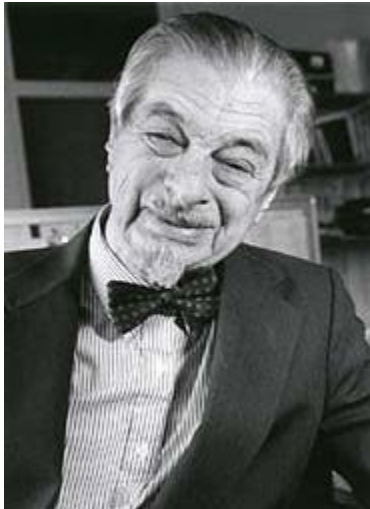


# All children have the same rights to education

by [Access Press Staff](#) // August 10th, 2013

All children have the same basic right to education, thanks to the 1954 U.S. Supreme Court decision in the case of *Brown v. Board of Education of Topeka*. The nation's highest court ruled that the right and opportunity to an education must be made available to all on equal terms, "all" meaning people of all races.



Even though the *Brown* case had no reference to children with disabilities, its legal precedent provided for 1971 and 1972 court decisions in Pennsylvania and Washington, D.C. Those decisions extended the right to a free public education to children with any kind of diagnosed disabilities.

One of the many people who followed *Brown v. Board of Education* with interest was Dr. Gunnar Dybwad. He was professor of human development at the Florence Heller Graduate School of Brandeis University and an internationally known authority on developmental disabilities. In 1954, early in his tenure as executive director of what was then the National Association for Retarded Children, Dybwad called attention to the Supreme Court's decision in *Brown v. Board of Education*.

Dybwad suggested that what *Brown* sought to recognize and change for African-American children, that "separate facilities are inherently unequal," had enormous possibilities for children with disabilities as well. But the biggest breakthrough didn't come until 1971, when attorney Thomas K. Gilhool, representing the *Pennsylvania Association for Retarded Citizens v. Commonwealth of Pennsylvania (PARC v. Commonwealth)*, used *Brown v. Board of Education* in his arguments. The Pennsylvania case resulted in a landmark decision affirming the right to education at public expense and due process for children with disabilities.

At the time of that ruling, Dybwad was quoted on page one of the *New York Times*. He stated, "The decision makes Pennsylvania the first state in the union to guarantee education and training to all of its children with developmental disabilities now and in the future."

Four days later, on its editorial page, the *New York Times* called on the Congress to do that for all of the states of the United States. Within two months in the House of Representatives, and another month later in the United States Senate, what became Section 504 was introduced. Shortly thereafter, what became the Education for All Handicapped Children's Act of 1975 was became Public Law.

In a video clips, Dybwad speaks of the influence of the courts and Gilhool speaks of Dybwad's influence on the courts, at [www.mnddc.org/parallels2/three/video/video19-dybwad.html](http://www.mnddc.org/parallels2/three/video/video19-dybwad.html)

Longtime Access Press History Note readers may recognize Dybwad's name. In May 2009 writer Luther Granquist described how in the 1940s, a Mayo Clinic pediatrician advised that mothers should be separated from a child with Down syndrome (Mongolism was the term used then) immediately after birth. From 1942 to 1944, 67 babies in Minnesota were placed under state guardianship allowing for placement in a boarding home and, ultimately, a state hospital.

In 1946, Dr. Benjamin Spock made a similar recommendation in the first edition of *Baby and Child Care*. Both doctors contended that the family would be far better off without a child with a disability and that the child with Down syndrome would fare better in an institution. Dybwad, for his part, opposed such separation and chastised doctors who did so.

---

### **Would you like to make history?**

*Access Press is interested in reader submissions for the monthly History Note column, to complement the articles written by Luther Granquist and other contributors. Submissions must center on events, people and places in the history of Minnesota's disability community. We are interested in history that focuses on all types of disability topics, so long as the history has a tie to Minnesota. We are especially interested in stories from Greater Minnesota. Please submit ideas prior to submitting full stories, as we may have covered the topic before. Contact us at [access@accesspress.org](mailto:access@accesspress.org) or 651-644-2133 if you have questions.*

*The History Note is a monthly column sponsored by the Minnesota Governor's Council on Developmental Disabilities, [www.mncdd.org](http://www.mncdd.org) and [www.partnersinpolicymaking.com](http://www.partnersinpolicymaking.com)*