Legislation for the handicapped: meeting the needs of learning disabled children

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LEGISLATION FOR THE HANDICAPPED:
MEETING THE NEEDS OF LEARNING DISABLED CHILDREN

by
Kathleen R. Mueller

A RESEARCH PAPER
SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF MASTER OF ARTS IN EDUCATION (EDUCATION OF LEARNING DISABLED CHILDREN) AT THE CARDINAL STRITCH COLLEGE

Milwaukee, Wisconsin
1976
This research paper has been approved for the Graduate Committee of the Cardinal Stritch College by

[Signature]

Date April 27, 1976
ACKNOWLEDGMENTS

A special thank you to

Sister Joanne Marie Kliebhan, O.S.F. for her encouragement throughout all my years at Cardinal Stritch College;

Mr. Donald F. Tofte for his evaluation and support during the writing of this paper;

Margaret E. Mueller for her typing ability; and

My husband, James, for his understanding and patience.
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CHAPTER 1

INTRODUCTION

Education of children with exceptional educational needs has reflected continuing and significant progress within the past few years. A major reason for this growth has been the passage of mandatory state and federal legislation for the handicapped. "In general, state legislatures and federal courts are ruling that public schools may no longer refuse services to any child despite his handicap."¹ Throughout all fifty states, the legality of denying a public education to handicapped children by exclusion, postponement, or any other means is increasingly being challenged.

In the past, many states...gave school districts the option of serving or not serving handicapped children. Now, however, the passage of mandatory legislation by an increasing number of states is removing this option.²


To date, all but two of the states have such laws. As a result, many children who have been in need of an exceptional program are now being served.

PURPOSE

Even though there has been an improvement of public policy in education, as of 1973 only 55-66 percent of the seven million children in the United States requiring special education were being served. Over three million children were still in need of some type of special programming. Because such a great programming need exists, it was the purpose of this paper to discuss how states are meeting the mandates of legislation through various service delivery systems. In particular, it attempted to document the progress of Wisconsin local school districts in implementing S.115, Laws of 1973.

LIMITATIONS

There are a number of policies which govern the rights of the exceptional child to be provided with an appropriate educational program at public expense. This paper directed

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4 Thomas P. Lake, "Keeping Posted", Teaching Exceptional Children 7 (Spring, 1975), p. 81.
itself to an historical overview of such federal and state legislation for handicapped children, with particular emphasis on the Wisconsin Laws of 1973, "The Education of Exceptional Children". It attempted to discuss the implementation of Wisconsin S.115.4 as it relates to the area of Learning Disabilities, citing specific examples of local school district compliance within the state of Wisconsin since its enactment in August, 1973 to December 31, 1975.

**DEFINITIONS**

In order to establish a frame of reference regarding legislation for the exceptional child, the following list of terms has been provided.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
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<tbody>
<tr>
<td>Appropriate Education:</td>
<td>That program which is tailored to the individual needs and capabilities of each child.</td>
</tr>
<tr>
<td>Child:</td>
<td>Any person under the age of 21 years.</td>
</tr>
<tr>
<td>Child with Exceptional Educational Needs:</td>
<td>Any child who has a mental, physical, emotional, or learning disability, which, if full potential is to be attained, requires educational services to the child to supplement or replace regular education.</td>
</tr>
</tbody>
</table>

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5Wisconsin, "Education of Exceptional Children" (1973), Sec. 115.76.

6Ibid.

