

UNIVERSITY OF WISCONSIN – EAU CLAIRE

**“PERMISSIVE TO MANDATORY”:  
SPECIAL EDUCATION IN THE STATE OF WISCONSIN**

A CAPSTONE PROJECT SUBMITTED TO HISTORY 489

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## **ABSTRACT**

In the State of Wisconsin, Special Education began as educational rights and opportunities for the blind and deaf. By 1975, Special Education in Wisconsin had expanded to include education for all students, no matter the disability, and new and exciting ideas such as the Individualized Education Plan and the Least Restrictive Environment. Extensive state and federal legislation passed in the early 1970's not only moved Special Education in Wisconsin from the permissive to mandatory basis it also gave every student in the State a free and appropriate public education and an education as similar to that of a general education student.

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## INTRODUCTION

The first time that I entered a special education classroom as a student observer I was naturally a bit apprehensive about what I was going to encounter, but also very eager and excited to begin this new experience. What I encountered during that half-semester was beyond anything I could have possibly imagined. That experience and my continuing path as a Special Education minor here at the University of Wisconsin Eau Claire, has prompted me to do further research on the field of special education not only here in the State of Wisconsin but also from a national perspective. I wanted to do a general history of special education; yet, I also desired to know if there was a specific point where special education evolved, or changed significantly from where it began. Lastly, I wanted to take a more current look at special education today and where it may be going in the future. The funding issues in public schools have been well-documented and well-publicized in recent years. I was interested to see how special education was faring during this difficult time period and further how it will continue to progress and evolve in the future.

The main question I sought to answer as I researched and wrote this paper had three main segments. First, what was special education like in Wisconsin and the United States in general, before the era of reform and change brought on by Public Law 94-142 at the national level and in Wisconsin, Chapter 115, Laws of 1973? Second, how did Public Law 94-142 and other educational reforms reshape and change special education? And third, how have these reforms shaped special education to what it has become today, specifically in Wisconsin?

After completing my research, I discovered that before Public Law 94-142 and Chapter 115, Laws of 1973, special education was often left up to the states to fund and mandate, and this led to widespread differentiation in how students were educated. Prior to the enactment of federal legislation in the 1974, the perception, and to an extent the reality, was that children with mental and physical retardation were being inadequately acknowledged by school systems.<sup>1</sup> By the 1974, however, federal legislation changed special education drastically. Programs and services for children and youth with exceptional needs were no longer based upon a permissive policy and approach; subsequent program and service development in the field was developed on a mandatory basis.<sup>2</sup> As a special education minor that has been in the classroom, this philosophy is clearly evident today.

Based on the changing philosophy in special education brought on by Public Law 94-142 and Chapter 115, Laws of 1973, special education in Wisconsin has changed dramatically since the era of reform in the 1970's. Students that may have been uneducated or even completely ignored by the public educational system before this time period are now guaranteed a free, appropriate public education. Although the extensive federal law has brought with it limited federal funding to state institutions, Wisconsin in particular has developed its own methods for satisfying the needs of special education students.<sup>3</sup>

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<sup>1</sup> Ken Blessing. *150 Years of Special Education in Wisconsin*. (Madison, WI: Privately Published, 2000), 6.

<sup>2</sup> Ibid, 3.

<sup>3</sup> Thomas Hruz. *The Growth of Special Education in Wisconsin*. (Thiensville, WI: Wisconsin Policy Research Institute, July 2002).

Based on extensive state and federal legislation, as well as important philosophical changes within the public school system in Wisconsin, it is clear that special education in the State of Wisconsin has evolved and changed to meet more effectively federal requirements and provide each special education student a free and appropriate public education in the least restrictive environment, as similar to that of an education of a general education student.

### **PART 1: U.S. HISTORY BEFORE 1973**

The beginnings of special education programs in the United States occurred in the 1880's and can be traced to the development of state residential schools for the deaf and blind, public day school classes for the deaf, and numerous programs for the "feeble-minded."<sup>4</sup> By the early 1900's, specific institutions for blind students and students with mental retardation were widespread in the United States, while only a few public schools served students with disabilities who did not fit the already established curriculum.<sup>5</sup> During this time period, most attempts to serve exceptional children in public schools took the form of special day schools that educated students with physical impairments, mental retardation, and serious emotional disturbances.<sup>6</sup> The independent, self-contained special education classroom within regular

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<sup>4</sup> Don R. Barbacovi and Richard W. Clelland. *Public Law 94-142: Special Education in Transition*. (Arlington, Virginia: American Association of School Administrators), 2, 3.

