

CR 95-84

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 collaborative agreements for multidisciplinary team membership and transfer pupils with exceptional educational needs was duly approved and adopted by this Department on the first day of the month following publication in the Wisconsin Administrative Register.

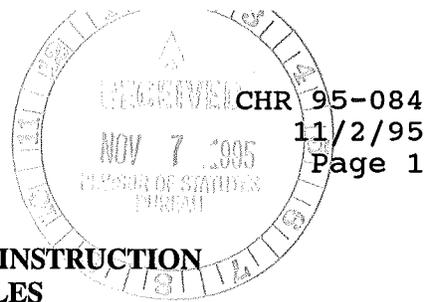
I further certify that said copy has been compared by me with the original on file in this Department and the same is a true copy thereof, and of the whole of such original.



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 6th day of November, 1995.

John T. Benson

John T. Benson
State Superintendent
State Department of Public Instruction



**ORDER OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
CREATING/AMENDING RULES**

The state superintendent of public instruction hereby amends PI 11.04(2)(a) and repeals and recreates PI 11.07, relating to collaborative agreements for multidisciplinary team membership and transfer pupils with exceptional educational needs (EEN).

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statutory authority: ss. 115.85(5) and 227.11(2)(a), Stats.
Statute interpreted: ss. 115.80, 115.85, and 118.125, Stats.

The proposed rules allow a school district, Cooperative Educational Service Agency, or County Handicapped Children's Education Board to enter into an agreement with a county birth to three administrative lead agency, Head Start program, or Bureau for Indian Affairs affiliated tribal school to use individuals employed by or under contract with any of the latter agencies as team members in the performance of school multidisciplinary team (M-team) evaluations. The rules will allow for greater flexibility and will reduce duplication of effort among agencies in evaluating children.

The proposed rules require school districts and facilities to implement an exceptional educational needs (EEN) transfer pupil's IEP from the sending school or facility. The permanent rules also allow the receiving school district or facility to adopt the sending district or facility's M-team evaluation and individualized education program (IEP). The rules will ensure that special education and related services to EEN transfer pupils are not interrupted.

The proposed rules require a juvenile correctional facility which receives an EEN transfer pupil to send a written notice that a pupil has transferred so that the pupil's records may be promptly obtained and services may be uninterrupted. The rules will ensure that pupil records may be promptly obtained and, again, services may be uninterrupted.

The proposed rules were developed in cooperation with the Department of Health and Social Services and the Department of Public Instruction to better serve children with EEN and their families.

- 1 **SECTION 1.** PI 11.04(2)(a) is amended to read:
- 2 PI 11.04(2)(a)1. Whenever a board receives an EEN referral for a child who is a resident of the
- 3 district and who has not graduated from high school, the board shall appoint an M-team to conduct an M-team
- 4 evaluation of the child to determine whether the child is a child with EEN. The board shall select the members
- 5 of an M-team for their expertise in the handicapping condition the child is suspected to have. ~~All~~
- 6 2. Except as provided in subd. 3, all members of an M-team shall be employes of the board; a CESA
- 7 or CHCEB serving the district; a board that is a participant in a 66.30 agreement entered into by the board; a
- 8 district that has entered into an agreement under s. 121.85, Stats., with the board; a board within the district's
- 9 CESA, if the employes are serving the district through a CESA program; the Wisconsin school for the visually
- 10 handicapped; or, the Wisconsin school for the deaf. An employe of the Wisconsin school for the visually
- 11 handicapped or of the Wisconsin school for the deaf may not be appointed to an M-team unless he or she is

1 licensed under subch. VII of ch. PI 3, is not management personnel, and has been designated by the
2 superintendent of his or her school as being available to participate on an M-team. The professional
3 recommendations made by staff members of the Wisconsin school for the visually handicapped and the
4 Wisconsin school for the deaf, when serving as members of an M-team, shall not be construed to be those of
5 the department. For purposes of this paragraph, a person is an employe of the board even if the only function
6 that he or she is employed to perform is to serve as a member of an M-team.

7 3. A board, CESA or CHCEB may enter into an agreement with a county administrative agency as
8 defined in s. HSS 90.03(10), a head start agency under 42 USC 9836 or a tribal school affiliated with the
9 bureau of Indian affairs to allow individuals employed by or under contract with any of the specified agencies
10 to participate as team members in the performance of M-team evaluations under s. 115.80(3), Stats.

11 **SECTION 2.** PI 11.07 is repealed and recreated to read:

12 PI 11.07(1) EEN TRANSFER PUPILS (a) In this section "board" includes a facility operated by the
13 department of health and social services under ss. 46.03(6)(d), 51.05(5), and 51.06(2), Stats., and "EEN
14 transfer pupil" includes children with EEN whose residence has changed from a Wisconsin school district to
15 such a facility or from such a facility to a Wisconsin school district.

16 (b) When a board receives an EEN transfer pupil, the receiving board shall develop a placement offer
17 to implement the child's IEP from the sending board. The IEP from the sending board shall remain in effect
18 until the receiving board has its own IEP. The receiving board shall conduct a new M-team evaluation or
19 adopt the one of the sending board and it shall develop a new IEP or adopt the IEP of the sending board. The
20 receiving board may not adopt the M-team evaluation or the IEP of the sending board if it does not meet state
21 and federal requirements.

22 (c) When a school district or a facility operated by the department of health and social services under s.
23 46.03(6)(d), Stats., receives an EEN transfer pupil, and does not receive the pupil's records, the school district
24 or facility shall request in writing the pupil's records from the sending school district or facility. The sending
25 school district or facility shall transfer the pupil's records within 5 working days of receipt of the written notice
26 as required under s. 118.125(4), Stats.

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

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

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 6th day of November, 1995



John T. Benson
John T. Benson
State Superintendent