

3. Children currently enrolled in public and private schools.

4. All transfer pupils.

5. School-age children who are eligible to attend school but who are not attending school and who are residents of the district.

(d) A board shall upon request screen any child.

(e) A board shall provide information and inservice opportunities to all of its licensed staff to familiarize them with behavioral descriptors which, in terms of frequency, chronicity or severity might indicate an EEN.

(f) At least once a year, a board shall publicize the special education screening program and the educational opportunities available in the community for children with EEN through such means as public announcements, notices or paid advertisements.

(g) A board shall ensure that an EEN referral is submitted for every child for whom, as a result of the board's special education screening program, it is determined that there is reasonable cause to believe that the child is a child with EEN.

(2) EEN REFERRALS. (a) Any person who has reasonable cause to believe that a child is a child with EEN may submit an EEN referral to a school board. An EEN referral shall be in writing and it shall include the reasons why the person believes that the child is a child with EEN.

(b) A board shall establish written procedures for accepting and processing EEN referrals. A board shall document and date the receipt of each EEN referral.

(c) A board shall provide information and inservice opportunities to all of its licensed staff to familiarize them with the board's EEN referral procedures.

(d) At least annually, a board shall inform persons required to make EEN referrals under s. 115.80 (1) (a), Stats., about the board's EEN referral and M-team evaluation procedures. This may be accomplished through the use of means such as public announcements, notices or paid advertisements.

(e) Prior to submitting an EEN referral to a board, a person required to make EEN referrals under s. 115.80 (1) (a) or (b), Stats., shall inform the child's parent that he or she is going to submit the EEN referral. The person shall document the manner in which he or she informed the parent.

(f) A board shall accept and process all EEN referrals submitted to it regarding children who are residents of the school district and who have not graduated from high school.

(g) Whenever a board receives an EEN referral for a child, it shall send a written notice to the child's parent of the EEN referral. The notice shall be sent as soon as possible after receiving the EEN referral and it shall meet the requirements under s. PI 11.09 (1). The notice shall also state the date of receipt of the EEN referral and that in accordance with s. PI 11.06 (5) (a), the board is required to send to the parent a copy of

the child's placement offer within 90 days of the date the board received the EEN referral.

History: Cr. Register, December, 1975, No. 240, eff. 1-1-76; am. (5) (intro.) and cr. (6) (c) 1, Register, November, 1976, No. 251, eff. 12-1-76; cr. (3) (e), Register, November, 1978, No. 275, eff. 12-1-78; r. and recr. Register, May, 1990, No. 413, eff. 6-1-90.

PI 11.04 Multidisciplinary teams. (1) **CONSENT AND NOTICE FOR THE M-TEAM EVALUATION PROCESS.** (a) 1. Except as provided in subd. 3, a board may not conduct an M-team evaluation of a child without the parent's written consent. The consent obtained by the board shall meet the requirements under s. PI 11.09 (2) (a) and, if the child is determined to be a child with EEN, the consent shall continue in effect and thereby grant consent for subsequent reevaluations until the parent revokes his or her consent in writing.

2. Except as provided in subd. 3, a board may not conduct a reevaluation of a child if the child's parent has revoked his or her consent for an M-team evaluation unless the parent grants consent again.

3. If a parent refuses or revokes his or her consent for an M-team evaluation, a board may initiate a hearing under s. PI 11.10 to determine whether the board shall conduct an M-team evaluation of a child without the child's parent's written consent.

(b) Whenever a board proposes or refuses to initiate or change the M-team evaluation process, it shall send a written notice to the child's parent of its intent to so propose or refuse. The notice shall be sent within a reasonable period of time before the proposed action or before the refusal to take action and shall meet the requirements under s. PI 11.09 (1).