7Ibid.
| Federal Legislation: | The law or body of laws which has been enacted by the central governing body of the United States. |
| Parent: | Includes a guardian.  
8 | |
| Public School: | The elementary and high schools supported by public taxation.  
9 | |
| Regular Education: | The educational program provided by a public or private school for children who do not have exceptional educational needs.  
10 | |
| School Districts: | The territorial unit for school administration. School districts are classed as common school districts, union school districts, unified school districts, city school districts and school systems organized pursuant to Ch. 119. A joint school district is a school district whose territory is not wholly in one municipality.  
11 | |
| Service Delivery: | The local school district, under state mandate, must provide the required program for each child who has exceptional educational needs within the time frame designated by Wisconsin S.115.4. |
| Special Education: | Any educational assistance required to provide an appropriate education program for a child with exceptional educational needs and any supportive or related service.  
12 | |

8 Ibid.
9 Ibid., Sec. 115.01.
10 Ibid., Sec. 115.76.
11 Ibid., Sec. 115.01.
12 Ibid., Sec. 115.76.
State Legislation

The law or body of laws which has been enacted by that territorial governing body within a certain district of the United States.

SUMMARY

Substantial efforts have been made by both federal and state governments to plan and to implement programs to meet the mandates of enacted legislation for the child with exceptional educational needs. In particular, the state of Wisconsin has recognized the needs of the exceptional child. As a result, it passed into law S.115.4, Laws of 1973, "A Bill of Rights for the Handicapped." In the two years since its enactment much work has been done in translating this mandate into a delivery system which facilitates its progress. The intent of this paper was to document this progress in relation to local school district compliance in the area of Learning Disabilities.

Wisconsin S.115.4 is only one piece of legislation which has had a significant impact on educational programming for the child with exceptional educational needs. The laws reviewed in Chapter Two, which follows, also support the premise that each child must be provided with the opportunity to receive a special education at public expense suited to his individual needs.
CHAPTER II
OVERVIEW OF FEDERAL AND STATE LEGISLATION

Federal Legislation of All Handicapped

Some recognition of the federal government's responsibility for the handicapped has existed for the past one hundred years, but until the 1950's this was limited to minimal programs for the deaf and blind.\(^1\) There was little motivation to do anything which might be viewed as federal intervention. Education was seen as a function of the states. Then, commencing in the fifties, there was a change in legislative interest and emphasis in Washington D. C.; and by the sixties, a variety of types of educational assistance were under strong congressional consideration. The sixties witnessed the passage of a number of important acts, which provided a variety of meaningful benefits for the handicapped.

The first of these acts was P.L. 88-164, signed into law by President John Kennedy in 1963. As a result of this Act, The Division of Handicapped Children and Youth was established to administer all existing, as well as newly-formed, programs for the handicapped. In essence, this showed the administration's support for education of all handicapped persons. Then in 1965, P.L.89-10, the Elementary and Secondary Education Act, was enacted to provide massive amounts of funds for handicapped children, including the initiation of thousands of new programs at the local public school level throughout the nation. This Law included a number of sections, all designed to stimulate the provision of better educational opportunities for educationally deprived children. By definition, this included those who were disadvantaged due to physical, mental, or emotional handicaps; and in some school districts, the entire amount received under Title I of P.L.89-10 was used for new special education programs.

An expansion of P.L.89-10 came in 1966 when P.L.89-750 added Title VI to ESEA. This act was specifically designed for handicapped children, and provided grants to states (rather than to local school districts) to initiate, expand, and improve

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3Goodman, Elizabeth M., "Implementing Effective Coordination of Programs for the Handicapped", Exceptional Children 34 (March, 1968), pp. 569-574.
programs for children with exceptional educational needs.

Another facet of this Act directed the establishment of a Bureau of Education for the Handicapped. Although the administration opposed this move, the bill passed and the Bureau was established.

In 1969 Title VI of ESEA was amended by the 91st Congress in Public Law 91-230 and became Title VI-B, "Education of the Handicapped Act". Under 91-230, other components for the handicapped dealing with such topics as teacher training, research, media centers, regional service centers, child demonstration projects, and early childhood education funding were consolidated under the same bill. An important new feature of this Act was Part G, which incorporated the features of a separate bill for children with Learning Disabilities. (This is further discussed under "Specific Legislation for the Learning Disabled Child").

