The Path of Access: Exploring the Vacillating Histories of Individuals with Physical and Developmental Disabilities in the United States

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ABSTRACT: The social and educational history of individuals with physical and developmental disabilities in the United States has been an underrepresented area of importance in the historical and philosophical discourse of education. However, when examined closely, these two groups of individuals share both common plights and important developments across time. Discussion of such a topic is important as knowing the history of a people is imperative to maintaining social progress and benefit for that people. This paper will examine the social and educational histories of individuals with physical and development disabilities in the United States, as well as explore the corresponding political and legislative practices in the United States.

RESUME: Dans les débats historiques et philosophiques sur l'éducation, les antécédents sociaux et éducatifs de personnes atteintes d'handicaps sensoriels ou physiques aux Etats-Unis, ont été largement ignorés. En y prêtant cependant plus attention, on remarque qu'au fil du temps ces deux groupes de personnes partagent tous deux la même détresse et présentent une évolution semblable significative. Aller au cœur d'un tel débat est une démarche cruciale puisque l'histoire d'un peuple est nécessaire pour l'équilibre de son évolution sociale et de ses avantages. Ce présent document sondera les histoires liées à la société et à l'instruction des personnes atteintes d'handicaps sensoriels ou physiques aux Etats-Unis et analysera par la même, les pratiques politiques et législatives aux Etats-Unis.

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Overview

Delineating any history from a likely beginning is a complex challenge, as to determine the beginning of a history is to determine the point at which that history became a *bona fide* history in and of itself, and not merely a part of a larger encompassing history. This paper seeks to establish that for individuals with physical and developmental disabilities there is, indeed, such a history and one that is marked by a vacillating pattern between progression and stymie, marked by both rousing political victories but dampened by continued societal practices of exclusion and marginalization.

While it is clear that there were instances and indications of social services and education for individuals with disabilities prior to the 20th century, and such practices and tenets undoubtedly influenced future practices in the field, these instances were, in large part, pocketed in terms of particular groups (primarily the deaf and blind, both of which are often not regarded as disabilities) (Collins, 1995; Lane, 2002), and sponsored and propagated almost entirely by private and usually religious entities (Linsenmeier & Moyer, 2006; Thoryk, Battistone-Potosky, & Palchik, 2006). Because these endeavors were largely private and pocketed, they failed to encompass the overall concept of disabilities in any comprehensive sense and, as a result, did not meet the call for social justice on anywhere near a large scale level. Perhaps most significantly, however, though influential in the groundwork laid for the 20th century Disabilities Movement, these earlier instances never grew influential enough to change the political and legislative practices in the country- a cornerstone for a true movement toward *conscientizacao*, or truly liberating a marginalized people (Freire, 1970). The effort responsible for this legitimate social and educational change, connected, undoubtedly, to political and legislative change, was seen only in the latter part of the 20th century.

As is the case with many issues in the social sciences, definitions of concepts can be elusive and difficult to satisfactorily capture, with concepts in the Disabilities Movement being no exception. Therefore, it is important to establish, at the very least, a working definition of disability for the context of this paper. While likely imperfect, the current definition accepted by the United States federal government is likely a prudent choice, as it is the definition that, in large part, drives the decisions made regarding the legislative and social provisions for such individuals. According to the Americans with Disabilities Act (ADA), one of the most significant pieces of legislation for people with disabilities, an individual with a disability is a person who has a history of physical or mental impairment that substantially limits one or more major life activities, with such disability being perceptible by others. Major life activities are defined as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, reading, writing, performing math calculations, and working. Therefore, while no doubt much improvement can be made to the definition, this definition has proved sufficient enough to foster and facilitate the most important legislation, schooling, and societal practices toward people with exceptionalities (42 U.S.C. § 12102).

This paper will demonstrate that, different from the respective and relatively positive histories of the deaf and blind in America, individuals with physical and developmental disabilities experienced a vacillating history of some progress and demarginalization, but also, and in many respects, more so, a history of neglect, overt segregation and abuse. Though improvements in both station and treatment (socially, educationally, and legislatively) have been approached in recent years, it is important that the sordid history of such individuals continues to be recognized by society lest we forget Santayana's admonition that "those who do not remember the past are condemned to repeat it."

