

Guest column: Legislators should reject special education voucher legislation

Written by Nissan Bar-Lev

Feb. 06

[greenbaypressgazette.com](http://www.greenbaypressgazette.com)

The Wisconsin Legislature is considering “special education voucher” legislation. If enacted, the Legislature will deprive students with disabilities and their families of their rights, procedural safeguards and protections established over the past 40 years by state and federal laws.

The provision of Free Appropriate Public Education for students with disabilities has been the heart and soul of state and federal laws since 1975.

This historic FAPE legislation guarantees that:

- Students with disabilities receive services by appropriately licensed staff.
- Appropriate Individual Educational Programs (IEPs) are implemented within specific timeframes through individualized instruction, showing educational benefits and progress toward IEP goals.
- Confidentiality, access to records and timely notices to parents are followed.
- A host of procedural safeguards to insure appropriate services are adhered to.
- Specific disciplinary procedures are followed.
- Parents who disagree with any of the above provisions have access to a host of IDEA procedures for complaints and appeals, including due process hearings.
- Most important, all of the above guarantees are at public expense, at no cost to parents of students with disabilities.

Unfortunately, the proposed special education voucher legislation does not require private schools to follow the above FAPE guarantees, nor can FAPE be implemented in private schools.

Students with disabilities and their parents who accept a special education voucher and enroll in a private school will not be able to count on FAPE guarantees to insure appropriate services. In other words, parents would not have the support of federal IDEA laws to demand IEP revisions or re-evaluations, to demand licensed teachers, therapists or aides, to demand a meaningful transition plan to adult life, or to access any of the other FAPE guarantees that are available in public schools.

This would be an especially sad day for me, a practitioner of special education.

Back in 2005, the Wisconsin Department of Public Instruction convened a small group of stakeholders to realign Wisconsin Chapter 115 with the federal IDEA law. I represented the school administration perspective. Jointly, and with skillful representation from Parent Advocacy organizations, School Board Association and teachers unions, we established a realigned, new Wisconsin Chapter 115, protecting the rights of special education students and their families while delivering high-quality special education services in schools.

This legislation, hailed by many as a national model of stakeholders' involvement (parents and school organizations working in tandem), was passed unanimously by both the Senate and Assembly and signed by the governor into law on July 1, 2006.

Unfortunately, the special education voucher legislation will negate Wisconsin and federal special education laws to rendering them non-relevant and meaningless.

Wisconsin legislators, please reject the special education voucher legislation. Special education with its FAPE protection can only be delivered in public schools.

Nissan Bar-Lev is the director of Special Education for Calumet County and Cooperative Educational Service Agency (CESA) 7.