If the 1960's could be characterized as the decade in which federal legislation brought substantial benefits to handicapped children and their parents, then the beginnings of the 1970's represented a different movement which called upon the courts to restate the scope of the legal rights of the handicapped. 6

On August 21, 1974, Public Law 93-380 became what has been identified as a major breakthrough for handicapped children.


The content of this legislation was recognized as the Bill of Rights for the handicapped child. This Act defined the rights of the handicapped to an educational opportunity appropriate to his or her needs; and it laid the foundation for the development of a national educational program which overrode the discriminations against all handicapped children.

However, if P.L. 93-380 was considered a major breakthrough in federal legislation, then P.L. 94-142\(^8\) (signed only one year, three months later) was nothing less than an historical landmark for the handicapped. On November 29, 1975, the President signed into law Senate Bill 6, the "Education for All Handicapped Children Act".

In addition to firmly establishing the education of the handicapped as a national priority, this act provides a strict due process guarantee to the handicapped child and his parents as they seek their true right to an education. This act further provides incentives to local school districts and states to provide pre-school services to the handicapped.

Significant new funding formulae provide for funding under this act to flow not only to state education agencies as under previous legislation but also directly to local school districts on an entitlement basis.\(^9\)

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What now remains is how fully Congress will appropriate and implement the legislation it has passed. No one can deny the rights of the handicapped child to a full educational opportunity. However, if the outcomes are to be achieved, the Federal government must assume a greater share of the excess cost associated with the education of the child with exceptional educational needs.

State Legislation of All Handicapped

As discussed in the preceding section, the federal government has been involved in the development of better educational programming for the handicapped for a number of years. However, historically and legally, education has been the responsibility of the state as indicated in the Tenth Amendment of the U.S. Constitution: "The powers not delegated to the United States by the constitution nor prohibited by it to the states are reserved to the state respectively..." 10

While most state constitutions provided for a free education for all citizens, and others implied this principle, there were still many children excluded from the public schools.

In most situations, these children were handicapped in some way. However, the courts began to respond to the concerns of parents of exceptional children and in many instances have changed those laws that were interfering with the right of all children to a free public education.

Today, all 50 states have laws that provide some kind of educational service for the handicapped. However, most of these laws do not 'mandate' a 'comprehensive' education for all categories of handicaps.11

In the early seventies, there were only eighteen state constitutions that provided language for educating all children. They were: Alaska, Arizona, Arkansas, Illinois, Indiana, Iowa, Mississippi, Missouri, Montana, New Jersey, New York, North Carolina, Oklahoma, South Carolina, South Dakota, Utah, Washington and Wisconsin. Twenty-seven states contained language for establishing schools, but did not make specific reference to all children. The other five states (Colorado, Delaware, Idaho, New Mexico and Wyoming) actually provided for the "exclusion" of certain types of handicapped children, specifically the mentally and physically handicapped.12

Within the next few years, however, many changes had been made. As of July 1, 1975, all but two of the states had passed some type of comprehensive, mandatory law regarding the education of all children. Twenty-four states had a "Full Program Mandate" that required programs to be provided where children met the criteria defining the exceptionality; and twenty-one states had a "Planning and Programming Mandate" which included required planning prior to required programming. Although forty-five states seemingly were involved in the education of all handicapped children, seven of these states still had some category exclusion, e.g. profoundly retarded, emotionally handicapped and/or severely physically handicapped. The remaining five states had some type of conditional, selective and/or permissive legislation in effect. This meant that education was provided for some, but not all, categories based on the petitions of the community and/or agencies who wanted such programs.\textsuperscript{13}

It is hoped, however, with the recent passage of Public Law 94-142 that all states will provide mandatory

educational programs for their handicapped children. Thus, the various types of mandates now being followed will become consistent throughout the nation.

Specific Legislation for the Learning Disabled Child

Even though Congress realized that the handicapped person was entitled to an education, it was not until 1969, with the passage of Public Law 91-230, "Education of the Handicapped Act", that the term "learning disabilities" became fully recognized. Under the direction of Senator Ralph Yarborough of Texas, legislation for the learning disabled child was initiated.