Education of Individuals with Physical Disabilities in the United States

While the position of individuals with physical disabilities during the 18th and 19th centuries and most of the first quarter of the 20th century remained generally innocuous, the teens and twenties of the 20th century revealed an uneasy and unpredictable trajectory. The mercurial American economy and state of industrialization during the latter part of the 19th century and the early part of the 20th century had a major impact on the status of individuals with physical disabilities. Before large scale industrialization, economic concepts such as self-subsistence and bartering were still common practice, allowing small communities to monitor and control, at least in larger part, their own economies (Henretta, 1978). In such a practice the burden of physical disability was minimized as the necessity of production was on a much smaller scale, therefore being more easily adjustable and modifiable to meet individual capabilities. However, with the emerging economic reliance on increased productivity, efficiency, and widespread distribution facilitated primarily by the advent of large commercial farms and factories, the accessibility of individuals to such enterprises was drastically diminished if not, in many cases, completely eliminated (Henretta, 1978). Further complicating the issue, the influx of immigrants, many of whom were uneducated but physically capable, became the desired means of labor for large factories, leaving even less opportunity for those who had come to be known as "cripples" (Byrom, 2006).

The new plight of such individuals was not completely disregarded as at the time people with physical disabilities became the only group to be granted a legal "beggar's license," which would soon become the only available option for income to many of these individuals. And while at first begging was afforded to individuals with disabilities as a means of social assistance and, in many ways a concession and show of tolerance, the ever increasing presence of such individuals soon caused them to be regarded by their communities as, at the very least, a nuisance, and at worst, a societal plague that came to be known as the "cripple problem" (Byrom, 2006).

At a time where the position of such individuals seemed to be downturned, the movement of the somewhat inflated group of educational reformers known as the Progressives provided some hope. Typified by famous "members" including Francis Parker and John Dewey, the Progressives propagated that the purpose of education and schools was to act as the beginnings of a society based in democracy and social justice, as well as an increase in the importance of scientific inquiry and progress monitoring in education (Kliebard, 2004).

Further complicating the already unpropitious social position of the disabled individual, though one whose true detriment was far less obvious was the "charitable" perspective of disability. From this perspective, people with disabilities are seen as pitiful individuals whom should be cared for, protected, and kept safe. A popular example of such an approach is Jerry Lewis' famous telethon for the benefit of "Jerry's Kids," or young people with muscular dystrophy. While the likely intention of Mr. Lewis was to increase service, awareness, and ultimately financial support for the condition, his approach of "parading" individuals whom he himself referred to as being "half-people" presented more as a means of "patheticizing" as opposed to advocating, and reinforced the long standing notion of the "charitably disabled" (Byrom, 2006).

In response to this perspective, however, an ever significant social advancement came about: the emergence of the disabled self-advocate, a faction that remains essential to the Disability Movement today (Wehmeyer, Palmer, Agran, et al., 2000). Self-advocates were imperative contributors to the dispelling of this charitable perspective. For example, Mary Dickerson Donahey, a self-advocate and activist with physical disabilities said poignantly, "pity is the worst curse that the devil ever made on mankind" (Donahey, 1918, p. 32). Self-advocates such as Donahey and other well known activists such as former U.S. Assistant Secretary of Education Judy Heumann (among others) not only defied by example but publicly illegitimated the charitable perspective in favor of a perspective of equality and due dignity no different from that which any human being seeks and deserves.

Though this time in history acted in a largely negative fashion for the station of individuals with disabilities, some distinct advantages likely attributable to the increase of industrialization and economic prosperity did emerge. For one, scientific advancement provided notable benefits for individuals with physical disabilities, the most significant of which was medical advancements leading to the ability to define, diagnose, and, in some cases, treat physical disabilities through the growing fields of orthopedics, orthotics, and prosthetics. Attention to diagnostic advancement helped to add legitimacy to the challenges that these oft dismissed people experienced in their everyday lives. The emerging fields of sociology and social psychology also helped lead to the development of the notion, now far more commonly accepted, that the concept of disability is more an interactive function of social, cultural, and environmental barriers with a disability rather than solely a result of organic deficiencies or impairments (Link & McCormick, 1983).