(2) **APPOINTMENT AND COMPOSITION.** (a) Whenever a board receives an EEN referral for a child who is a resident of the district and who has not graduated from high school, the board shall appoint an M-team to conduct an M-team evaluation of the child to determine whether the child is a child with EEN. The board shall select the members of an M-team for their expertise in the handicapping condition the child is suspected to have. All members of an M-team shall be employes of the board; a CESA or CHCEB serving the district; a board that is a participant in a 66.30 agreement entered into by the board; a district that has entered into an agreement under s. 121.85, Stats., with the board; a board within the district's CESA, if the employes are serving the district through a CESA program; the Wisconsin school for the visually handicapped; or, the Wisconsin school for the deaf. An employe of the Wisconsin school for the visually handicapped or of the Wisconsin school for the deaf may not be appointed to an M-team unless he or she is licensed under subch. VII of ch. PI 3, is not management personnel, and has been designated by the superintendent of his or her school as being available to participate on an M-team. The professional recommendations made by staff members of the Wisconsin school for the visually handicapped and the Wisconsin school for the deaf, when serving as members of an M-team, shall not be construed to be those of the department. For purposes of this paragraph, a person is an employe of the board even if the only function that he or she is employed to perform is to serve as a member of an M-team.

(b) An M-team shall include all of the following:

1. An employe of the board.

2. At least 2 persons who are skilled in assessing children and programming for children with handicapping conditions. At least one of these 2 persons shall be a teacher who is licensed to teach in the handicapping condition that the child is suspected to have. If a child is suspected to have or is currently identified as having more than one handicapping condition, there shall be a teacher or teachers on the M-team who is or are licensed to teach in all of the child's suspected and currently identified handicapping conditions.

3. If a child is suspected of having a learning disability, the child's regular education teacher, if the child has one. If the child does not have a regular education teacher, a regular education teacher licensed to teach a child of his or her age.

4. Other individuals as needed to evaluate and determine the needs of the child.

5. If a child is suspected of needing occupational therapy, an occupational therapist.

6. If a child is suspected of needing physical therapy, a physical therapist.

(3) **M-TEAM EVALUATION.** (a) The M-team shall examine all relevant available data concerning the child including the following:

1. Records concerning the child's previous and current educational performance, health and social behavior.

2. Records of previous interventions and special education programs provided to the child and the effects of the interventions and programs.

3. Records of the child's ability to acquire information via different media such as oral presentations, written documents and visual displays.

(b) If the child is suspected to be or is currently identified as being learning disabled, at least one member of the M-team, other than the child's regular teacher, shall observe the child's performance in the regular classroom. If the child is of less than school age or is out of school, the M-team member shall observe the child in an environment appropriate for a child his or her age.

(c) The parent shall be involved and consulted throughout the entire M-team process.

(d) The M-team shall use evaluation materials and procedures as needed to assess the child in all areas related to the suspected handicapping condition. If tests and other evaluation materials and procedures are used they shall meet the following requirements:

1. They shall be provided and administered to the child in the child's native language or other mode of communication, unless it is clearly not feasible to do so.

2. They may not be racially or culturally discriminatory.

3. They shall be validated for the specific purpose for which they are used.

4. They shall be administered by trained personnel in accordance with the instructions provided by their producer.

5. They shall be tailored to assess specific areas of educational need and not simply to provide a single general intelligence quotient.

6. Tests shall be selected to ensure that when a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills, except where those skills are the factors which the test purports to measure.

(e) Any member of the M-team may request additional information or conduct additional tests at any time during the evaluation process.

(f) An M-team shall comply with pars. (a) to (d) prior to the M-team meeting under sub. (4).

(g) Each member of the M-team shall prepare a written report of the evaluations he or she conducted and the findings. The members shall submit their reports to the director or program designee with the proposed M-team report or reports under sub. (5) (d) 1, unless the parent asks to have the individual reports available at the M-team meeting. The members shall have their individual reports available at the M-team meeting if the parent requests that in writing within 10 days of the date the board sent the notice of the M-team evaluation under sub. (1) (b).