<sup>5</sup> Richard A. Culatta, James R. Tompkins, Margaret G. Werts. *Fundamentals of Special Education: What Every Teacher Needs to Know*. (New Jersey, Merrill Prentice Hall, 2003), 2, 3.

<sup>6</sup> *Ibid*, 4.

public schools also begins to emerge during this time.<sup>7</sup> Many people during this time period felt that students with disabilities were simply not capable of learning through regular methods in the schools, and therefore could not be educated.

By 1954, the federal government began to pursue legislation that would help provide support for special education. Up until this point, the federal role, as it pertained to the handicapped, was limited to providing monetary assistance to state and local educational agencies to meet the needs of specific disability groups such as the deaf and blind.<sup>8</sup> In 1963, the federal government took a legislative step forward with the passage of P.L. 88-164. This law resulted in the establishment of the Division of Handicapped Children and Youth within the U.S. Office of Education. In 1965, the passage of P.L. 89-10 and the *Elementary and Secondary Education Act* showed that the federal government was willing to make a sizeable commitment to K-12 education. The federal monies in the law were designed to lend assistance to local and state education agencies in providing programs and services to “educationally deprived children.”<sup>9</sup> Not only was the federal government giving substantial financial assistance to public schools in general under P.L. 89-10, but additionally P.L. 89-10 had specific provisions, or titles, to support federal programs for the handicapped and special education.

This led to the 1970’s, where federal assistance to the handicapped and special education dramatically increased. From January of 1970 to November of 1975, sixty-one bills were passed by Congress that directly pertained to the handicapped.<sup>10</sup> The most important of

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<sup>7</sup> Ibid.

<sup>8</sup> Barbacovi, *Public Law 94-142*, 2.

<sup>9</sup> Ibid, 2-3.

<sup>10</sup> Ibid, 3.

these bills, signed into law on November 29, 1975, was the *Education For All Handicapped Children Act*, or P.L. 94-142. It committed the federal government to a level of funding that provides for a free appropriate public education for all handicapped children between the ages of three and twenty-one.<sup>11</sup> By this point in history, it was now clear that the federal government was taking an active role in the education of handicapped children and special education in general through extensive federal legislation and increased funding levels as well for specific programs and services.

## **PART TWO: WISCONSIN HISTORY BEFORE THE 1973**

Similar to the rest of the United States, special education in the State of Wisconsin began with the establishment of educational rights for children who were blind or deaf. The parents of these students were seeking educational opportunities, believing their sons and daughters could overcome obstacles to success if given the chance.<sup>12</sup> On April 15, 1852, Governor Leonard J. Farwell approved Chapter 481 of the laws of 1852, which authorized Wisconsin legislative funds for a state school for the deaf.<sup>13</sup> Other parents around the state began to take notice of these successes, and this led parents of Wisconsin children with other disabilities to begin to push for the same funding for their students. One of the more vocal groups was parents whose children had handicaps and mental retardation. Many people did

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<sup>11</sup> Ibid.

<sup>12</sup> Thomas Phan. *The Evolution of Special Education in Wisconsin: 150 Years of Progress*. Madison, WI: Wisconsin DPI, September 1998. 3.

<sup>13</sup> Ibid, 4

not understand these disabilities and often treated those affected by them with little tolerance and overall disdain. Citizen concerns, however, led a group of legislators to push for educational legislation relating to handicaps and mental retardation. In 1887, legislation for persons with CD was passed by the legislature but not signed into law by the governor, who favored an asylum system. His views reflected those of many in Wisconsin, who favored hospitalization over education. Citizens believed that such individuals were not educable and should simply be cared for as a humanitarian duty.<sup>14</sup>

Public opinion about cognitive disabilities began to shift in the early 1900's as persons with CD became more noticeable and prevalent in society. Federal compulsory school attendance laws were beginning to be enforced by 1917, which as a result, allowed for more students with mild CD to enter the public schools.<sup>15</sup> The state legislature in Wisconsin also began to pass educational legislation for persons with CD that was similar to existing legislation for the blind and deaf. In 1917, Wisconsin began to provide incentives for districts to develop classes for persons with CD. This legislation provided state aid for a portion of teacher salaries and provided for a state supervisor of CD at the Department of Public Instruction.<sup>16</sup> By 1939, education legislation in Wisconsin reached its peak with the creation of the Bureau for Handicapped Children. This helped to integrate all areas of service for handicapped children under one umbrella agency.<sup>17</sup>

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<sup>14</sup> Ibid, 6.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid, 7.