At this point, for the first time in American history, attempts at rehabilitation were made for persons with physical disabilities. This rehabilitative effort operated under the assumption that rehabilitation could result only from policies and practices that respected each person's unique needs and circumstances; now an axiom in special education, then a revolutionary battle cry. By the mid 1920s there were some 80 schools offering some type of rehabilitative services for individuals with physical disabilities across 12 states, increasing the number of individuals receiving rehabilitative services from zero in 1890 to 6,225 just thirty years later in 1920 (Byrom, 2006).

While at first glance, and in some respects, these numbers and societal trends seem promising, the "glimmer of hope" is dimmed significantly with closer observation. Though many facilities were built specifically to suit the needs of individuals with physical disabilities, these schools followed the precedent set by those established for the blind and deaf, with 76 of the 80 schools being located in segregated residential facilities often set in rural and back-road areas, thus perpetuating the history of the exclusion of such individuals from any form of a "normal school environment." Furthermore, the occurrence of physical disabilities was often conflated with intellectual and developmental disabilities, leading to the erroneous assumption that physical disabilities in themselves were indicative of cognitive impairment. This misrepresentation would have a deleterious effect on the inclusion of individuals with physical disabilities in mainstream public schools for several years. Further deepening the bittersweet state of such a situation, though the interest of doctors were now piqued and individuals with physical disabilities were receiving attention and, in many cases, treatment, oversight, control and monitoring of such treatments was virtually nonexistent, often leading to unfettered experimentation on these individuals, at times involving torturous procedures using screws, nails, wires, and even piano strings, nearly all of which failed, though accepted as they were shrouded in the name of scientific and medical advancement (Baynton, 2000; Byrom, 2006).

Though the Progressives of this time seemed to have had little influence over actual large-scale positive change in the situation of people with physical disabilities, what they lacked in direct result they gained in their overall contribution to the later framework educational reform and accessibility for individuals with disabilities. Their emphasis on the society and issues of social justice led to the notion that for any societal problem a solution can also be found within that society. This level of advancement helped to bolster the legitimacy of disability rights to a seldom discussed matter to an issue of social justice and societal import some forty years later.

Education for Individuals with Developmental Disabilities in the United States

While it is clear that individuals with physical disabilities possess a mercurial history of advancement and subjugation, few groups in the field of disabilities have suffered more societal oppression, marginalization and systematic ostracization than those with intellectual/developmental disabilities. According to the educational historians Safford and Safford (1996) such individuals have varying histories of invisibility, wrought with being "done to" or "done for." An important point that need be clarified before progressing, however, is the varying terms used to describe individuals to which we now refer to as having intellectual and/or developmental disabilities.

Accurate identification and diagnosis of intellectual/developmental disabilities have always been challenging due to the fact that there are no generally accepted diagnostic criteria. Furthermore, it is quite often regarded as a single factor construct, thus ignoring the significance of social factors on the individual (Armatas, 2009; Lichten & Simon, 2007; Rioux, 1996). Despite the multiple perspectives, however, none seems to truly capture the essence and difference of and between these individuals who have long been regarded as categorically the same. Advancement of the social sciences, such as those espoused by the Progressives as well as other contemporary thinkers, have elucidated to some degree the notion that disability of any kind is more of a societal construct than anything- a notion which would serve to revolutionize the position of individuals with disabilities in virtually all aspects of society by the latter quarter of the 20th century (Adkins, 2009; Liachowitz, 1988; Rioux, 1996). Despite this supposed advancement, however, what has remained consistent throughout history is that individuals with developmental disabilities (likely across all conceptualizations) have been shown to be among the most stigmatized, prejudged, and discriminated against individuals, thus creating a history that is rife with abuse and hardship (Brennan, 2006).

One significant by-product of the elusive diagnosis of developmental disability evident throughout history was the temptation to categorize such individuals into various groups, or subdivisions of diagnoses, likely for a variety of reasons, some educational and others more sinister. The labels ran the gamut from the unequivocally pejorative such as idiot, moron, imbecile, dullard, feeble-minded, and half-wit, to other labels purporting to be clinical such as educable and trainable mentally retarded (EMR/TMR), and still to more inclusive and sensitive terms such as the person-first "individuals with intellectual disabilities," differently-abled, dis/ability, and neurologically diverse (Schalock, Luckasson, & Shogren, 2007). One phenomenon that appears to be clear through it all, however, is the connection between the terminology used in such descriptions and the quality and inclusiveness of the educational and societal treatment of such individuals (Smith, 2001).