(h) An M-team may consult with persons other than employees of the board if it is needed to appropriately assess whether a child is a child with EEN. Individuals other than employees of the board may not be appointed official members of an M-team.

(4) MEETING. (a) The board shall set a date for the M-team to meet and discuss the members' evaluations and findings and all the information obtained under sub. (3).

(b) The board shall notify the parent of the meeting within a reasonable amount of time prior to the meeting. The notice shall include all of the following:

1. The date, time and location of the meeting.
2. Information that the purpose of the meeting is to determine whether the child is a child with EEN.
3. The names and titles of the members of the M-team and any additional people who may be attending.
4. Information that the parent may attend the meeting and may bring an advocate.
5. If the child is a member of a minority, information that a member of that minority may attend the meeting and have input into the M-team's decision-making process.

(c) Each member of the M-team shall attend the meeting or shall be represented by a person who is knowledgeable about the child and the member's evaluations and findings. More than half of the members of the M-team shall be present at the meeting.

(d) At the meeting the M-team shall discuss and consider all of the information received under sub. (3) and it shall discuss and compare the evaluations and findings of each of the members. Based upon its evalua-

tions and findings the M-team shall, using the criteria established in s. PI 11.35, determine if the child has a handicapping condition. An M-team may not find that a child has a handicapping condition based upon a single evaluation procedure. If the child is found to have a handicapping condition, the M-team shall determine whether as a result of the handicapping condition the child needs special education. The M-team shall reach a conclusion regarding whether the child is a child with EEN. If the M-team concludes that a child is a child with EEN, the M-team shall consider and make recommendations regarding what related services the child may need. If a need for occupational or physical therapy has been considered by the M-team, the M-team shall reach a conclusion regarding such need. An M-team may not reach a conclusion regarding the need for occupational or physical therapy unless an appropriate therapist is a member of the M-team.

(5) M-TEAM REPORT. (a) As a result of the M-team meeting, the M-team shall write an M-team report which shall include at least the following:

1. A list of the handicapping conditions that the M-team found the child to have using the criteria in s. PI 11.35.

2. The M-team's conclusions regarding whether the child needs special education because of a handicapping condition.

3. If the child's need for occupational or physical therapy was considered, the M-team's conclusions regarding such need.

4. A statement that documents the reasons for each of the M-team's findings and conclusions listed in subds. 1 to 3.

5. Recommendations regarding what related services the child may need.

(b) If an M-team finds that a child is not a child with EEN the M-team report shall also include the following:

1. An identification of the child's non-exceptional educational needs.

2. A referral to any programs, other than special education programs, offered by the board from which the child may benefit.

3. Information about any programs and services other than those offered by the board that the M-team is aware of that may provide a benefit to the child.

(c) If there is unanimous agreement among the M-team members about the information, findings and conclusions required in pars. (a) and (b), the M-team shall write one proposed M-team report which is signed by all of the members and which indicates the team's unanimity. If there is not unanimity among the M-team members, members of the M-team shall write separate proposed M-team reports that meet the requirements under pars. (a) and (b). M-team members may write a separate proposed M-team report individually or with other members. Each member of the M-team shall sign a proposed M-team report with which he or she agrees.

(d) 1. After completing a proposed M-team report or reports under par. (c), the M-team shall send a copy of the proposed M-team report or reports to the director or program designee for his or her approval.

2. Subject to subds. 3 and 4, the director or program designee may approve as the M-team report for a child, the unanimously proposed M-team report or one of the separately proposed M-team reports submitted by the M-team under subd. 1.

3. If the director or program designee approves as the M-team report either a unanimously proposed M-team report, or a separately proposed M-team report that is signed by a majority of the M-team members, the director or program designee shall send to the board and to the child's parent, a copy of the approved M-team report and all of the separately proposed M-team reports submitted. The director or program designee shall indicate which is the approved M-team report and shall state in writing why that report was selected. If the director or program designee intends to approve as the M-team report, a separately proposed M-team report that is signed by a minority of the M-team members, the director or program designee shall proceed as provided in subd. 4.