<sup>17</sup> Blessing, *150 Years of Special Education*, 4, 5.

By the 1960's, there were two key factors that contributed to the advancement of special education in Wisconsin. These were the leadership of President John. F. Kennedy and the Civil Rights Movement. President Kennedy formed the Panel on Mental Retardation in the early 1960's, of which Wisconsin DPI's John Melcher was a member. The panel's efforts helped to increase aid for special education services not only in Wisconsin but throughout the nation as well.<sup>18</sup> The Civil Rights Movement helped to increase public awareness of various groups' rights, including those of the disabled. By the late 1960's, Wisconsin began to recognize special education as equitable and necessary. For example, in 1968, legislation was introduced designed to meet the continuing need of qualified teachers in the field of special education. The legislation passed both houses in the spring of the year. The legislation stipulated that 120 stipends would be available to prospective Wisconsin teachers the following years and 60 more the next with maximum tuition and related costs funding set at \$1500 annually per student.<sup>19</sup> As a result of legislation and other governmental changes, resources and funding for special education in the state grew tremendously.

By the close of the 1960's, the State of Wisconsin began to give serious consideration about moving from a medical to a learning and behavioral model in the instruction of children with exceptional educational needs.<sup>20</sup> Research in the field of special education had also expanded greatly by this point. New classifications of disabilities were beginning to be recognized as needing services in public schools. The most frequent of these were speech and

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<sup>18</sup> Phan, *Evolution of Special Education*, 9.

<sup>19</sup> Blessing, *150 Years of Special Education*, 10.

<sup>20</sup> *Ibid*, 11.

language (SL), emotional disabilities, (ED), and learning disabilities (LD).<sup>21</sup> In the years leading up to 1973, responsibility and accountability in special education, appropriate community vocational and work experience programs, and the piloting of the earliest early childhood programs (in Wausau and Green Bay) became focal points of interest. By 1970-71, statistics provided by the state projected that only 50-55 percent of pupils with special educational needs in the 5-18 age range were being served to their fullest potential in Wisconsin's public schools.<sup>22</sup> By 1973, it was clear that the State of Wisconsin had made great gains in special education and was working towards continued growth and improvement. But according to statistics, such as those seen above, it became clear to the State and the Department of Public Instruction that more reform and legislation was sorely needed to move special education from the permissive approach to a much more effective mandatory approach.

### **PART THREE: ERA OF CHANGE AND REFORM, LAWS OF 1973, CHAPTER 115.**

By 1973, parent groups across the state were growing frustrated that their students with disabilities were not getting the same education, and rights as other children. These parents used national court decisions such as *Mills v. Board of Education of the District of Columbia*, (parents sued for free access to public education for their disabled children) to support their efforts in getting new legislation passed.<sup>23</sup> On August 8, 1973, Governor Patrick Lucey signed into law Chapter 89 of the laws of 1973 (later known as Chapter 115). This law

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<sup>21</sup> Phan, *Evolution of Special Education*, 11.

<sup>22</sup> Blessing, *150 Years of Special Education*, 11, 12.

<sup>23</sup> Phan, *Evolution of Special Education*, 14.

officially required school districts to provide services for the disabled in Wisconsin. Chapter 115 officially mandated free education for disabled children ages 3-21. The school district was also to identify children in need of special education, as well as to provide individual curriculums, and to conduct annual testing on the progress of those students.<sup>24</sup> It also stated that, when it was appropriate, the education of the disabled should be in a regular classroom, rather than a secluded environment far away from the rest of the school population. This became known as the LRE, or least restrictive environment, and is also known as *immersion* today.

Historically, Chapter 115, Laws of 1973, was clearly the most significant single occurrence in the state's special education history in the twentieth century and the 50 years prior to 1900. It ended the permissive period of special education in Wisconsin and helped to formulate a comprehensive legislative and public policy for the education of handicapped children or children with exceptional educational needs.<sup>25</sup> Although the state was now mandating special education, it was still the responsibility of the local school district to educate handicapped children.