In late 17th century New England there were laws in place designed primarily to protect *idiots* under the premise of the Elizabethan "Poor Laws." Though these laws did exist, such laws became less applicable, interestingly, with the development of the society and the concept of "idiocy" losing relevance as reading, writing, and technical skills were far lower in demand and importance than were farming and manual labor skills, of which many such individuals were capable. As such, the social context of comparative abilities was irrelevant, adding legitimacy to the social context framework of intellectual disability. While at this time it cannot be said that individuals who were seen as *idiots* were abused or oppressed (in fact, quite the opposite appeared to be true) it did "set the stage" for what was to become one of the most pernicious barriers toward advancement for individuals with intellectual disabilities. The practice of protection so commonly adopted in this society soon translated to *infantilization*, or treating older individuals as infants, rendering many helpless and hopeless for any form of independence (Brennan, 2006).

The conditions seemed to change, however, by the mid 1800s. While the intent of such change was presumably positive and, again, established in the name of protection and care, the intense wave of classification and separation of the *feeble-minded* came full swing, paving the way for over a century of neglect, abuse, and segregation. The movement toward the asylum model for the *feeble-minded* arrived on the coattails of the society's philosophical shift from that of protection to that of burden, and the intentions of protecting such individuals shifted to managing the problem of *half-wits* (Brennan, 2006). Initially, the intention of the asylum was to be a temporary venue, in which individuals would learn technical skills in order to, at some point, be "re-released" into society to apply such skills. However, this was seldom achieved with the more likely outcome of asylum placement being permanent and custodial (Brennan, 2006; Trent, 1995). While the practices of the late 1800s did not lead to the amelioration of such conditions of anything resembling widespread reform, it did spark some "rays of light" for these marginalized individuals that, despite reinforcing some dangerous notions were to become in many ways foundational for the later, vastly more successful Disabilities Movement.

In 1879 in both Cleveland and New York classrooms for "backward children" were established using an "ungraded" approach-that is, teaching skills and using curriculum materials that were not analogous to the grade related to the individual's age, but rather to their cognitive and developmental level of functioning. Though philosophically improved and indubitably planting the seed for the availability of an actual classroom setting for an individual with developmental disabilities as opposed to an asylum, these rooms remained separate from those of "normal children," and were seen by many as merely a "holding operation" before institutionalization was to be finalized (Brennan, 2006; Holmes, 1915).

In the first quarter of the 20th century, reflective of the deteriorating worth of such people as perceived by a society ensconced in corporatization, industrialization, and a flourishing economy, the treatment of individuals with intellectual/developmental disabilities was exacerbated. The eugenics movement, which called for the sterilization of the *feeble minded* was largely propagated by the dubious report entitled *The Kallikak Family: A Study in the Heredity of the Feeble-Minded* by Henry H. Goddard in 1912 (Trent, 1995). Using photographs as evidence, the report claimed that feeble-mindedness was a hereditary phenomenon, purportedly evidenced by a family given the pseudonym "Kallikak," a compound of two Greek words: *kallos,* meaning good, and *kakos,* meaning bad. In this work, Goddard claimed that he had traced feeble-mindedness from one side of the family but not the other, evidencing that feeble-mindedness was, indeed, hereditary. As such, the problem of *feeble-mindedness,* according to Goddard, could be solved entirely by halting the reproductive capabilities of such individuals, thus eliminating the contaminated genes from the genome (Elks, 2005; Trent, 1995). Despite the later finding of clear disingenuousness and illegitimacy of the work, the influence had already taken in society, and by the mid 1930s tens of thousands of individuals with intellectual disability had already been sterilized, and the count was growing exponentially (Reilly, 1991). The issue had become so pervasive and important that it gained attention in 1927 by the highest judicial authority, the Supreme Court of the United States, who ruled in the case of Buck v. Bell that the sterilization of a 17 year old girl was Constitutional, despite the fact that the girl was later found to be misdiagnosed. Even those in leadership positions of institutions added little, if any optimism. Dr. F.J. Russell, superintendent of the School for the Feeble Minded in Brandon, Vermont contended that to allow such people to procreate and be "released back" into society would be a moral and economic mistake (Brennan, 2006). The deepening economic depression as well as the later Second World War provided yet another complication to an already broken system, decimating the staff at such institutions while necessitating the admittance of children as young as five years old, who came to comprise nearly 32% of the institutional population by 1944 (Goode, 1988; Rothman, 1991).