4. a. The director or program designee may approve as the M-team report, a separately proposed M-team report that is signed by a minority of the M-team members, if the director or program designee attended the M-team meeting that resulted in the proposed M-team reports. The director or program designee shall send to the board and to the child's parent, a copy of all of the separately proposed M-team reports submitted and the director or program designee shall indicate which is the approved M-team report and shall state in writing why that report was selected.

b. If the director or program designee intends to approve as the M-team report, a separately proposed M-team report that is signed by a minority of the M-team members, and the director or program designee did not attend the M-team meeting which resulted in the proposed M-team reports, the director or program designee shall set a date for the director or program designee to meet with the M-team and to discuss the proposed M-team reports. The director or program designee shall notify the parent of the meeting within a reasonable amount of time prior to the meeting and the notice shall include the information listed in sub. (4) (b). Each member of the M-team shall attend the meeting or shall be represented by a person who is knowledgeable about the child and the member's evaluations and findings. More than half of the members of the M-team shall be present at the meeting. At the meeting the M-team and the director or program designee shall discuss the members' evaluations and findings and the separately proposed M-team reports. Any member of the M-team may amend his or her proposed M-team report as a result of the meeting. After the meeting the director or program designee may approve as the M-team report any one of the separately proposed M-team reports submitted by the M-team. If the director or program designee approves one of the separately proposed M-team reports as the M-team report, the director or program designee shall send to the board and to the child's parent, a copy of all of the separately proposed M-team reports submitted and the director or program designee shall indicate which is the approved M-team report and shall state in writing why that report was selected.

5. If the child's parent was unable to attend the most recent M-team meeting, the director or program designee shall send with the approved M-team report and any separately proposed M-team reports, a notice informing the parent that the parent may request a conference with the director or program designee to discuss any proposed M-team report and

the approved M-team report and that an advocate may accompany the parent.

6. a. If the director or program designee does not accept the unanimously proposed M-team report or any of the separately proposed M-team reports as the M-team report, he or she shall send the proposed report or reports back to the M-team with a list of questions that the director or program designee wants the M-team to consider. The director or program designee may appoint additional members to the M-team. The new members shall comply with sub. (3) (a) to (e) prior to a new M-team meeting.

b. When the director or program designee does not accept a proposed M-team report the director or program designee shall set a date for the M-team to meet and discuss the director's or program designee's concerns. The M-team shall notify the parent of the meeting within a reasonable amount of time prior to the meeting and the notice shall include the information listed in sub. (4) (b).

c. Each member of the M-team shall attend the meeting or shall be represented by a person who is knowledgeable about the child and the member's evaluations and findings. More than half of the members of the M-team shall be present at the meeting. At the meeting the M-team shall address the questions and issues raised by the director or program designee. Any member of the M-team may amend his or her proposed M-team report as a result of the meeting.

d. After the meeting in subd. 6. a, the M-team shall send a copy of the unanimously proposed M-team report or all of the separately proposed M-team reports to the director or program designee for his or her approval.

e. After receiving the proposed M-team report or reports, the director or program designee shall approve an M-team report. If the director or program designee approves as the M-team report a unanimously proposed M-team report or a separately proposed M-team report that is signed by a majority of the M-team members, the director or program designee shall comply with subds. 3 and 5. If the director or program designee intends to approve a separately proposed report that is signed by a minority of the M-team members, the director or program designee shall comply with subds. 4 and 5.

(6) REEVALUATION. (a) A board shall initiate a reevaluation for each child who is receiving special education as follows:

1. No later than 3 years from the date the last M-team report completed on the child was approved under sub. (5) (d).

2. Whenever the board has reason to believe that the child is no longer a child with EEN;

3. Whenever the board has reason to believe that the child no longer has a previously identified handicapping condition;

4. Whenever the board has reason to believe that the child has a handicapping condition that has not been identified; and

5. Whenever a child's parent or teacher requests a reevaluation.

(b) Any board and M-team that is conducting a reevaluation shall comply with the requirements under this section.

