or what group did they target and how did they go about it?
3. Did special interest advocacy groups work to sway public opinion?
4. Which of the strategies you identified did you perceive as effective and which were ineffective (or less effective)? Why or why not?
5. From your experience or observation of the special education advocacy movement in the 1970s, what did you learn about the political process and how to make change?
6. What was your role in the movement? Did you hold an office or title?
7. What activities were you personally involved in?

### *Shift in Attitude*

1. What were the reasons The Education for All Handicapped Children Act of 1975 passed? Do you think it had more to do with the court's decisions or the impact of insiders on certain politicians?
2. Throughout the '60s and '70s, do you think more people began to accept the idea that children with disabilities should be educated? If so, what do you think was the cause?

3. Have you perceived more of a shift in attitude regarding the need to educate people with disabilities since the passage of the The Education for All Handicapped Children Act of 1975? In other words, has the attitude of the public shifted to accept educating the disabled more since the mandate?

4. What was your own role in changing attitudes about educating children with disabilities?

*Political Context*

1. Was there a certain politician or leader who brought concerns about the disabled to the forefront of national politics?

2. Was there a group within the House or Senate you perceived as responsible for the passage of special ed friendly legislation?

3. Was there a political party that supported the education of the disabled cause or put it on their party's platform?

4. Was there something special about the types of politicians or organization of politicians in the '70s that provided an environment conducive to the passage of The Education for All Handicapped Children Act 1975?

5. Do you think that the Civil Rights movement played a role in the passage of The Education for All Handicapped Children Act 1975? If so, how or what role did it play?

6. Were you politically active? If so, in what way(s)

General Final Question: Do you think there is anything I've missed. In other words, do you think there was an important factor influencing the passage of P.L. 94-142 that I did not ask you about?

Question to gain additional participants: Do you know of anyone else who would be good to interview about this subject?