

CR 93-24

CERTIFICATE

STATE OF WISCONSIN )  
 ) SS  
DEPARTMENT OF PUBLIC INSTRUCTION)

I, State Superintendent of the Department of Public Instruction and custodian of the official records of said Department, do hereby certify that the annexed rule relating to physical and occupational therapy services provided under special education programs was duly approved and adopted by this Department on the first day of the month following publication in the Wisconsin Administrative Register.

I further certify that said copy has been compared by me with the original on file in this Department and the same is a true copy thereof, and of the whole of such original.

RECEIVED

JUN 1 1993  
12:30 pm  
Revisor of Statutes  
Bureau

IN TESTIMONY WHEREOF, I hereunto set my hand and affixed the official seal of the Department at General Executive Facility (GEF) 3, 125 South Webster Street, P.O. Box 7841, in the city of Madison, this 28<sup>th</sup> day of May, 1993.

*Lee Sherman Dreyfus* <sup>SS</sup>  
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Lee Sherman Dreyfus  
Interim State Superintendent  
State Department of Public Instruction

8-1-93

ORDER OF THE  
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION  
AMENDING RULES

The state superintendent of public instruction hereby repeals PI 11.24(2)(a) through (d), (3)(a) and (b), and (4) through (11), amends PI 11.24(title), (1), (2)(title) and (intro.), and (3)(title) and (intro.), and creates PI 11.24(4) through (10)., relating to physical and occupational therapy services provided under special education programs.

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ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statutory authority: ss. 115.77(4) and 227.11(2)(a), Stats.

Statute interpreted: s. 115.83(1)(a) and (5), Stats.

Several sections of ch. PI 11 are out of date and need to be revised. Many of these revisions will occur after the 1993-95 budget is passed and statutory revisions to ch. 115, Stats., are made. However, s. PI 11.24, relating to physical and occupational therapy support services, needs to be updated at this time due to the creation of school physical therapist (PT) and school occupational therapy (OT) assistant licenses, effective July 1, 1993.

Currently there are no provisions relating to PT or OT assistants under ch. PI 11 because there are no such positions. However, since these licenses will become available on July 1, 1993, and such positions will be created, criteria for the supervision of persons holding either license must be established by that date. Therefore, criteria regarding licensure requirements for persons seeking a position as a school PT or OT assistant are cross-referenced under ch. PI 3 and criteria relating to the supervision of persons holding these licenses are established under these proposed rules.

In addition, section PI 11.24 is revised to delete obsolete language as well as to create provisions relating to responsibility for related services. Licensure and service requirements of physical and occupational therapists are established, including setting caseload minimums and maximums.

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1           **SECTION 1.** PI 11.24(title), (1), (2)(title) and (intro.), and (3)(title)  
2 and (intro.) are amended to read:

3           PI 11.24 (title) RELATED SERVICE: PHYSICAL AND OCCUPATIONAL THERAPY.

4           (1) LEGISLATIVE INTENT. Subchapter V, ch. 115, Stats., gives an LEA the  
5 authority to establish physical therapy and occupational therapy services  
6 ~~outside of orthopedic school centers.~~ The authority contained in s. 115.83 (1)  
7 (a), Stats., is limited to approving special physical or occupational therapy

1 services for children with EEN ~~who are enrolled in the special education~~  
2 ~~programs offered by the LEAs.~~

3 (2)(title) PLAN OF SERVICE. (intro.) ~~Prior approval from the division~~  
4 ~~shall be obtained before a physical therapist or occupational therapist or~~  
5 ~~both is employed. Each district~~ The LEA shall develop a ~~systematic plan of~~  
6 service for providing physical therapy or occupational therapy or both when  
7 required, as ~~supportive~~ a related service to the ~~established~~ special education  
8 programs. ~~This~~ The plan shall be submitted to the division and ~~shall include~~  
9 for approval.

10 NOTE: Form PI-2200, Plan of Service, may be obtained at no charge by  
11 writing to the Wisconsin Department of Public Instruction, Bureau for  
12 Exceptional Children, P.O. Box 7841, Madison, WI 53707-7841.

13 (3)(title) M-TEAM. (intro.) The formation and functioning of the M-team  
14 for children who appear to require physical therapy or occupational therapy or  
15 both shall be organized and function ~~in the same manner as for all other dis-~~  
16 ~~ability groups~~ pursuant to s. PI 11.04. ~~A physical therapist or an~~  
17 ~~occupational therapist or both shall be included on the M-Team when it is~~  
18 ~~suspected that the child's educational program will require physical therapy~~  
19 ~~or occupational therapy or both supportive services.~~ The M-team shall  
20 determine whether occupational therapy, physical therapy or both are required  
21 to assist a child with EEN to benefit from the special education program.

