

## LEGISLATIVE HISTORY

P.L. 94-142

According to information the Committee has received, 35 states have laws which provide services to children with handicaps at an age less than six years old. There are 15 states and the District of Columbia then where services are not required for at least some group of handicapped children below school age, but even some of these states have laws which permit such services to such handicapped children.

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The bill as reported to the full Committee from the Subcommittee on the Handicapped provided for such services to the age group 3 to 5 years of age. As reported to the full Committee, S. 6 reflected the commitment to service for preschool children that was adopted in P.L. 93-380 last year. This position was consistent with present law.

Therefore, we do not agree with the full Committee action which makes such service permissive for those states who are not providing services or whose laws prohibit or do not authorize the provision of such services. We think that the action taken by the Committee unwisely moves the Congress away from the policy in present law which emphasizes the earliest possible service to handicapped children.

ROBERT T. STAFFORD.

EDWARD M. KENNEDY.

WILLIAM D. HATHAWAY

RICHARD SCHWEIKER.

J. K. JAVITS.

## SENATE CONFERENCE REPORT NO. 94-455

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### JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6) to insure the right to an education for all handicapped children and to provide financial assistance to the States for such purpose, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment to the text of the bill struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

#### *Short title*

The Senate bill provides that the Act may be cited as the "Education for All Handicapped Children Act"; the House amendments provide that the Act may be cited as the "Education for All Handicapped Children Act of 1975". The Senate recedes.



## HANDICAPPED CHILDREN, EDUCATION

P.L. 94-142

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*Section 6.* Establishes that the effective date of sections 3 and 4 of the Education for all Handicapped Children Act shall be on and after July 1, 1976, *except that* (1) clauses (A), (C), (D) and (E) of paragraph (2) of new section 614 of the Act shall take effect on and after August 21, 1975, (2) subsection (a) (1) (D) and subsections (d) and (e) of new section 617 of the Act and subsection (a) and subsection (c) (2) of new section 618 of the Act shall be effective upon the date of enactment of the Committee bill and, (3) the Commissioner may prior to July 1, 1976, issue such regulations and make such determinations as he determines necessary to carry out the amendments to the Act made by sections 3 and 4 of the Committee bill.

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### ADDITIONAL VIEWS OF SENATORS STAFFORD, JAVITS, KENNEDY, SCHWEIKER, AND HATHAWAY

This Committee has a longstanding commitment to the welfare of preschool children. That commitment has been backed up in other legislation developed by the Committee and we do not feel that it should be diluted in such an important area as the education of handicapped children. If it is the Congress' intent that all children should receive an appropriate education it seems clear that such a commitment must include the requirement that services be provided at the most appropriate time—when the child is at the earlier stages of development and will thus benefit most; *not* when it happens to be convenient.

This Act deals with a *special* group of children who need special educational services. It provides assistance for these services at Federal expense. To delay the delivery of those services because of restrictions of State law or practice is neither reasonable nor wise.

We, therefore, disagree with the action taken during full Committee consideration of this bill, which dropped the mandate for 3 to 5 year olds, and restate our firm belief in the principle of requiring special education services for those children with handicapping conditions who are younger than mandated school age.

During consideration of S. 6, testimony from parents, teachers, and experts in special education specifically emphasized the need for the earliest possible identification, evaluation, and service to children prior to their entry into the normal educational process.

The Committee heard testimony which indicated strongly that special educational services provided to handicapped children before "normal" school age were often the most beneficial, since much more could be done at an earlier age to ameliorate, alter, or develop skills to compensate for, certain handicapping conditions. The earlier such conditions can be diagnosed, in the long run, the less costly the special educational services the child will need during his or her school years.

We are cognizant of the concerns of the States regarding their financial capacity to provide a full educational services to this group of children. Nevertheless, we feel that it is imperative to point out that the benefits of early identification and education, both in terms of prevention of future human tragedy, and in the long-term cost effectiveness of tax dollars, are so great as to justify continued emphasis upon preschool education for handicapped children.