Increasing demands for scientific advancement as a result of the war also served to put individuals with intellectual disabilities in a precarious and eventually abusive position. The diminishing staff in the institutions made it nearly impossible to maintain livable conditions, eventually leading to environments overwrought by abject squalor as revealed in the powerful photo essay *Christmas in Purgatory* (Blatt & Kaplan, 1974) and exposé *Shame of the States* (Deutsch, 1948). Furthermore, since there was little, if any, oversight of such institutions and diminutive worth attributed to such individuals, the commonality of uncontrolled and abusive scientific experimentation on the residents increased (Brennan, 2006). Though the war eventually ended, as did the Depression, the shameful and treacherous conditions for individuals with intellectual disabilities in institutions remained until the 1970s (Bursztyn, 2006).

During the middle of the 20th century, however, history began to turn, at least in some way, favorably for individuals with intellectual disabilities. While much of this era's approach toward such individuals was based in sympathy, in many ways "patheticizing" individuals with disabilities (as is evident with aforementioned Jerry's Kids approach), the first real seeds of social and political change for this group of individuals were planted, laying strong groundwork for the future movement towards empowerment, individualization and, ultimately, the continued effort toward genuine liberation. Most significantly, this era brought about the vast concern for deinstitutionalization, shifting the perception of disability from being a burdening population of people needing eradication to a legitimized culture who needed real support, advocacy, and attention. The overarching challenge of segregation still remained, however, and though it seemed that society's views were now more favorable, the change in actual treatment was slow to follow.

Philosophical and Legislative Change Regarding Exceptionality in the United States

Perhaps the most promising philosophical shift came in the 1960s from Bengt Nirje, a Swede whose interest in liberation and marginalized individuals stemmed from his experience as a Red Cross officer in a Hungarian refugee camp in Sweden. Inspired by the ability of the refugees in the camp to retain their sense of "normalcy" despite being separated from the comforts of their home and culture, Nirje became inspired to mimic the condition for individuals with disabilities, whom he believed to be experiencing an analogous form of imprisonment in institutions in the United States without the access to normalcy. As such, Nirje promoted the use of the term "normalization" with relation to individuals with disabilities and emphasized that all individuals, including those with disabilities, have a right to establish a normal day with choice, work, and pleasure- a liberty they were too often robbed of in institutions (Nirje, 1969). Nirje's philosophical musings are a likely starting point for what we now call the Disability Rights Movement, inspiring such whirlwind organizations as the Council for Exceptional Children (CEC), which was then merely the Special Education division of the National Education Association, to become an independent entity, as well as the Association for the Severely Handicapped (TASH) to be vociferously active and influential in the struggle, as well as to set the spirit for the imminent legislative actions that would come to bring the issues of individuals with disabilities to the Congress floor (Kode, 2002).

The first major legislation in favor of individuals with disabilities specifically came with the Architectural Barriers Act of 1968 (which was in large part inspired by the Civil Rights Act of 1964 that did not include individuals with disabilities), which mandated that all buildings that are owned by or built with federal grant money be built or renovated to improve access for individuals with physical disabilities. While an effort primarily on paper and lacking any real funding, oversight, or implementation, the Act prompted a legislative shift toward attention to disability rights, laying a strong foundation for the Rehabilitation Act of 1973 (P.L. 93-112), passed under the administration of Lyndon B. Johnson (Wodatch, 1990).