22 **SECTION 2.** PI 11.24(2)(a) to (d) and (3)(a) and (b), and (11) are  
23 repealed.

24 **SECTION 3.** PI 11.24(4) to (10) are repealed and recreated to read:

25 PI 11.24(4) IEP MEETING. The participants in the IEP meeting may  
26 include physical therapy or occupational therapy or both in a child's IEP if  
27 the M-team has concluded the child needs the therapy. The participants in the  
28 IEP meeting may delete physical therapy or occupational therapy or both from a  
29 child's IEP.

30 (5) RESPONSIBILITY OF DIRECTOR OR PROGRAM DESIGNEE. (a) The director  
31 shall be responsible for the supervision and evaluation of personnel providing

1 physical and occupational therapy under this section.

2 (b) The director or the program designee shall be responsible for the  
3 administration of physical and occupational therapy provided under this  
4 section.

5 (6) DIVISION AND DEPARTMENT RESPONSIBILITIES. (a) The division shall  
6 notify the LEA of the approval or disapproval of the LEA's plan of service  
7 submitted under sub. (2).

8 (b) The department shall reimburse the LEA for the salaries and fringe  
9 benefits of personnel under this section and for the transportation of  
10 children for the purpose of receiving physical therapy or occupational therapy  
11 as specified under ss. 115.88 and 115.882, Stats.

12 (7) PHYSICAL THERAPISTS' LICENSURE AND SERVICE REQUIREMENTS. (a)  
13 Licensure. A school physical therapist shall be licensed by the department  
14 under s. PI 3.37.

15 (b) Caseload. 1. Except as specified under subds. 2 and 3, the caseload  
16 for a full-time school physical therapist shall be as follows:

17 a. A minimum of 15 children.

18 b. A maximum of 30 children.

19 c. A maximum of 45 children with one or more school physical therapist  
20 assistants.

21 2. The caseload for a part-time school physical therapist may be pro-  
22 rated based on the specifications under subd. 1.

23 3. A caseload may vary from the specifications under subd. 1 or 2, if  
24 approved in the LEA's plan of service under sub. (2). The following shall be  
25 considered in determining whether the variance may be approved:

26 a. Frequency and duration of physical therapy as specified in the  
27 child's IEP.

28 b. Travel time.

29 c. Number of evaluations.

30 d. Preparation time.

1 e. Student related activities.

2 (c) Medical Information. The school physical therapist shall have  
3 medical information from a licensed physician regarding a child before the  
4 child receives physical therapy.

5 (d) Delegation and Supervision of Physical Therapy. 1. The school  
6 physical therapist may delegate to a school physical therapist assistant only  
7 those portions of a child's physical therapy which are consistent with the  
8 school physical therapist assistant's education, training and experience.

9 2. The school physical therapist shall supervise the physical therapy  
10 provided by a school physical therapist assistant. The school physical  
11 therapist shall develop a written policy and procedure for written and oral  
12 communication to the physical therapist assistant. The policy and procedure  
13 shall include a specific description of the supervisory activities undertaken  
14 for the school physical therapist assistant which shall include either of the  
15 following levels of supervision:

16 a. Close supervision. The school physical therapist shall have daily,  
17 direct contact on the premises with the school physical therapist assistant.

18 b. General supervision. The school physical therapist shall have  
19 direct, face-to-face contact with the school physical therapist assistant at  
20 least once every 14 calendar days. Between direct contacts, the physical  
21 therapist shall be available by telecommunication. The school physical  
22 therapist providing general supervision under this subdivision shall provide  
23 an on-site reevaluation of each child's physical therapy a minimum of one time  
24 per calendar month or every tenth day of physical therapy, whichever is  
25 sooner, and adjust the physical therapy as appropriate.

26 3. A full-time school physical therapist may supervise no more than 2  
27 full-time equivalent physical therapist assistant positions which may include  
28 no more than 3 physical therapist assistants.

29 4. Notwithstanding the provisions under this paragraph, the act  
30 undertaken by a school physical therapist assistant shall be considered the

1 act of the supervising physical therapist who has delegated the act.

2 (e) Responsibility of School Physical Therapist. A school physical  
3 therapist under this subsection shall conduct all physical therapy evaluations  
4 and reevaluations of a child, participate in the development of the child's  
5 IEP, and develop physical therapy treatment plans for the child. A school  
6 physical therapist may not be represented by a school physical therapist  
7 assistant at an M-team meeting.