(c) Except as otherwise provided by law, a board may not stop providing special education to a child unless, as a result of a reevaluation, an M-team determines that the child is no longer a child with EEN.

(d) A board may not identify or cease to identify a child as having a handicapping condition unless that is a determination made by an M-team as a result of an M-team evaluation.

(7) **NOTICE FOR IDENTIFICATION PURPOSES.** Whenever a board proposes or refuses to initiate or change the identification of a child as a child with EEN it shall send a written notice to the child's parent of its intent to so propose or refuse. The notice shall be sent within a reasonable period of time before the proposed action or before the refusal to take action and shall meet the requirements under s. PI 11.09 (1).

(8) **HEARING RIGHTS.** A parent may initiate a hearing under s. PI 11.10 whenever a board proposes or refuses to initiate or change the M-team evaluation process or the identification of a child as a child with EEN.

History: Cr. Register, December, 1975, No. 240, eff. 1-1-76; reprinted to correct error in (1) (b), Register, April, 1983, No. 328; r. and recr. Register, May, 1990 No. 413, eff. 6-1-90.

PI 11.05 Individualized education program. (1) APPOINTMENT OF STAFF. When an M-team report is approved under s. PI 11.04 (5) (d) indicating that a child who is 3 years of age or older, a resident of the school district and who has not graduated from high school, is a child with EEN, a board shall appoint staff to develop an IEP for the child. The staff appointed by the board shall include a person who is knowledgeable about the child, the type of evaluation data available on the child and the program options.

(2) **IEP MEETING.** (a) The board shall set a date for a meeting to discuss the special education program and related services needs of the child and to develop an IEP for the child. The meeting shall be held within 30 days after an M-team report is approved under s. PI 11.04 (5) (d) indicating that the child is a child with EEN. The time and location of the meeting shall be agreed upon by the board and the child's parent. The board shall ensure that the reports required under s. PI 11.04 (5) (c) and (d) are completed and in writing prior to the IEP meeting. These reports shall be available to the parent prior to the IEP meeting.

(b) The board shall ensure that each IEP meeting includes the following participants:

1. A representative of the board, other than the child's teacher, who is qualified to provide, or supervise the provision of, special education.
2. The child's teacher.
3. One or both of the child's parents, subject to sub. (3).
4. The child, if appropriate.
5. If the IEP process is initiated because of an initial eligibility determination of a child:

- a. A member of the M-team that evaluated the child; or

PI 11.07 Transfer pupils. (1) **EEN TRANSFER PUPILS.** (a) When a board receives an EEN transfer pupil, the receiving board shall develop a placement offer to implement the child's IEP from the sending board. The IEP from the sending board shall remain in effect until the receiving board has its own IEP. The receiving board shall conduct a new M-team evaluation or adopt the one of the sending board and it shall develop a new IEP or adopt the IEP of the sending board. The receiving board may not adopt the M-team evaluation or the IEP of the sending board if it does not meet state and federal requirements.

(b) When a board receives an EEN transfer pupil and the board does not receive the pupil's records from the sending board, the board shall request in writing the pupil's records from the sending board. The sending board shall transfer the pupil's records to the receiving board within 5 working days of receipt of the written notice as required under s. 118.125 (4), Stats.

(c) If a hearing is initiated under s. PI 11.10 while the child's IEP from the sending board and the receiving board's placement offer is in effect, for purposes of s. PI 11.13, the child's current educational placement is the child's IEP from the sending board and the placement offer of the receiving board, unless the hearing officer determines otherwise.

(2) **TRANSFER PUPILS FROM OUTSIDE WISCONSIN.** When a board receives a transfer pupil from outside Wisconsin who was receiving special education in the sending state, the board shall treat the child as a new pupil. The board shall conduct an M-team evaluation and develop an IEP and placement offer for the child in accordance with ss. PI 11.04, 11.05 and 11.06 within 90 days after the child enrolls in the receiving school.

