

## Individuals with Disabilities Education Act: Historical Summary of Prior Law

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| 1966 | P.L. 89-750  | Elementary & Secondary Education Amendments of 1966                                 |
| 1970 | P.L. 91-230  | Education of the Handicapped Act (EHA)  |
| 1975 | P.L. 94-142  | Education for all Handicapped Children Act  |
| 1983 | P.L. 98-199  | EHA Amendments of 1983  |
| 1986 | P.L. 99-372  | Handicapped Children's Protection Act   |
| 1986 | P.L. 99-457  | EHA Amended to include Part "H" for Early Intervention Services                     |
| 1990 | P.L. 101-476 | EHA Amendments of 1990 - Renamed Individuals with Disabilities Education Act (IDEA) |
| 1994 | P.L. 103-382 | Improving America's Schools Act   |
| 1997 | P.L. 105-17  | IDEA Amendments of 1997   |

### • Historical Reference to "Supplement, not Supplant" provisions:

1975 P.L. 94-142 Education for all Handicapped Children Act

613(9) "provide satisfactory assurance that *Federal funds made available under this part (A) will not be commingled with State funds, and (B) will be so used as to supplement and increase the level of State and local funds expended for the education of handicapped children and in no case to supplant such State and local funds*, except that, where the State provides clear and convincing evidence that all handicapped children have available to them a free appropriate public education, the commissioner may waive in part the requirement of this clause if he concurs with the evidence provided by the State;"

### • Historical Reference to the Financial Responsibilities of Other Agencies:

1986 P.L. 99-457 EHA Amended to include Part "H" for Early Intervention Services

"Sec. 681. (a) NONSUBSTITUTION. - *Funds provided under section 673 may not be used to satisfy a financial commitment for services which would have been paid for from another public or private source but for the enactment of this part*, except that whenever considered necessary to prevent the delay in the receipt of appropriate early intervention services by the infant or toddler or family in a timely fashion, funds provided under section 673 may be used to pay the provider of services pending reimbursement from the agency which has ultimate responsibility for the payment."

"(b) REDUCTION OF OTHER BENEFITS. - Nothing in this part shall be construed to permit the State to reduce medical or other assistance available or to alter other eligibility under Title V or the Social Security Act (relating to maternal and child health) or Title XIX of the Social Security Act (relating to Medicaid for handicapped infants and toddlers) within the State."

"ELIGIBILITY FOR FINANCIAL ASSISTANCE

"Sec. 203. SHARING OF COSTS OF FREE APPROPRIATE PUBLIC EDUCATION

613(a)(13) "...*set fourth policies and procedures for developing and implementing interagency agreements between the State educational agency and other appropriate State and local agencies to (A) define the financial responsibility of each agency for providing handicapped children and youth with free appropriate public education, and (B) resolve interagency disputes including procedures under which local educational agencies may initiate proceedings under the agreement in order to secure*

*reimbursement from other agencies or otherwise implement the provisions of the agreement.”*

613(e) “This act shall not be construed to permit a State to reduce medical and other assistance available or to alter eligibility under titles V and XIX of the Social Security Act with respect to the provision of a free appropriate public education for handicapped children within the State;”

**Note: Section 673 refers to Early Intervention programs but the same principles apply to school age children.**