8 (8) SCHOOL PHYSICAL THERAPIST ASSISTANTS' QUALIFICATIONS AND  
9 SUPERVISION OF PHYSICAL THERAPY. (a) Licensure. A school physical therapist  
10 assistant shall be licensed by the department under s. PI 3.375.

11 (b) Supervision. The school physical therapist assistant providing  
12 physical therapy to a child under this section, shall be supervised by a  
13 school physical therapist as specified under sub. (7)(d).

14 (9) OCCUPATIONAL THERAPISTS' LICENSURE AND SERVICE REQUIREMENTS. (a)  
15 Licensure. The school occupational therapist shall be licensed by the  
16 department under s PI 3.36.

17 (b) Caseload. 1. Except as specified under subds. 2 and 3, the  
18 caseload for a full-time school occupational therapist shall be as follows:

- 19 a. A minimum of 15 children.  
20 b. A maximum of 30 children.  
21 c. A maximum of 45 children with one or more occupational therapy  
22 assistants.

23 2. The caseload for a part-time school occupational therapist may be  
24 pro-rated based on the specifications under subd. 1.

25 3. A caseload may vary from the specifications under subd. 1 or 2, if  
26 approved in the LEA's plan of service under sub. (2). The following shall be  
27 considered in determining whether the variance may be approved:

- 28 a. Frequency and duration of occupational therapy as specified in  
29 the child's IEP.  
30 b. Travel time.

1 c. Number of evaluations.

2 d. Preparation time.

3 e. Student related activities.

4 (c) Medical Information. The school occupational therapist shall have  
5 medical information and medical referral from a licensed physician before a  
6 child is evaluated for occupational therapy.

7 (d) Delegation and Supervision of Occupational Therapy. 1. The school  
8 occupational therapist may delegate to a school occupational therapy assistant  
9 only those portions of a child's occupational therapy which are consistent  
10 with the school occupational therapy assistant's education, training and  
11 experience.

12 2. The school occupational therapist shall supervise the occupational  
13 therapy provided by a school occupational therapy assistant. The school  
14 occupational therapist shall develop a written policy and procedure for  
15 written and oral communication to the occupational therapist assistant. The  
16 policy and procedure shall include a specific description of the supervisory  
17 activities undertaken for the school occupational therapist assistant which  
18 shall include either of the following levels of supervision:

19 a. Close supervision. The school occupational therapist shall have  
20 daily, direct contact on the premises with the school occupational therapy  
21 assistant.

22 b. General supervision. The school occupational therapist shall have  
23 direct, face-to-face contact with the school occupational therapy assistant at  
24 least once every 14 calendar days. Between direct contacts, the occupational  
25 therapist shall be available by telecommunication. The school occupational  
26 therapist providing general supervision under this subdivision shall provide  
27 an on-site reevaluation of each child's occupational therapy a minimum of one  
28 time per calendar month or every tenth day of occupational therapy, whichever  
29 is sooner, and adjust the occupational therapy as appropriate.

30 3. A full-time school occupational therapist may supervise no more than

1 2 full-time equivalent occupational therapy assistant positions which may  
2 include no more than 3 occupational therapy assistants.

3 4. Notwithstanding the provisions under this paragraph, the act  
4 undertaken by a school occupational therapy assistant shall be considered the  
5 act of the supervising occupational therapist who has delegated the act.

6 (e) Responsibility of School Occupational Therapist. A school  
7 occupational therapist under this subsection shall conduct all occupational  
8 therapy evaluations and reevaluations of a child, participate in the  
9 development of the child's IEP, and develop occupational therapy treatment  
10 plans for the child. A school occupational therapist may not be represented  
11 by a school occupational therapy assistant at an M-team meeting.

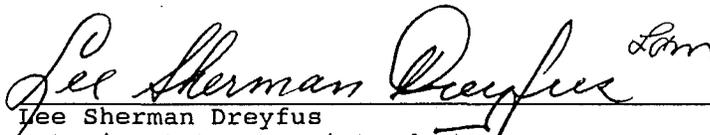
12 (10) SCHOOL OCCUPATIONAL THERAPY ASSISTANTS' QUALIFICATIONS AND  
13 SUPERVISION.

14 (a) Licensure. A school occupational therapy assistant shall be  
15 licensed by the department under s PI 3.365.

16 (b) Supervision. The school occupational therapy assistant providing  
17 occupational therapy to a child under this section shall be supervised by a  
18 school occupational therapist as specified under sub. (8)(d).

The rules contained in this order shall take effect on the first day of  
the month commencing after the date of publication in the Wisconsin  
Administrative Register, as provided in s. 227.22 (2) (intro.), Stats.

Dated this 28<sup>th</sup> day of May, 1993

  
Lee Sherman Dreyfus  
Interim State Superintendent

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