Part G of this piece of legislation dealt with "Special Programs--Children With Learning Disabilities". In essence, this bill provided for one-year renewable competitive grants to public, nonprofit or private organizations to establish and operate replicable model centers for the improvement of education for children with specific learning disabilities through research and personnel training.15

Finally, after years of education programs for the orthopedic, blind, deaf, and mentally retarded, legislation

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enlarged the definition of handicapped children to include those with specific learning disabilities. With the passage of Public Law 91-230, states came to the realization that there is a "learning disabled" child; and as a result, education programs were developed throughout the nation. States began to operate under mandates to provide an equal education to all handicapped children.

This was further emphasized in 1974 when the "Amendment of the Education of the Handicapped Act", known as Public Law 93-380, was passed. The major goal of this law was to provide full educational opportunities to all handicapped children. This gave to the field of Learning Disabilities a piece of legislation which would insure that these children and their parents were guaranteed procedural safeguards in decisions regarding identification, evaluation, and educational placement in all states.

However, at a White House meeting on Learning Disabilities on November 4, 1975, Mr. Eli Tash, President of the Association for Children with Learning Disabilities noted that

16Lake, "Keeping Posted", p. 45.
although it has been six years since federal legislation recognized the learning disabled infants, toddlers, and preschoolers, there still is no significant program for them. Nor is there a significant service for many of our teenagers, youth, or young adults. Further, at the primary grade school level, an optimistic estimate is that 80% of the children are still not being served. 17

Twenty-five days later, yet another piece of federal legislation had passed: Public Law 94-142, "Education for All Handicapped Children Act". What did this mean to children labeled as "learning disabled"? Public Law 94-142 retained the existing definition of handicapped children as in Public Law 93-280, which included children with specific learning disabilities. However, within one year a more precise definition could be developed; along with "a prescription of comprehensive diagnostic criteria and procedure for monitoring these regulations by the Commissioner." 18 There would also be a ceiling of 2%, or one-sixth of the 12% of school aged children aged five to seventeen who may be counted as handicapped children in the area of learning disabilities.

This legislation is considered a landmark... only


18 "Learning Disabilities", Insight (December, 1975), p. 3.
through full implementation will we be able to realize its full impact on Learning Disabilities, as well as all areas of exceptional education.

Summary

The policy initiatives to provide all handicapped children with an appropriate education are rapidly coming into place. The increasing mandates seen in the states and in Congress are testimony to this fact. Dollar and personnel resources are not required to fulfill these mandates - it is now that needed education programs for the handicapped must be initiated and expanded. One state that has not only expanded programs already in operation, but which has also been involved in program improvement is Wisconsin. Through its comprehensive S.115.4, it has assumed the responsibility to deliver effective educational services for all handicapped children. In particular, it has realized the needs in Learning Disabilities - the area in which the most growth has occurred in recent years. The following chapter will attempt to discuss the mandates of Wisconsin S.115.4, with emphasis on the implementation of programs in Learning Disabilities.
CHAPTER III

LEGISLATION IN WISCONSIN: S.115.4

Overview

Chapter 89, Laws of 1973, was introduced by the Legislative Council in the Wisconsin Senate on February 7, 1973, as Senate Bill 185.\(^1\) It was at that time that the "legislature charged the state with creating a flexible program of special education geared to meeting (all) children's individual needs..."\(^2\) The legislature recognized that many children have not experienced appropriate educational opportunities because comprehensive services were not available through all public schools which were commensurate with their exceptional educational needs. Chapter 89 was enacted to insure the identification of such needs, and the development of services for children to appropriately serve these needs. After two substitute versions, the bill authored by the Joint Committee on Finance was adopted by the Senate on


June 27, and signed into law by Governor Patrick Lucey on August 1, 1973, Chapter 89, "The Education of Exceptional Children", became Wisconsin's first comprehensive mandate for all handicapped children.