There are several key highlights pertaining to the law itself. First, the state was now mandating that all children between the ages of seven and sixteen be required to attend an appropriate education program. This was intended to make equal application of the compulsory school attendance laws to both the handicapped and non-handicapped.

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<sup>24</sup> Ibid, 14, 15.

<sup>25</sup> Blessing, *150 Years of Special Education*, 22.

Additionally, the law required that educational programs are to be made available to all children with exceptional needs between the ages of three and twenty-one.<sup>26</sup>

The parent or guardian was also given the right to appeal the placement of their child in any special education program stipulating that in the occurrence of such an event school district shall reimburse the parents for reasonable expenses of an independent examination if the parents believe the school diagnosis or evaluation was incorrect. This helped to increase school accountability, as well as encouraged parents to take a more active role in their child's education.<sup>27</sup>

This legislation model has remained basically intact up until today. Although some modifications, amendments, and revocations resulted from state agency and legislative activities, the legislation has continued to serve as the basic statutory language reflecting the constitutional rights of handicapped children to a free and appropriate education in Wisconsin.

#### **PART FOUR: INFLUENTIAL FIGURES IN WISCONSIN**

During this time period in history, Wisconsin had many public figures working both in the public eye and behind the scenes to ensure that these laws and changes were going to be put in motion.

Dennis J. Conta was a Democratic assemblyman representing the 25th District of North Milwaukee in the Wisconsin State legislature. He worked tirelessly on many different issues, including special education.<sup>28</sup> Conta helped to develop the Special Educational Needs Program,

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<sup>26</sup> Ibid, 23.

<sup>27</sup> Ibid.

<sup>28</sup> Dennis J. Conta, 1940- . Papers, 1969-1976. Milwaukee Manuscript Collection EQ. Wisconsin Historical Society. Milwaukee Area Research Center. Golda Meir Library. University of Wisconsin--Milwaukee. Box 4, Folder 8.

which was reflective of his Milwaukee roots. The program used state financed categorical funding to help students who were more likely to have low levels of academic achievement in relation to social and economic factors.<sup>29</sup> In the fiscal year of 1974-1975, Conta was instrumental along with the Special Educational Needs Advisory Committee in securing grants totaling 2.9 million dollars for the Special Educational Needs Program. This program was developed across the state, in locales ranging from Cashton Public Schools to Green Bay and Beloit Public Schools.<sup>30</sup> On July 22, 1974, then State Superintendent Barbara Thompson wrote a departmental correspondence to the State Superintendent's Special Educational Needs Advisory Committee sincerely thanking them for their efforts on behalf of the children in the State of Wisconsin.<sup>31</sup>

In 1974, Thompson chose Kenneth R. Blessing as the new Assistant State Superintendent in Wisconsin. Blessing was highly qualified for this position. In the early 1950's, he was one of six Wisconsin recipients of a Federal P.L. 85-926 University Fellowship in Mental Retardation that was awarded during the Eisenhower Administration.<sup>32</sup> He began supervisory work for the Department of Public Instruction in the fall of 1962, first as the Coordinator of Services for the Mentally Retarded (1962-1964) and later as Director of the Bureau for

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<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> Blessing, Kenneth R. Papers, 1934-1998. State Historical Society of Wisconsin. Box 5, Folder 3.

Exceptional Children (1964-1975).<sup>33</sup> Based on his previous body of work, he achieved the highest administrative role in the Department of Public Instruction other than State Superintendent and Deputy State Superintendent and the top level administrative post in special education in Wisconsin when he was named Assistant State Superintendent.<sup>34</sup> However, in his memoirs, Blessing found that after several months the position was somewhat unrewarding, especially the legislative aspect of it. Also, he felt that the State Superintendent was somewhat lukewarm to both Chapter 115 and P.L. 94-142.<sup>35</sup> Blessing then requested a return to his Director position in 1975, and served as Director of the Bureau for Exceptional Children in the Division for Handicapped Children from 1975 to 1982.<sup>36</sup>

Although Blessing and Conta worked in different ways and avenues to achieve their goals, both men were influential and instrumental in working towards change in Special Education in Wisconsin.