History: Cr. Register, May, 1990, No. 413, eff. 6-1-90.

PI 11.08 Independent educational evaluation. (1) **RIGHT TO AN INDEPENDENT EDUCATIONAL EVALUATION.** (a) A parent of a child who has been evaluated under s. PI 11.04 has the right to obtain an independent educational evaluation of the child if he or she disagrees with the M-team evaluation conducted by a board. The parent has the right to select the person to conduct the independent educational evaluation and to request payment for the independent educational evaluation from the board. A parent's request for payment for an independent educational evaluation shall be in writing. The board shall pay the costs of the independent educational evaluation unless the parent refuses to give the board a complete copy of the independent educational evaluation or it is found at a hearing that the board's M-team evaluation is appropriate or that the independent educational evaluation does not meet the requirements under sub. (2).

(b) If a parent requests information from a board about an independent educational evaluation, the board shall provide the parent with information about where an independent educational evaluation may be obtained by people who meet the requirements under sub. (2) (b).

(c) Prior to obtaining an independent educational evaluation a parent may ask the board whether the board believes that the person the parent has selected to conduct the independent educational evaluation meets the requirements under sub. (2) (b). If the board finds that the person does not meet the requirements under sub. (2) (b), the board shall inform

Eme
h +
hcc
4/2

the parent of that finding and shall also inform the parent about whether the board would request a hearing to challenge the payment or provision of an independent educational evaluation that is conducted by that person as provided under sub. (3). A board may not refuse to pay for or otherwise provide an independent educational evaluation because a parent did not obtain the board's prior approval under this paragraph.

(2) REQUIREMENTS OF AN INDEPENDENT EDUCATIONAL EVALUATION. An independent educational evaluation paid for by a board must meet all of the following requirements:

(a) The independent educational evaluation shall address each portion of the M-team evaluation that is in dispute.

(b) Each portion of the independent educational evaluation shall be conducted by a person whose professional qualifications exceed or are equivalent to those required by the board for a person to be able to conduct for the board the type of evaluation that is in dispute.

(c) The independent educational evaluation shall be conducted in accordance with the requirements under ss. PI 11.04 (3) (d) and 11.35 and shall address the question of whether the child is a child with EEN.

(3) HEARING REGARDING A BOARD'S RESPONSIBILITY TO PAY FOR OR OTHERWISE PROVIDE FOR AN INDEPENDENT EDUCATIONAL EVALUATION. If a parent obtains an independent educational evaluation and the board believes that its M-team evaluation is appropriate or that the independent educational evaluation does not meet the requirements under sub. (2), the board may initiate a hearing under s. PI 11.10 to determine whether the board is required to pay for or otherwise provide the independent educational evaluation. If the hearing officer finds either that the board's M-team evaluation is appropriate or that the independent educational evaluation does not meet the requirements under sub. (2), the board is not required to pay for or otherwise provide the independent educational evaluation.

(4) BOARD'S RIGHT TO A COPY OF THE INDEPENDENT EDUCATIONAL EVALUATION. A board is not required to pay for or otherwise provide for an independent educational evaluation if the parent refuses to allow the board to obtain a complete copy of the independent educational evaluation and to make it part of the child's records.

(5) THE EFFECT OF A PARENT INITIATED INDEPENDENT EDUCATIONAL EVALUATION. If a parent has obtained an independent educational evaluation at public or private expense, the results of the independent educational evaluation:

(a) Shall be considered by the board when making any decision regarding the child's M-team evaluation, IEP, or educational placement or regarding the provision of a free appropriate education for the child; and,

(b) May be presented as evidence at a hearing conducted under s. PI 11.10.

(6) HEARING AND REVIEWING OFFICERS MAY ORDER AN INDEPENDENT EDUCATIONAL EVALUATION. A hearing officer may order that an independent educational evaluation of a child be conducted as provided under s.