This law provided a legislative public policy statement which

...quite clearly (1) reaffirms the constitutional mandate for equalized educational opportunities; (2) stipulates that education shall be appropriate to a child's exceptional needs; (3) fixes responsibility for delivery of services at the local educational agency level; (4) requires state educational agency coordination, supervision and fiscal support; and (5) assures parents of the handicapped all due process procedures in the implementation of a full range of special education services.

Thus it became the responsibility of the Department of Public Instruction, Division of Handicapped Children, to achieve the constitutional mandate that all children with exceptional educational needs be given equal educational opportunities. As stated in Chapter 1, a child with exceptional educational needs means any child who has a mental, physical, emotional or learning disability which, if the full potential of the child is to be attained, requires educational services to the child to supplement or replace regular education.

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All local school districts in Wisconsin were required to provide appropriate special education programs designed to maximize each child's intellectual and social development. These programs include the following handicapping conditions:

1) EMR - Educable Mentally Retarded
2) TMR - Trainable Mentally Retarded
3) D - Deaf and Hard of Hearing
4) VH - Visually Handicapped
5) ED - Emotionally Disturbed
6) LD - Learning Disabilities
7) PH - Physically Handicapped
8) MH - Physically/Multiply Handicapped
9a) SH-R - Speech/Language Handicapped Regular Classes
9b) SH-S - Speech/Language Handicapped Special Classes
10) P - Pregnancy

Prior to Chapter 89 becoming law, the local educational agencies were reaching 52% of the estimated number of handicapped students in the public schools of Wisconsin. This meant that 48% of exceptional education need children still were in need of some type of special education programming. Many of these children fell into the area of Learning Disabilities.

The following sections document the progress local school districts have made in this area since the law became effective on August 9, 1973.

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Implementation of Learning Disability Programs
1973-1974

Programs for learning disabled children were initiated as state-aided programs for handicapped students in 1964. "A child was considered to have a special learning disability if there was a significant discrepancy between ability and achievement, associated with a suspected or known neurological handicap." Since the state followed the United States Office of Education estimates of a 12% maximum of the school population requiring special education programming, only 2% of these students could be identified as having a learning disability. By the end of 1972-73, there were 158 programs serving 1,750 students in this area. Soon after the passage of Chapter 89, program expansion was seen in all areas of exceptional education.

The most significant gains noted were in the areas of special learning disabilities, mental retardation, and emotional disturbance wherein 140, 95, and 50 new program units were established, respectively.

This raised the number of learning disabilities programs to 298.

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10 Ibid., p. 5.
serving a population of 4,213 students in the public schools of Wisconsin. An additional 185 students were programmed for by private agencies or facilities, which put the total of learning disabled students served at 4,398.\(^{11}\)

Although progress had been made in learning disability program expansion, all of the state's 436 districts were significantly behind full implementation at the close of the 1973-74 school year. The projected number of students having such disabilities was 20,129. Of this number 6,900 were identified and 4,213 were served.\(^{12}\) Even with the significant unit gains which had occurred (an increase from 13\% to 29.7\%), 931 new program units were still needed to reach full compliance by July 1, 1976.\(^{13}\)

In addition to the number of unit gains made in the area, various committees had formed to further implement Wisconsin's mandates. One committee was Public Education and Information.\(^{14}\) During the year following Chapter 89's enactment, meetings were held with administrators, teachers, parents, and interested citizens in the state's nineteen Cooperative Educational Service Agency districts. The purpose was to

\(^{11}\text{Ibid.}, \text{p. 9.}\)
\(^{12}\text{Ibid.}, \text{p. 12.}\)
\(^{13}\text{Ibid.}, \text{p. 12.}\)
\(^{14}\text{Ibid.}, \text{p. 2.}\)
interpret and detail the specific responsibilities of each individual school district under the law. Other committees worked on the development of administrative regulations; program guidelines; and consultative services for assisting local school districts in expanding programs and services. 15

Because of the need to disseminate general information regarding Chapter 89, none of the committees were directed specifically to the area of Learning Disabilities. However, when the 1975-77 biennial budgetary requests were under preparation, Learning Disabilities was one of the four areas which was considered to have a critical need if complete services were to be achieved within one year.