## **PART FIVE: ERA OF CHANGE AND REFORM, PUBLIC LAW 94-142**

True to Wisconsin's reputation as a progressive leader in public education, Chapter 115, Laws of 1973 preceded national legislation, more specifically Public Law 94-142, commonly known as the Education for all Handicapped Children Act (EHA). The EHA was amended in 1990 and renamed the Individuals with Disabilities Act (IDEA).<sup>37</sup>

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<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

<sup>37</sup> Phan, *Evolution of Special Education*, 15.

The EHA was an attempt by Congress to assist each individual state in meeting the increasing burdens placed on them by the widespread recognition of the right of handicapped children to a free public education appropriate to each student's individual needs. More importantly, the EHA established strict and clear requirements for states to follow, which had to be complied with in order to receive financial assistance.<sup>38</sup> First, each state must have "in effect a policy that assures all handicapped children the right to a free appropriate public education" and also must develop a plan which details the policies and procedures which insure the provision of that right.<sup>39</sup> Each state must also establish requisite procedural safeguards and insure that local educational agencies and school districts will establish individualized education programs, or IEP's, for each student, which will be explained in further detail.<sup>40</sup> Finally, the Act required that each state formulate a plan to be submitted and approved by the Commissioner of Education before the state can begin to receive financial assistance from the federal government.<sup>41</sup>

Beyond the basic premise of Public Law 94-142, there were six key principles that have shaped special and general education not only in Wisconsin, but also the United States as a whole since 1975.<sup>42</sup>

### 1. Zero Reject

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<sup>38</sup> Data Research Inc. *Handicapped Students and Special Education*. (Rosemount, MN: Data Research Inc., 1985.) 1.

<sup>39</sup> Ibid, 1.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Gallagher, James J. *Driving Change in Special Education*. ( Baltimore, MD: Paul H. Brookes Publishing Co., 2006.) 6.

All Students with disabilities must be provided a free appropriate public education. This service is guaranteed regardless of problems or difficulties caused by individual students.<sup>43</sup>

2. *Nondiscriminatory Education*

Each student must receive a full, individual examination before being placed in a special education program, and tests must also be done that are appropriate to each student's cultural and language background.<sup>44</sup>

3. *Least Restrictive Environment (LRE)*

As much as possible, students with disabilities must be educated with children without disabilities. This can also be known as the inclusion principle, though it originated with the meaning that a child should be placed in a setting most likely to benefit his/her learning opportunity.<sup>45</sup>

4. *Due Process*

Due Process is a set of legal procedures to ensure the fairness of educational decisions and the accountability of both professionals and parents in making those decisions.<sup>46</sup>

5. *Parental Involvement*

Parents must be included in the development of the IEP, and they have the right to gain access to their child's educational records at any time. Parents are perceived as partners in this process, not simply observers.<sup>47</sup>

6. *IEP*

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<sup>43</sup> Ibid, 6

<sup>44</sup> Ibid.

<sup>45</sup> Ibid, 7.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

The IEP, or individualized education plan, is by far the most complex of these six principles of the EHA. Once parental permission has been received for the placement of a student in special educational services, there is an obligation to develop an IEP for meeting the students' needs. Few schools would do this without a mandate, but later legislation would require IEP's. The reason for mandating IEP's was to ensure an individual plan would be made for a student with special needs rather than just removing the student from the regular educational setting.<sup>48</sup>

The IEP is not one single document detailing a student's educational setting, or a general assessment of students' learning abilities. The IEP is a plan for alternative programming to meet curriculum goals and also to ensure that the student has the skills and attitudes to be ready for learning.<sup>49</sup> IEP's are formatted specifically to each individual student, but they also contain some common information as well. There is often a statement of a student's present status. School records and administration of some appropriate measures must be incorporated at this point.<sup>50</sup> Another section of the IEP lists the annual goals, which reveal what is expected for the student if the individual program goes well. The following document is a copy of a sample annual goal from a Wisconsin IEP.

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<sup>48</sup> Ibid, 7.

<sup>49</sup> Ibid, 64.

<sup>50</sup> Ibid.

Figure 1: Wisconsin IEP Annual Goal

**INDIVIDUALIZED EDUCATION PROGRAM**

**ANNUAL GOAL**

Form I-6 (Rev. 10/06)

Name of Student \_\_\_\_\_

Measurable annual academic or functional goal to enable the student to be involved in and progress in the general education curriculum, and to meet other educational needs that result from the student’s disability. *(Note: present levels of academic achievement and functional performance must include information that corresponds with each annual goal)*

Upon review:  Goal met  Goal not met

Procedures for measuring the student’s progress toward meeting the annual goal. Will the student participate in an alternate assessment aligned with alternate achievement standards for students with disabilities in any subject area?  Yes  No

*(If yes, include benchmarks or short-term objectives for the student)*

When will reports about the student’s progress toward meeting the annual goal be provided to parents?

