

You Can't:

The Rights and Responsibilities of Neurodivergent Children

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While looking at different topics for NHD, I felt drawn to Special Education and the idea of the children whose right it is to learn in the way that benefits them. As I began to research neurodivergent education, I became aware of the varying levels of responsibility public education has shown over history. The right to learn has been a part of American history since the early days of colonial times, yet special education wasn't provided for the children who needed it for a very long time. *You Can't* is often what children hear when they can't learn through traditional methods; they are thought of as 'stupid' or 'unwilling to learn. My grandfather has shared the taunting he suffered because of a hearing impairment. Through research, I focused on the path to responsible public education for all. **The passage of Public Law 94-142, also known as the Education for All Handicapped Children Act of 1975, established a legal foundation for the *rights* of children with disabilities in the United States. It included a mandate for free and appropriate public education access, marking the clear *responsibilities* of public education and the modifications that shape current policies.**

As I began my early research, I had the opportunity to converse with Dr. Russell Gersten from the Instructional Research Group. His early exposure to neurodivergent students began just as public schools were addressing the needs of Special Education and evolved during the legislative and lobbying processes, giving me an insight into specific areas of research and how legislation has impacted classroom models, curriculum, and current research. Unlike many events in history, the rights and responsibilities of students with special needs have not been linked to any one champion. Advocacy groups benefited from the struggles of Rosemary Kennedy and the family ties to John F. Kennedy and Robert Kennedy were influential in federal legislation which I researched through books, videos, and links to group histories online. The State of Minnesota

also has extensive online materials focused on the history of special education, which I used to guide my research.

I have chosen a website format to present my argument for several reasons. As a continuing NHD participant, I wanted to be able to improve my technology skills. In addition, the evidence that supports my argument is primarily court documents, opinions, and legislation. The ethical nature of including images of minors has limited the amount of photographs, and I have been challenged to argue with words to express the magnitude of marginalization these students experienced. I am thankful for the insight given by regional and state judges to expand my topic. Today, special education laws outline the rights of students needing additional support and clarify who is responsible for enacting them. The passage of Public Law 94-142 outlined the rights of all students to be provided with a free, appropriate public education and has shaped the responsibility of schools and governments to provide equal access. The struggle continues to be one not of moral responsibility but financial.