Incorporated within the biennial budget is a request for a graduate level stipend program for the next 2 years which would provide tuition and fees for one year attendees in the manpower shortage areas of learning disabilities, the emotionally disturbed, early childhood, and the multiple handicapped. 16

Along with the request was one for additional support positions, which included supervisors in the area of Learning Disabilities. 17 It was thought that if these budget requests were approved it could conceivably "insure full coverage in these disability

15 Ibid., p. 2.
16 Ibid., p. 6.
17 Ibid., p. 7.
areas (four critical needs areas) by July 1, 1976."  

Implementation of Learning Disability Programs  
1974-1975  

During 1974-75, Wisconsin school districts continued to respond to the mandates of Chapter 115 (Chapter 89, Laws of 1973 was subsumed under Chapter 115 of the State Statutes).  

In the field of Learning Disabilities, the Committee on Expanded Definitions created a special study project which focused on the development of a working definition in this area.  

The accepted definition had been that of the National Advisory Committee on Handicapped Children:

A learning disability refers to one or more significant deficits in essential learning processes requiring special educational techniques for its remediation. Children with learning disabilities generally demonstrate a discrepancy between expected and actual achievement in one or more areas, such as spoken, read, or written language, mathematics, and spatial orientation. The learning disability referred to is not primarily the result of sensory, motor, intellectual or emotional handicap, or lack of opportunity to learn. Deficits are to be defined in terms of accepted diagnostic procedures in education and psychology. Essential learning processes are those currently referred to in behavioral science as perception, integration, and expression, either verbal or nonverbal. Special education techniques

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18 Ibid., p. 6.  


20 Ibid., p. 23.
for remediation require educational planning based on the diagnostic procedures and findings. 21

Although this definition was used, the committee wanted to develop guidelines which would give local districts specific procedures to follow when identifying the learning disabled child. The work done on this study had not been completed at the end of 1974-75.

Other progress toward implementation came from a committee on manpower, inservice and teacher preparation needs. It coordinated activities for assessing manpower needs in all disability areas, of which Learning Disabilities was one of their major concerns. The committee also worked on

1) developing a comprehensive reporting and accountability package; 2) encouraging teacher-training institutions to re-evaluate their special education programs; and 3) assisting local school districts with in-service training for all personnel working with EEN students. 22

Throughout the school year 1974-75, the Bureau for Handicapped Children continued to provide local educational agencies with consultative help in developing new programs for EEN students. The most recent statistics


showed that 11,398 children had been diagnosed as having some type of learning disability. Of this total, 8,958 were served and 2,418 were awaiting placement. The unit gain which had occurred was up from 298 in 1973-74 to 501 in 1974-75. This meant that of the estimated 20,000 students who had a learning disability, 479 program units were still needed to reach full compliance with Chapter 115. 23

Although many school districts were postively responding to the mandates of the law, implementation of programs was not feasible due to manpower shortages in the critical need areas, and the state's categorical aid program.

Goal attainment is dependent upon the 1975 legislature's continuing support of the state's categorical aid program for the local excess costs of providing education services. It is also dependent upon the legislature's willingness to approve a 2-year, nonrenewing graduate-stipend program in the four critical areas of manpower needs. 24

Summary

The passage of Wisconsin Chapter 115 gave local school districts the responsibility to provide all exceptional children with an appropriate education according to his/her needs. With

23 Wisconsin Department of Public Instruction, Division for Handicapped Children, "Needs Assessment Survey, 1974-75", p. 15.