Source: “IEP: Annual Goal, revised 10/06.” <http://dpi.wi.gov/sped/forms06.html> (accessed 15 April 2008)

Next, the objectives section includes a quantifiable measure of student growth designed to meet the general goals statement.<sup>51</sup> Also included is a list of the special education services that

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<sup>51</sup> Ibid, 65.

would counteract the difficulties the student is experiencing, according to his or her present educational status.<sup>52</sup> The final key element in the IEP is a section detailing how student progress will be assessed. Will it be through grades? Written work? Possibly an alternative assessment method, such as a portfolio? Lastly, an annual review of the IEP is expected to satisfy the staff that progress is being made and to suggest some additions or changes if the team feels that progress up until that point is inadequate or insufficient.<sup>53</sup>

Public Law 94-142 has been modified and or supported several times since its inception in 1975. In 1986, the Education of the Handicapped Amendments, or PL 99-457, was passed. This legislation was designed primarily to encourage states to expand their systems of care and stimulation to toddlers and infants. Both pieces of legislation, PL 94-142 and PL 99-457, have transformed the service programs for school and pre-school aged children with disabilities in the United States.<sup>54</sup>

In 1990, the Education for all Handicapped Children Act was renamed the Individuals with Disabilities Education Act (IDEA, PL 101-476). In 1997, key changes were made to IDEA. The initiation of charter schools added a new amendment that extended to alternative schooling the same duties that regular public schools had.<sup>55</sup> The most recent reauthorization of IDEA was in 2004.

It is clear that Chapter 115, Laws of 1973 and Public Law 94-142 (EHA) had tremendous and far-reaching effects on special education in the State of Wisconsin. Although Chapter 115

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<sup>52</sup> Ibid.

<sup>53</sup> Ibid.

<sup>54</sup> Ibid, 8.

<sup>55</sup> Ibid, 9.

was expansive and highly detailed, Public Law 94-142 made several key additions to special education in Wisconsin, such as the mandating of IEP's. Legislation such as this still has far-reaching affects even today.

## **PART SIX: SPECIAL EDUCATION IN WISCONSIN: THE FUTURE AND BEYOND**

The era of reform and change, more specifically the time period of 1973 to 1975, significantly changed special education, particularly in the state of Wisconsin. Extensive state and federal legislation helped change the special education from a permissive to a mandatory approach, and new ideas such as IEP's and Least Restrictive Environment would help to ensure that each student would get the free, appropriate public education they deserved. But thirty some years after this groundbreaking work, has theory been put into practice?

The IEP remains the most integral part of special education in Wisconsin. Its highly individualized nature ensures that each student in special education will receive the evaluation and specific education plan they need to succeed and become effective learners. The process for developing an IEP has also become much more streamlined and efficient. State law in Wisconsin says that the whole process may take no more than 90 calendar days from the time the school gets the written referral to the day parents are notified of their child's placement in special education.<sup>56</sup> There is, however, room to ask for time extensions as well. The IEP teams

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<sup>56</sup> Wisconsin Department of Public Instruction. *Special Education in Plain Language: A User-Friendly Handbook on Special Education Laws, Policies, and Practices in Wisconsin*. Fall 2001.

in Wisconsin remain as committed as ever to their goals and work for every student they encounter in the state.

Following the era of reform and change, the education of handicapped students was seen by the state as the responsibility of all educators.<sup>57</sup> As a result, in 1981, the Association of Wisconsin School Administrators developed a handbook for school principals that included common acronyms, definitions, flowcharts and diagrams of the IEP process, and cross-references between PL 94-142 and Chapter 115. This handbook showed that Wisconsin was placing high value on professional development projects and tasks relating to special education.

The Wisconsin Department of Public Instruction has gone to great lengths to ensure that the information about special education is relayed to parents and they are at least introduced to common terms and the process before any referrals or evaluations take place. A pamphlet entitled “An Introduction to Special Education” was developed in collaboration between the Parent Education Project of Wisconsin and the Wisconsin Department of Public Instruction. It includes common terms, the IEP process, and how to address problems during the process.<sup>58</sup> It also details many parent support groups and places to go for questions and answers about anything related to special education and the IEP process.

