



TABLE 2.1 A Synopsis of Selected Court Cases Influencing Special Education Practice

Case	Year	Issue	Judicial Decision
<i>Brown v. Board of Education of Topeka, Kansas</i>	1954	Educational segregation	Segregation of students by race ruled unconstitutional; children deprived of equal educational opportunity. Ended “separate but equal” schools for white and black pupils. Used as a precedent for arguing that children with disabilities cannot be excluded from a public education.
<i>Diana v. State Board of Education</i>	1970	Class placement	Linguistically different students must be tested in their primary language as well as English. Students cannot be placed in special education classes on the basis of IQ tests that are culturally biased. Verbal test items to be revised so as to reflect students’ cultural heritage. Group-administered IQ tests cannot be used to place children in programs for individuals with intellectual disability.
<i>Pennsylvania Association for Retarded Children v. Commonwealth of Pennsylvania</i>	1972	Right to education	State must guarantee a free public education to all children with intellectual disability ages 6–21 regardless of degree of impairment or associated disabilities. Students to be placed in the most integrated environment. Established the right of parents to participate in educational decisions affecting their children. State to engage in extensive efforts to locate and serve (“child-find”) all students with intellectual disability. Preschool services to be provided to youngsters with intellectual disability if local school district serves preschoolers who do not have intellectual disability.
<i>Mills v. Board of Education of the District of Columbia</i>	1972	Right to education	Extended the Pennsylvania decision to include <i>all</i> children with disabilities. Established the constitutional right of children with exceptionalities to a public education, matched to their needs, including specialized instruction, regardless of their functional level. Presumed absence of fiscal resources is not a valid reason for failing to provide appropriate educational services to students with disabilities. Elaborate due process safeguards established to protect the rights of the child, including parental notification of pending initial evaluation, reassignment, or planned termination of special services.
<i>Larry P. v. Riles</i>	1972, 1979	Class placement	African American students could not be placed in classes for children with mild intellectual disability solely on the basis of intellectual assessments found to be culturally and racially biased. School officials directed to develop an assessment process that would not discriminate against minority children. Failure to comply with this order resulted in a 1979 ruling that completely prohibited the use of IQ tests for placing African American students in classes for children with mild intellectual disability. Ruling applies only to the state of California.
<i>Lau v. Nichols</i>	1974	Equal educational opportunity	A milestone case in the field of bilingual education. U.S. Supreme Court ruling noted that “there is not equality in treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from a meaningful education.” Required schools to offer special language programs to English learners in order to confer equal educational opportunity.
<i>Armstrong v. Kline</i>	1980	Extended school year	State’s refusal to pay for schooling in excess of 180 days for pupils with severe disabilities is a violation of their rights to an appropriate education. The court found that some children with disabilities will regress significantly during summer recess and have longer recoupment periods; thus, they are denied an appropriate education if not provided with a year-round education.
<i>Tatro v. State of Texas</i>	1980	Related services	U.S. Supreme Court held that catheterization qualified as a related service under PL 94–142. Catheterization was not considered an exempted medical procedure, as it could be performed by a health care aide or school nurse. Court further stipulated that only those services that allow a student to benefit from a special education qualify as related services.