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Ford's Legacy Includes a Special Education Law He Signed Despite Worries

By **Michelle R. Davis**

When President Gerald R. Ford signed the 1975 special education legislation that would have a huge impact on education, his ambivalence was evident.

Though he supported the mission to open classroom doors for children with disabilities, the fiscally conservative president expressed worries that the Education for All Handicapped Children Act would strain the resources of the federal government and raise false expectations of support—predictions that many special education observers say have become a reality.



President Ford working in the Oval Office on March 25, 1975.

—David Hume Kennerly/White House photograph courtesy of Gerald R. Ford Library

As political dignitaries, family members, and friends said goodbye yesterday in Washington to the nation's 38th president, who died Dec. 26 at age 93, others were trying to make sure that his words regarding special education were remembered and heeded by those trying to improve the landmark law, now called the Individuals with Disabilities Education Act, or IDEA.

When President Ford, a Republican, signed the original measure into law on Nov. 29, 1975, his written statement revealed his conflicted feelings: "Unfortunately, this bill promises more than the federal government can deliver, and its good intentions could be thwarted by the many unwise provisions it contains."

"His signing statement is so prescient, it's amazing," said Miriam Kurtzig Freedman, a Boston-based special education lawyer, who after Mr. Ford's death spent time distributing the signing statement. "Acknowledging the law has major challenges makes you want to improve the law, not do away with it."

Mr. Ford's 29-month presidency, which began in August 1974 when the Watergate scandal forced President Richard M. Nixon from office, was marked by tumultuous events, including the end of the Vietnam War, his pardon of Mr. Nixon, and battles over civil rights.

A look back shows President Ford's major role in education policy remains the IDEA, but he also left his fingerprints on issues including school desegregation and equal access to educational opportunities regardless of gender.

"He was quite open to ideas on education," said David Mathews, who served President Ford as secretary of the Department of Health, Education, and Welfare, which preceded the creation of the U.S. Department of Education in 1979. "Anytime I wanted to talk about education or make proposals, I found him quite receptive."

But with everything else going on during his presidency, and the fact that he came into office in such a sudden and controversial manner, the focus for President Ford was not often on education. In addition, his political views sometimes clashed with efforts to establish new federal educational programs and put more money into education, said Gareth Davies, a lecturer on American history at Oxford University in Oxford, England, who is writing a book about the history of federal education policy in the United States.

"He was not greatly concerned with education policy on its merits, in my view, but saw it through an exclusively budgetary lens," Mr. Davies wrote in an e-mail. "The point here is

not that Ford was in any sense 'anti-education,' but rather that he was an old-fashioned conservative who thought that education was a matter for the states."

Serious Reservations

But as a member of the U.S. House of Representatives from Michigan from 1949 until he replaced Spiro T. Agnew as vice president in 1973, Mr. Ford had several allies with a particular interest in education. One was Albert Quie, a Republican congressman from Minnesota who later became that state's governor, and who helped Mr. Ford ascend to the minority leader's position while serving in the U.S. House. When Mr. Ford became vice president and then president, he retained a close relationship with Mr. Quie, which they had forged on the floor of the House and in a prayer group that both attended.

Not long after Mr. Ford became president, he summoned Mr. Quie and staff members from the Department of Health, Education, and Welfare to the Oval Office to talk about the proposed Education for All Handicapped Children legislation, which Mr. Quie was pushing for approval.

According to Mr. Quie, the HEW officials had a different view of the legislation. "They laid out their ideas for the president, and then President Ford turned to me and asked my view," Mr. Quie recalled. "I laid it out the way I thought it ought to go."



Ashley Mesman, 8, places a candle over a Boy Scout kerchief as people gathered to honor President Gerald R. Ford near the Gerald R. Ford Presidential Museum in Grand Rapids, Mich., on Jan. 2.

—Kathleen Galligan/Detroit Free Press/AP

The president "turned back to his department and said, 'What's wrong with that?' Then he told them to go ahead and do it the way Quie laid out."

The legislation passed overwhelmingly. Still, President Ford had serious reservations about it.

"Everyone can agree with the objective stated in the title of this bill—educating all handicapped children in our nation," Mr. Ford said in the signing statement. "The key question is whether the bill will really accomplish that objective. Even the strongest supporters of this measure know as well as I that they are falsely raising the expectations of the groups affected by claiming authorization levels which are excessive and unrealistic."

"He had those reservations for a good reason, which we saw as we watched it unfold," Mr. Quie said.

The law established a federal mandate of a "free, appropriate public education" for children with disabilities and opened classroom doors to many children who were previously excluded. After the law was enacted, 1 million children who had not been receiving any educational services were identified and brought into public schools.

But disagreement over the federal government's funding role remains. The law originally said the federal government would pay 40 percent of schools' excess special education costs by 1982, based on the national average for per-pupil expenditures.

But Congress later amended the law to say that the federal government would pay a "maximum" of 40 percent of per-pupil costs. Today, the federal government pays about 18 percent of the costs, according to federal officials.

'Sensible and Practical'

Mr. Ford also played a significant part in establishing the regulations for Title IX of the Education Amendments of 1972, the law that prohibits sex discrimination in federally funded education programs. His administration developed and he signed the regulations that mapped out just how Title IX should be enforced, from the classroom to the athletic field, said Marcia D. Greenberger, the co-president of the Washington-based National Women's Law Center.

Though advocacy groups had to file a lawsuit to force the administration to come out with the final regulations, Ms. Greenberger said when President Ford signed them in 1975, they were well thought out and have stood the test of time, remaining largely intact today.

"Looking back on it, there was certainly foot-dragging, but on the other hand, there was not a hostility to those laws that we had seen before," she said. "So when the regulations were issued, they were sensible and practical, and they gave meaning to the spirit behind Title IX."

President Ford and his administration, Ms. Greenberger added, withstood enormous outside pressure to squelch or limit the impact of the Title IX law through the regulations.

The other education issue at the forefront during Mr. Ford's presidency was school desegregation.

But the president did not take a strong leadership role when it came to that issue, said William L. Taylor, the chairman of the Citizens' Commission on Civil Rights, an advocacy group based in Washington. Though the tumultuous desegregation of the Boston public schools was in newspapers across the country and inspiring court battles, Mr. Ford's administration seemed to sit back and watch the events unfold rather than take strong action, Mr. Taylor said.

Mr. Mathews, the former HEW secretary, said Mr. Ford considered himself a healer and strove to help communities deal with desegregation in a more courteous manner. "He proposed and encouraged the formation of biracial citizen groups at all levels to try to help communities in making the transition from segregated to desegregated schools," Mr. Mathews said.

However, legislation to establish a national committee that would encourage such citizen groups to work with schools did not progress, Mr. Mathews said.

Still, Mr. Ford worked on issues of access and equal rights in education even after leaving office. In 1987, he and former President Jimmy Carter—who defeated Mr. Ford in the 1976 election—co-chaired a panel that issued a call to reverse lagging minority participation in higher education.

But Mr. Ford's education legacy will always be the signing of the Handicapped Children's Act and his predictions about the difficulties of balancing the ideals of the law with its costs, said Ms. Freedman, the Boston special education lawyer, who in 2005 was behind the establishment of a national Special Education Day. She said Mr. Ford's concern for special education tempered with his clear view at the realities of the law should inspire those who work in the special education field to make improvements.

Ms. Freedman said she treasures a letter from Mr. Ford, framed and hanging in her office, congratulating her on establishing Special Education Day.

"I feel like it's a personal loss," she said of his death. "He really connected with us."

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