The State of Wisconsin has also used task forces and other groups to assess such issues as the caseload in special education, which has become a concern in recent years within the

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<sup>57</sup> Association of Wisconsin School Administrators, Inc. *Special Education Handbook for Principals*. Madison, WI: Association of Wisconsin School Administrators, 1981. ii.

<sup>58</sup> Parent Education Project of Wisconsin and the Wisconsin Department of Public Instruction. *An Introduction to Special Education*. August 2000. 1-3.

public school system. In February of 1999, a task force made up of teachers, therapists and other professionals met and drafted recommendations on caseloads to the State Superintendent at that time.<sup>59</sup>

This particular task force was addressing an issue that had become troubling in recent years. A growing concern in the state is that there exists an over-identification of students in need of special education.<sup>60</sup> It was becoming clear that some students who are on the margins of fitting the classical image of a truly mentally or physically disabled student were being placed in special education.<sup>61</sup> But was this a desirable development for the state?

Funding issues may force a change in this trend altogether. The original promise of the federal government to supply 40 percent of school's excess special education costs (above those of the normal per pupil expenditure) has not been met. In the year 2000, the federal government only paid about 12 percent of national special education costs.<sup>62</sup> More specifically, in the 2000-2001 school years, Wisconsin spent over \$1 billion in aid specifically related to special education, while federal aid for the state was only \$86 million, about 8 percent of the state's total special education expenditures.<sup>63</sup> The funding of special education in the state may force districts to look harder at which students they qualify for special education, and in extreme cases, may have to turn away students who have a need for such services.

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<sup>59</sup> State of Wisconsin Department of Public Instruction. *Report of the Task Force on Caseload in Special Education*. Report prepared by Task Force on Caseload in Special Education to State Superintendent John Benson. February 1, 1999. 1.

<sup>60</sup> Hruz, *Growth of Special Education*, 11.

<sup>61</sup> *Ibid.*

<sup>62</sup> *Ibid.*

<sup>63</sup> *Ibid.*

Another issue that has come to light in recent years has developed from the LRE, or least restrictive environment mandates. Across the state, the most current designation for special education students in the LRE is in the form of inclusion.<sup>64</sup> Along with some extreme and questionable attempts at inclusion, unnecessary burdens are sometimes being placed on educators as well. In some situations, severely/profoundly cognitively disabled and physically impaired pupils are being placed in regular secondary level general education classes. Are placements such as these justified educationally? Or are they simply unreasonable expectations and demands by parents?<sup>65</sup>

The basic issue that is currently being debated is the extent to which Chapter 115, PL 94-142, and IDEA actually mandate the inclusion of all handicapped students in regular education classrooms and in the mainframe itself of general education. More in-depth evaluation and extensive research must be done to study the extent of current inclusion practices in the state and possible restructuring the system in Wisconsin.<sup>66</sup>

## **CONCLUSION**

In 150 years of special education in the state, dramatic and profound changes have taken place. Schools, legislation, public awareness, and financial support for education in general have characterized Wisconsin's commitment to special education. The future of special education in

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<sup>64</sup> Blessing, *150 Years of Special Education*, 482.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

Wisconsin is still being shaped and formed thirty five years following the passage of Chapter 115 and thirty three years following the passage of PL 94-142.

The mainstreaming of disabled children into regular education classrooms is perhaps the most hotly debated current issue in special education.<sup>67</sup> Educators and others are debating the proper degree of inclusion and the effects of mainstreaming and inclusion on special education.

Another key issue facing special education in Wisconsin is that of cost. Across the state, unfunded federal mandates and revenue limits have left extensive parts of the expense of special education on the shoulders of local school districts and the state itself.

Among the issues and problems facing special education in the state, it is clear that in the 150 years special education has been around in Wisconsin, things have changed for the better. What began as a concerned parent group petitioning for deaf and blind students has developed into extensive state and federal legislation, IEP's, LRE, and other extensive reforms designed to give each and every special education student in the state of Wisconsin the free and appropriate public education they are entitled to under law. The era of reform changed special education from a permissive to mandatory approach and with it, brought special education into the limelight and dramatically reshaped into the evolving and progressive program into what it is today.

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<sup>67</sup> Phan, *Evolution of Special Education*, 17.

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