But it was Section 504 of the Rehabilitation Act which provided the most significant progress toward inclusion for individuals with disabilities. Section 504 marked the first legislative action to outlaw occupational or educational discrimination of individuals with disabilities if they are otherwise capable. Though a marked improvement, some significant problems existed. First, the language of the law is clear about "qualification of capability," unmistakably referring to individuals with physical or modality disabilities who are "otherwise capable," not those with developmental or intellectual disabilities, and was initially only applied to publicly funded entities, not private organizations or publicly funded programs which did not receive Federal monies. Furthermore, there was a paucity of case history to "try" the legislation, deeming it more of a change in philosophy than a change in law (Hurley, 1991). Most importantly, however, is the fact that the passed version of the bill marked a compromise between the Nixon administration and the 93rd Congress, signifying Nixon's initial veto of the bill from fear of its extension into non-vocational and independent living services, clearly evidencing the perpetuating perception of such individuals as a burden to society. The debate over the bill was so persistent and acrimonious that it was not actually enacted until four years later under the Carter administration. Despite the tumultuous and circuitous path the legislation secured the now indelible link between disability and anti-discrimination law (Wodatch, 1990).

With the plague of segregation still present and the notions of "ableism" and "special as separate" still guiding educational policy, the first major disabilities education case was entertained by a high court. In Pennsylvania Association for Retarded Citizens v. the Commonwealth of Pennsylvania ("PARC v. PA," 1972), the plaintiffs claimed that 3 million individuals with intellectual disabilities were still not receiving appropriate educational services and nearly 1 million were denied educational services altogether. The decision found, in short, that it was unconstitutional for schools to deny persons with mental retardation any level of appropriate education. A second landmark case, Mills v. the Board of Education of Washington, D.C. ("Mills v. BOE," 1973) was filed on the premise that schools should provide services for individuals with disabilities in the public schools as opposed to sending them out to alternative placements. The finding of this case asserted that, "a presumption that among the alternative programs of education, placement in a regular public school class with appropriate ancillary services is preferable to placement in a special school class" (Yell, Rogers, & Rogers, 1998).

The ultimate turning point in legislative history was soon prompted by these two landmark cases. Passed in 1975 and enacted in 1977, Public Law 94-142 (P.L. 94-142), also known as the Education for all Handicapped Children Act (EAHCA) was the first piece of legislation to regard the comprehensive definition of disability (including physical, modality, intellectual, and developmental) in relation to educational opportunities and discrimination, mandating access to a free and appropriate public education in the least restrictive environment (Wodatch, 1990).

Some years later the continuance of EAHCA was threatened by the Reagan administration as part of the larger deregulatory effort in government at the time, though it remained in place due to fervent opposition from the now large and more powerful disabilities community made up of teachers, parents and, most importantly, individuals with disabilities themselves. To further instill the cause of education for individuals with disabilities, an influential paper put forth by Madeline C. Will, the Assistant Secretary of the Office of Special Education under the Reagan administration caused the well-known educational activists and scholars Wang, Rubenstein, and Reynolds to promulgate the first comprehensive model for inclusive education, known as the Regular Education Initiative (REI), which concluded that individuals with disabilities continued to be segregated from public schools despite P.L. 94-142, and sought to incorporate individuals with all severities of disabilities into mainstream public schools. REI represented a significant but possible change, as it proposed the maintenance of separate classrooms for individuals with severe disabilities when appropriate (especially when such classrooms were housed in public schools), however, moved to incorporate individuals with more mild disabilities into general education classrooms, moving toward what was referred to as "The Big Tent" of education. A second, far more radical model known as the Inclusive Schools Movement called for the complete dissolution of special education, and sought to incorporate all individuals with all severities of disabilities into mainstream classrooms. Though still evident in the philosophies of some in the field, this represents a much less common philosophy due to its radical approach and improbability of implementation (Fuchs & Fuchs, 1994).

Continuing toward the fair representation of individuals with disabilities in Federal law, the Federal Housing Amendments of 1988 covered non-discrimination and accessibility rights to previously uncovered entities including public housing. This was more of a pretext, however, to the next major legislative action in the form of the Americans with Disabilities Act of 1990 (ADA), signed into law under the administration of George H.W. Bush, who declared the act as "the world's first comprehensive declaration of the equality of people with disabilities, and evidence of America's leadership internationally in the cause of human rights. With today's signing of the landmark Americans with Disabilities Act, every man woman and child with a disability can now pass through once closed doors, into a bright new era of equality, independence and freedom" (NCD, 2002).