24 Ibid., p. 27.
one year remaining before the full-compliance date of July 1, 1976, an estimated 31% of the state's handicapped students still were not being served.\textsuperscript{25} It seemed impossible for local educational agencies to meet implementation, especially in the critical needs areas of the emotionally disturbed, multiply handicapped, early childhood, and learning disabilities. The following chapter attempts to document the projected needs for 1975-76, especially in the area of Learning Disabilities. It also attempts to make future projections in this area regarding the law and the learning disabled student in Wisconsin.

\textsuperscript{25}Ibid.	extsuperscript{,} p. 26.
CHAPTER IV
A LOOK AT YEAR THREE: WILL WISCONSIN MEET THE COMPLIANCE DATE OF JULY 1, 1976

Program Expansion

At the close of the 1973-75 biennium, program expansion had occurred in all areas of exceptional education. "Ninety-five percent of those actually identified and assessed as exceptional children were being programmed for."¹ One of the areas in which the most gains were made was Learning Disabilities. A total of 8,958 children was being served at the end of the 1974-75 school year. This had brought the number of local district program units to 501,² a significant increase over the previous year.

Although significant gains had been made, there were still many children not being programmed for by 1975. Of the 11,398 students identified as having a learning disability, 2,418 were still awaiting placement.³ There were also many unidentified children who were suspected as having some type of learning problem. As a result, the Department of Public Instruction placed a high priority "on the identification and

¹Wilbur Kalinke, "Minutes of the State Superintendent's Council on Special Education, Meeting #15", September 10, 1975, p. 3.

²Department of Public Instruction, Division for Handicapped Children, "Needs Assessment Survey: 1974-75", p. 15.

³Ibid., p. 15.
and assessment of the estimated 31% still unidentified as having exceptional education needs." They projected that an additional 4,688 learning disabled students would be served in 1975-76 due to educational referral, diagnosis and evaluation.\textsuperscript{5}

**Committee Progress**

In addition to continued expansion, other activities were also planned to further implement Chapter 115 during 1975-76. Six committees had been formed to work out the various rules and regulations mandated by Wisconsin law. The committees on (1) Public Information; (2) State/County Institutions and Private Schools; and (3) Information, Reporting and Forms Revision were formed to develop general guidelines and procedures for all areas of exceptional education. The committees which placed particular emphasis on the areas of critical need (i.e., Learning Disabilities, Emotionally Disturbed, etc.) were (1) Definitions and Program Area Descriptions; (2) Manpower, Inservice and Teacher Preparation; and (3) Mainstreaming, Generic and Other New Programs.\textsuperscript{6}

The concern to arrive at an acceptable, working

\textsuperscript{4}Kalinke, "Minutes of the State Superintendent's Council on Special Education, Meeting #15", September 10, 1975, p. 3.

\textsuperscript{5}Department of Public Instruction, "Needs Assessment Survey: 1974-75", p. 16.

\textsuperscript{6}Kalinke, "Minutes of the State Superintendent's Council on Special Education, Meeting #15", September 10, 1975, Appendix G.
definition for the learning disabled child arose in 1974. It was then that the Committee on Definitions and Program Area Descriptions began to develop rules and guidelines for the area of Learning Disabilities. They had set as a tentative completion date January 1, 1976. No progress report had come from this committee as of December 31, 1975.

The committee on Manpower, Inservice and Teacher Preparation had as its purpose to develop a program for the preparation, recruitment and in-service training of personnel in special education and related fields, including participation, as appropriate, by institutions of higher education, state and local agencies and other public and private organizations.

Efforts were aimed at the projected needs in all areas of exceptionality, with particular emphasis placed on the critical program areas such as emotionally disturbed and learning disabilities. Although the Division for Handicapped Children made great gains as a result of the committees programs, there still remained a need for fully-certified personnel in the critical needs areas.