Following ADA in 1990, the Act previously known as the Education for All Handicapped Children Act was renamed the Individuals with Disabilities Education Act (IDEA), and became the most comprehensive piece of legislation governing the educational provision of all individuals with many types of disabilities. The main statutes, however, enacted five main premises: (1) eligibility requirements for coverage under the law, with the current version recognizing 13 categories of disabilities for qualification; (2) the maintenance of the provision put forth by PL 94-142, a free and appropriate public education to be provided by the public schooling district and at no cost to the family; (3) that services were to be provided in the least restrictive environment, a tenet whose meaning and application continues to be debated, and has been argued and interpreted from school and level meetings to Federal courts; (4) the generation and application of an Individualized Education Program, known more commonly as an IEP, which provides a framework for differentiated and personalized provisions for individuals with disabilities; and (5) the provision of appropriate related services such as specific transportation considerations, various therapies, and parent consultation and training to name only a few (http://frwebgate.access.gpo.gov/cgibin/getdoc.cgi?dbname=108_cong_public_laws&docid=f:publ446.108)

Though undoubtedly the most profoundly significant and promising advancement in the field of disability rights, the Act did not go untested, and was in no way a panacea for the continuing plight of individuals with disabilities. In 1993, Oberti v. the Board of Education of the Borough of Clementon in New Jersey ("Obierti v. Clementon," 1993), a third landmark court case was tried and found in favor of individuals with disabilities. In the matter Rafael Oberti, an 11-year old boy with Down's Syndrome, was historically placed in a segregated school outside of the local school district. The judgment, delivered by Circuit Judge Becker contended that "the Act does *not* require states to offer *the same* educational experience to a child with disabilities as is generally provided for nondisabled children.... To the contrary, states must address the unique needs of a disabled child, recognizing that that child may benefit differently from education in the regular classroom than other students. .... In short, the fact that a child with disabilities will learn differently from his or her education within a regular classroom does not justify exclusion from that environment." This finding represented a major victory regarding accessibility for individuals with disabilities, and though still struggling, the trajectory from this point on has resulted in far more inclusion of individuals in mainstream public schools.

The Current State of Exceptionality in Education

While progress has clearly been made in the legislative and societal perspectives of individuals with disabilities, the future must continue to be regarded with caution. Many of the clues as to how individuals with disabilities will be continue to be handled by the government can be gleaned from the trends and suggestions of the Obama Administration, as outlined in Obama's *Plan to Empower Americans with Disabilities* (http://www.barackobama.com/pdf/DisabilityPlanFactSheet.pdf).

Aspects of Obama's administration have demonstrated his adherence to some of his campaign promises. In February of 2009, Obama appointed Kareem Dale, a blind man, as Special Assistant to the President on Disability Policy, the first administrative post in American government to serve as an advisor solely for disability policies. Furthermore, Obama invested a substantial amount of monies from the American Recovery and Reinvestment Act (ARRA) into special education financing, though a temporary solution (http://www.whitehouse.gov/issues/disabilities). However, persistent budgetary concerns and a downturned economy continue to threaten the financial well-being of special education initiatives, of which only time will reveal true developments.

Outside of the Obama Administration, however, there are also clues as to how the education of individuals with exceptionalities will come to be handled in the imminent future. Segregation of individuals with disabilities has propagated a concept similar to racism and sexism known as "ableism." That is, reducing individuals to expectations analogous to their perceived ability and diagnosis and providing education as such, leading not only to sub par and tenuous education for some, but blatant exclusion for others (Hehir, 2005). Awareness and advocacy, however, are combating these practices, and social and political change both on the national and international level seems promising (Krahn & Campbell, 2011; Quinn, 2009). Promising educational and curriculum initiatives are also beginning to emerge as well, including Response to Intervention (RtI), known also as a pre-referral strategy and Universal Design for Learning (UDL), based on Mace's (1985) concept of Universal Design in architecture and advances in brain and neuroscience research (Berkeley, Bender, Peaster, et al, 2009; Meo, 2008; Wu, 2010).

Conclusion

While there has clearly been much progress made in the United States regarding education for individuals with disabilities, it is dangerous for any group of people to become complacent with current policies in the name of success, especially when that group possesses such vacillating histories. As a result, though the histories of individuals with disabilities have undoubtedly improved, it is imperative that the movement remain active in maintaining the progress and continuing the betterment for themselves. It is imperative that we heed Santayana's admonition and continue to further the inalienable rights of individuals with disabilities.

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