Work done by the Mainstreaming, Generic and Other New

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7Ibid., Appendix G.
9Ibid., p. 5.
Programs Committee stressed the importance of inservice programs for the integration of EEN students into the mainstream.  

Chapter 115... requires that preference is to be given, whenever appropriate, to education of the child in classes along with children who do not have exceptional educational needs. 

Since most learning disabled students were placed in a regular school setting, many were being mainstreamed into classes with their peers for part of the day. Because of this, it was an important prerequisite for "the receiving general educator to accept (these) children with special learning needs."  

With the inservice programs planned for 1975-76, it was hoped that regular teachers would be willing to assume some responsibility for EEN students under Chapter 115.  

As a result of the work done by the six Rules and Regulations Committees, further progress had been made throughout 1975-76 toward implementation of Chapter 115. Guidelines had been set up; information was disseminated; inservice programs were planned and being implemented; and manpower needs were beginning to be met. However, even with the progress that had been made, it was not certain whether

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10 Kalinke, "Minutes of the State Superintendent's Council on Special Education, Meeting #15", September 10, 1975, Appendix G.  


12 Wisconsin Department of Public Instruction, Division for Handicapped Children, "Credo for Mainstreaming", Bureau Memorandum 13(Spring, 1972), p. 1.
the state would meet the July 1, 1976 compliance date.

Summary

Local educational agencies throughout the state were making positive efforts to meet the mandates of Wisconsin's law for children with exceptional educational needs. However, it did not seem that full implementation would be reached by the summer of 1976. The major obstacles seemed to be "numbers." There were not enough program units for the state's identified children in the critical needs areas. Even if these units were provided, there were still those students who had not been identified due to the lack of referral or diagnostic evaluation. Given that all these students were identified and diagnosed as having an EEN, there still remains the question of whether local school boards would provide the funds for the necessary staff for these children.

The state of Wisconsin had given its school districts three years to implement a comprehensive mandate for its handicapped children. Statistics seem to indicate that the full-service goal will not be met. Will the state grant extensions
for these districts, or will it begin court proceedings for non-compliance? Whatever action results, it is hoped that Wisconsin will continue to offer its exceptional children quality programs in meeting their individual needs.
CHAPTER V

CONCLUSION

Since 1900, various types of educational programming for the handicapped have taken place. Many factors contributed to this growth of special education in the United States; one of the most significant was legislation. Through the efforts of Congress the handicapped child has been provided with a better opportunity to maximize his potential.

The history of legislation for the handicapped is long and detailed. Significant funding assistance to state educational agencies for expanding and developing educational programs for the handicapped began with the Title VI Amendments to the Elementary and Secondary Education Act of 1965. Since then, numerous bills have been presented to Congress, and many have become law. The most recent and historic of these bills was S.6, "The Education of All Handicapped Children Act", which was signed into law on November 29, 1975 as P.L. 94-142.

Although Congress had finally realized that all children have a right to equal educational opportunities, it had taken until the late sixties to initiate any legislation related specifically to the area of Learning Disabilities. Action
began largely as a result of parent and public pressure at the state level with groups such as the Association of Children with Learning Disabilities. Many states began to mandate comprehensive laws which included all areas of exceptionality. These laws recognized that all children, regardless of their handicap, should be entitled to appropriate educational programming.

Even with these laws however, the definition of "Learning Disabilities" remains a question. In the state of Wisconsin, a committee on Definitions and Program Descriptions had not agreed upon an acceptable definition of the area as of December, 1975. Congress itself had not come up with anything definite when it passed P.L. 94-142 in November of 1975. It gave the Commissioner of Education one year in which to provide detailed regulations relative to the area of Learning Disabilities.

Although a definition has not been agreed upon, through legislation the area of Learning Disabilities has been accepted and greatly expanded. Programs have been provided for many children who had previously been inappropriately placed or not served at all. The future seems to be positive...projections indicate that continued progress will be made and all learning disabled children will be given an appropriate education according to their needs.
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